

**New Hampshire
Department of Education
Bureau of Special Education**

**SPECIAL EDUCATION COMPLIANCE
IMPROVEMENT MONITORING REVIEW
REPORT**

**Ashland School District
2014-2015**

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Compliance Improvement Monitoring Visit
Conducted on September 29, 2014
Report Date: November 17, 2014

Overview of the Special Education Monitoring Process

New Hampshire has a responsibility, under federal law, to have a system of general supervision that monitors the implementation of the Individuals with Disabilities Education Act (IDEA) by school districts. The general supervision system is accountable for enforcing IDEA and the New Hampshire Rules for the Education of Children with Disabilities and for ensuring continuous improvement. As stated in section 616 of 2004 amendments to the IDEA, "The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on -

- (A) Improving educational results and functional outcomes for all children with disabilities; and
- (B) Ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities."

There are eight components that comprise NH's general supervision system. It is important to note that although the components are separate, the components connect, interact and articulate requirements to form a comprehensive system. The general supervision system for NH has the following components:

- State Performance Plan (SPP)
- Policies, Procedures, and Effective Implementation
- Data on Processes and Results
- Targeted Technical Assistance and Professional Development
- Effective Dispute Resolution
- Integrated Monitoring Activities
- Improvement, Correction, Incentives and Sanctions
- Fiscal Management

The special education compliance monitoring review is one method that the Bureau of Special Education utilizes to implement the general supervision system. The special education compliance monitoring review is comprised of:

- Policies, Procedures, and Effective Implementation
 - District forms used to implement the special education process
- Special Education Personnel
- Monitoring of Special Education Process
- Improvement, Correction, Incentives and Sanctions

The intent of the special education compliance monitoring review is to:

- Improve student outcomes for students with IEPs
- Determine compliance
- Ensure districts understand and are implementing special education requirements in accordance with the *New Hampshire Rules for Education of Children with Disabilities*
- Improve special education policies, procedures and practices

The Bureau of Special Education followed a standard process to select districts to participate in the special education compliance monitoring review. Each district was sorted into a cohort group based on the current October 1st fall enrollment. The Bureau of Special Education in conjunction with the Bureau of Data Management reviewed the previous year state assessment data for grades 3 through 8 for Reading and Math to determine the district in each cohort group that had the widest achievement gap for students without disabilities compared to students with disabilities.

Once a district was selected, the Bureau of Special Education contacted the district to discuss the special education compliance monitoring review with the school administration. The Ashland School District was selected through this process. The Ashland School District is comprised of one school: the Ashland Elementary School with a grade span of K-8. Additionally, the Ashland School District is responsible for providing special education to preschoolers who are referred for special education. The Bureau of Special Education also provided targeted professional development regarding the special education compliance review process and completion of the self-assessment data collection form. The district was provided with a list of 10 students with disabilities representative of the school based on grade level, disability, gender, and case manager. Students residing in the district who attended a charter school were also included in the representative sample. At the time of the selection of students, the information entered into NHSEIS indicated that there were no students enrolled in charter schools for the Ashland School District. During the onsite visit, the monitoring team selected 8 of the 10 student files to review.

The district fall enrollment for October 1, 2013, shows there were a total of 165 students enrolled in the Ashland School District which has a grade span of kindergarten through eighth grade. The district data profiles for October 1, 2013 indicated that there were 27 students in the Ashland School District who were identified with disabilities.

The monitoring visit, which was conducted on September 29, 2014, consisted of NHDOE team members, and a special education administrator from another district verifying district identified evidence for each self-assessment data collection question. The district was encouraged to invite their special education staff as well as related service providers to attend the review. The district's special education staff attended the review, which provided another targeted professional development opportunity. Staff members were provided the opportunity to learn about implementing IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* and to engage in a professional discussion of best practices for ensuring improved outcomes for students with disabilities.

The New Hampshire Department of Education, Bureau of Special Education review members for this compliance monitoring review included Santina Thibedeau, State Director of Special Education, and Education Consultants: Kristina Paul, Deborah Krajcik, and Ruth Littlefield. The special education administrator participating in this compliance improvement monitoring review was Kelly Noland, Special Education Director from Littleton.

