

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

**SPECIAL EDUCATION COMPLIANCE
MONITORING REVIEW REPORT**

**Northwood School District
2013-2014**

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**Compliance Monitoring Visit Conducted on November 25, 2013
Report Date: January 21, 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
- 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 Northwood School District was selected through this process. The Northwood School District is comprised of one school, the Northwood Elementary School with a grade span of K-8. 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 Northwood School District. During the onsite visit, the monitoring team selected 8 of the 10 student files to review.

The monitoring visit, which was conducted on November 25, 2012, consisted of New Hampshire Department of Education (NHDOE) team members 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. Many of the district 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 NHDOE, Bureau of Special Education review members for this compliance monitoring review included Santina Thibedeau, State Director of Special Education, and Deborah Krajcik, Education Consultant.

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 Ed 1105
- Confidentiality of Information pursuant to Ed 1119
- Facilities, Personnel and Services pursuant to Ed 1126.01(b)(3)
- Personnel Development pursuant to Ed 1126.01(b)(4)
- Parent Involvement pursuant to Ed 1126.01(b)(5)
- Public Participation pursuant to Ed 1126.01(b)(6)
- Procedural Safeguards pursuant to Ed 1120
- Referral and Disposition of Referral pursuant to Ed 1106
- Evaluation pursuant to Ed 1107
- Determination of Eligibility for Special Education pursuant to Ed 1108
- Individualized Education Program pursuant to Ed 1109
- Placement of Children with Disabilities pursuant to Ed 1111
- State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities pursuant to Ed 1126
- Participation with Other Agencies pursuant to Ed 1126.01(b)(10)
- Private School Requirements pursuant to Ed 1126.01(b)(11)
- Accessible Instructional Materials pursuant to Ed 1126.01(b)(12)
- Disciplinary Procedures for Children with Disabilities pursuant to Ed 1124
- Dispute Resolution
 - Complaint Procedures pursuant to Ed 1121
 - Alternative Dispute Resolution pursuant to Ed 1123
 - Administrative Due Process Hearing Procedures pursuant to Ed 1123
- Local Education Agency Request for Special Education Funds pursuant to Ed 1126.01

Policies and Procedures

Based on the review of the Northwood School District's policies and procedures manual, the monitoring team determined there were **no findings of noncompliance**.

Effective Implementation of Practices

As part of the student file review, the Bureau of Special Education also looked for evidence that the policies and procedures were effectively being implemented. The following are specific findings of noncompliance that must be corrected as soon as possible but no later than June 30, 2014.

When the monitoring team was verifying the evidence of compliance, the district was using a form titled "Parental Permission to Waive Time Limits." Although the form complied with Ed 1103.02(b), it did not comply with Ed 1120.04(c), Ed 1120.04(d), 34 CFR 300.300, Ed 1107.01(d), Ed 1106.01(d), and 34 CFR 300.323 (c). The form erroneously seeks to have parents waive time limits that are not able to be waived in accordance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. None of the student files reviewed utilized the wavier options that were not permissible in the *New Hampshire Rules for the Education of Children with Disabilities* and therefore, there were no individual instances of noncompliance.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.300; 34 CFR 300.323 (c) Ed 1106.01(d); Ed 1107.01(d); Ed 1120.04(c); Ed 1120.04(d)	Parental Consent
Corrective Action regarding the Implementation of the Regulations: The Northwood School District must immediately notify staff to stop using the district created form titled "Parental Permission to Waive Time Limits" and provide evidence of how the district is implementing Ed 1103.02(b) as well as how school staff is informed of the new practice to the NHDOE by June 30, 2014.	

Upon review of Policy #IHBA - Determination of Eligibility of Specific Learning Disability along with the district created form, Specific Learning Disability Eligibility Checklist; the monitoring team discovered that the eligibility checklist could potentially be viewed as limiting. The determination of a specific learning disability relies on the professional judgment of the team using multiple supporting evidences. The form that is currently being used does not instruct the team to look at a "variety of sources" and that the information from the sources are "documented and carefully considered." It appears that the questions build upon "if yes/no then proceed to the next question." Criteria cannot be answered by "yes or no" answers but rather the group should consider the language and the criterion and make a decision as a result of the process, not a simple "yes or no." The omitting of specific language regarding the process of the group is not consistent with the spirit of IDEA.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.306(c); Ed 1107.01(a)	Determination of Eligibility
Corrective Action regarding the Implementation of the Regulations: The Northwood School District must revise the Specific Learning Disability Eligibility Checklist and provide evidence of how the district is implementing 34 CFR 300.306(c) as well as how school staff is informed of the new practice to the NHDOE by June 30, 2014.	

