

**SOLEY FOR NYCDOE RELATED SERVICES RSA/IA PROVIDER
AND SCHOOL USE ONLY – PLEASE DO NOT DISTRIBUTE TO OTHERS**



Division of Specialized Instruction and Student Support

March 31, 2020

Dear Independent Related Service Agency/Provider,

As you know, the NYC Department of Education (DOE) recently moved to remote learning for all students, and **in-person service is NOT permitted until further notice**: under an Executive Order issued by the Governor, schools and gyms are closed effective March 18, 2020. **Accordingly, you may NOT provide in-person services - including but not limited to in schools, clinics, and homes - pursuant to Related Service Authorizations (RSAs) for school-aged students or Independent Agreements (IAs) for preschool students.** If a student has exceptional medical issues, and you believe they would be put at risk by suspension of in-person services, please email relatedservices@schools.nyc.gov.

Per federal guidance, and where appropriate and feasible, students with disabilities will continue to receive their recommended special education programs and related services remotely during this time. The following outlines the DOE's expectations for services provided by you **pursuant to RSAs and IAs** in support of this effort.

Please note that this guidance does NOT apply to paraprofessional, nursing, SETSS services, SEIT services, or services provided by NYS Approved Non-Public Schools (4410, 853, and 4201); see separate guidance issued by the DOE for these services. Effective immediately, where appropriate and feasible, you should initiate services to students for whom you have a fully approved RSA or IA and in full compliance with the guidelines below.

As always, you must be active and eligible in PETS to provide services, and you must have a fully signed and DOE approved RSA/IA before commencing service. (See below regarding parent signature for RSAs.)

SERVICES FOR STUDENTS ENROLLED IN DOE SCHOOLS (D1-32, D75, AND D79)

The DOE is supporting families with the necessary tools to implement remote learning in DOE schools utilizing Google Classroom/Google Hangouts, Microsoft Teams, or other remote technologies determined by the school. (See below for further information on FERPA-compliant platforms.) The DOE will provide appropriate Internet-enabled devices and connectivity to students who would otherwise be unable to access remote instruction; for information regarding this process see the DOE website [here](#). Independent OT, PT, Speech and Counseling providers working with students in this setting should provide tele-therapy sessions in the same manner as DOE staff. The following is a summary of this process:

- The DOE has posted information [here](#) regarding the use of two approved remote learning platforms, Microsoft Teams and Google Classroom. In the case of Google Classroom, the platform should be used in combination with another application that offers audio/video conferencing capabilities such as Google Hangouts. See links to further information and training materials below. **In addition, we have worked with clinical tele-therapy experts to develop a series of hour-long [Tele-therapy Webinars](#) designed to support therapists in providing effective tele-therapy services. For further information, see the resources**



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in [this shared Tele-Therapy Resources folder](#), where we are storing parent, clinical, technology, and other resources that may be helpful in providing high quality and effective tele-therapy. You may also request technical support for set-up and delivery of tele-therapy sessions using this [Tele-Therapy Tech Support Request Form](#), or by calling the DOE help desk at (718) 935-5100.

- Prior to initiating remote service, you should immediately review all mandates on your approved RSA/IA 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 [Provider Tele-therapy Readiness Checklist](#). If you determine that tele-therapy services are appropriate, you must document the therapeutic plan and share the information with the teacher/school. The Provider Tele-therapy Readiness Checklist must be completed and uploaded to the student's record **prior to commencement of service**; where you do not have SESIS caseload access, you must maintain the checklist in your records.
- As you review student mandates, you should make initial contact with each student's parent using the script in the [consent form instructions](#), and **obtain consent for tele-therapy by completing this on-line form**. You must document your discussion with the parent, including a statement indicating whether consent was provided, denied, or withdrawn. The form will generate a confirmation email, which you must upload to the student's record in SESIS. The [instructions](#) detail how to use of the form and upload the confirmation email. In order to access the form, enter your SESIS credentials (which you have if you are active and eligible in PETS) as follows:

User Name: <your SESIS user name>@schools.nyc.gov

Password: <your SESIS password>

If you do not have your password, you can reset it by following [these instructions](#).

Note that the parent/caregiver is NOT required to provide written consent; your confirmation of their verbal consent through the form is sufficient.

- ORS clinical managers will be available to provide support in connection with tele-therapy determinations. To request assistance, submit a request using [this form](#). Please allow two working days for a response and **do NOT send urgent student specific questions using this form**. Send urgent student specific questions, as well as billing inquiries, to relatedservices@schools.nyc.gov.
- To the greatest extent possible, you should collaborate with others in the school to develop a schedule for tele-therapy. You should 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 you determine that it is not appropriate** to provide remote tele-therapy services, you must conduct one weekly 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 you via the RSA/IA**, 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, you must enter SESIS Encounter Attendance records for weekly tele-therapy consultation sessions per below.
- As always, you should share and confirm the schedule with the student's family, and initiate service accordingly. You must document all sessions in SESIS, or manually if you do not have SESIS caseload access. See below for further information. **In no case may the total number of weekly tele-therapy minutes provided and billed exceed the duration nor the frequency of the student's mandate(s) assigned to you under the RSA/IA.**

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SERVICES FOR STUDENTS NOT ENROLLED IN DOE SCHOOLS (INCLUDES ALL OTHER SETTINGS WHERE THE DOE PROVIDES RELATED SERVICES DIRECTLY VIA RSA/IA – i.e., CHARTER SCHOOLS, PRIVATE/RELIGIOUS SCHOOLS, NYCEECs, ALL PRESCHOOL SETTINGS OTHER THAN DOE SCHOOLS)