Policies, Procedures, and Effective Implementation

Each district must have policies, procedures, and effective implementation of practices that are aligned and support the implementation of IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. As part of the special education compliance review, the monitoring team reviewed the district's policies and procedures manual for compliance.

In addition, the Bureau of Special of Education cross checked the Annual Request for Federal Special Education Funds FY 14, IDEA Part B Section 611 Assurances, and District Policies to Support Assurance Standards with the district's policy and procedures manual to ensure that document name, date adopted, and pages were valid. Districts are required to submit assurance statements with their local application for IDEA funds.

The monitoring team reviewed the district's policies and procedures manual for the following components.

- Child Find pursuant to 34 CFR 300.111; Ed 1105; Ed 1126.01(b)(1)
- Confidentiality of Information pursuant to 34 CFR 300.610 – 300.627; Ed 1119; Ed 1126.01(b)(2)
- Special Education Facilities, Personnel and Services pursuant to Ed 1126.01(b)(3)
- Personnel Development pursuant to 34 CFR 300.207; Ed 1126.01(b)(4)
- Parent Involvement pursuant to 34 CFR 300.501(b); 34 CFR 300.501(c); 34 CFR 300.327; Ed 1126.01(b)(5)
- Public Participation pursuant to 34 CFR 300.212; Ed 1126.01(b)(6)
- Procedural Safeguards pursuant to 34 CFR 300.500; Ed 1120
- Referral and Disposition of Referral pursuant to 34 CFR 300.300; 34 CFR 300.301(b); 34 CFR 300.305; 34 CFR 300.124; Ed 1106
- Evaluation pursuant to 34 CFR 300.301 – 300.311; Ed 1107; Ed 1107.02
- Determination of Eligibility for Special Education pursuant to 34 CFR 300.306; Ed 1108
- The Individualized Education Program pursuant to 34 CFR 300.320; 34 CFR 300.320(b); 34 CFR 300.43; Ed 1109
- Placement of Children with Disabilities pursuant to 34 CFR 300.114 – 300.117; Ed 1111
- State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities pursuant to Ed 1126.01(a)
- Coordination with other Local and State Agencies pursuant to Ed 1126.01(b)(10)
- Children with Disabilities Enrolled in Private Schools by Parents pursuant to 34 CFR 300.131 – 300.132; Ed 1126.01(b)(11)
- Instructional Materials in Accessible Formats pursuant to 34 CFR 300.172; Ed 1126.01(b)(12)
- Disciplinary Procedures for Children with Disabilities pursuant to 34 CFR 300.530 – 300.536; Ed 1124
- Dispute Resolution

- Complaint Procedures pursuant to 34 CFR 300.153; Ed 1121
- Alternative Dispute Resolution pursuant to 34 CFR 300.506; Ed 1122
- Administrative Due Process Hearing Procedures pursuant to 34 CFR 300.507 – 300.518; Ed 1123
- Local Education Agency Request for Special Education Funds pursuant to Ed 1126.01

Policies and Procedures

Based on the review of the Ashland School District’s policies and procedures manual, the monitoring team determined there was **one finding of noncompliance** that must be corrected as soon as possible but no later than 6 months from the date of this report.

1. When the monitoring team was verifying the evidence of compliance, the district described its policy under “Other Consent Areas”. Although the policy regarding public or private insurance complied with Ed 1120.08 (a)(3) the policy does not comply with Ed 1120.08 (a)(1), (2), (4-9). The district is responsible for ensuring that the policies and procedures are current with recent changes in federal regulations, state laws and NH Rules.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
Ed 1120.08 (a)(1), (2), (4-9)	Public and Private Insurance
<p>Corrective Action regarding the Implementation of the Regulations: The Ashland School District must revise its policies and procedures to include updates reflected in Ed 1120.08 (a)(1), (2), (4-9) as well as how school staff is informed of the new practice within 6 months from the date of this report.</p> <p>The NHDOE will verify compliance through a subsequent on-site review.</p>	

Effective Implementation of Practices:

As part of the review of The Ashland School District’s forms implementing the special education process, the Bureau of Special Education also looked for evidence that the policies and procedures were effectively being implemented. The NHDOE determined that there were **two findings of noncompliance** that must be corrected as soon as possible but no later than 3 months from the date of this report.