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.

- Upon review of documents, the role and area of certification of team member participants was not clear. When signing in at IEP Team meetings, include the participants' role(s) and area(s) of certification.
- When reviewing the Record of Access, there was no indication of the authorized personnel for student files. Clearly post the list of authorized personnel with student files.
- When reviewing determination of eligibility for students with specific learning disabilities, summary reports did not typically include the classroom observation and vision and hearing assessments. Within the evaluation team summary, along with the academic performance and intelligence assessments, include the classroom observation, vision assessment, and hearing assessment for the determination of eligibility for specific learning disabilities.
- When reviewing written prior notices, multiple actions were included on one form. Reviewers could not clearly distinguish the required components of the written prior notice for each action. Develop a district practice to complete a separate written prior notice for each action or clearly enumerate the components for each action on one form (Determination of Eligibility, IEP, and Placement).

Special Education Personnel

The Bureau of Special Education has reviewed the Northwood School District special education staff certifications using the New Hampshire Educator Information System. The review process was for special education educators employed during 2013-2014 school year.

The data for Northwood Elementary School was generated on November 5, 2013. At the Northwood Elementary School each special education educator'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 citation, the level of noncompliance, 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.

Compliance Summary for Northwood Elementary School

For any area identified below as not meeting with compliance with rules and regulations, a finding of noncompliance is being identified. Required evidence to correct noncompliance is provided later in the document. For the Northwood School District, there are eleven findings of noncompliance.

AREA OF COMPLIANCE	COMPLIANCE WITH RULES & REGULATIONS	INDIVIDUAL INSTANCES OF NONCOMPLIANCE
1. Record of Access; Confidentiality Requirements	No	1
2. Evaluation; Determination of Eligibility for Special Education	No	3
3. Written Prior Notice (Determination of Eligibility)	No	6
4. Individualized Education Program	Yes	None
5. IEP Team; Participants in the Special Education Process	Yes	None
6. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)	No	9
7. Procedures for Determining Eligibility and Educational Need	Yes	None
8. Consideration of Special Factors	Yes	None
9. Courses of Study	No	1
10. Measurable Annual Goals; Short-term Objectives or Benchmarks	No	8
11. Review and Revision of IEPs (Measuring Progress)	No	1
12. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)	Yes	None
13. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)	No	3
14. Definition of Individualized Education Program (Justification for Non-Participation)	No	3
15. Definition of Individualized Education Program (State and District Wide Assessments)	Yes	None
16. Procedural Safeguards (Written Prior Notice for IEP)	No	11
17. Written Prior Notice (Placement)	No	19

