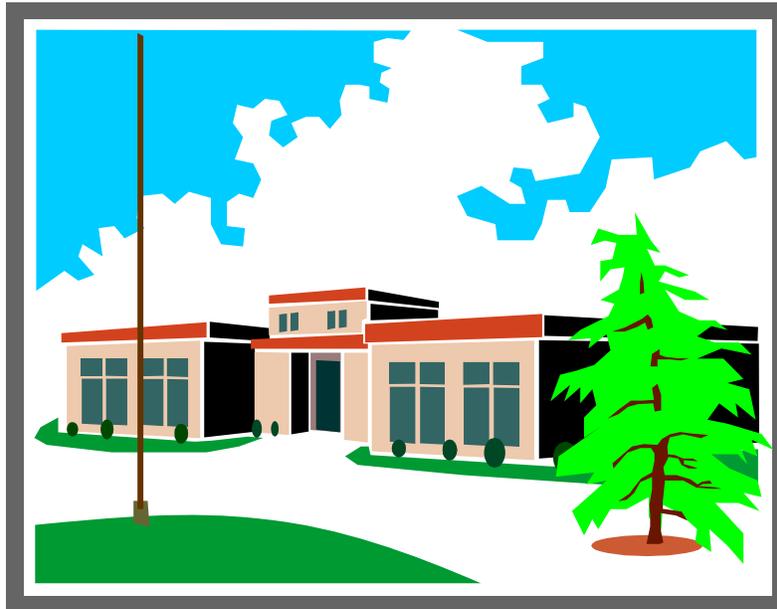


# **Annual Report of the State Advisory Committee On the Education of Students with Disabilities FY 2006-2007**



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# **Report of the State Advisory Committee on the Education of 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 representative from the department of Health and Human Services responsible for foster care.
- An official who carries out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42U.S.C. section 1143, et seq.

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 2006-2007 period may be found at the end of this report. A Chairperson is selected by a majority of the membership. Michael Maroni currently serves as the Chairperson and Dick Cohen serves as Vice-chairperson.

## **Meetings**

The committee held regular meetings each month from September 2006 through June 2007 at the New Hampshire Department of Education. The purpose of these meetings was 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. SAC has traditionally utilized a committee structure to study issues in depth. In the 2006/2007 year SAC chose to address all issues as a whole group. SAC received numerous presentation and was involved in discussion of the issues set before the committee. SAC has since decided to restore the committee structure for the 2007/2008 year.

## **Actions and Issues**

### **September 2006**

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:

**Agenda Item:** OSEP Leadership conference:

- Mike Maroni, chairman and Santina Thibedeau, Administrator of Bureau of Special Education attended the conference.
- A powerpoint titled “Orientation to the State Advisory Committee” provided at the conference by John Copenhagen, Director of Mountain Plains Regional Resource Center was reviewed. It gave an overview of what SAC’s responsibilities are.
- SAC will give considerable focus this year on the *State Performance Plan* (SPP) with the 20 indicators. OSEP refers to the SPP as the “State’s IEP”.
- After the bureau submits the *Annual Performance Report* (APR) in February 2007, *district data profile* will be for each district using indicators from the SPP.
- OSEP’s new focus: “*Building A Legacy*”; with three areas; *Responsibility, Flexibility and Accountability*.
- IDEA 2004 regulations information: To obtain a copy of the *Federal Register* go to [www.ed.gov](http://www.ed.gov) or [www.wrightslaw.com](http://www.wrightslaw.com) is re-formatting the 900 page document to 300 pages. OSEP has a new website on IDEA changes which is very helpful. It is [idea.ed.gov](http://idea.ed.gov) (no “www” first).

**Agenda Item:** Diversion of Special Education Funds Update:

- Commissioner Tracy sent the remaining \$208, 929.25 repayment from state funds. He asked Mary Heath to complete “the grantback process” attempting to seek the return to the state of the funds for use in school districts “In Need of Improvement” for their students with disabilities.

Public Comment

- Mike stated that we need to spread the word that this is a meeting open to the public.
- The public comment would be at the beginning of the meeting.
- Santina suggested handing out a one page structured guideline for the public to follow. *There was much discussion around this issue and how we inform the public. Many suggestions were offered:* It was encouraged for members to invite others to attend, including advertising in newsletters, such as NH Connections/PIC and Ed Links. Creating a mailbox on the DOE website for comment (Santina will check with the Department of Education, Office of Technology). Advertise in the local newspapers, PTA groups and other support groups. Questions were asked such as should comments be sent in by email to the chairman or any member, have regional contacts, or in person. It was also suggested that each SAC member contact two different organizations to spread the word. Would a brochure help advertise who we

are, with the dates of meeting and topic of discussion? Lynda Thistle Elliot also added we must consider the homeless and disadvantaged population and how we communicate with them; possibly posters in local stores etc. There was discussion around how we as a group advise and provide advocacy. A motion was made.

- MOTION: Matt Hanna made the motion that the Department of Education, (Bureau of Special Education) is to create a one page summary guideline of the State Advisory Committee, Suzanne Heath seconded. All in favor. Santina will send the draft summary to members for comment and review at the October meeting. She will also try to find the old brochure.

AD HOC committee (This is not SAC work per se)

- This group was formed a few months ago. There are fifteen active members that include some SAC members and legislative members.
- They are looking at states statutes and what changes need to happen in compliance with IDEA.
- The group has met 15 times – the Department of Education is well represented by Terry Brune, Education Consultant.
- A number of proposals to amend the statutes have been given. The House and Senate committees will do the recommendations. The committee is mostly in agreement.
- The committee struggles with some issues such as the county house of corrections. Interagency agreement is an issue. Short term objectives and benchmarks are recommended. The language will be more in alignment with federal law. Rates of private providers. Low incidence population, multiple handicapped.
- The group is looking for a regional approach. A more organized way to deliver services to local schools and for students to receive good services.
- Cochlear implant issues have come up. School Districts have to pay for mapping/therapy of cochlear implants.
- Identification criteria, adding Acquired Brain injury to list of disabilities. Better alignment with IDEA – with focus to comply, but not lowering our standards. Including provision of FAPE for preschool children.
- Reviewing site visit protocol.
- If we want to exceed IDEA it is possible, but OSEP's intent was to clarify what is federal and state.
- Proposals are not final, but when they are, they will be disseminated to SAC members.