The monitoring team reviewed the following district forms to ensure the implementation of the special education process:

- Record of Access pursuant to 34 CFR 300.614; Ed 1119.02(a)
- Notice of IEP Meeting pursuant to 34 CFR 300.322; Ed 1103.02(a)
- 10 Day Wavier pursuant to Ed 1103.02(b)
- Written Prior Notice pursuant to 34 CFR 300.503; Ed 1120.03(a)(b)
- Determining the Existence of a Specific Learning Disability pursuant to 34 CFR 300.309 & 300.311; Ed 1107.01(a)

- Evaluation Report pursuant to Ed 1107.05(a)
- Procedural Safeguard Notice pursuant to 34 CFR 300.504; Ed 1120.03(b)

1. When the monitoring team was verifying the evidence of compliance, the district described its policy under “Special Education Evaluation Team Summary Report”. The “Special Education Evaluation Team Summary Report” for the Ashland School District does comply with Ed 1107.05 (a),(b) (1&2) as it includes a space for each evaluation procedure, test record or report as well as a space for a written summary of the findings of the procedure, test, record and/or report. However, it is not in compliance with Ed 1107.05(b)(3) in that the report does not include information regarding the parent’s rights of appeal in accordance with Ed 1123 and a description of the parent’s right to an independent evaluation in accordance with Ed 1107.03.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
Ed 1107.05(b)(3); Ed 1107.03	Evaluation Report
<p>Corrective Action regarding the Implementation of the Regulations: The Ashland School District must immediately notify staff to stop using the district created form “Special Education Evaluation Team Summary Report. The Ashland School District must revise its Special Education Evaluation Team Summary Report form to meet the criteria Ed 1107.05(b)(3). Provide the revised form that addresses the parent’s rights of appeal in accordance with Ed 1123 and a description of the parent’s right to an independent evaluation in accordance with Ed 1107.03, as well as the evidence of how school staff is informed of the new practice to the NHDOE as soon as possible but no later than 3 months from the date of this report.</p>	

2. When the monitoring team was verifying the evidence of compliance, the team reviewed the form “Written Prior Notice”. This form does comply with the requirements of 34 CFR 300.503 (b)(1-4) & (6-7), however the form does not comply with 300.503(b)(5) regarding sources for parents to contact as required in Ed 1120.03(b).

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.503(b)(5); Ed 1120.03(b)	Written Prior Notice
<p>Corrective Action regarding the Implementation of the Regulations: The Ashland School District must immediately notify staff to stop using the district created form “Written Prior Notice”. The Ashland School District must revise it’s Written Prior Notice form to meet the criteria 34 CFR 300.503(b)(5) to include sources for parents to contact. Provide the revised form as well as how the evidence of how the district is implementing 34 CFR 300.503(b)(5) as well as the evidence of how school staff is informed of the new practice as soon as possible but no later than 3 months from the date of this report.</p>	

Recommendations to address problematic practices that do not represent noncompliance

During the monitoring visit, it had been revealed that the district has been engaging in some practices that have the potential to become problematic. The NHDOE has identified these practices and potential remedies to these practices. Whereas these practices do not rise to the standard of noncompliance, and therefore require no corrective actions, the NHDOE believes that the practices are noteworthy to be addressed.

- The Ashland School District Special Education Plan Introduction, page 4 refers to the New Hampshire Rules for the Education of Children with Disabilities-2008. The current NH Rules have the dates of Amended as of December 1, 2010, Amended as of May 15, 2014. The Ashland School District should update page 4 of its Special Education Plan to be compliant with the current NH Rules.
- Based on the review of the policies and procedures manual, page 19 under Personnel Development indicates that the district's Professional Master Development Plan is in effect for a five-year period from July, 2009-July, 2014. The Ashland School District should update the information from its current Professional Master Development Plan on page 19 of the Special Education Policy and Procedures Manual regarding professional development.

Special Education Personnel

The Bureau of Special Education has reviewed the Ashland School District special education staff certifications using the New Hampshire Educator Information System. The review process was for special education staff employed during 2014-2015 school year.

The data for Ashland School District was generated on September 25, 2014. Each special education staff member's endorsement was compared to the subject/assignment. This process was used for special educators who hold Education Intern License 4 (INT4), Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the endorsement was appropriate to the subject/ assignment then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and the subject/assignment, the district was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1113.12, 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the special education staff certifications, the monitoring team determined there were no findings of noncompliance.

