

**NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
SPECIAL EDUCATION
PROGRAM APPROVAL VISITATION
IEP REVIEW COMPLIANCE REVIEW**

**HUDSON SCHOOL DISTRICT
FOCUSED MONITORING IEP COMPLIANCE REVIEW
SUMMARY REPORT
2012-2013**

**Bryan Lane, Superintendent
Jeanne Saunders, Director of Special Services**

Chairpersons of Visiting Team
Maryclare Heffernan and Joseph Miller
Education Consultants

IEP Review Visit Conducted on January 8-11 and 18, 2013
Desk Audit Reviews Conducted on January 8-11 and 18, 2013

Report Date: May 17, 2013

IEP Compliance Review Team Members:

II. Visiting Team Members:

Maryclare Heffernan, Chairperson, Education Consultant
Colleen Bovi, Education Consultant
Joseph Miller, Chairperson, Education Consultant
Roxanne Wilson, Director of Pupil Personnel Services
Beth Rincon, Assistant Director of Pupil Personnel Services

1. Building Team Members:

Stephanie Serian, Grade 5 Classroom Teacher
Phyllis Schlichter, Assistant Superintendent
Sharon Thompson, Special Education Case Manager
Amy Pelletier, Speech Language Pathologist
Lu Hurley, Grade 3 Classroom Teacher
Michele Alukonis, Special Education Case Manager
Scott Baker, School Principal
Kristina Henry, Special Education Department Head
Kathy Goss, Grade 4 Classroom Teacher
Brenda Whiteley, Special Education Case Manager
Michelle Mahoney, Grade 5 Classroom Teacher
Fran Garon, Special Education Department Head
Jeanne Saunders, Director of Special Services
Lisa Dupree, Special Education Case Manager
Christal Fitzgerald, School Counselor Intern
Barbara Bailey, Occupational Therapist
Amanda Fredette, Grade 2 Classroom Teacher
Sara Pooler, Special Education Case Manager
Dan Pooler, Math Teacher
Karen Ferrante, Grade K Classroom Teacher
Heidi Greaves, Special Education Case Manager
Aimee Jarden, Speech Language Pathologist
Matthew Tanuma, Special Education Case Manager
Nancy Rothe, Special Education Department Head
Susan Venecal, Grade 4 Classroom Teacher
Kimberly Cuyot, Special Education Case Manager
Melissa Labrecque, Speech Language Pathologist
Thomas Sullivan, Occupational Therapist
Michelle Fitzgerald, Physical Therapist
Teresa Morgan, Preschool Coordinator
Patricia Mellott, Speech Language Pathologist
Kim Whorton, Special Education Case Manager
Courtney Scott, Classroom Teacher
Virginia Rever, LD Specialist
Scott Riddell, Assistant Principal of Special Education Services
Donna Johnson, Special Education Case Manager

Kimberly Skinner, Occupational Therapist
Jenna Dafoe, Classroom Teacher
Paula Greenglass, Speech Language Pathologist
Beverly Stanley, Grade K Classroom Teacher
Anna Gallo-Knight, Special Education Case Manager
Cynthia Peterson, Speech Language Pathologist
Barbara Boyd, Classroom Teacher
Rachel Scanzani, Classroom Teacher
Brian Miller, School Counselor
Kathleen Olden, Special Education Case Manager
Mark Bell, Assistant Principal of Special Education Services
Jack Curtis, Classroom Teacher
Eleanor Downing, Teacher of the Deaf
Katie LeLievre, Special Education Case Manager

III. NHDOE, Bureau of Special Education Representatives:

Santina Thibedeau, State Director of Special Education
Bridget Brown, Education Consultant
Deborah Krajcik, Education Consultant
Mary Lane, Education Consultant
Mary Steady, Education Consultant

Introduction:

The compliance component of the NHDOE Focused Monitoring Process includes both an internal and external review of Special Education data directly linked to compliance with state and federal Special Education rules and regulations. The review is an in depth analysis of IEPs with the participation of district IEP teams. This is intended to be a job-embedded professional development opportunity as well as a compliance review. In addition, there is a concurrent review of additional IEPs by NHDOE Special Education Bureau staff referred to as a “desk audit”. In order to assure consistency from district to district regarding the total number of IEPs reviewed, the NHDOE Special Education Bureau has determined that a total of eight (8) IEPs will be reviewed per school (unless the size of the school dictates a different number). Data gathered through the various compliance activities is reported back to the school’s Achievement Team, as well as the NHDOE, Bureau of Special Education. This is for the purpose of informing both the district and the NHDOE of the status of the district’s Special Education compliance with required special education processes, as well as the review of data related to programming, progress monitoring of students with disabilities, and alignment of Special Education programming with the curriculum, instruction and assessment systems within the school district.

Data Collection Activities:

As part of the NHDOE Focused Monitoring Process a Special Education compliance review was conducted in the Hudson School District. Listed below is the data that was reviewed as part of the compliance review, all of which are summarized in this report.

- Review of randomly selected IEPs.
- Review of LEA Focused Monitoring Compliance Application including:
 - Special Education Policy and Procedures
 - Special Education staff qualifications
 - Program descriptions
- Review of all district Special Education programming.
- Review of Out of District Files.
- When appropriate, review of student records for students with disabilities who are attending Charter Schools.
- Review of requests for approval of new programs, and/or changes to existing programs.

SUMMARY OF FINDINGS:

As part of the compliance component of Focused Monitoring, the NHDOE worked in collaboration with the Hudson School District to conduct reviews of student IEPs. The IEP Review Process has been designed by the NHDOE to assist teams in examining the IEP for educational benefit, as well as determine compliance with state and federal Special Education rules and regulations. The review is based on the fact that the IEP is the foundation of the Special Education process.

As required by the IEP review process, general and special educators in the Hudson School District were provided with a collaborative opportunity to review 19 IEPs. NHDOE Special Education Bureau conducted a desk audit of 29 IEPs that were randomly selected to determine if the documents included the following information:

- Appropriate procedures to determine eligibility for special education identification
- Student's present level of performance.
- Measurable annual goals related to specific student needs.
- Instructional strategies, interventions, and supports identified and implemented to support progress toward measurable goals.
- Assessment (formative and summative) information gathered to develop annual goals and to measure progress toward annual goals.
- Accommodations and/or modifications determined to support student access to the general curriculum instruction and assessment.
- Evidence of progress toward key IEP goals and the documented evidence of student gains over a three year period.
- Transition plans that have measurable postsecondary goals (for youth aged 16 and above as required by Indicator 13).
- Evidence of required documentation for preschool programming (for children ages 3-5).

The intended outcome of the IEP Review Process is not only to ensure compliance, but to also develop a plan for improved communication and collaboration between general and special educators, parents and students in the development, implementation and monitoring of IEPs.

**BELOW IS THE SUMMARY OF DISTRICT LEVEL FINDINGS THAT RESULTED FROM
THE IEP REVIEW PROCESS CONDUCTED IN THE
Hudson School District:**

**Building/District Summary of IEP Review Process
Conclusions/Patterns Trends Identified Through IEP Review Process:**

- Was it possible to assess the degree to which IEPs were designed to provide educational benefit (access to, participation and progress in the general curriculum)?

The IEP Review Teams at the building levels were able to determine the degree to which IEPs were designed to provide educational benefit. Taken as a whole the Hudson School District IEPs were designed to reflect the individual student needs and present levels of performance, identify specific measurable goals and in most cases relevant objectives, and include the accommodations/modifications and related services required to support student learning. While there was agreement among the team members that the IEPs were well designed documents there was also acknowledgment that some of the students reviewed were not provided with full access, participation and progress in the general curriculum.

