

**Annual Report of the
State Advisory Committee
on the Education of
Students with Disabilities
FY 2004-2005
July 1 – June 30**



Report of the State Advisory Committee on the Education Students with Disabilities

Legislative Mandate

Pursuant to RSA 186-C:3-b, the purpose of this report is to inform the Commissioner of Education, Governor and General Court on issues related to the education of children with disabilities in New Hampshire.

The State Advisory Committee's responsibilities include the following:

- Advise the New Hampshire Department of Education regarding unmet needs within the state related to the education of children/students with disabilities.
- Provide an annual report to the Governor and the State Legislature on the status of education of children with disabilities in New Hampshire.
- Comment publicly on the state plan and rules and regulations proposed for issuance by the state regarding the education of children with disabilities.
- Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under Section 618 of the Individuals with Disabilities Act.
- Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports.
- Advise the Department of Education in developing and implementing policies relating to the coordination of services for children/students with disabilities.
- Advise the Department of Education on the education of eligible children with disabilities who have been convicted as adults and incarcerated in adult prisons.

Membership and Composition

Openings on the State Advisory Committee (SAC) occur each year, as members resign, move, or do not attend meetings. Individuals interested in being nominated for membership on the State Advisory Committee should contact the N.H. Department of Education or the Chairperson of the State Advisory Committee. Members must fit into one of the legislatively mandated categories for membership; if they do not, or if there are no current vacancies in the appropriate category, individuals may wish to work with the subcommittees as an ad hoc member.

The committee is composed of representatives from the following groups/organizations/agencies:

- 2 members of the House Education Committee
- 2 members of the Senate Education Committee

- 1 state education official

- 1 local education official

- 1 special education teacher

- 1 representative of a vocational, community or business organization concerned with the provision of transition services to children/students with disabilities

- 1 representative of the Department of Health and Human Services

- 1 representative of the Disabilities Rights Center

- 1 representative of the Parent Information Center

- 2 individuals with disabilities who have benefited from special education services, one of whom may be a high school student

- 1 administrator of a public special education program

- 1 representative of an institution of higher education that prepares special education and related services personnel

- 1 representative of a private school approved for special education

- 1 representative of a public charter school

- 1 representative of the Division for Juvenile Justice

- 1 representative of the Department of Corrections

- parents of children/students with disabilities

A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities. Members serve a term of three years, and may succeed themselves. A list of members who were appointed to serve during the 2004-2005 period may be found at the end of this report. A Chairperson is selected by a majority of the membership. Judith Raskin currently serves as the Chairperson and Michael Maroni serves as Vice-chairperson.

Meetings

The committee held regular meetings each month from September 2004 through June 2005 at the New Hampshire Department of Education. The purpose of these meetings is to share information, discuss concerns, gather information on emerging topics, review committee reports, and make recommendations for further action. Such action may take several forms: further study and research; discussion; requests for additional data from the New Hampshire Department of Education or other state departments, agencies, and organizations; written communications to the State Board of Education or Commissioner of Education; and public comment on issues of concern to the committee.

Notice of State Advisory Committee meetings are published in the Concord Monitor and Manchester Union Leader, and posted on the Special Education Bureau's web page. Meetings are open to the public. Minutes are prepared after each meeting. Minutes are distributed via electronic mail prior to meetings, and are available at the meeting. Final Minutes are posted on the Special Education Bureau's web page.

Organization

The annual retreat begins the year for SAC, and sets the agenda for the State Advisory Committee for the coming year. The State Advisory Committee utilizes subcommittees to study, report, and make recommendations to the full SAC on specific issues identified by the committee. The bulk of the State Advisory Committee's work is done through this subcommittee structure. Committees report on their work at regularly scheduled meetings, and seek action from the entire State Advisory Committee, when appropriate. During the annual retreat, committee members identify and choose those issues which are of primary concern to the State Advisory Committee, and establish subcommittees to study these issues. Committee members self-select the subcommittee(s) they wish to serve on based on their interests, expertise, and concerns. The New Hampshire Department of Education provides staff to clarify the department's procedures; explain programs and/or initiatives; provide technical assistance, administrative support, statistical data, and other background information. Individuals from other agencies who have expertise in a particular field may also be asked to inform the subcommittee, or to serve as an ad hoc member of a subcommittee.