Monitoring of Special Education Process

Districts are responsible for implementing the special education process in accordance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. The self-assessment data collection form highlights the district's understanding of the requirements of IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* and was reviewed during the monitoring visit. Each area of compliance on the self-assessment data collection form clearly outlines whether the compliance is either a requirement of both IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* or a requirement of solely the *New Hampshire Rules for the Education of Children with Disabilities*. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the district's self-assessment as a resource.

Based on this review, the Bureau of Special Education identified findings of noncompliance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. The findings include the compliance citation, the area of compliance, the specific component of the regulation, and the required corrective actions, which include timelines for demonstrating correction of noncompliance. Student specific information will not be included in the report but will be provided to the district's Special Education Director.

Specific Findings of Noncompliance

The chart below identifies the area of compliance based on student files that were reviewed by the compliance and improvement monitoring team during the onsite visit. The chart is broken down into the **compliance citations** and **area of compliance**. The compliance citations are based on the *CFR* found in the Federal regulations of IDEA and the *Ed* found in the administrative rules of the New Hampshire Rules for the Education of Children with Disabilities. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the compliance and improvement monitoring team.

The **review status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “3 out of 3 files demonstrated a record of parties that have obtained access to the education records collected or used under Part B of the Act.” Simply put, 3 files were reviewed and 3 files were found to be in compliance.

In cases where there was a finding of noncompliance, the chart identifies the **Corrective Action Regarding the Implementation of the Regulation**. This section states the student file that was used as evidence to support the noncompliance of the regulation. In addition, this section states the required corrective action by the district and a timeline for the corrective action.

Lastly, the chart identifies the **Corrective Action of Individual Instance of Noncompliance**. This section of the chart states the student file that was used as evidence to support the noncompliance of the regulation. In the case of an individual instance of noncompliance, the corrective action would generally involve the IEP team convening to resolve the finding of noncompliance. Timelines for these corrective actions are also noted.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.02		Record of Access; Confidentiality Requirements
Self-Assessment Question Number	Regulatory Component	Review Status
1.	34 CFR 300.614 Ed 1119.02(a)	3 out of 3 files demonstrated evidence of a record of parties that have obtained access to the education records collected, maintained or used under Part B of the Act.
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.504(a) Ed 1120.03(b)		Procedural Safeguards
Self-Assessment Question Number	Regulatory Component	Review Status

2.	34 CFR 300.504(a) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.306; 34 CFR 300.304 Ed 1108.01; Ed 1107.04		Evaluation; Determination of Eligibility for Special Education
Self-Assessment Question Number	Regulatory Component	Review Status <i>(Two files were reviewed for this area as the most current determination of eligibility for one student was completed in another district.)</i>
3.	34 CFR 300.306(a)(1) Ed 1108.01(a)	Upon completion of assessments, 2 out of 2 IEP files demonstrated evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability.
4.	Ed 1108.01(b)(1)	For determination of eligibility, 1 out of 2 IEP files demonstrated evidence that the composition of the IEP team also included a teacher certified in each area of suspected disability.
5.	Ed 1108.01(b)(2)	For determination of eligibility, 2 out of 2 IEP files demonstrated evidence that the composition of the IEP team also included an individual knowledgeable about the child as a result of having had personal contact with the child in the school or, if the child is below school age, at another setting.
6.	34 CFR 300.304(c)(1)(iv) Ed 1107.04(b)	2 out of 2 IEP files demonstrated evidence that trained and knowledgeable personnel administered the assessment.
7.	34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	2 out of 2 IEP files demonstrated evidence that the team drew upon, carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.
<p>Corrective Action regarding the Implementation of the Regulations: For student file F, there was no evidence that the IEP team also included a teacher certified in each area of suspected disability.</p> <p>Provide training to appropriate staff to ensure that the composition of the IEP team to determine eligibility includes teachers certified in each area of suspected disability. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select two new student files for updated data, one identified as having a specific learning disability and one having an emotional disability, demonstrating compliance with this requirement and will verify that the composition of the IEP teams for determination of eligibility also included a teacher certified in each area of suspected disability through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03		Written Prior Notice (Determination of Eligibility)
Self-Assessment Question Number	Regulatory Component	Review Status <i>(Two files were reviewed for this area as the most current determination of eligibility for one student was completed in another district.)</i>