- How has this process informed future plans for improving the writing of student IEPs and ensuring the student's participation in the general education curriculum?
 1. Consider regular education and special education collaboration in IEP development.
 2. Student participation in Response to Instruction/Multi-Tiered Systems of Support interventions and instruction.
 3. Standards based and measurable IEP goals.
 4. Increase use of data to measure base line performance and student progress.

5. Greater access and participation in the general education curriculum for students with an IEP.
 6. The following are representative statements from Team members:
 - a. Need to ensure that students are in Core instruction first.
 - b. Push-in services vs. pull-out services need to be reviewed.
 - c. More strategic goals in the area of academics, and clearer measurability.
 - d. Present levels of performance can be further developed and clear objectives for all goals.
 - e. Special education services and specialized instruction to be delivered in general education setting.
 - f. Greater use of present level of performance using assessments.
 - g. Have better understanding of how to look at IEP development more critically and to measure progress better.
 - h. Team will review student's performance in math within the general education curriculum.
 - i. Adding more math support.
 - j. Add more sensory diet goals.
 - k. Look more closely at behavior issues.
 - l. Add speech/language to present level of performance levels.
 - m. Add how disability affects curriculum.
 - n. More access to technology and assistive technology.
 - o. Document accommodations.
 - p. Student gaining more ownership of IEP goals.
 - q. Need transition plan.
 - r. Address data to clarify strengths and needs.
 - s. Goals tailored to meet Executive Function needs.
 - t. Look for improved documentation of progress monitoring.
- Describe how individual student performance information is conveyed from grade to grade/school to school:
 1. Annual planning meetings between grade-level teachers.
 2. Case managers between levels meet and share information. School transition meetings.
 3. Kindergarten and preschool personnel meet to discuss information.
 4. In some cases the special education case manager loops to reduce handoffs.
 5. Step-Up Day at middle school.
 6. IEP transition meetings with 9th grade representatives when students are transitioning from 8th to 9th.
 - How will the district further explore the factors that have impacted poor scores for individual students on state assessments and in the general education curriculum?
 1. Eligibility for special education identification practices is being reviewed.
 2. The implementation of RTI district-wide is an area of focus.
 3. Use of consistent screening and progress monitoring assessments.

- Strengths and suggestions identified related to IEP development/progress monitoring and services:

Strengths:

1. Very well written IEPs overall, district wide.
2. Well developed measurable IEP Goals for most IEPs.
3. Good use of available student achievement data.
4. Well developed present levels of performance for most IEPs.
5. Well detailed and understandable progress reports.
6. Use of existing resources to provide services to students with IEP while limited in some areas are well utilized.
7. Dedicated and professional staff who know and care for students and are committed to supporting student learning.
8. The Hudson School District Special Education Administrator has done a commendable job in updating policies and procedures to meet NHDOE compliance expectations and in providing leadership to the district.
9. The Hudson School District leadership team has demonstrated a clear commitment to high learning standards for all students and to a system wide improvement process.

Suggestions:

1. Access to the General Curriculum – There is a lack of access to general curriculum and instruction for some students with an IEP (e.g. Read 180 replaces core instruction, some students with IEPs are pulled out of core instruction).
2. Lack of system of tiered interventions for Tier 2 & 3.
3. Lack of consistent and protected 90 minute Language Arts block.
4. Lack of dedicated and protected time for planning, communication and collaboration among general, special education, related services and paraprofessional staff.
5. Lack of organized data teams at building and grade levels to analyze student outcomes and adjust instructional practices.
6. Staffing patterns – The limited number of Special Education teachers results in the need for individuals to be responsible for multiple grade ranges, curriculum contents and teachers which is neither efficient nor effective.
7. No time to meet, plan, collaborate and provide feedback with paraprofessionals whose schedules does not allow for time before, during and at the end of the school day.
8. Direct instruction is provided by non-HQT or certified staff for some students.
9. Lack of “push in” services by related services professionals. “Pull out” services are in part a result of staffing patterns and schedule.
10. Lack of guidance, or counseling, services to students (i.e. individual counseling).