Actions and Issues

In September of 2004, the State Advisory Committee held its annual planning retreat in Concord, NH. The committee reviewed the major accomplishments of the previous year and discussed what issues continue to be priorities for the SAC. These include:

Membership

Reviewed SAC purpose, membership terms and duties. Met several times to review open positions. Recruited new members. Contacted current members eligible for a second term to see if they wanted to stay on. Met with DOE staff to discuss openings and recognition of outgoing members. Prepared list of members for appointment by the Governor. Forwarded list of recommended appointees to Governor's office and DOE, which included changes to reflect the member who is the state's official McKinney-Vento homeless representative.

Collaboration with the DOE

- Co-sponsored Special Education Forums to gather input from parents, students and educators. With DOE staff, co-facilitated meetings and served as a model for collaboration. Forums were held in Nashua, Portsmouth, Claremont, Gorham, Rochester, Laconia, N. Conway, Keene, Merrimack, Concord, Littleton, Berlin, Manchester, Lebanon, Durham.
- Co-sponsored public meetings on the changes to the IDEA. Some meetings were attended by representatives from Sen. Judd Gregg's office.
- Participated on team interviewing candidates for Director of the Special Education Bureau.
- Participated in planning meetings with the ICC to review Part C plan and activities.
- Participated in meetings of the Continuous Improvement Focused Monitoring Stakeholders (CIFMS) meetings.
- Attended the OSEP Leadership Conference in Washington, DC.
- Included SAC Special Education's website.

Legislation

- Reviewed proposed changes to the IDEA. Prepared side-by-side comparison of current and proposed/new language.
- Prepared and presented testimony at regional hearing on IDEA conducted by the USDOE.
- Co-sponsored two presentations on *IDEA '97 to IDEA '04 What Families, Schools and Communities Need to Know without about 300 people in attendance.*
- Reviewed education-related LSRs and bills. Reviewed funding formulas for funding education and special education.

Alternative Programs

- Heard presentations by DOE staff regarding students with disabilities placed in alternative programs. Prepared letter sent to Commissioner Nicholas Donohue regarding alternative programs for students with disabilities. Requested a response from the Commissioner- never received one.
- Heard presentations by DOE staff regarding home schooling of students in NH.

Charter Schools

- Heard presentations by DOE staff on charter schools. Prepared letter to Commissioner Donahue on which we received no response.

Special Education Funding

- Prepared a Fact Sheet on Special Education Funding in NH.
- Discussed the diversion of special education funds by the state.

Dispute Resolution

- Heard presentations by DOE staff on the complaint, mediation and due process procedures.
- Reviewed statistics on the number and type of complaints, mediation sessions and due process hearings requested and held.
- Participated in development of a model Procedural Safeguards Handbook.
- Reviewed discipline issues.
- Heard presentations on PBIS.

Planning

- Conducted a retreat in September to review accomplishments, identify priorities for the coming year, and appoint committees.

Collaborative Activities

- The State Advisory Committee and the Bureau of Special Education collaborated on the following public meetings:

Parent/Student Forums were held in Merrimack, NH, Rochester, NH, Laconia, NH, Center Conway, NH, and Keene, NH (see attachment). Each forum was facilitated by a team representing the NH Department of Education and State Advisory Committee. A report outlining the results from these forums may be obtained from the N.H. Department of Education.

- The State Advisory Committee attended the annual meeting for the Continuous Improvement & Focused Monitoring System (CIFMS), where they reviewed progress and goals for the coming year.
- The State Advisory Committee was represented at the annual meeting of the Interagency Coordinating Council.
- The State Advisory Committee has been working with the Department to increase the amount of information on SAC activities accessible on the Bureau of Special Education's web page.
- A State Advisory Committee member and the Director of the Special Education Bureau attended the Office of Special Education programs Leadership Conference in Washington, DC.
- Facilitated IEP meetings

State Advisory Committee Documents

SAC Member Attendance

Fact Sheet on Special Education Funding in N.H.