8.	34 CFR 300.503(b)(1) Ed 1120.03(b)	2 out of 2 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
9.	34 CFR 300.503(b)(2) Ed 1120.03(b)	1 out of 2 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.
10.	34 CFR 300.503(b)(3) Ed 1120.03(b)	1 out of 2 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
11.	34 CFR 300.503(b)(6) Ed 1120.03(b)	2 out of 2 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
12.	34 CFR 300.503(b)(7) Ed 1120.03(b)	2 out of 2 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.
13.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	2 out of 2 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.

Corrective Action regarding the Implementation of the Regulations: For student file F there was no evidence that the written prior notice included an explanation why the agency proposed or refused to take an action. For student file F, there was no evidence that the written prior notice included a description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action.

Provide training to staff on completing the written prior notice in order for staff to appropriately document each component of a written prior notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.

The NHDOE will select two new student files for updated data demonstrating compliance with this requirement and will verify that the written prior notices are complete including a description of why the district proposed or refused to take an action, and a description of each evaluation procedure assessment, record, or report the district used as a basis for the proposed or refused action, through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323; 34 CFR 300.324 Ed 1109		Individualized Education Program
Self-Assessment Question Number	Regulatory Component	Review Status
14.	Ed 1109.01(a)(5)	3 out of 3 IEP files demonstrated evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.
15.	Ed 1109.04(a)	3 out of 3 IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.
16.	34 CFR 300.323(c)(1) Ed 1109.03(a)	For an initial IEP, 1 out of 1 IEP files demonstrated evidence that there was a meeting to develop an IEP for the student conducted within 30 days of a determination that the child needs special

		education and related services. (Two student files were not of students with initial IEPs.)
17.	Ed 1109.03(d)	1 out of 1 IEP files demonstrated evidence that the IEP was reviewed periodically but not less than annually. (Two student files were of students with initial IEPs.)
18.	34 CFR 300.323(a) Ed 1109.03(1)	3 out of 3 IEP files demonstrated evidence that an IEP was in place at the beginning of the school year.
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321(a) Ed 1103.01		IEP Team; Participants in the Special Education Process
Self-Assessment Question Number	Regulatory Component	Review Status
19.	34 CFR 300.321(a)(1) Ed 1103.01(a)	3 out of 3 IEP files demonstrated evidence that the IEP Team included the parents of the child.
20.	34 CFR 300.321(a)(2) Ed 1103.01(a)	3 out of 3 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child.
21.	34 CFR 300.321(a)(3) Ed 1103.01(a)	3 out of 3 IEP files demonstrated evidence that the IEP Team included at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child.
22.	34 CFR 300.321(a)(4) Ed 1103.01(a)	3 out of 3 IEP files demonstrated evidence that the IEP Team included an LEA representative.
23.	34 CFR 300.321(a)(5) Ed 1103.01(a)	3 out of 3 IEP files demonstrated evidence that an individual who can interpret the instructional implications of the evaluation results participated in the meeting.
24.	Ed 1103.1(c)	If vocational education was being considered, 0 out of 0 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education program being considered.
25.	Ed 1103.02(a)	2 out of 3 IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants. 0 out of 1 of those IEP files demonstrated evidence of written consent of the parent(s) that the notice requirements were waived.[Ed 1103.02(b)].
<p>Corrective Action regarding the Implementation of the Regulations: For student file F, there was no evidence that at least a 10 day notice was given to the parent before an IEP meeting, which included the purpose, time, location and identification of the participants or evidence of the written consent of the parent that the notice requirement shall be waived.</p> <p>Provide trainings to appropriate staff for ensuring that at least a 10 day notice is given to the parent before an IEP meeting, which includes the purpose, time, location and identification of the participants, and when not possible, that staff follow through with obtaining the written consent of the parent that the notice requirement is waived. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select two additional new student files for updated data demonstrating compliance with this requirement and will verify evidence that at least a 10 day notice was given to the parent before an IEP meeting, which included the purpose, time location and identification of the participants and, if not, evidence of the written consent of the parent that the notice requirement shall be waived, through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a); 34 CFR 300.324(a)(1)		Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number	Regulatory Component	Review Status
26.	34 CFR 300.324(a)(1)(i)	3 out of 3 IEPs demonstrated evidence of a statement of the child's strengths.
27.	34 CFR 300.324(a)(1)(iv)	3 out of 3 IEPs demonstrated evidence of a statement of the child's academic, developmental, and functional needs.
28.	34 CFR 300.324(a)(1)(ii)	3 out of 3 IEPs demonstrated evidence of a statement of the parent's concerns for improving the student's education in the IEP.
29.	34 CFR 300.324(a)(1)(iii)	1 out of 3 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.
30.	34 CFR 300.320(a)(1)(i)	2 out of 2 IEPs demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum.
31.	34 CFR 300.320(a)(4)(ii)	3 out of 3 IEPs demonstrated evidence of a statement that describes how the student's disability affects non-academic areas.
32.	34 CFR 300.320(a)(1)(ii)	For preschool children, as appropriate, 1 out of 1 IEPs demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities.
<p>Corrective Action of Individual Instance of Noncompliance: For student files <u>A & D</u> there was no evidence that the results of initial or most recent evaluations of the child were included in the IEP.</p> <p>Within 2 months of the date of this report, the district must amend the IEPs to include the results of initial or most recent evaluations for <u>student files A & D</u>. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: The IEP should include a section for the results of the initial or most recent evaluation results. Provide training to appropriate staff to include a statement of the child's initial or most recent evaluations. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select two new student files for updated data demonstrating compliance with this requirement and will verify the evidence that the results of initial or most recent evaluations are included in the IEPs through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(a)(2) Ed 1109.03(h)		Consideration of Special Factors
Self-Assessment Question Number	Regulatory Component	Review Status
33.	34 CFR 300.324(a)(2)(i) Ed 1109.03(h)	When a child's behavior impedes the child's learning or that of others, 2 out of 2 IEPs demonstrated evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
34.	34 CFR 300.324(a)(2)(ii)	When a child demonstrates limited English proficiency, 0 out of 0