You 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 30, 2020** and until further notice, consistent with the student’s IEP/IESP and the terms of the RSA/IA. **As always, any change in provider assignment requires a new, fully approved RSA/IA.**

MANDATORY GUIDELINES FOR PROVISION OF ALL TELE-THERAPY SESSIONS (DOE & NON-DOE):

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

- You must ensure that all eligible students have access to an appropriate web-enabled device and Internet service, and both equipment and service are working before the start of each session.
- You must obtain documented consent for tele-therapy from the parent/guardian for participation in tele-therapy **by completing this online form**. The consent must be **obtained prior** to commencement of service, and be uploaded to the student’s SESIS record. **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 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 uses a remote platform that is not provided/pre-approved by the DOE, you must ensure that the 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”).** You must also ensure that the relevant security and confidentiality features are equivalent in all ways to those of Microsoft Teams, as deployed by the DOE. (See the [Business Associate Agreement](#).) Except as described below, the platform must also **include a video component** consistent with NYSED guidance; **sessions should not be recorded**. In order to maintain confidentiality, providers should conduct all tele-therapy sessions in a private location and in a manner that ensures the privacy of all participants.
- Services **must be provided with a video component**, with the following very limited exceptions:
 - Mandated counseling may be provided via secure audio, telephone, or
 - Where the **family declines or is unable to participate** in tele-therapy, but otherwise consents to remote Speech, OT, or PT, **and the therapist confirms that the service may be provided**

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appropriately consistent with the student's IEP/IESP goals, service may be delivered by phone with the mandated frequency. You must fully document discussion with parents/caregivers confirming these circumstances; the DOE will add an additional option on the consent form to record these cases very shortly. Note that all efforts must be made, per below, to secure Internet access for students who are willing but unable to participate in tele-therapy. In those cases, no audio-only session should be conducted. However, where tele-therapy is not appropriate, therapists should provide weekly consultations.

- 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. As stated above, where it is not appropriate to deliver tele-therapy, you should inform the family and **conduct one weekly tele-therapy or phone consultation check-in session** with the family and/or student.
- You should 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.
- Services must continue to be provided within the hours specified in the RSA/IA, as follows:
 - Preschool: 6 AM to 8 PM,
 - Elem. Grades K-2: 6 AM to 8 PM,
 - Elem. Grades 3-5: 6 AM to 9 PM, and
 - Middle and High School Grades 6-12: 6 AM to 10 PM.

Sessions do NOT have to be provided within the student's normal school day given the current circumstances, however, where the parent/caregiver agrees. You must also continue to comply with all provisions of the RSA/IA, including but not limited to that you may not provide more than the number of mandated weekly sessions.

- To account for sessions that were missed during the transition to remote learning, if the parent wishes, services may be provided on days when the student's school had been scheduled to be closed (for example, the upcoming Spring Recess for DOE schools). In no case may the total sessions for the school year exceed what would have been provided during a regularly scheduled school year for the mandate specified on the RSA/IA.
- As stated above, **all sessions, including weekly consultation sessions, must be documented in SESIS.** SESIS was updated last week to include new location values for remote services. A "Quick Guide" on the use of SESIS to enter encounter attendance and session notes for remote therapy is posted [here](#); similar guidance will be issued for Counseling services in the near future. All other aspects of encounter entry remain the same; as always, please continue to document and certify the dates, start/end times, and session details exactly as provided. Where a preschool caseload is not populated in SESIS, you must maintain written notes in accordance with current procedures.
- As stated above, you must have a fully signed and DOE- approved RSA/IA before commencing service. You may provide your signature by signing and scanning the RSA/IA, and submitting it via email to the DOE representative who issued it. Where the parent/caregiver is unable to sign and submit their signature on the RSA in the same manner, they may indicate their approval by so indicating in an email attaching the RSA. To verify identification, the email must be sent from the email address the DOE has on record for the parent/guardian of the student. If this does not match, please contact us so we may use other means of verifying the parent's identity for proper consent.

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- In accordance with the contract and standard practice, **the DOE will pay you the RSA rate for time spent rendering tele-therapy services to students (and caregivers in the case of weekly consultation sessions described above). Consistent with the terms of your RSA/IA, you may NOT bill for mandate review, obtaining consent, preparation and training to provide tele-therapy, system delays or downtime prior to or during tele-therapy, or time spent on anything other than actual service provision.** All current documentation and document retention policies defined in the RSA/IA and required for payment continue to apply. **You must fully and clearly document the start and end times of the tele-therapy session, utilizing logs from the tele-therapy platform to the greatest possible extent. In addition, you must obtain written confirmation (which may be via email or other electronic means) of the date and time of each provided session from the parent or caregiver. Confirmation may be collected on a weekly basis (i.e., a single weekly email confirmation from the parent or caregiver listing the dates and times of each session provided during that week). Parent/caregiver signature is not required for electronic confirmation, but information collected and verified electronically should contain all of the information on the Related Services Billing Form 7-A.** You must maintain this documentation of the service provided. Those records, including your timesheets and the associated confirming email from the parent or caregiver per above, payroll and service record supporting your paid sessions are subject to audit consistent with the RSA/IA terms. Note: You should load all required documentation to the student's record in SESIS (where you have caseload access; otherwise retain all hardcopy and electronic records supporting the services provided and billed.) You should be ready to produce any record required by NPSP and/or other DOE office to process and/or audit payment in accordance with the RSA/IA and associated procedures established by that office.

We will be scheduling calls to review these procedures and answer your questions. In the meantime, send any questions related to this guidance using [this form](#). Please allow two working days for a response. **Do NOT send urgent student specific questions using this form.** Any urgent student specific questions, as well as billing inquiries, should be sent to relatedservices@schools.nyc.gov.

Thank you for your 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
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NYCDOE Special Education Office