

**SOLEY FOR NYCDOE RELATED SERVICES CONTRACT AGENCY
AND SCHOOL USE ONLY – PLEASE DO NOT DISTRIBUTE TO OTHERS**



Division of Specialized Instruction and Student Support

March 18, 2020

Dear RS Contract Agencies,

As just announced, the NYC Department of Education (DOE) will be moving to remote learning for all students as of March 23, 2020. Per federal guidance, and where appropriate and feasible, students with disabilities will continue to receive their recommended special education programs and related services during this time. The following outlines the DOE's expectations for services provided by your agency in support of this effort. **Please note that this guidance does NOT apply to para-professional, nursing, SETSS services, SEIT services, or services provided by NYS Approved Non-Public Schools (4410, 853, 4201); separate guidance will be provided for these services.**

Services in DOE Managed Schools (D1-32, D75, D79)

The DOE is supporting families with the necessary tools to implement remote learning in DOE managed schools utilizing Google Classroom, Microsoft Teams, or other remote technologies determined by the school. The DOE will provide appropriate internet-enabled devices and connectivity to students who would otherwise be unable to access remote instruction. Contract OT, PT, Speech and Counseling providers working with students in this setting will provide tele-therapy sessions in the same manner as DOE staff. The following is a summary of this process:

- Providers will participate in scheduled school-based PD regarding the online learning tools available to DOE staff, and/or similar sessions for contract agencies. We will provide information about these sessions in the near future, as well as online training materials, along with a help desk number or other means for providers to use to submit questions as they start to use the technology.
- Providers will immediately review all mandates on their caseload to determine how best to deliver appropriate services to students during this time. We have developed guidance to providers on how to make this determination, including the attached Provider Tele-therapy Readiness Checklist, which will be posted to the InfoHub. The provider will submit information on this determination via a secure Microsoft form, which they will access using their SESIS credentials. If the provider determines that tele-therapy services are appropriate, they will document the therapeutic plan for the student on the form and share the information with the teacher/school.
- As providers review student mandates, they will make initial contact with each student's parent using a script we will provide **and obtain consent for tele-therapy by completing an on line survey form documenting their discussion with the parent (consent provided, consent declined, consent withdrawn.) The form will generate a confirming email in the parent's home language, which the provider will upload to the student's record in SESIS.** The attached Provider Tele-therapy Readiness Checklist should be completed and uploaded to the student's record **prior to commencement of service.**
- ORS clinical managers will be available to provide support in connection with tele-therapy determinations, and DOE IT Help Desk support will be available to provide assistance with DOE-specified remote technologies; we will provide further information in this regard in the near future.
- Providers will collaborate with others in the school to develop a schedule for tele-therapy. They will use the current schedule as a starting point for this exercise, grouping where feasible in accordance with the IEP/IESP recommendation. For any student where the provider determines that it is not appropriate to

provide remote tele-therapy services, the provider must conduct a weekly consultation tele-therapy consultation check-in session with the family and/or student. This check-in will serve as an opportunity to connect with the student/family and provide suggestions in support of student function during this time. The length of such consultations may not exceed the maximum duration of the student's mandate(s) assigned to the provider, and they may be shorter as appropriate. Weekly consultations should be provided only where therapy is not appropriate and feasible. As with all tele-therapy sessions provided pursuant to the contract, the provider must enter SESIS Encounter Attendance records for weekly tele-therapy consultation sessions in a manner prescribed by the DOE; these sessions will be eligible for payment under your contract.

- Providers will share and confirm the schedule with the student's family, and initiate service in accordance with the schedule. As always, all sessions must be documented in SESIS. The DOE will provide guidance on how to code the session location to reflect tele-therapy. In no case may the total number of tele-therapy minutes provided and billed exceed the duration nor the frequency of the student's mandate(s) assigned to the therapist.
- ORS Clinical Managers will be scheduling periodic check-ins to support you in this work. Support may include clinical observations of tele-therapy sessions.

Services in Charter and Non-Public Contract Agency Settings (Charter, IESP, Pre-K for All/NYCEEC/Non-Center Based Private Pre-K)

Contract agencies should provide tele-therapy to students with IEP/IESP Speech, OT, PT and Counseling mandates **where clinically appropriate** and feasible following the same guidelines, procedures, and best practices described above and utilized by DOE providers. Services should commence **on or after March 23, 2020** and until further notice, consistent with the student's IEP/IESP. In order to maintain continuity, the provider currently working with the student should provide services wherever possible. Any change in a school-aged assignment – which should be limited to cases where the current provider is unavailable for an extended period – must be recorded in SESIS Provider Assignment (PA) in accordance with regular procedures. Similarly, any change in preschool assignment must be transmitted to the CPSE Administrator in accordance with established procedures.

