

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

**MANCHESTER
FOCUSED MONITORING
IEP COMPLIANCE REVIEW SUMMARY REPORT
2012-2013**

**Dr. Thomas J. Brennan Jr., Superintendent
Karen Burkush, Assistant Superintendent
Kenneth Duesing, Assistant Director of Student Services**

Chairpersons of Visiting Team
Jane Bergeron-Beaulieu, M.Ed., Edward Hendry, Ed.D.,
Joseph Miller Ph.D.
Education Consultants at SERESC

IEP Review Visit Conducted on February 7 & April 1, 2013
Desk Audit Reviews Conducted on March 7, 14, 20, 21 & 28, 2013
Report Date: June 24, 2013

IEP Compliance Review Team Members:

I. Visiting Team Members:

Jane	Bergeron-Beaulieu	Technical Consultant
Ed	Hendry	Technical Consultant
Joe	Miller	Technical Consultant
Colleen	Bovi	Technical Consultant
Mary Anne	Byrne	Technical Consultant
Jen	Dolloff	Technical Consultant
Diane	Lurvey	Technical Consultant
Maryclare	Heffernan	Technical Consultant
Marcia	Bagley	Preschool Coordinator
Devin	Bandurski	Director of Special Services
Meg	Beauchamp	Asst Director Special Instructional Services
Robert	Belmont	Director of Student Services
Kim	Carpione	Director of Pupil Services
Raina	Chick	Director of Student Services
Dana	Darrow	Head Teacher, Special Education
Kimberly	Degrappo	Assistant Dir of Spec Ed
Theodora	Denoncour	Special Ed. Teacher
Elaine	Dodge	Special Education Director
Leslie	Doster	Principal/SpEd Coordinator
Janet	Eccleston	Special Ed Teacher
Michele	Foley	Early Learning Childhood Ctr Director/Sped Coordinator
Karen	Gallagher	Director of Special Education
Ellen	Greenberg	Out of District Placement Coordinator
Connie	Helgerson	Sped Director
Ann	Holton	Direction of Special Education
Tim	Koumrian	Special Education Administrator
Barbara	Logan	Sped Director
Travis	McKellar	HS Spec Ed Teacher, Interim Spec Ed Coord
Mary	Paradise	Special Ed Administrator
Scott	Reuning	Special Education Director
Beth	Rincon	Assistant Director of PPS
Patricia	Stone	Director of Student Services
Paula	Wensley	Director of Student Services
Anne	Wilkinson	Sped Coordinator/Teacher
Roxanne	Wilson	Director of Pupil Personnel Services

II. Building Team Members:

Preschool

Deborah	Bailey	SLP
Ruth	Richardson	TOD
Thomas	Downes	Counselor of the Deaf
Jean	Dickson	School Psychologist
Laureen	Bates	Occupational Therapist
Anne	Farley	Case Manager
Charleen	Daniels	SLP
Pam	Agate	MSD Preschool Coordinator
Tracy	Razzano	SLP
Sharon	Fenton	Occupational Therapist
Robbie	Hewitt	Teacher
Janet	Mayo	Teacher
Cindy	Jennings	OT
Jack	Ooders	PE Teacher
Sandra	Sammartano	SLP
Jennifer	Briggs	Principal

Parker-Varney Elementary School

Terry	Birmingham	Case Manager
Susan	Golden	Classroom Teacher

Bakersville Elementary School

Robert	Gagni	SPED Teacher
Carol	Hendries	Teacher
Barbara	Varney	SLP
Jillian	Fillip	OT
Karen	Redd	LD Specialist
Jamie	McHugh	Classroom Teacher

Jewett St Elementary School

Wendy	Matthews	Resource Room Teacher
Carmelle	LaMothe	Grade 1 Teacher
Tammy	Roy	PT
Laureen	Bates	OT
Susanna	Minard	SLP
Peter	Lubelczyk	Principal
Cindy	Bannon	Sp Ed Teacher

Beech St Elementary School

Mary	Douglas	Case Manager
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Hannah	Boulanger	Classroom Teacher
Heather	Pattangall	SLP
Pat	Snow	Principal
Maureen	Madden	Special Needs Teacher
Abby	St. Pierre	Literacy Coach
Heather	Duffly	Emotional Behavioral Specialist

