

**New Hampshire Department of Education
Bureau of Special Education
2016-2017 Review of Special Education Policy and Procedures
Public Academies**

Public Academy:		Date Received:	
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✓ or NC	NEW HAMPSHIRE RULES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES	DOCUMENTATION
	Ed 1101.01 Policies and Procedures based on the current New Hampshire Rules for the Education of Children with Disabilities June 30, 2008; Amended as of December 1, 2010; Amended as of May 15, 2014	
✓ or NC	CRITERIA FOR APPROVAL OF PUBLIC AND NON-PUBLIC PROGRAMS	DOCUMENTATION
	Ed 1126.02(b) The department shall approve public and non-public programs for children with disabilities through a monitoring process, including but not limited to on-site visit(s) and examination of written documentation, by reviewing the following: Ed 1126.02(b)(3) Policies and procedures, including: <ul style="list-style-type: none"> <input type="checkbox"/> c. Least restrictive environment processes; <input type="checkbox"/> e. Non-discriminatory testing practices; and <input type="checkbox"/> f. IEPs; 	
✓ or NC	CHILD FIND	DOCUMENTATION
	Ed 1105.02 (d) The LEA annually shall consult with representatives of private schools within its jurisdiction and representatives of parents of parentally-placed children with disabilities attending private schools within its jurisdiction to advise them of the LEA's responsibility to identify and evaluate all children who are suspected of or known to be children with a disability and who are enrolled in such schools, and referrals from schools shall be forwarded to the IEP team for further evaluation.	
✓ or NC	ADMINISTRATION	DOCUMENTATION
	Ed 1114.04 (b) Each private provider of special education or other non-LEA program shall have written policies which comply with the provisions of the IDEA and RSA 186-C.	
✓ or NC	PROGRAM REQUIREMENTS	DOCUMENTATION
	Ed 1114.05 (a) Each private provider of special education or other non-LEA program shall have a written description of admissions policies and criteria which it shall provide to all placing agencies and shall make available to the parent of any child referred for placement.	

✓ or NC	POLICY AND PROCEDURE REVIEW-PRIVATE PROVIDER	DOCUMENTATION
✓ or NC	RESPONSIBILITIES OF PRIVATE PROVIDERS OF SPECIAL EDUCATION OR OTHER NON-LEA PROGRAMS IN THE IMPLEMENTATION OF IEPS	DOCUMENTATION
	<p>Ed 1114.06 (a) Each private provider of special education or other non-LEA program shall, in all matters concerning possible changes and/or modifications in the identification, evaluation, development and/or revision of an IEP, or changes in placement of a child with a disability, contact the sending school district for the purpose of initiating the process for changing any of the above in compliance with Ed 1109.05.</p> <p>(f) Daily lesson plans shall be clear, concise, and reflective of the IEP goals for each child. They shall reflect any staff input and related reports and evaluations provided by the agencies responsible for the student's education and welfare.</p> <p>(i) If a private provider of special education or other non-LEA program determines that any child with a disability placed at the facility or program is not making progress toward meeting his or her IEP goals at the rate anticipated, the facility or program shall immediately contact the LEA for the purpose of reviewing the IEP and considering modifications.</p>	
✓ or NC	CONTINUUM OF ALTERNATIVE PLACEMENTS; PLACEMENT OF CHILDREN WITH DISABILITIES	DOCUMENTATION
	<p>34 CFR 300.115(a); Ed 1111.03(e) Children age 6-21 may receive their special education program at any of the environments listed in Table 1100.4 as follow</p> <ul style="list-style-type: none"> <input type="checkbox"/> Regular classroom <input type="checkbox"/> Regular classroom with consultative assistance <input type="checkbox"/> Regular classroom with assistance by specialists <input type="checkbox"/> Regular classroom plus resource room help <input type="checkbox"/> Regular classroom plus part-time special class <input type="checkbox"/> Full-time special class <input type="checkbox"/> Home Instruction <input type="checkbox"/> Instruction in hospitals and institutions 	
✓ or NC	CONFIDENTIALITY; CONFIDENTIALITY OF INFORMATION	DOCUMENTATION
	<p>34 CFR 300.610; Ed 1119.02(a) Each participating agency shall comply with 34 CFR 300.610-300.627, relative to confidentiality of information, including compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232G, (FERPA) and its implementing regulations in 34 CFR Part 99.</p>	
	<p>Ed 1114.04(c) Each private provider of special education or other non-LEA program shall have written policies and procedures for the protection of confidential information, in accordance with Ed 1119 including:</p> <ol style="list-style-type: none"> (1) The release of information to other persons and/or agencies; and (2) Written procedures and schedules for destruction of outdated files and records. 	

✓ or NC	POLICY AND PROCEDURE REVIEW-PRIVATE PROVIDER	DOCUMENTATION
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✓ or NC	BEHAVIORAL INTERVENTIONS	DOCUMENTATION
	<p>Ed 1114.07 (b) Each private facility or other non-district program shall have a written statement of the policies and procedures followed by the program in managing student behavior. This statement shall be provided to the sending LEA and the parent at the time each child with a disability becomes enrolled in the program, at the time of the annual review of the child's educational progress, and any time the facility or non-district program's policies and procedures for managing behavior are revised.</p> <p>(c) A private facility or other non-district program shall not employ any measure which is aversive or depriving in nature or which subjects a child with a disability enrolled in that program to humiliation or unsupervised confinement or to abuse or neglect as defined in RSA 169-C, the Child Protection Act, or which deprives the child of basic necessities such as nutrition, clothing, communication, or contact with parents, so as to endanger the child's mental, emotional, or physical health consistent with Ed. 1114.07</p> <p>(e) Each private facility or other non-district program shall have a written procedure based on state and federal law concerning the reporting of suspected instances of child abuse.</p> <p>(f) An LEA, other public agency, private provider of special education or other non-LEA program shall not employ any of the following aversive and deprivation behavioral interventions:</p> <ol style="list-style-type: none"> (1) Any procedure intended to cause physical pain; (2) Aversive mists, noxious odors, and unpleasant tastes applied by spray or other means to cause an aversive physical sensation; (3) Any non-medical mechanical restraint that physically restricts a student's movement; (4) Contingent food/drink programs; (5) Electrical stimulation; (6) Placement of a child in an unsupervised or unobserved room from which the child can not exit without assistance; and (7) Physical restraint, unless in response to a threat of imminent, serious, physical harm. 	
✓ or NC	EMERGENCY INTERVENTION PROCEDURES	DOCUMENTATION
	<p>Ed 1114.08 All crisis or emergency intervention procedures shall be included in the student's IEP and shall comply with Ed 1114.07 and RSA 126-U:5.</p>	