Findings of Noncompliance

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.02(a)		1. Record of Access; Confidentiality Requirements
Self-Assessment Question Number	Regulatory Component	Review Status
1.	34 CFR 300.614 Ed 1119.02(a)	7 out of 8 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.
<p>Corrective Action of Individual Instance of Noncompliance: For student file B there was no evidence of a record of access to education records. Within 3 weeks of the date of this report, provide evidence that the student is no longer within the jurisdiction of the district. With the evidence, no further action will be required. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: The district policy states that authorized employees do not need to sign the record of access; however there was no evidence regarding which employees are authorized. Within 3 weeks of the date of this report, the district must establish procedures identifying which employees are authorized to review education records for students with IEPs.</p> <p>The NHDOE will select two new files for updated data demonstrating compliance with this requirement and will verify that this procedure has been developed through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.15 Ed 1107; Ed 1108		2. Evaluation; Determination of Eligibility for Special Education
Self-Assessment Question Number	Regulatory Component	Review Status <i>(Seven files were reviewed for this area as the most current determination of eligibility for one student was completed in another district.)</i>
2.	34 CFR 300.306(a)(1) Ed 1108.01(a)	Upon completion of assessments, 7 out of 7 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.
3.	Ed 1108.01(b)(1)	For determination of eligibility, 4 out of 7 IEP files demonstrated evidence that the composition of the IEP team also included a teacher certified in each area of suspected disability.
4.	Ed 1108.01(b)(2)	For determination of eligibility, 7 out of 7 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.
5.	Ed 1107.04(b)	7 out of 7 IEP files demonstrated evidence that qualified examiners for specific disabilities as set forth in Table 1100.1 completed the required assessments.
6.	34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	7 out of 7 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.
7.	Ed 1107.02(b)	For students identified with a specific learning disability, 2 out of 2 IEP files demonstrated evidence that the determination was based on the district's specific learning disability policy.
8.	34 CFR 300.304(c)(6) Ed 1108.01(a)	7 out of 7 IEP files demonstrated evidence that the evaluation was sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
<p>Corrective Action of Individual Instance of Noncompliance: For student files B, D, and G there was no evidence that the composition of the IEP team to determine eligibility also included a teacher certified in each area of suspected disability. Within 3 weeks of the date of this report, provide evidence that student B is no longer within the jurisdiction of the district. With the evidence, no further action will be required for student B. Within 45 days of the date of this report, the district must convene the IEP teams, including a teacher certified in each area of suspected disability, to review the identification of eligibility. 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 ensure that there are teachers certified in each area of suspected disability. Provide a brief description of the training including the dates of the training and lists of staff in attendance to the NHDOE by June 30, 2014.</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		3. Written Prior Notice (Determination of Eligibility)
Self-Assessment Question Number	Regulatory Component	Review Status <i>(Seven files were reviewed for this area as the most current determination of eligibility for one student was completed in another district.)</i>
9.	Ed 1120.03(a)	6 out of 7 IEP files demonstrated evidence that the parent(s) of a child with a disability were notified in writing within a reasonable time, but not less than 14 days, before the LEA proposed to initiate or change, or refused to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.
10.	34 CFR 300.503(b)(1) Ed 1120.03(b)	7 out of 7 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.
11.	34 CFR 300.503(b)(2) Ed 1120.03(b)	7 out of 7 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.
12.	34 CFR 300.503(b)(3) Ed 1120.03(b)	7 out of 7 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.
13.	34 CFR 300.503(b)(4) Ed 1120.03(b)	7 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a statement that says the parents of a child with a disability have protection under the procedural safeguards.
14.	34 CFR 300.503(b)(4) Ed 1120.03(b)	For notices not for an initial referral for evaluation, 3 out of 3 IEP files demonstrated evidence that the LEA notified the parents of a means by which a copy of the procedural safeguards can be obtained. (Four student files were of students with initial evaluations.)
15.	34 CFR 300.503(b)(5) Ed 1120.03(b)	7 out of 7 IEP files lacked evidence that the notice given to the parents of a child with a disability included sources for the parents to contact to obtain assistance in understanding the provisions of the notice.
16.	34 CFR 300.503(b)(6) Ed 1120.03(b)	5 out of 7 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.
17.	34 CFR 300.503(b)(7) Ed 1120.03(b)	4 out of 7 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.
18.	34 CFR 300.503(c)(1)(i) Ed 1120.03(b)	7 out of 7 IEP files lacked evidence that the notice given to the parents of a child with a disability was written in language understandable to the general public.
19.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	7 out of 7 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: Develop a procedure that identifies for parent(s) the reasonable time (not less than 14 days) to receive notification in writing of the district's action, as well as a procedure to address the other requirements of the written prior notice components. Provide training to staff on completing the written prior notice in order for staff to appropriately document each component. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p> <p>The NHDOE will select two new student files for updated data demonstrating compliance with this requirement and will verify that the procedure for identifying for parents(s) the reasonable time to receive notification has been developed and that the written prior notices are complete including a description of other options and other factors through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		4. Individualized Education Program
Self-Assessment Question Number	Regulatory Component	Review Status
20.	Ed 1109.01(a)(5)	8 out of 8 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.