- Discussion ensued. Comments were: Language needs to change to reflect mirroring IDEA. Ngozi adds that we need advocates who care and to change attitudes that have passion for the needs of children with disabilities. He suggests going back and talking with politicians about funding issues not being the priority. Try to find balance between services and funding – become aggressive in advocacy. Have to be a strong force. Some discussion in ad hoc group was around private school placement by parents. Gordon suggests DOE changing accounting rules and how the districts present their budget regarding school districts general fund practices.

## October 2006

### Agenda Item: Update on “Grantback” letter:

- Santina spoke with Mary Heath. Mary has been in contact with OSEP and told that for a state to be eligible in applying for the returned funds, there are certain guidelines that need to be considered. Santina will ask for an update from Mary on a monthly basis.

### Agenda Item: Legislative taskforce Committee Report: Bonnie Dunham

- The taskforce process is complete and a summary of the major proposed revisions to RSA 186-C: was handed out. They included changes with IDEIA in four different areas; meeting needs of parents, changing language, changes to individual education plan. Also added was traumatic brain injury in the list of disabilities as well as acquired brain traumatic injury. Needs of homeless special education children were addressed. It was chosen not to delete policies and procedures of SAC. It was recommended to include another representative from a home schooled special education child. Provided additional information for preschool parents. Included changes to Charter school. All of these changes will be divided into 5-6 bills. Once finalized, it goes to Governor Lynch to be signed - changes will be finalized in spring.
- Where does SAC stand on these proposed revisions? SAC members were asked to respond to the proposed bills.
- MOTION: Suzanne Heath made a motion that SAC strongly supports and endorses the efforts and work of the **Special Education Statues Review Caucus**. Tricia Swonger seconded the motion. All in favor.
- Include the committee’s report in the SAC 2005/2006 report.

### Parent Information Center-IDEA changes presentation: Bonnie Dunham

- Bonnie Dunham provided a power point presentation to summarize the changes to IDEA and a handout to follow along. A copy of the presentation can be downloaded from the PIC website at: [www.parentinformationcenter.org](http://www.parentinformationcenter.org)

- IDEA regulations become in effect on October 14, 2006.

**Agenda Item:** FY' 07 Memo: Special Conditions – New Hampshire's Federal Fiscal year 2006 Grant Award: Santina Thibedeau.

- Special condition – The Bureau of Special Education has been told to submit progress reports to OSEP based on timeliness of evaluations.
- FY '07 Memo 6 was sent to districts to collect data of timeliness of evaluations. Information will be sent out to districts for verify the SPEDIS information, and will be returned to the bureau. The bureau will report back to district on what level they are and what they need to do.
- OSEP is not saying at what point when the special conditions will be removed. Santina stated special conditions could affect funding from OSEP.
- A district is given a label of Level 1, 2 or 3 based on certain criteria. Santina will check to see if labeling criteria can be shared with SAC.
- Separate from the timeliness of evaluations, the Bureau will be posting District Data Profiles on the indicators in the SPP.
- MOTION: Suzanne Heath made the motion to have Michael Maroni, chairman request more information from the Bureau of Special Education regarding the district labeling criteria. Mike Maroni seconded the motion and all in favor.

**Agenda Item:** Results from - News article “NH Leads Four State Study to Assess How Students with Disabilities Learn”.

- This was a four state study in conjunction by the Bureau of Accountability.
- Results are being analyzed with public information to be released in late winter. Gaye Fedorchak would be willing to share information at a later date.

**Agenda Item:** Special Education Director report: Santina Thibedeau

- Approval of one page description: It was recommended to add that SAC meets monthly during the school year. Description can be used by SAC members to inform other agencies.
- Update on OSEP's verification visit: The letter from OSEP on the verification visit was mailed yesterday. Will update at the November meeting with more information.
- Update on NHSEIS roll out to school districts: Two types of training have been conducted: Administration training and User training. NHSEIS is replacing the SPEDIS database. About a third of state has been trained.
- Update on SAC mailbox. The Department of Education's Office of Technology recommended a bulletin board instead of a mailbox. This would

be managed by the chairman. Santina will ask for a OIT representative to attend the November meeting for specific information on the bulletin Board.

- Update on Annual Performance Report: APR report will be submitted to OSEP for February 1, 2007. The APR update will be at the beginning of November's agenda to continue the update. Santina will bring an indicator from the SPP (one at a time) to each meeting for SAC's review.

## **November 2006**

### **Agenda Item:** Legislative Update: Sarah Browning:

- There were two study committees over the summer. Seven pieces of legislation were worked on regarding services to students with special education needs.
- The Legislation study committee consisting of bureau level people and special education directors reviewed a total of 247 pieces of legislation.
- December is "crunch" month. Getting the bills into the system and assigning the numbers/titles. Every bill along the line of gambling, horse racing etc. profits education. The final list is taken to cabinet and tracking is done to find out passed or not.
- In the next two years, the budget will be making its way through the process.
- There is rule There is no difference in how bills are tracked for special education.
- change in alternative 4 certification. It would require a candidate to have a bachelor's degree when they enter into a process.
- It was asked if there is data out there about who is on alt 4 list? Sarah recommends talking with Dr. Fillion. Dick recommends that we get data from Dr. Fillion and any recommendations to change the rules regarding alt 4.
- Mike asked for SAC to have a list of what the legislative office tracks at the Department of Education. It is also posted on website.

### **Agenda Item:** SAC email: Larry DeAngelis

- Bulletin Boards can not be set up.
- Mike explained SAC was looking for a way the public could get comments to SAC via the website.
- Santina and Terry will create a brief introduction to put on website regarding public comment, and give to Larry.

**Agenda Item:** SPP: Ruth Littlefield:

- Ruth Littlefield introduced the “roadmap” the Bureau of Special Education uses to report to OSEP on their progress. It consists of 20 indicators that are listed as a compliance or performance indicator, have the data reporting requirements, and the revisions that OSEP is requiring.
- Ruth asked for SAC members to email her by November 13<sup>th</sup> at [rlittlefield@ed.state.nh.us](mailto:rlittlefield@ed.state.nh.us) with any comments or questions.
- Ruth Littlefield, Robert Wells and Barbara Cohen updated SAC on specific indicator progress.
- Indicator 1 and 2 – Robert: Graduation and drop out rates with comparison of all students and students with IEPs. It is a performance indicator. Would like input regarding setting targets and possible improvement activities over the next 5 years. Questions were asked for example: what is the percentage of dropout over the four years – and is there data of those who cannot reach a high school diploma.