Gossler Park Elementary School

Mandi	Tappin	Assistant Principal
Patricia	Schou	3 rd Grade Teacher
Jennifer	Young	SLP/Case Manager
Suprina	Kolesar	Special Needs Teacher
Jeanne	Boutilier	LD Specialist
Natasha	Zyla	LD Specialist
Margaret	O’Leary	Grade 5 Teacher
Lori	Upham	Principal

Green Acres Elementary School

Diane	Melin	Special Education
Lauren	Roberson	SLP
Jackie	Langdon	Emotional and Behavioral
Cheryl	Kearney	Classroom Teacher
Cynthia	O’Neill	Assistant Principal

Hallsville Elementary School

Sarah	Auger	Grade 3 Teacher
Kathy	Scott	LD Specialist
Donna	Bryant	SLP
Kathryn	Bell	Guidance Counselor
Krystle	Rossbach	Kindergarten Teacher
Donna	Bryant	SLP
Rachelle	Otero	Principal

Highland-Goffe’s Falls Elementary

Karen	Smith	5 th Grade Teacher
Kiernan	Osgood	Speech
Monique	Flynn	LD Specialist
James	Adams	Principal
Rhonda	Vitagliano	Assistant Principal
Amy	Duval	OT
Elise	Korbet	Teacher
Kelly	Bresnahan	Case Manager
Paul	Levasseur	EBD Teacher

McDonough Elementary School

Kristy	Vose	OT
Stephen	Molloy	Classroom Teacher
John	McCafferty	EBD Teacher
Annette	Cuvellier	LD Specialist/Case Manager
Shannon	Gagnon	SLP
Wendy	Katsekas	Assistant Principal
Matt	Lemieux	Case Manager
Tom	Brisson	4 th Grade Teacher

Northwest Elementary School

Melissa	Gill	Special Education Teacher
Shauna	Cote	Classroom Teacher
Jane	Gatsas	SLP
Sarah	Martin	OT
Shelly	Larochelle	Principal
Patty	Hurley	LD Specialist
Laurie	Cloutier	Special Educator
Sue	Correia	Physical Therapy
Sarah	Martin	OTR/L
Patty	Hurley	LD Specialist
Lisa	Place	Special Educator
Kate	Griffin	Case Manager
Kerry	Kubat	Classroom Teacher
Nathalie	Watson	EL Teacher

Smyth Road School

Steve	Soucy	Assistant Principal
Theresa	Chabot	Case Manager
Catherine	Davis	Classroom Teacher

Webster Elementary School

Susan	O'Connor	SLP
Helen	Handley	LD Specialist
Celeste	Grenon	Special Education Teacher
Kristi	Suter	Classroom Teacher
Teresa	Hamlin	Classroom Teacher

Weston Elementary School

Linda	Malo	Classroom Teacher
Karen	Grosfelt	Special Education Teacher
Vanessa	Gagnon	Case Manager

Renee	Hahn	SLP
Wendy	Black	OT
Lizabeth	MacDonald	Principal
Aviva	Warford	LD Specialist/Case Manager
Lindsay	Murray	Classroom Teacher
Peg	Reekie	Teacher of the Deaf/Hard of Hearing

Wilson Elementary School

Katie	Mackey	Special Education Teacher
Tim	Freeman	Classroom teacher
Elissa	Firmes	LD Specialist
Lynn	Violet	SLP
Stephanie	Wheeler	Assistant Principal
Kelly	Espinola	Classroom teacher

III. NHDOE, Bureau of Special Education Representatives:

McKenzie	Harrington	Education Consultant
Mary	Lane	Education Consultant
Ruth	Littlefield	Education Consultant
Debbie	Krajcik	Education Consultant
Linda	Potter	Technical Assistant

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 Manchester School District Elementary Schools. 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:**IEP Review Process:**

As part of the compliance component of Focused Monitoring, the NHDOE worked in collaboration with the Manchester School District Elementary Schools 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 Manchester School District Elementary Schools were provided with a collaborative opportunity to review 60 IEPs.