21.	Ed 1109.04(a)	8 out of 8 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.
22.	34 CFR 300.323(c)(1) Ed 1109.03(a)	For an initial IEP, 3 out of 3 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. <i>(Five student files were not of students with initial IEPs.)</i>
23.	34 CFR 300.323(a) Ed 1109.03(1)	8 out of 8 IEP files demonstrated evidence that an IEP was in place at the beginning of the school year.
24.	Ed 1109.03(d)	5 out of 5 IEP files demonstrated evidence that the IEP was reviewed annually. <i>(Three student files were of students with initial IEPs.)</i>
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321(a) Ed 1103.01		5. IEP Team; Participants in the Special Education Process
Self-Assessment Question Number	Regulatory Component	Review Status
25.	34 CFR 300.321(a)(1) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that the IEP Team included the parents of the child.
26.	34 CFR 300.321(a)(2) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child.
27.	34 CFR 300.321(a)(3) Ed 1103.01(a)	8 out of 8 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.
28.	34 CFR 300.321(a)(4) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that the IEP Team included an LEA representative.
29.	Ed 1103.01(c)	If vocational education was being considered, 1 out of 1 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education program being considered.
30.	Ed 1103.02(a)	6 out of 8 IEP files demonstrated 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. 2 out of 2 of those IEP files demonstrated evidence of the written consent of the parent that the notice requirement shall be waived [Ed 1103.01(b)].
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a); 34 CFR 300.324(a)(1) Ed 1109.01(a)(1); Ed 1109.03(h)		6. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number	Regulatory Component	Review Status
31.	34 CFR 300.324(a)(1)(i) Ed 1109.03(h)	8 out of 8 IEPs demonstrated evidence of a statement of the child's strengths.
32.	34 CFR 300.324(a)(1)(iv) Ed 1109.03(h)	3 out of 8 IEPs demonstrated evidence of a statement of the child's academic, developmental, and functional needs.
33.	34 CFR 300.324(a)(1)(ii)	5 out of 8 IEPs demonstrated evidence of a statement of the

	Ed 1109.03(h)	parent's concerns for improving the student's education in the IEP.
34.	34 CFR 300.324(a)(1)(iii) Ed 1109.03(h)	7 out of 8 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.
35.	34 CFR 300.320(a)(1)(i) Ed 1109.01(a)(1)	8 out of 8 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.
36.	34 CFR 300.320(a)(4)(ii) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a statement that describes how the student's disability affects non-academic areas.
37.	34 CFR 300.320(a)(1)(ii) Ed 1109.01(a)(1)	For preschool children, as appropriate, 2 out of 2 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 A, C, E, G, and H, there was no evidence of a statement of the child's academic, developmental, and functional needs. For student files A, C, and E, there was no evidence of a statement of the parent's concerns for improving the student's education in the IEP. For student file H, there was no evidence that the results of initial or most recent evaluations of the child were included in the IEP. Within 45 days of the date of this report, the district must amend the IEPs to include all required components of the present levels of academic achievement and functional performance. 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 include a statement of the child's academic, developmental, and functional needs; parent's concerns; and the results of initial or most recent evaluations in IEPs. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p>		
<p>The NHDOE will select four 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 300.306(c)(1)(i) Ed 1108.01(a)		7. Procedures for Determining Eligibility and Educational Need
Self-Assessment Question Number	Regulatory Component	Review Status
38.	34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	8 out of 8 IEPs demonstrated evidence that a variety of sources were used for decision-making when developing the IEP 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.
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(a)(2) Ed 1109.03(h)		8. Consideration of Special Factors
Self-Assessment Question Number	Regulatory Component	Review Status
39.	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.

40.	34 CFR 300.324(a)(2)(ii) Ed 1109.03(h)	When a child demonstrates limited English proficiency, 0 out of 0 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>
41.	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>
42.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	8 out of 8 IEPs demonstrated evidence that the IEP Team considered the communication needs of the child.
43.	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>
44.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	8 out of 8 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)		9. Courses of Study
Self-Assessment Question Number	Regulatory Component	Review Status
45.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 7 out of 8 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.
<p>Corrective Action of Individual Instance of Noncompliance: For student file F there was no 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. Within 45 days of the date of this report, the district must amend the IEPs to include the student's courses of study. 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 this area beginning at age 14 or younger, if determined appropriate by the IEP team. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p> <p>The NHDOE will select two new student files for updated data demonstrating compliance with this requirement</p>		