Robert encouraged members to email him with comments at:  
[rwells@ed.state.nh.us](mailto:rwells@ed.state.nh.us) .

- Indicator 3. Mary Lane is the lead person on this indicator. In her absence Ruth reviewed the information with SAC. The indicator has been revised based on a new understanding of how to calculate the participation rate. This resulted in a change in the other figures, as well. The bureau requests input on targets and possible improvement activities. Emails of input can be sent to Mary [mlane@ed.state.nh.us](mailto:mlane@ed.state.nh.us) and Ruth [rlittlefield@ed.state.nh.us](mailto:rlittlefield@ed.state.nh.us) . Trisha request national data. Ruth will get links to SAC members. There is adjustment needed to the measurable and rigorous targets. Mike raised a concern that the targets are not rigorous enough. Dick comments that in IDEA 2004 it says all goals are for all kids. Input from SAC is requested by November 13<sup>th</sup>. SAC members are encouraged to get input from their constituents.
- SAC strongly urges DOE to establish higher expectations and proposes this motion:
- MOTION: Suzanne Heath made the motion that SAC request to the Department of Education that the targets be the same in indicator 3 a & c, for all children in accordance as NCLB (participation rates) Donna Curtin, seconded. All in favor.
- Indicator 5 and 6: Barbara Cohen 5-LRE/Ruth Littlefield 6-Preschool

Indicator 5: Barbara presented the revised baseline data. The revised data was the data submitted to OSEP based on the 12/1/04 count. Barbara reported that the data provided would not total 100% as the State Performance Plan does not require

data for the environment in which students are placed greater than 20% but less than 60% (Resource Room). The previous baselines were left on the document she distributed with a “strike” through the old data. Barbara indicated that the previous data was taken from an August date and that using the 12/1 count would be the most complete data set available. She also indicated that it would be a better data set to compare year to year. Barbara asked SAC for any feedback that they might have regarding targets. The only suggestion made was to look at 402 placements and see what percentage of students are in separate facilities through the 402 process. However, there was agreement that a continuum of environments needed to be available and that the % of students placed in separate programs and self contained classrooms was minimal. Barbara requested SAC members e-mail any feedback to her at [bcohen@ed.state.nh.us](mailto:bcohen@ed.state.nh.us) .

**Agenda Item:** NHDOE Update-Virginia Irwin

- Virginia handed out the October “Key Messages from the Department of Education” to keep the SAC members apprised of the Departments work.

**December 2006**

**Agenda Item:** Public Comment:

- Al Ouellette offered his services for subcommittee work.

**Agenda Item:** Legislative Updates: Sarah Browning

- Areas of focus are: administrative rules, effective law, following statutory law. State laws are passed by legislature.
- An item of interest would be a motion with regards to Special Education in the Ed 1100 rules.
- During the last legislative session, rules had a major overhaul; we anticipate changes now on the state level.
  - An initial proposal is submitted to enter the process, sent to the State Board, then on to the Joint Committee on legislative rules. Public hearings will then be held and there will be opportunities for SAC to enter recommendations.
- Weekly reports are generated following the status of bills and new bills submitted. The reports are generally available on Friday afternoon and can be shared by Santina Thibedeau, Terry Brune and Ralph Tilton.

SAC e-mail address: Terry Stafford:

- A request has been made to the Office of Information Technology, at the Department of Education, to create an e-mail address for the public to submit comments to SAC. “Public comment is accepted at each SAC Meeting, to submit written comments please send to: [chair@sac.state.nh.us](mailto:chair@sac.state.nh.us)” will be posted on the Bureau’s website under SAC.

**Agenda Item:** Alternative 4 Certifications: Dr. Judith Fillion

Dr. Fillion, Administrator of Credentialing since 1984, presented on Alternative 4 certifications. Dr. Fillion distributed a booklet containing credentialing information and reviewed each section.

- Section I: Certification Alternatives 1 through 5. The traditional routes to certification is through teacher preparation, Alt 5 provides teaching in content area, excludes Special Education
- Section II: Critical Shortage Areas

Dr. Fillion will check on list of Alt 4

General Special Education can be Alt 4 but not Alt 5.

- Section III: Standards are being reviewed. A Categorical Committee has been in operation for 2 years, should SAC members be interested in participating on the categorical committee please contact Mary Lane in the Bureau of Special Education at [mlane@ed.state.nh.us](mailto:mlane@ed.state.nh.us),
- Section IV: Approved IHE programs.
- Section V: Has a critical shortage list, statement of eligibility, who is eligible, professional standards board member list. If a member of SAC is interested in being involved, submit an application in May/June.
- General discussion: critical shortage list. The teacher preparation programs are not retaining enough teachers; Granite State College currently has 200 students. Mary Lane stated that the Personnel Center Project is looking at attrition, work conditions and many other aspects in retention of special education teachers.
- Suzanne Heath asked at what point is someone certified.

Discussion followed: intern license, supervised/mentored

- What percentages of teachers of Special Education have Alt 4 vs. beginners permit?

Dr. Fillion will review the Alt 4 list for this information, if SAC member is interested in obtaining the percentages, please contact Dr. Fillion.

- The Bureau of Credentialing is open to feedback from SAC.

- Teachers are in need of more training as the challenge has grown tremendously. There is a need to address personnel preparation and teacher shortage.
- Suzanne participated with the Personnel Center subcommittee to address retention.
- The Personnel Center Strategic Plans are posted on the Bureau's website. A request for proposals (RFP) for the Personnel Center Coordinator has been posted and proposals have been received.

**Agenda Item:** Proposal on Follow the Child: Suzanne Heath

- Suzanne summarized a two page description of a plan from OSEP and is looking for feedback from SAC. A request was made to have a representative attend the January SAC meeting to discuss this topic further. Mike to address.

E-mail from Virginia Irwin.

- With regards to holding students with disabilities accountable to the same performance standards as those without disabilities.
- Mike asked if the response was appropriate. Richard Cohen said it is consistent with the motion and the Department of Education is to be commended. Mike stated that the Department responded to SAC's request in a timely manner.