District Wide Commendations:

1. Hudson School District staffs are taking very seriously the opportunity to identify opportunities for improvement. The leadership team is setting an example.
2. Teachers find time to collaborate, even when it is not available within their schedule (e.g. before school, during lunch time)
3. The Hudson School District staffs are treating systemic improvement as an urgent pursuit.

LEA Focused Monitoring Compliance Application:

As part of the Focused Monitoring data collection activities, the LEA Plan, which includes Special Education policies and procedures, was reviewed. In addition, personnel rosters were submitted to verify that staff providing services outlined in IEPs are qualified for the positions they hold. Also, program descriptions were reviewed and verified, along with follow up and review of any newly developed programs or changes to existing approved Special Education programs.

The LEA Plan, staff rosters, and program descriptions were all in order and meeting state requirements.

Findings Out of District File Review:

Based on the review of 2 IEP for a child with disabilities placed out of district, there was a total of 2 Findings of Noncompliance:

- The Evaluation Team did not include all required members in 2 IEPs reviewed. Not all components of the IEPs were included in 2 IEPs reviewed.

Students with Disabilities Attending Charter Schools:

There are no students attending Charter Schools.

Requests for Approval of New Programs and/or Changes to Existing Programs:

As part to the Focused Monitoring Compliance Component, the NHDOE reviews all requests for new programs in the district, and/or requests for changes to existing programs.

The Hudson School District has requested approval of 6 preschool special education classes as well as a new resource room program called the Bridges Program for students on the Autism spectrum in grades 6 through 8 at Hudson Memorial School.

The new Preschool Special Education Program classes seeks approval for 12 students per class with a 50-50 ratio of students with an IEP and typically developing students to create a learning environment for those students with a moderate disability who require a smaller class size with typical role models. The disabilities served in the preschool programs would include: Autism, Deaf-Blindness, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairments, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairments, Specific Learning Disability, Speech-Language Impairments, Traumatic Brain Injury and Visual Impairments with Preschool staff qualified in related areas.

The Bridges Program will be located at Hudson Memorial School and will provide resource room support and services to students in grades 6 through 8 who are on the Autism spectrum. The students would receive pre-teaching and re-teaching in addition to behavior management support during the day. The school year program's anticipated capacity is for 12 students ages 10 to 15 who are identified with Autism, Speech and Language Impairment or Other Health Impaired. The Bridges program will be supported by qualified special education staff. The curriculum utilized will be the Hudson School District's general curriculum thus ensuring access to the general curriculum.

Building/District Summary of IEP Review, Out-of-District File and Charter School Review Process:

| | Focused Monitoring | NHDOE Desk Audit |
|-------------------------------|--------------------|------------------|
| Preschool | 2 | 0 |
| Elementary School | 9 | 20 |
| Middle School | 3 | 5 |
| High School | 3 | 4 |
| Charter School | 0 | 0 |
| Out-of-District | 2 | 0 |
| Total Number of IEPs Reviewed | 19 | 29 |

FINDINGS OF NONCOMPLIANCE IDENTIFIED AS A RESULT OF THE NHDOE COMPLIANCE AND IEP REVIEW VISIT:

As a result of the 19 IEPs that were selected for the **Focused Monitoring IEP Review** on January 8-11 and 18, 2013, the following Findings of Noncompliance were identified:

Systemic Findings of Noncompliance

Systemic Findings of Non-compliance are defined as systemic deficiencies that have been identified through the IEP Review Process, which are in violation of state and federal special education rules and regulations. The NHDOE, Bureau of Special Education, requires that all Systemic No findings of Non-compliance.

1. Ed 1111.01(a) Placement in the Least Restrictive Environment; 300.114 (a)(2) LRE Requirements

Finding: The Focused Monitoring process identified evidence that not all students with disabilities were in the Least Restrictive Environment.