and will verify the evidence through a subsequent on-site review.		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		10. Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number	Regulatory Component	Review Status
46.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	0 out of 8 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.
47.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	8 out of 8 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.
48.	34 CFR 300.320(a)(2)(i)(B) Ed 1109.01(a)(1)	If there are other educational needs that result from the child's disability, 8 out of 8 IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs.
49.	Ed 1109.01(a)(6)	8 out of 8 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: For student files A, B, C, D, E, F, G, and H there was no evidence of a statement of measurable annual goals. Within 3 weeks of the date of this report, provide evidence that student B is no longer within the jurisdiction of the district. With the evidence, no further action will be required for student B. Within 45 days 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 this area. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p> <p>The NHDOE will select four 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 300.324(b)(1)(ii) Ed 1109.01(a); Ed 1109.03(h)		11. Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number	Regulatory Component	Review Status
50.	Ed 1109.01(a)(9)	8 out of 8 IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals will be measured.
51.	Ed 1109.01(a)(9)	7 out of 8 IEPs demonstrated evidence that the IEP includes a statement whether progress is sufficient to achieve the annual goals by the end of the school year
52.	Ed 1109.01(a)(8)	8 out of 8 IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents.
53.	34 CFR 300.324(b)(1)(ii) Ed 1109.03(h)	5 out of 5 IEPs demonstrated evidence that the IEP has been reviewed and revised, as appropriate. <i>(For three student files, review and revision of the IEP was not determined appropriate.)</i>

Corrective Action of Individual Instance of Noncompliance: For student file G there was no evidence that the IEP included a statement whether progress is sufficient to achieve the annual goals by the end of the school year. A statement indicating that each goal will be met by the end of the school year or by the end of the IEP period was not included. Within 45 days of the date of this report, the district must amend the IEP to include the statement. The NHDOE will verify this through a subsequent on-site review.

Corrective Action regarding the Implementation of the Regulations: Provide training to appropriate staff to address this area. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.

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.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1102; Ed 1109.03(a)		12. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number	Regulatory Component	Review Status
54.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a)	8 out of 8 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.
55.	Ed 1102.01(b)	If accommodations are included, 8 out of 8 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.
56.	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)		13. 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
57(a).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a statement of special education.
57(b).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	7 out of 8 IEPs demonstrated evidence of a statement of related services.
57(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>
57(d).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	4 out of 4 IEPs demonstrated evidence of a statement of the program modifications or supports for school personnel. <i>(Four student files were of students where the IEP Team did not</i>

		<i>determine that program modifications or supports for school personnel were necessary.)</i>
58.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	8 out of 8 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.
59.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	8 out of 8 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.
60.	Ed 1109.04(b)(1)	8 out of 8 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education and related services provided.
61.	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>
62.	Ed 1109.04(b)(3)	1 out of 1 IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications made. <i>(Seven files were not applicable in this area.)</i>
63.	Ed 1109.04(b)(4)	2 out of 4 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel implementing the IEP. <i>(Four files were not applicable in this area.)</i>
<p>Corrective Action of Individual Instance of Noncompliance: For student file D there was no evidence of a statement of related services. For student files C and G, there was no written evidence documenting implementation of the IEP with regards to supports provided for school personnel implementing the IEP. Within 45 days of the date of this report, the district must amend the IEP to include the statement of related services for student file D. The NHDOE will verify this through a subsequent on-site review.</p>		
<p>Corrective Action regarding the Implementation of the Regulations: Within 4 weeks of the date of this report, the district must ensure that there is written evidence documenting implementation of the IEP with regards to supports provided for school personnel implementing the IEP for student files C and G. Develop a procedure for ensuring that there is written evidence documenting implementation of the IEP. Provide training to appropriate staff to address this area. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p> <p>The NHDOE will select two student files for updated data demonstrating compliance with evidence of a statement of related services and select two additional student files for updated data demonstrating compliance with ensuring that there is written evidence documenting implementation of the IEP. The NHDOE will verify the evidence through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		14. Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number	Regulatory Component	Review Status
64.	34 CFR 300.320(a)(5) Ed 1109.01(a)(1)	3 out of 6 IEPs 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, and E 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. Within 45 days of the date of this report, the district must amend the IEP 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 this area. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p>		
<p>The NHDOE will select two 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) Ed 1109.01(a)(1)		15. Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number	Regulatory Component	Review Status
65.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)	6 out of 6 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.
66.	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>
67.	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		16. Procedural Safeguards (Written Prior Notice for IEP)
Self-Assessment Question Number	Regulatory Component	Review Status
68.	Ed 1120.03(a)	7 out of 8 IEP files demonstrated evidence that the parent(s) of a child with a disability were notified in writing within a reasonable time, but not less than 14 days, before the LEA proposed to initiate or change, or refused to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.
69.	34 CFR 300.503(b)(1) Ed 1120.03(b)	8 out of 8 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.
70.	34 CFR 300.503(b)(2) Ed 1120.03(b)	6 out of 8 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.
71.	34 CFR 300.503(b)(3) Ed 1120.03(b)	6 out of 8 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.
72.	34 CFR 300.503(b)(4) Ed 1120.03(b)	8 out of 8 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a statement that says the parents of a child with a disability have protection under the procedural safeguards.
73.	34 CFR 300.503(b)(4) Ed 1120.03(b);	For notices not for an initial referral for evaluation, 3 out of 3 IEP files demonstrated evidence that the LEA notified the parents of a means by which a copy of the procedural safeguards can be obtained.
74.	34 CFR 300.503(b)(5) Ed 1120.03(b)	8 out of 8 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included sources for the parents to contact to obtain assistance in understanding the provisions of the notice.
75.	34 CFR 300.503(b)(6) Ed 1120.03(b)	6 out of 8 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.
76.	34 CFR 300.503(b)(7) Ed 1120.03(b)	4 out of 8 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
77.	34 CFR 300.503(c)(1)(i) Ed 1120.03(b)	8 out of 8 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was written in language understandable to the general public.
78.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	8 out of 8 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.
79.	34 CFR 300.504(a) Ed 1120.03(b)	8 out of 8 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.