**Agenda Item:** SPP/APR: Ruth Littlefield

- Ruth thanked all SAC members who responded. It is very helpful.
- [sharedwork.org](http://sharedwork.org): a website for information regarding the secondary transition indicator. Ruth invites SAC members to view this website and then provide comments to Sarah Fox in the Bureau of Special Education at: [sfox@ed.state.nh.us](mailto:sfox@ed.state.nh.us).
- Assessment Indicator: Mary Lane
  1. The Bureau of Special Education and the Office of Accountability are looking at requirements in NCLB and comparable measures. Representatives from Accountability are willing to present in January for a clearer sense on how to get a comparable measure.
- Parent Involvement Indicator: Barbara Cohen
  1. Contains 2005/2006 data using a parent survey.
  2. A plan is being made to conduct another survey of all parents of students with a disability and to conduct a survey each year. There are six questions on the monitoring survey. A parent is defined as those with children who have an IEP.

It was suggested to be clear on definition of parent; for example, foster, biological, surrogate, etc.

3. The Parent Involvement survey questions were provided in a handout along with the return rate; data used and parent involvement activities. Discussion was held around the design of the survey and who was been surveyed.
4. Need to address: setting targets, progress and slippage.
5. Parent involvement activities: Barbara asked for suggestions. Included were:
  - Developing a focus group of families and how they could participate more.
  - Develop a best practice guide for families, distribute at the IEP meetings. At PTA groups there is never a special needs representative, this would be great in sharing knowledge.
  - DOE should encourage districts to involve parents. At parents night there is financial aid, course aid, need to include special needs. Gordon Allen referenced the new publication "Stepping Stones" magazine as an access for parents to transportation, childcare, etc.
  - Parents are encouraged to e-mail Barbara at: [bcohen@ed.state.nh.us](mailto:bcohen@ed.state.nh.us) with more suggestions.

#### Motion

- Mike Maroni made a motion that the SAC chairman will send a letter to Commissioner Tracy, commending the Department of Education for their efforts for responding in a timely fashion. Trisha Swonger seconded.

#### **January 2007**

**Agenda Item:** Grantback - Special education funds return-Santina Thibedeau

- Per Mary Heath, Deputy Commissioner, in order to qualify for the funds return, all auditing concerns needed to be rectified. Mary is in discussion with OSEP regarding next steps. Santina will keep SAC posted on next steps.

**Agenda Item:** Report on Special Conditions: Santina Thibedeau

- NH has a chronic issue regarding timeliness of evaluations. The concern is meeting the administrative rule of the 45 day rule for compliance.
- Santina provided a handout. The handout is only a "snapshot for a period of time".

- Santina discussed the handout. There was discussion regarding the impact on students regarding school districts who were non compliant.
- The Bureau is not looking for input from SAC on this handout.
- Santina discussed what District Data profiles are.
- Santina discussed the indicators in the SPP as compliance or performance indicators.

**Agenda Item:** OSEP verification visit – Santina Thibedeau.

- Santina shared the verification letter from OSEP.
- OSEP visits every 5 years for the monitoring piece.
- States have two options: they can submit information before the visit and discuss at visit or review information completely at visit. There are three items of interest: 1) general supervision activities – monitoring in a larger sense. 2) statewide data – how collected and reported 3) student performance and statewide assessment.
- At the next SAC meeting Santina will provide copies of the OSEP verification letter.

**Agenda Item:** State Performance Plan (SPP): Ruth Littlefield

- Early Childhood Transition – OSEP expects 100 % compliance – with the IEP implemented by the 3<sup>rd</sup> birthday. The Bureau is working on this now.
- OSEP has required a number of indicators to be revised in the SPP.
- A handout was given on indicator 13. Pat Dowey asked how will the data be as accurate when methodology changes so quickly. Preliminary plan has been revised – outlines timeframe. Baseline data should be ready by Feb 1, 2008.
- The February 1, 2007 SPP will be handed out at the February 7th SAC meeting.

**Agenda Item:** State Special Education Director's Report-Santina Thibedeau

Working on:

- SPP
- District Data Profiles
- APEX grant is moving forward
- GSEG – General Supervision Grant; with the IOD, the Bureau of Special Education and Bureau of accountability. Work just began on this.

- Facilitators for IEPs process, to include a parent or school district can request a facilitator for an IEP meeting. The facilitator is trained in the process.
- Santina attended the NASDSE annual conference on “RTI”-Response to intervention was the focus
- Santina also attended a IDEA Partnership conference – bringing NCLB together with IDEA –focusing on what they have in common – early intervening services. How can there be a sharing of resources for Title I, II, and HQT.
- Communities of Practice
- Onsite monitoring piece: every three years doing monitoring, moving to focused monitoring.
- NHSEIS: 85% school districts have participated in training. SPEDIS will be put to rest soon, moving forward with NHSEIS. APR in 08 will have data collected by NHSEIS.

**Agenda Item:** Ad Hoc committee update: Dick Cohen

- Six bills will be public in 4-5 days. SAC members are encouraged to support bills by calling legislature, testifying etc.
- Disabilities Rights Center (DRC) will have fact sheets on their website and will forward a copy to Terry Stafford to forward to SAC members. Fact sheet will indicate what is in bill.

**February 2007**

**Agenda Item:** Legislative Task Force: Dick Cohen

- Dick Cohen and Bonnie Dunham provided a handout in which Bonnie Dunham created, reviewing five LSR’s. It included key points-including section and page #s where the topic is located in the bill, rationale and related points, and fiscal impact of each LSR.
- There were three issues that the adhoc committee did not have agreement on; short term contracts, expert witness fees, and mapping for children with cochlear implants.
- Senator Molly Kelly has sponsored a bill that asks Federal Government and States to allocate more funds for special education.
- For more information on these LSRs and other related bills, see *Disability Rights Center’s website: [www.drcnh.org](http://www.drcnh.org)*. Dick also has a electronic newsletter where hearings will be listed. This will be sent to SAC members to alert them of upcoming hearings.

- Bonnie encourages SAC members to bring other supporters/constituents to the hearings with them. She suggests checking the house calendar for the hearing schedule.
- Mike Maroni will send out a letter supporting the legislation. Dick will let him know who to address the letter to.