✓ or NC	POLICY AND PROCEDURE REVIEW-PRIVATE PROVIDER	DOCUMENTATION
✓ or NC	QUALIFICATION AND REQUIREMENTS FOR INSTRUCTIONAL, ADMINISTRATIVE AND SUPPORT PERSONNEL	DOCUMENTATION
	<p>Ed 1114.10 (c) Each private provider of special education or other non-LEA program shall have written procedures for supervising and evaluating the performance of all staff members.</p> <p>(d) Each private provider of special education or other non-LEA program shall have a written plan for in-service and pre-service training of staff, in accordance with Ed 500 certification standards for educational personnel in New Hampshire.</p>	
✓ or NC	EMPLOYEE AND VOLUNTEER BACKGROUND INVESTIGATIONS	DOCUMENTATION
	<p>Ed 1114.11 (a) Each private provider of special education or other non-LEA program, including any individual providing direct services to the student pursuant to Ed 1126.05, shall complete a background investigation, consistent with the provisions of RSA 189:13-a, prior to a final offer of employment.</p>	
✓ or NC	CHANGE IN PLACEMENT OR TERMINATION OF THE ENROLLMENT OF A CHILD WITH A DISABILITY	DOCUMENTATION
	<p>Ed 1114.12 (a) A private provider of special education or other non-LEA program which believes it can no longer implement a child's IEP or provide FAPE shall immediately convene or request the convening of the IEP team to review the facility's or program's concerns and to amend the IEP and placement, if necessary. (b) An IEP meeting convened under Ed 1114.12 shall: (1) Review the child's needs; (2) Determine whether the current IEP meets the needs of the child and, if appropriate, propose changes to the IEP; (3) Review the child's current placement; and (4) Determine whether the placement can fully implement the child's IEP and provide FAPE. (c) If the IEP team determines that the current placement cannot implement the IEP and provide FAPE, the LEA shall immediately place the child in an approved facility or program which can implement the IEP and provide FAPE. (d) If a private provider of special education or other non-LEA program wishes to suspend or expel a child, it shall immediately inform the LEA. The LEA shall comply with the disciplinary procedures in 34 CFR 300.530- 34 CFR 300.536.</p>	

✓ or NC	POLICY AND PROCEDURE REVIEW-PRIVATE PROVIDER	DOCUMENTATION
✓ or NC	PHYSICAL FACILITIES	DOCUMENTATION
	<p>Ed 1114.16 (d) Each private provider of special education or other non-LEA program shall have written procedures to protect children from hazards such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The presence of asbestos; <input type="checkbox"/> The presence of lead paint; <input type="checkbox"/> Storage of hazardous materials; <input type="checkbox"/> Garbage disposal; <input type="checkbox"/> Vermin infestation; <input type="checkbox"/> Storage of food; <input type="checkbox"/> Storage of medicines; and <input type="checkbox"/> Any unsafe access to electrical, plumbing, heating systems. <p>(e) A private facility or other non-LEA program shall have a policy that ensures that bathrooms, classrooms, and other areas where children spend time at the facility, are regularly cleaned to maintain health and sanitation.</p>	
✓ or NC	HEALTH AND MEDICAL CARE	DOCUMENTATION
	<p>Ed 1114.18 (a) Each private provider of special education or other non-LEA program shall have written procedures to ensure that children with disabilities receive prompt and competent medical attention in the event of injury or illness while at the program or while participating in any program or activity while in the custody of the program.</p> <p>(c) Each private provider of special education or other non-LEA program shall have formulated written policies and procedures regarding the use and administration of medicine to children in compliance with state law and rules. Medication shall be dispensed only under medical order.</p> <p>(d) Each private provider of special education or other non-LEA program shall maintain locked storage space for prescription drugs which shall only be accessible to persons authorized to dispense them.</p>	
✓ or NC	PHOTOGRAPHY AND AUDIO OR AUDIO-VISUAL RECORDING	DOCUMENTATION
	<p>Ed 1114.20 (a) Each private provider of special education or other non-LEA program shall have written policies and procedures regarding the photographing and audio or audio-visual recordings of children in care.</p> <p>(b) The written consent of the child's parent shall be obtained before the child is photographed or recorded.</p>	

✓ or NC	POLICY AND PROCEDURE REVIEW-PRIVATE PROVIDER	DOCUMENTATION
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✓ or NC	EMERGENCY PLANNING AND PREPAREDNESS	DOCUMENTATION
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	<p>Ed 1114.21 (a) Each private provider of special education or other non-LEA program shall have written procedures for staff and children to follow in case of emergency. These procedures shall be developed with the assistance of state or local fire and safety personnel and shall include provisions for the evacuation of buildings and assignment of staff during emergencies.</p>	
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