Corrective Action regarding the Implementation of the Regulations: Develop a procedure that identifies for parent(s) the reasonable time (not less than 14 days) to receive notification in writing of the district's action, and provide training to appropriate staff. (Please note that parental consent cannot be obtained without the requisite prior written notice.) Provide training to staff on completing the prior written notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.

The NHDOE will select four student files for updated data demonstrating compliance with this requirement and will verify that the procedure for identifying for parents(s) the reasonable time to receive notification has been developed and that the written prior notices are complete including an explanation of why the agency proposed or refused to take the action; a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; and a description of other options and other factors through a

subsequent on-site review.		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03		17. Written Prior Notice (Placement)
Self-Assessment Question Number	Regulatory Component	Review Status
80.	Ed 1120.03(a)	7 out of 8 IEP files demonstrated evidence that the parent(s) of a child with a disability were notified in writing within a reasonable time, but not less than 14 days, before the LEA proposed to initiate or change, or refused to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.
81.	34 CFR 300.503(b)(1) Ed 1120.03(b)	6 out of 8 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.
82.	34 CFR 300.503(b)(2) Ed 1120.03(b)	4 out of 8 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.
83.	34 CFR 300.503(b)(3) Ed 1120.03(b)	4 out of 8 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.
84.	34 CFR 300.503(b)(4) Ed 1120.03(b)	8 out of 8 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a statement that says the parents of a child with a disability have protection under the procedural safeguards.
85.	34 CFR 300.503(b)(4) Ed 1120.03(b)	For notices not for an initial referral for evaluation, 3 out of 3 IEP files demonstrated evidence that the LEA notified the parents of a means by which a copy of the procedural safeguards can be obtained.
86.	34 CFR 300.503(b)(5) Ed 1120.03(b)	8 out of 8 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included sources for the parents to contact to obtain assistance in understanding the provisions of the notice.
87.	34 CFR 300.503(b)(6) Ed 1120.03(b)	5 out of 8 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.
88.	34 CFR 300.503(b)(7) Ed 1120.03(b)	3 out of 8 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.
89.	34 CFR 300.503(c)(1)(i) Ed 1120.03(b)	8 out of 8 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was written in language understandable to the general public.
90.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	8 out of 8 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: Develop a procedure that identifies for parent(s) the reasonable time (not less than 14 days) to receive notification in writing of the district's action, and provide training to appropriate staff. (Please note that parental consent cannot be obtained without the requisite prior written notice.) Provide training to staff on completing the prior written notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by June 30, 2014.</p> <p>The NHDOE will select six student files for updated data demonstrating compliance with this requirement and will verify that the procedure for identifying for parents(s) the reasonable time to receive notification has been developed and that the written prior notices are complete including a description of the action proposed or refused by the agency; an explanation of why the agency proposed or refused to take the action; a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; and a description of other options and other factors through a subsequent on-site review.</p>		