**Agenda Item:** Focused Monitoring: Santina Thibedeau

- A memo has gone out letting school districts know about special education monitoring.
- Santina and Barbara Cohen had the opportunity to meet with Mark Mlawer from the NSCEAM board to chat about monitoring. It was very informative.
- On February 22<sup>nd</sup> there is a Focused Monitoring Stakeholder meeting. The area chosen to be monitored will be selected at this meeting.

**Agenda Item:** State Special Education Director's Report: Santina Thibedeau

- The SPP/APR was sent to OSEP for the February 1st deadline.
- Post school Outcomes survey is based on Indicator 14. A sample survey was developed by the Center on Secondary Transition. A memo has been sent to the field. Surveys are for youth no longer in school. Santina is asking for input from SAC regarding the development of NH's survey. The survey is coordinated with the SIG grant. There are six questions to be answered. Student names are not required, only their student ID number. All information will be categorized by the ID number.

**March 2007**

**Agenda Item:** Legislation-Dick Cohen

- *A summary of all six bills was presented by Dick.*
- HB 661 – Relative to provisions to set up regional center for emotional and severe disabilities. Personnel shortages were prompting this provision from the public schools, to be done by October 2007 or 2008.
- A motion was made by Anne Wilkinson and seconded by Raymond Dailey to support passage of HB 661. All in favor. Passed.
- HB 677 – Bill was heard yesterday. Relative to surrogate and foster parents. Under federal law if one is needed the Commissioner of Education appoints them. A court could also appoint one. The court has discretion to say what can be recovered financially for example: expert witness fees.
- There was discussion around assisting parents with expert witness fees.

- A motion was made by Suzanne Heath and seconded by Donna Curtin to support passage of HB 677. 17 members in favor, 2 members opposed. Passed.
- HB 678 – Relative to eligible children in addition to acquired brain injury and traumatic brain injury. The adding of SAC members, cochlear implant and mapping. Fiscal note of \$500,000. and included 6 staff to do monitoring. The hearing is Monday, March 5<sup>th</sup>.
- A motion was made by Dick Cohen and seconded by Raymond Dailey to support passage of HB 678. 15 members in favor; 4 members abstained. Passed.
- HB 679 – Relative to an interagency agreement between New Hampshire Department of Education and Department of Health and Human Services. The agreement will give guidance and definition.
- A motion was made by Heather Thalheimer and seconded by Trisha Swonger to support passage of HB 679. 17 members in favor; 1 member opposed; and 1 member abstained. Passed.
- HB 766 – Relative to delinquency and CHINS cases. It allows referral to be made to school district regarding residential placements. Establishing district of liability. Amendments to charter school law.
- A motion was made by Suzanne Heath and seconded by Dick Cohen to support passage of HB 766. 16 members in favor; 3 members abstained. Passed.
- HB 765 – Relative to providing special education schools reimbursement of accepting a child on tuition basis and is responsible for costs.
- A motion was made by Bill Finn and seconded by Pat Dowey to monitor HB 765. 2 members in favor; 17 members opposed. Motion failed.
- A second motion was made by Wendy Thomas and seconded by Suzanne Heath to support passage of HB 765. 16 members in favor; 1 member opposed; and 2 members abstained. Passed.

**Agenda Item:** Growth Model; Analysis of Performance on NECAP-Gaye Fedorchak

- Due to time constraints, Gaye gave a short presentation. She provided handouts to review NECAP for those who are new members, along with the accommodations focus on the growth model and data gap. Gaye will come back in April.

**Agenda Item:** State Special Education Director's Report-Santina

- At the focus monitoring/stakeholder meeting they selected the achievement gap as the key indicator. OSEP gave the OK to publish the APR report on the web. The district data profiles are the next project. Santana provided a handout on indicators that will be worked on for the district data profile. The Bureau has asked for special education directors as a small work group, to work on profiles.

## April 2007

**Agenda Item:** Growth Model; Analysis of Performance on NECAP – Gaye Fedorchak from the Office of Accountability

- Gaye reviewed the handouts that she provided; they will soon be posted on the DOE website.
  1. NECAP 2006-Performance Gaps in New Hampshire;
  2. NH Alternate Assessment 2006-2007-Annual Training Survey;
  3. New Hampshire Alternate Assessment State Summary Report; Reading Results – 2006.
- ***Other points of interest:***
- All of the GLEs have been on web for 3 years.
- It was suggested to have content people come to a SAC meeting.
- Gaye suggested SAC could advocate for more staffing in the office of accountability and for more resources.
- A Growth Model for Accountability has been proposed by the NHDOE to the US Department of Education. This proposal is currently being reviewed by the USED and the NHDOE expects a decision from the USED on or about June 1<sup>st</sup> regarding whether or not this model will be approved for use in NH state accountability determinations under No Child Left Behind. The Growth Model sets a target on growth every year for every student. Students scoring farthest from proficiency will be expected to make up one third of the distance to proficiency in the next year. Students scoring somewhat closer to proficiency will be expected to make up one-half the distance in one year, and students who are closely approaching proficiency will be expected to achieve grade-level proficiency within one year. Once a student achieves proficiency, they are expected to continue scoring at least within the proficient range or better
- What has the Bureau of Special Education done about the gap? Mike will write a letter to Santana.

**Agenda Item:** Department of Education Public Comment on New Hampshire's Annual State Application under Part B of the Individuals with Disabilities Education Act. - Suzanne Heath

- Suzanne provided a handout of her response to the request for public comment for the SAC members to review.
- Suzanne Heath made a motion to have the SAC Chairman, Mike Maroni send her letter, representing all of SAC by Friday, April 6 to Commissioner Tracy.

Mike Maroni seconded the motion. There was further discussion and an amendment to the motion was made.

**Amendment:** Trisha Swonger made the motion that chairman Mike Maroni will draft a letter supporting Suzanne's letter; and send it to Commissioner Tracy as well. Janice Wiers seconded the motion.

All in favor. (Please note: a copy of the letter is attached to the end of these minutes.)

**Agenda Item:** Legislative Update-Dick Cohen

- Dick encourages more parent support on Monday, April 9th at 10:00am at the House Education work session.