Child Specific Findings of Noncompliance

Please Note: *The NH Department of Education, Bureau of Special Education requires that Child Specific Findings of Noncompliance be addressed and resolved within 45 days of notification*

1. Ed 1108.01 Determination of Eligibility for Special Education; 34 CFR 300.306 Determination of Eligibility.

Finding: 3 IEPs lacked documentation that a group of qualified professionals and the parents determined that the child is a child with a disability.

2. Ed 1107.01(a) Evaluation; 34 CFR 300.306 (b)(1) Determination of eligibility.

Finding: 1 IEP lacked a statement that lack of appropriate instruction is the determinant factor for identification. .

3. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program.**
Finding: 3 IEPs lacked goals that addressed the student needs described in the present levels.
 4. **Ed 1109.01(a)(1) Elements of an Individualized Education Program.; 34 CFR 300.320 (a)(1) Definition of individualized education program.**
Finding: 3 IEPs lacked a statement of how disability affects involvement and participation.
 5. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320(b) Definition of individualized education program**
Finding: 1 IEP lacked evidence that the postsecondary goal was updated annually.
 6. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320(b)(1) Definition of individualized education program**
Finding: 1 IEP lacked evidence that the postsecondary goal was based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.
 7. **Ed 1109.01 (a)(9) Elements of an Individualized Education Program;**
Finding: 4 IEPs lacked evidence that progress is sufficient to achieve the annual goals by the end of the school year.
 8. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(4) Definition of individualized education program**
Finding: 3 IEPs lacked evidence of specially designed instruction.
 9. **Ed 1111.02 (a) Placement Decisions; 34 CFR 300.116 (b)(1) Placements**
Finding: 5 IEPs lacked documentation that the IEP team determined LRE at least annually.
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As a result of the 29 IEPs that were selected for the **NHDOE Desk Audit IEP Review** on January 8-11 and 18, 2013, the following Findings of Noncompliance were identified:

Systemic Findings of Noncompliance

Systemic Findings of Non-compliance are defined as systemic deficiencies that have been identified through the IEP Review Process, which are in violation of state and federal special education rules and regulations. The NHDOE, Bureau of Special Education, requires that all Systemic Findings of Non-compliance be corrected as soon as possible, but no later than one year from the report date.

No Systemic Findings of Non-compliance were identified.

Child Specific Findings of Noncompliance

Please Note: *The NH Department of Education, Bureau of Special Education requires that Child Specific Findings of Noncompliance be addressed and resolved within 45 days of notification.*

- 1. Ed 1107.01 (a) Evaluation; 34 CFR 300.306 (a)(1) Determination of eligibility**
Finding: 1 IEP lacked evidence that upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the child determined whether the child was a child with a disability.
- 2. Ed 1107.01 (a) Evaluation; 34 CFR 300.306 (c)(1) Determination of eligibility**
Finding: 1 IEP lacked evidence that the public agency 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.
- 3. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (1)(i) Definition of individualized education program**
Finding: 1 IEP did not include evidence of a statement of the child's present levels of academic achievement and functional performance including how the child's disability affects the child's involvement and progress in the general education curriculum.
- 4. Ed 1109.01 (a)(6) Elements of an Individualized Education Program**
Finding: 3 IEPs lacked evidence that each goal included short-term objectives or benchmarks unless the parent determined them unnecessary for all or some of the child's annual goals.
- 5. Ed 1103.01 (a) IEP Team; 34 CFR 300.321 (a)(2) IEP Team**
Finding: 4 IEPs lacked evidence that the IEP team included not less than one regular education teacher of the child in the development of the IEP.
- 6. Ed 1109.01 (a)(9) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(3)(i) Definition of individualized education program**
Finding: 3 IEPs lacked evidence of a statement of how the child's progress toward meeting the annual goals will be measured.
- 7. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(5) Definition of individualized education program**
Finding: 1 IEP lacked evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.