Letter to the Commissioner on Alternative/Off Site Programs

USDOE Letter on Diversion of Special Education Funds

Parent Forum Notes

Charter School Law reviews

SAC Comments to OSEP on Revisions to IDEA

Letter from NHDOE, Director Division of Instruction responding to SAC's May 1, 2004 request

Recommendations

SAC made a request to Bureau of Special Education for information and made specific recommendations in the May 1, 2004 letter to Commissioner Donahue on Alternative Education

Programs. None of the requested information nor a response was received from the Commissioner

The SAC concurred with the Disabilities Rights Center in its analysis of the NHDOE's illegal diversion of Special Education Funds and strongly advised the Commissioner to not proceed with the plan. The Commissioner never responded to the SAC.

The SAC made specific recommendations to the Commissioner regarding Revisions in NH Charter School Laws and specifically asked for a copy of the oversight report required in the statute. Neither a response nor the requested report was received from the Commissioner.

The SAC made specific recommendations to the Secretary of Education regarding possible revisions to IDEA. Those are attached to this report.

2004-2005 SAC Members and Their Affiliation

State Advisory Committee
On the Education of Children/Students with Disabilities

Membership Representatives
2004

The Committee is composed of representatives from the following groups/organizations/agencies:

Representation	Current member	Appointment Date, Renewal Date and Term
Two members of the House Education Committee	Rep. Sharon Carson Rep. Deb Naro	1/2/03-10/8/04(2 nd) 1/2/03-1/2/06(2 nd)
Two members of the Senate Education Committee	Senator Sylvia Larsen Senator. Carl Johnson	1/9/03-1/9/06(1 st) 3/19/99-3/1/04(2 nd)
One State Education Official	Ann Logan, State Board of Education	3/1/99-3/1/04(2 nd)
One local education official	Robert Wells, Bureau of Special Ed, Education Consultant;	12/22/98-12/22/04 (2 nd)
One representative of a vocational, community or business organization concerned with the provision of transition services to children/students with disabilities;	William Finn, Division of Adult Learning and Rehabilitation, Services for the Blind and Visually Impaired	10/16/01-10/16/04(1 st)
One representative of the Department of Health and	Diane McCann, Special Medical Services, DHHS	3/1/99-3/1/04(2 nd)

Human Services		
One representative of the Disabilities Rights Center	Richard Cohen, Executive Director of the DRC	12/1/01-12/22/04(1 st)
One representative of the Parent Information Center	Heather Thalheimer, Director, Parent Information Center (PIC)	*Was never officially appointed, took over term for Judith Raskin, prev. director of PIC (1 st)
Two individuals with disabilities who have benefited from special education services, one of whom may be a high school student;	Al Ouellette-VR and	12/22/98-12/22/04 (2 nd)
One administrator of a public sped program	Chris Collier	3/26/01-3/26/04(1 st)
One representative of an institution of higher education that prepares special education and related services personnel	Robert Andrews-Southern NH University	10/8/01-10/8/04(1 st)
One representative of a private school approved for special education	Michael Maroni, Pine Haven Boys Center	12/12/01-12/12/04(1 st)
One representative of a public charter school (NH up until this point did not have one)	No rep	
One representative of the Division of Juvenile Justice	Theodore Prizio, DHHS, Div of Juvenile Justice Services	12/22/98-12/22/04(2 nd)
One representative of the Department of Corrections	No rep	
Parents of children/students with disabilities	Bonnie Dunham Mary Trinkley Judith Raskin Cynthia Holden-Plummer, Karen Thurston Norma Leach	12/22/98-12/22/04(2 nd) 12/22/98-12/22/04(2 nd) 12/22/98-12/22/04(2 nd) 12/12/01-12/22/04(1 st) 12/22/98-12/22/04(2 nd) 2/20/02-2/20/05(1 st)