## May 2007

**Agenda Item:** Bureau of Special Education FY' 07 Memo #23 request – Suzanne Heath

- The request is in reference to filling out the IEP form in NHSEIS. The directions included in memo #23 require you to include the student's strengths and weaknesses.
- Santina Thibedeau referred Memo #23 to NHSEIS (the new special education data collection system) and offered to review the memo with Suzanne before proceeding with recommendations.

**Agenda Item:** Legislative Update-Sarah Browning.

- The HB 661 brought forth by the Ad Hoc Committee has been ruled OTP (Ought to Pass) with an amendment to extend the \$50,000 appropriation that would extend the life of the money until the end of the fiscal year.
- The remaining five bills were retained by the House Senate committee.
- Subcommittees have been formed to hold work sessions. Terry Brune of the Bureau of Special Education will assist these subcommittees.
- Bill Finn announced there is legislative process training on Monday, May 7<sup>th</sup>. He will forward the information to SAC members. Or they can call Carol Nadeau at: 271-6895.

**Agenda Item:** Audit Issues - Mary Heath, Deputy Commissioner

- Mary provided an update relative to the returned special education funds and the grant back process. The grant back application is ready to go.
- That audit goes back to 2001. One level of information collection has been accomplished. Mary has been working with audit officers on federal level. One situation could not be resolved and an appeal date has been set. Once submitted it needs to be posted on the federal register. Posting is a rule and part of grant back process and is part of the federal record.
- Mary clarified the basis of the letter that was sent to Commissioner Tracy, dated April 5, 2007.

- Commissioner Tracy will provide to SAC, a written response to the letter dated April 5, 2007 within a month.

**Agenda Item:** Dispute Resolution Data – Terry Brune

- Terry reviewed the handout – “60 day complaint overview” from FY’03 – FY’06. Some are substantiated or not substantiated.
- Santina reviewed the IEP facilitator process that the bureau has. Reports have been that it is very effective and at no cost to the district or party.

**Agenda Item:** Legislative Update – Dick Cohen

- Dick handed out copies of “*The Disabilities Rights Center’s, April 30, 2007 analysis, entitled "Half of New Hampshire Students with Disabilities are Dropping Out; Legislature Considering Bills to Address Crisis in Special Education."*”
- There was much discussion. A motion was presented in support of this analysis, amended by and then given to a subcommittee to finalize. The final motion is as follows:

*Be it resolved that The State Advisory Committee for Children with Disabilities (SAC) supports the Disabilities Rights Center’s, April 30, 2007 analysis, entitled "Half of New Hampshire Students with Disabilities are Dropping Out; Legislature Considering Bills to Address Crisis in Special Education."*

*The analysis shows the drop out rate from High School in New Hampshire for students with disabilities as 47%, ranking New Hampshire as 52nd among the states and territories.*

*The SAC asks the Chair to assure inclusion in the Annual Report that we find this information to be appalling, that actions have been insufficient and we can find no evidence of immediate and substantive actions by the Department of Education, Governor or legislature to address the issue.*

*We wonder, out of the number of children with disabilities that dropped out, how many were below proficient in reading, writing, and/or math? The performance of children with disabilities does not mirror the potential of learning for a majority of the 31,399 children with disabilities in NH between ages of (3-21). Most of the students are not significantly cognitively disabled, according to the data provided by NH Department of Education for December 2006. Look at the categories, they speak for themselves:*

- 41.4 % Specific Learning Disability*
- 19.2 % Speech/Language*
- 15.4% Other Health Impaired*
- 8.0% Emotional Disturbance*

*So have we just set low expectations systemically? How will the local and state educators aggressively address this? The issues begin in the schools, with the level of expectations and instruction and/or programs for children with disabilities, and follows with the need for strong data accountability at both the state and local levels.*

*We formally ask what the agencies involved are doing and will do to address this issue. Furthermore, in an attempt to heighten awareness and assure appropriate action is taken; we formally ask to convene a meeting with the Commissioner of Education, The Governor, the President of the Senate and the Speaker of the House. We will rely on the administrative support provided to the SAC under the authorizing statute to arrange the meeting.*

## **June 2007**

**Agenda Item:** High School Re-design or Reform presentation;  
Paul Leather Director of the Division of Adult Rehabilitation

- See presentation handout attached

**Agenda Item:** State Special Education Director's Report – Santina Thibedeau

- Santina spoke with OSEP on the drop out rate and there was a miscalculation with the percentage. The SPP (2004-2005) was recalculated to 3.8 % drop out rate for students with disabilities. The APR (2005-2006) was recalculated to a 3.9 % drop out rate for students with disabilities.
- It was suggested to attach the re calculation correction to the minutes and present this information to the legislature.
- MOTION: Pat Dowey made the motion to attach the correction to the minutes. Bill Finn seconded the motion.
- Pat Dowey expressed concern about SACs credibility regarding Information from the federal table and the bureau error. There was brief discussion.
- MOTION AMENDMENT: Mike Maroni made an amendment to the motion to table this until the September retreat where it could be discussed further. Audrey Burke seconded. All in favor.
- The Bureau of Special Education will work on a guidance document to the field for exiting students from Special Education.
- Santina will email a clarification of the drop out recalculation to SAC members.
- Retreat planning committee: Santina will schedule a meeting to begin planning for the September retreat.

## **2006/2007 Priorities Review/Accomplishments**

### 1. List of Presentations:

- NECAP presentation
- Homeless Youth presentation
- Brain Injury Association

- Complaints
  - Prison
  - Drop Out-APEX II
  - Response to Intervention (RTI)
2. Diversion of Special Education Funds
3. Recommendation that SAC requested Accountability to change language around state's description – who is eligible to take state assessment.
4. Accomplishments:
- Reviewers for RFP
  - SPP input
  - OSEP pre-verification phone call
  - Personnel Development Committee
  - Reviewed the Larry Gloecker report
  - Increased the membership of SAC
  - Early Input Forums in the community
  - Legislature Ad Hoc committee
  - SAC members have been trained as IEP Facilitators

## **Collaborative Activities**

## **State Advisory Committee Documents**

Copies of SAC documents may be obtained from the New Hampshire Department of Education.

## **Recommendations/Suggestions**

- Developing a focus group of families and how they could participate more.