Mandatory Guidelines for Provision of All Tele-Therapy Sessions:

The following mandatory guidelines apply to the provision of all tele-therapy sessions provided pursuant to the contract and detailed in the attached Provider Tele-therapy Readiness Checklist (some fields on the Checklist may not apply):

- The school, agency, or agency provider must ensure that all eligible students have access to an appropriate web-enabled device and to the Internet.
- The school, agency, or agency provider must obtain documented consent for tele-therapy from the parent/guardian for participation in tele-therapy using a form that we will provide separately in the near future. The consent must **obtained prior** to commencement of service, and be uploaded to the student's SESIS record. If a parent/guardian refuses to provide consent for tele-therapy, this should be documented in the SESIS Events Log. **Documented consent for provision of tele-therapy is a Medicaid requirement, and a requirement for payment. As a result, no payment will be made for services billed prior to the**

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consent date. Note that to the greatest extent feasible, a caregiver should be present for and support the session.

- The platform used for delivering the session will be either one specified/provided by the DOE, or consistent with all DOE requirements for secure and confidential service provision and documentation. When possible and feasible, the provider should utilize the platform used by the school for remote instruction. If a school or agency uses a remote platform that is not provided/pre-approved by the DOE, the school or agency must certify that such platform **meets all applicable standards as prescribed by the DOE and consistent with (but not limited to) the Family Educational Rights and Privacy Act (“FERPA”)**, and that the relevant security and confidentiality features are equivalent in all ways to those of Microsoft Teams, as deployed by the DOE. (See that attached Business Associate Agreement.) The platform must also **include a video component** consistent with NYSED guidance; sessions should not be recorded. In order to maintain privacy, providers should conduct all tele-therapy sessions in a private location.
- Tele-therapy services should be provided for all mandates that can be appropriately implemented in alignment with IEP and instructional goals, and in a manner that is fully accessible to the student. Agencies should establish procedures for clinical review of provider determinations in this regard; we will provide best practice information to guide this determination separately. **Where it is not appropriate to deliver remote therapy, providers must inform families and should conduct a weekly consultation tele-therapy check-in session with the family and/or student. This consultation must be documented as an encounter in SESIS in accordance with procedures we will issue shortly.**
- The school, agency, or provider will provide supporting session materials in advance of the session and confirm that a caregiver or other on-site support person will be available to assist the student in accessing materials and participating in the session.
- As described above, all sessions, including weekly consultation sessions, must be documented in SESIS in accordance with procedures we will issue shortly. Where a preschool caseload is not populated in SESIS, providers should maintain written notes in accordance with current procedures.
- In accordance with the contract and standard practice, **the DOE will pay agencies their awarded rate for time spent rendering tele-therapy services to students (and caregivers in the case of weekly consultation sessions described above,) exclusive of any system delays or downtime prior to or during tele-therapy.** This per session rate covers all training and preparation outlined in this memo or otherwise prescribed by the DOE. All current documentation and document retention policies defined in the contract and required for payment continue to apply. **Agencies must document the start and end times of the tele-therapy session** utilizing logs from the tele-therapy platform to the greatest possible extent. **The provider must obtain written confirmation (via email or other electronic means) of the date and time of each provided session from the parent or caregiver.** You must maintain documentation of the service provided. Those records, including your timesheets, payroll and service record supporting your paid sessions are subject to audit consistent with the contract terms. Note: You should confirm that all required documentation has been loaded to the student’s record in SESIS after each session and any record required by NPSP to process payment is provided in accordance with procedures established by that office.

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Finally, pursuant to my email from yesterday, under order recently Executive Order issued by the Governor (see attached,) schools and gyms are closed effective today, March 18, 2020 through at least April 1, 2020. **Accordingly, in-person services, including but not limited to schools, clinics, and homes, should NOT be provided pursuant to your contract awarded pursuant to RFP R1146 for that period.** If a child has exceptional medical issues, and would be put at risk by suspension of in-person services, please email SpecialEducation@schools.nyc.gov.

We will be scheduling a follow up call to review these procedures and answer your questions. In the meantime, send all but truly urgent questions to me with a copy to Sue Epstein, Seth Gold, and Monica George.

Once again, thank you for your continued partnership, patience, and support for our joint efforts to safely maintain services to students during this challenging period.

Take care and stay safe and healthy.

Michael

Michael Van Biema
Executive Director, Office of Related Services
NYCDOE Special Education Office