NHDOE Special Education Bureau conducted a desk audit of 56 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 Manchester School District Elementary Schools:

**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)?

- IEP reflected change annually
- Many children were making progress based on available data and goals and services are modified appropriately
- Better baseline data and more specific objectives will allow a better assessment of whether the IEP results in educational benefit
- Several IEP's reflected special education "pull out" programming where students were being provided with substantially separate curriculum without full access and participation in the general education 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?

- More specific baseline data to create present levels and reference the student work in the present levels

- Goals will be adjusted when performance is inconsistent or short of benchmark
- The process requires reflection and collaboration around the IEP
- The writing, implementation and monitoring of IEPs varies from school to school which presents challenges for students who are highly mobile and move frequently

Describe how individual student performance information is conveyed from grade to grade/school to school:

- Grade level meetings
- Middle school attends end of year IEP meetings
- When possible preschool programs include kindergarten staff in the design of IEPs

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?

- See recommendations outlined in the Focused Monitoring Summary Report

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

Strengths:

- Team collaboration has been very strong (between general education and special education)
- Know students well – whole child approach
- Thorough three year evaluations
- Culture of collective responsibility
- Committed staff
- Parent input and involvement in IEP
- In most cases goals are measurable and objectives are short-term and build towards the goal
- Very organized IEPs
- Staff knowledge of curriculum, rules, and regulations
- Allowed flexibility to adapt instruction to student need

Suggestions:

- Improve use of baseline data in writing of IEPs; less subjectivity in present levels
- Focus present levels of student performance to match more specifically to curriculum areas
- Clearer statements of need for recommended placement as LRE
- Measurable goals – both academic and related services could be strengthened (detailed present levels)
- More clearly explain “why” the student is being removed from the general education classroom
- Review case management assignments to ensure that case loads are not too heavy
- Be sure to document in IEP when special education services are changed – call meeting

- More diagnostic testing/interventions in mathematics
- Speech/language pathologists in all elementary schools are encouraged to meet and agree on common tool to measure progress.
- Align IEP goals with Common Core State Standards/District General Education Curriculum
- Formal collaboration time for general and special educators
- Continue to discuss methods to fully engage parents, especially those parents that speak English as a second language.

District Wide Commendations:

- Staff and administration worked in partnership with the NHDOE throughout the Focused Monitoring IEP Review Process
- The district is open to suggestions for improvement and willing to dedicate necessary professional development
- There has been ongoing professional development provided to special educators in regard to writing of IEPs, as well as special education policy and procedure
- Educators in all of the elementary schools were described as dedicated and caring individuals who are eager to provide quality programming to all students
- The district has been carefully monitoring all aspects of compliance as related to state and federal special education rules and regulations
- There have been ongoing efforts to encourage collaboration and communication between general and special educators

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 reviewed and determined to be in order and in compliance with both state and federal special education requirements.

Out of District File Review:

Based on the review of 3 of files for a child with disabilities placed out of district, there were **NO** Findings of Noncompliance.

Students with Disabilities Attending Charter Schools:

Based on the review of 1 file for a child with disabilities attending a charter school, there was **1** Finding of Noncompliance.

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 Manchester School District did not file any applications for changes in approval of special education programs.

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

	Focused Monitoring	NHDOE Desk Audit
Preschool	4	10
Elementary School	52	46
Middle School	N/A	N/A
High School, Age below 16	N/A	N/A
High School, Age 16 or above	N/A	N/A
Charter School	1	0
Out-of-District	3	0
Total Number of IEPs Reviewed	60	56

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

As a result of the 60 IEPs that were selected for the **Focused Monitoring IEP Review** on February 7 and April 1, 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.*

1. **Ed 1111.01 (a) Placement in the Least Restrictive Environment; 34 CFR 300.114 LRE requirements**

Through the IEP review process and related focused monitoring activities, it was evident that students with disabilities provided with “pull out” instruction are not provided with full access to and participation in the general education curriculum.

2. **Ed 1113.09 (a) Equipment, Materials and Assistive Technology; 34 CFR 300.105 Assistive technology**

The LEA shall provide appropriate instructional materials and equipment adequate to implement IEPs for each child with a disability as required by 34 CFR 300.105.

As a result of the IEPs reviews conducted in the elementary schools, it was evident that there were insufficient supplies, materials and equipment to fully implement IEPs.

3. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**

As a result of the IEPs reviewed 25 lacked statements of annual measurable goals.

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 300.304 (b) Evaluation procedures**

Finding: 2 IEPs lacked evidence that a variety of instruments were used in deciding the student was eligible for special education services.

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

Finding: 4 IEPs lacked a statement that lack of appropriate instruction is the determinant factor for identification.

3. **Ed 1108.01 Determination of Eligibility for Special Education; 34 CFR 300.306 (c)(1) Determination of eligibility**

Finding: 1 IEP lacked the most recent medical evaluation as part of the evidence.

4. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**

Finding: 25 IEPs lacked statement of annual measurable goals, which includes those IEPs that lacked baseline data, insufficient present levels of performance, or measurable goals.

5. **Ed 1111.02 (a) Placement Decisions; 34 CFR 300.116 Placements**

Finding: 12 IEPs lacked an explanation of why a student was not participating with their nondisabled peers or failed to show evidence that the potentially harmful effects of placement were considered annually.

6. **Ed 1113.08 (c) Curricula**

Finding: 1 IEP lacked evidence that appropriate accommodations were in place and monitored.

7. **Ed 1113.08 (b) Curricula; 34 CFR 300.320 (a)(4)**

Finding: 3 IEPs lacked evidence that specially designed instruction was provided to address the unique needs of the child to ensure access to the general education curriculum.

Charter School

1. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(6)(i) Definition of individualized education program**

Participation in State Assessments

Finding: The student file reviewed lacked evidence that the student had participated in state assessments.

As a result of the 56 IEPs that were selected for the **NHDOE Desk Audit IEP Review** on March 7, 14, 20, 21 & 28, 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.

There were no systemic findings of noncompliance 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 300.304 (c)(4) Evaluation procedures**
Finding: 2 IEP files lacked evidence the child was assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- 2. Ed 1108.01 (b)(1) Determination of Eligibility; 34 CFR 300.306 (a)(1) Determination of eligibility**
Finding: 2 IEP files lacked evidence of appropriate IEP team composition. There was no evidence of a teacher certified in the area of suspected disability.
- 3. 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.
- 4. Ed 1107.02 (b) Evaluation Requirements for Children with Specific Learning Disabilities; 34 CFR 300.307 (a) Specific learning disabilities**
Finding: 4 IEPs were of students identified with specific learning disabilities, and the Specific Learning Disability Eligibility Determination form used for eligibility determination did not match the district's LD Evaluation policy at that time.
- 5. Ed 1107.01 (a) Evaluation; 34 CFR 300.304 (b)(1)(ii) Evaluation procedures**
Finding: 2 IEPs did not have evidence of the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child that may assist in determining the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum.

- 6. Ed 1107.01 (a) Evaluation; 34 CFR 300.306 (c)(1)(i) Determination of eligibility**
Finding: 1 IEP did not have evidence of that the team drew upon 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.
- 7. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (1)(i) Definition of individualized education program**
Finding: 3 IEPs 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.
- 8. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**
Finding: 11 IEPs lacked evidence of statements of measurable annual goals.
- 9. Ed 1109.01 (a)(6) Elements of an Individualized Education Program**
Finding: 6 IEPs lacked evidence that each IEP included short-term objectives or benchmarks unless the parent determined them unnecessary for all or some of the child's annual goals.
- 10. Ed 1103.01 (a) IEP Team; 34 CFR 300.321 (a)(2) IEP Team**
Finding: 2 IEP files lacked evidence that the IEP team included not less than one regular education teacher of the child in the development of the IEP.
- 11. Ed 1109.03 (h) When an IEP Is in Effect; IEP Meetings; Development, Review, and Revision of an IEP; Transition Services; 34 CFR 300.324 (2) Development, review, and revision of IEP**
Finding: 1 IEPs lacked evidence of consideration of special factors [(i) behavior (ii) limited English proficiency (iii) blind or visually impaired (iv) communication needs (v) assistive technology devices and services].
- 12. 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 lack evidence of a statement of program modifications.
- 13. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(4) Definition of individualized education program**
Finding: 1 IEP lacked evidence of a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child.
- 14. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(5) Definition of individualized education program**
Finding: 6 IEPs lacked evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.