- Develop a best practice guide for families, distribute at the IEP meetings. At PTA groups there is never a special needs representative, this would be great in sharing knowledge.
- DOE should encourage districts to involve parents. At parents night there is financial aid, course aid, need to include special needs. Gordon Allen referenced the new publication “Stepping Stones” magazine as an access for parents to transportation, childcare, etc.
- Suzanne Heath made the motion to have Michael Maroni, chairman request more information from the Bureau of Special Education regarding the district labeling criteria. Mike Maroni seconded the motion and all were in favor.
- The NH DOE revise the SPP and include far more rigorous and creative actions and activities to ensure progress and methods to ensure that the activities are carried out.
- The NH DOE significantly improve its capacity to collect valid and reliable data that meets all state and federal performance indicator/reporting requirements, improves the state’s and school district’s ability to plan and deliver good services and remediate weaknesses, and enables schools districts, the state, parents, other stakeholders and the public to monitor progress.
- Technical assistance is needed to address these critical areas and should be sought from US DOE or other sources. This is warranted given the importance of the SPP process in the state’s oversight responsibility and ensuring FAPE to all students with disabilities and also because the gaps and deficiencies in performance as well as data collection and analysis is of long standing, dating back to the earlier iterations of the SPP required under 1997 IDEA.
- Actively seek and use feedback from students with disabilities on future forms, documents, and questionnaires.

## **Commendations**

- Spencer Nozell – for his contributions as a student with disabilities and a member of SAC to the Post school Outcomes survey questionnaire.
- Wendy Thomas for her work in compiling this report.

## **2006-2007 SAC Members and Their Affiliation**

### **State Advisory Committee for Students with Disabilities**

#### **Committee Members**

**Per RSA 186-C:3-b Advisory Committee; Purpose; Membership; Terms; Duties; Meetings**

**Updated: 6/6/07**

<b><i>The committee shall consist of the following members:</i></b>	<b><i>Name</i></b>	<b><i>Term Expiration</i></b>
Two members of the house education committee, appointed by the speaker of the house	Representative Sharon M. Carson	Expires 12/3/08 Term 1
	Representative Claire D. Clarke	Expires 12/3/08 Term 1
Two members of the senate education committee, appointed by the president of the senate	Senator Peter Bragdon	Expires 12/3/08 Term 1
	Senator Molly Kelly	Expires 12/3/08 Term 1
One representative of a vocational, community, or business organization concerned with the provision of transition services to children /students with disabilities appointed by the governor	William (Bill) Finn	Expires 10/16/07
One state education official, who shall be an administrator, appointed by the governor	Santina Thibedeau, State Director and Administrator	Expires 11/28/08

One local education official, who shall be an administrator, appointed by the governor	Bill Carrozza,	Expires 5/4/08 Term 1
One special education teacher, appointed by the governor	Anne Wilkinson	Expires 5/4/08 Term 1
One representative of the department of health and human services, recommended by the commissioner of the department of health and human services, and appointed by the governor	Michelle Rosado	Expires 1/18/09 Term 1
One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor	Richard (Dick) Cohen	Expires 12/22/07 Term 1
One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor	Heather Thalheimer	Expires 5/4/08 Term 1
Two individuals with disabilities who have benefited from special education services, one of whom may be a high school student, appointed by the governor	Emily Huff	Expires 5/4/08 Term 1
	Sarah Cooley	Expires 10/4/08 Term 1
	Benjamin Kilham	Expires 10/4/08 Term 1

	Spencer Nozell	Expires 10/4/08 Term 1
	Griffin Nozell	Expires 2/15/2010 Term 1
One administrator of a public special education program, appointed by the governor	Pat Dowey	Expires 5/4/08 Term 1
One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor	Frank Sgambati	Expires 5/4/08 Term 1
One representative of a private school approved for special education, appointed by the governor	Michael Maroni	Expires 12/12/07 Term 2
One representative of a public charter school, appointed by the governor	Susan Brule	Expires 1/13/09 Term 1
One representative from the department of health and human services, appointed by the governor	Vacant	
One representative from the department of corrections, appointed by the governor	Kathleen (Kitty) Letts	Expires 5/17/10 Term 1
<b><i>Parents</i></b> of children/students with disabilities, appointed by the governor. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities	Audrey Burke	Expires 5/4/08 Term 1
	Karen Lord	Expires 5/4/08

		Term 1
	Janice Wiers	Expires 5/4/08 Term 1
	Robin Hefflefinger	Expires 5/4/08 Term 1
	Wendy Thomas	Expires 5/4/08 Term 1
	Lilia Morales-Hill	Expires 5/4/08 Term 1
	Raymond Dailey	Expires 5/4/08 Term 1
	Matthew Hanna	Expires 5/4/08 Term 1
	Martha Shedd	Expires 5/4/08 Term 1
	Donna Curtin	Expires 10/4/08 Term 1
	Patricia Ann Swonger	Expires 11/28/08 Term 1
	Lisa Lowell	Expires 11/28/08 Term 1
	Suzanne Heath	Expires 11/28/08 Term 1
	Ngozi Okongwu	Expires 4/13/09 Term 1
	Angela Kouroyen	Expires 2/15/2010 Term 1
	Cathlin Daley-Meinhardt	Expires 2/15/2010 Term 1
	Theresa Kraft	Expires 2/15/2010 Term 1
According to <b>IDEA</b> 2004, the additional individuals		

must be included;		
State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)	Lynda Thistle – Elliott	Expires 10/4/08 Term 1
A representative from the State child welfare agency responsible for foster care	Robert Doty	Expires 10/4/08 Term 1
Representative from the State juvenile agency	Vacant	