	Ed 1109.03(h)	IEPs demonstrated evidence that the IEP Team considered the language needs of the child as those needs relate to the child's IEP. <i>(No child demonstrated limited English proficiency from the files reviewed.)</i>
35.	34 CFR 300.324(a)(2)(iii) Ed 1109.03(h)	When a child is blind or visually impaired, 0 out of 0 IEPs demonstrated evidence that the IEP Team provided for instruction in Braille and the use of Braille unless the IEP Team determined, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille was not appropriate for the child. <i>(No child was blind or visually impaired from the files reviewed.)</i>
36.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	3 out of 3 IEPs demonstrated evidence that the IEP Team considered the communication needs of the child.
37.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, 0 out of 0 IEPs demonstrated evidence that the IEP Team considered the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode. <i>(No child was deaf or hard of hearing from the files reviewed.)</i>
38.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	3 out of 3 IEPs demonstrated evidence that the IEP Team considered whether the child needed assistive technology devices and services.
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		Courses of Study
Self-Assessment Question Number	Regulatory Component	Review Status
39.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 0 out of 0 IEPs demonstrated evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education. <i>(No child was turning 14 from the files reviewed.)</i>
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number	Regulatory Component	Review Status
40.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	1 out of 3 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.
41.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum.
42.	34 CFR 300.320(a)(2)(i)(B)	If there are other educational needs that result from the child's

	Ed 1109.01(a)(1)	disability, 3 out of 3 IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs.
43.	Ed 1109.01(a)(6)	3 out of 3 IEPs demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals.
<p>Corrective Action of Individual Instance of Noncompliance: Three goals were selected for review for each student file. For <u>student file A</u>, one goal was missing the time frame and how it would be measured, and for <u>student file D</u>, one goal was missing the time frame and the condition by which the goal would be implemented.</p> <p>Within 2 months of the date of this report, the district must amend the IEPs to include measurable annual goals. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Provide training to appropriate staff to address writing measurable annual goals. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select two new student files for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.04(a)(8)		Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number	Regulatory Component	Review Status
44.	Ed 1109.01(a)(9)	3 out of 3 IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals will be measured.
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1102; Ed 1109.03(a)		Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number	Regulatory Component	Review Status
45.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a)	3 out of 3 IEPs demonstrated evidence that each teacher and provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
46.	Ed 1102.01(b)	If accommodations are included, 3 out of 3 IEPs demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor and/or validity of the subject matter being taught or assessed.
47.	Ed 1102.03(v)	If modifications are included, 3 out of 3 IEPs demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity or rigor or validity, of the subject matter being taught or assessed.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
Self-Assessment Question Number	Regulatory Component	Review Status
48(a).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a statement of special education.
48(b).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a statement of related services.
48(c).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	0 out of 0 IEPs demonstrated evidence of a statement of supplementary aids and services. <i>(From the files reviewed, supplementary aids and services were not determined necessary.)</i>
48(d).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a statement of the program modifications.
48(e).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a statement of the supports for school personnel.
49.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
50.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of the anticipated frequency, location, and duration of those services and modifications described in the supports and services section of the IEP.
51.	Ed 1109.04(b)(1)	3 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
52.	Ed 1109.04(b)(1)	3 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided.
53.	Ed 1109.04(b)(2)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(From the files reviewed, supplementary aids and services were not determined necessary.)</i>
54.	Ed 1109.04(b)(3)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications made. <i>(Three files were not applicable in this area.)</i>
55.	Ed 1109.04(b)(3)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel. <i>(Three files were not applicable in this area.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number	Regulatory Component	Review Status
56.	34 CFR 300.320(a)(5) Ed 1109.01(a)(1)	0 out of 3 IEP demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.
<p>Corrective Action of Individual Instance of Noncompliance: For student files A, C, & D there was no evidence of an explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.</p> <p>Within 2 months of the date of this report, the district must amend the IEPs for <u>student files A, C, & D</u> to include the explanation. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Provide training to appropriate staff to address the explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select three new student files for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)		Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number	Regulatory Component	Review Status
57.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)	2 out of 2 IEPs demonstrated evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments.
58.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, 0 out of 0 IEPs demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(There were no children taking an alternate assessment from the files reviewed.)</i>
59.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1)	When the child is taking an alternate assessment, 0 out of 0 IEPs demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(There were no children taking an alternate assessment from the files reviewed.)</i>
COMPLIANCE CITATIONS		AREA OF COMPLIANCE

34 CFR 300.121 Ed 1120.03		Procedural Safeguards (Written Prior Notice for IEP)
Self-Assessment Question Number	Regulatory Component	Review Status
60.	34 CFR 300.503(b)(1) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
61.	34 CFR 300.503(b)(2) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.
62.	34 CFR 300.503(b)(3) Ed 1120.03(b)	1 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
63.	34 CFR 300.503(b)(6) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
64.	34 CFR 300.503(b)(7) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.
65.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.
<p>Corrective Action regarding the Implementation of the Regulations: For student files E & F there was no evidence that the written prior notice included a description of each evaluation procedure, assessment, record or report the agency used as a basis for the proposed or refused action.</p> <p>Provide training to staff on completing the written prior notice in order for staff to appropriately document each component of a written prior notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select two new student files for updated data demonstrating compliance with the written prior notices being complete, including a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action, through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503(b) Ed 1120.03(b)		Written Prior Notice (Placement)
Self-Assessment Question Number	Regulatory Component	Review Status
66.	34 CFR 300.503(b)(1) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
67.	34 CFR 300.503(b)(2) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an

		explanation of why the agency proposed or refused to take the action.
68.	34 CFR 300.503(b)(3) Ed 1120.03(b)	1 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
69.	34 CFR 300.503(b)(6) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
70.	34 CFR 300.503(b)(7) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.
71.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	3 out of 3 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.
<p>Corrective Action regarding the Implementation of the Regulations: For student files E & F there was no evidence that the written prior notice included a description of each evaluation procedure, assessment, record or report the agency used as a basis for the proposed or refused action.</p> <p>Provide training to staff on completing the written prior notice in order for staff to appropriately document each component of a written prior notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select two new student files for updated data demonstrating compliance with the written prior notices being complete, including a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action, through a subsequent on-site review.</p>		