SAC MEMBER ATTENDANCE  
SEPTEMBER 2006 – JUNE 2007

NAME	9/06	10/4	11/1	12/6	1/3	2/7	3/7	4/4	5/2	6/6
Angela Kouroyen	----	----	----	----	----	----	A	A	A	P
Anne Wilkinson	P	P	A	P	P	P	P	A	A	A
Audrey Burke	P	A	A	A	P	P	A	A	P	P
Benjamin Kilham	P	P	A	P	P	P	P	A	P	P
Bill Carozza	A	P	A	A	P	A	A	A	A	A
Bill Finn	P	P	P	P	P	A	P	P	P	P
Cathlin Daley-Meinhardt	----	----	----	----	----	----	P	A	P	P
Donna Curtin	P	P	P	A	P	A	P	A	P	P
Emily Huff	A	A	A	A	A	A	A	A	A	A
Frank Sgambati	P	A	A	A	P	P	A	A	P	P
Griffin Nozell	----	----	----	----	----	----	P	A	A	A
Heather Thalheimer	A	P	P	A**	P	P	P	A	P	P
Janice Wiers	P	P	P	P	P	P	P	P	P	P
Karen Lord	A	A	P	A	P	A	A	A	A	A
Kathleen Letts	----	----	----	----	----	----	----	----	----	P
Lilia Morales-Hill	A	A	A	A	A	A	A	A	A	A
Lisa Lowell	P	P	A	P	P	P	A	A	P	P
Lynda Thistle Elliott	P	A	P	P	P	P	A	P	P	P
Martha Shedd	P	P	P	P	P	A	A	A	P	P
Matthew Hanna	P	P	P	P	P	A	A	P	A	P
Michael Maroni	P	P	P	P	P	P	P	P	P	P
Michelle Rosado	P	A	P	A	P	P	P	A	P	P
Ngozi J. Okongwu	P	P	A	P	P	P	A	A	P	A
Pat Dowey	----	----	P	P	P	P	P	A	P	P
Patricia Ann Swonger	P	P	P	P	P	P	P	P	P	P
Raymond Dailey	P	P	P	A	A	A	P	A	P	P
Rep. Sharon Carson	----	----	----	----	----	A	A	A	A	A
Rep. Claire Clarke	----	----	----	----	----	A	A	A	A	A
Rep. Deb Naro	A	A	A	A	A	----	----	----	----	---
Rep. Packy Campbell	A	A	A	A	A	----	----	----	----	---
Richard Cohen	P	A	P	P	P	P	P	P	P	P
Robert Doty	A	A	A*	A	A	A	A	A	A	A
Robin Hefflefinger	P	P	P	A	P	A	P	A	P	P
Santina Thibedeau	P	P	A	A	P	P	P	P	P	P
Sarah Cooley	P	A	A	A	A	A	A	A	A	A
Sen. Joseph Foster	A	A	A	A	A	----	----	----	----	---
Sen. Peter Bragdon	A	P	A	A	A	A	A	A	A	A
Sen. Molly Kelly	----	----	----	----	----	P	A	A	A	A
Spencer Nozell	A	P	A	P	P	P	P	A	A	A
Susan Brule	A	A	A	A	A	A	A	A	A	A
Suzanne Heath	P	P	P	P	P	P	P	P	P	P
Theresa Kraft	----	----	----	----	----	----	P	A	A	P
Wendy Thomas	A	P	A	P	P	P	P	A	P	A

\*Sent representative: Angela D. Keef of DCYF

\*\*Sent Bonnie Dunham (PIC) in her place

Key:

P=Present

A=Absent

Spaces with ---- indicates was not a member at that time.

## Appendices

**State Advisory Committee for Children with Disabilities  
New Hampshire Department of Education  
Bureau of Special Education**

November 8, 2006

Lyonel B.Tracy, Commissioner of Education

New Hampshire Department of Education

101 Pleasant Street

Concord, NH 03301

Dear Commissioner Tracy:

The State Advisory Committee (SAC) on the education of children/students with disabilities is charged by statute with exploring issues related to the education of children with disabilities in New Hampshire and advising the State educational agency in developing evaluations and reporting on data to the Secretary. At the SAC's November meeting we received information about the States Performance Plan to be submitted to Office of Special Education Programs. This resulted in much discussion about measurable and rigorous performance goals. The State Advisory Committee has asked that I advise you of this request:

That the Department of Education make the targets in the State Performance Plan Indicator 3 (a) and Indicator 3 (c), the same for all children in Reading and Math in accordance with No Child Left Behind.

Although, not an official position of the State Advisory Committee, there was concern and agreement that the Department use rigorous goals, with rigorous being a strict and severe measure.

Sincerely,

Michael D. Maroni

Chair, State Advisory Committee



**Lyonel B. Tracy**  
Commissioner of Education  
Tel. 603-271-3144

**Mary S. Heath**  
Deputy Commissioner  
Tel. 603-271-7301

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF EDUCATION**  
101 Pleasant Street  
Concord, N.H. 03301  
FAX 603-271-1953  
Citizens Services Line 1-800-339-9900

June 6, 2007

The Honorable John Lynch  
Governor of New Hampshire  
State House  
107 North Main Street  
Concord, NH 03301

Dear Governor Lynch,

I am writing to request a meeting with you, the President of the Senate, and the Speaker of the House on behalf of the State Advisory Committee for Children with Disabilities (SAC).

The State Advisory Committee for Children with Disabilities is a statutory committee established by RSA:186-C:3-b. The main purpose of the committee is to inform the Commissioner of Education, Governor and General Court on issues related to the education of children with disabilities in New Hampshire.

I have enclosed the attached motion which outlines the SAC's request for a meeting.

Sincerely,

Lyonel B. Tracy  
Commissioner of Education

(Attached Motion)

Be it resolved that The State Advisory Committee for Children with Disabilities (SAC) supports the Disabilities Rights Center's, April 30, 2007 analysis, entitled "Half of New Hampshire Students with Disabilities are Dropping Out; Legislature Considering Bills to Address Crisis in Special Education."

The analysis shows the drop out rate from High School in New Hampshire for students with disabilities as 47%, ranking New Hampshire as 52nd among the states and territories.

The SAC asks the Chair to assure inclusion in the Annual Report that we find this information to be appalling, that actions have been insufficient and we can find no evidence of immediate and substantive actions by the Department of Education, Governor or legislature to address the issue.

We wonder, out of the number of children with disabilities that dropped out, how many were below proficient in reading, writing, and/or math? The performance of children with disabilities does not mirror the potential of learning for a majority of the 31,399 children with disabilities in NH between ages of (3-21). Most of the students are not significantly cognitively disabled, according to the data provided by NH Department of Education for December 2006. Look at the categories, they speak for themselves:

- 41.4 % Specific Learning Disability
- 19.2 % Speech/Language
- 15.4% Other Health Impaired
- 8.0% Emotional Disturbance

So have we just set low expectations systemically? How will the local and state educators aggressively address this? The issues begin in the schools, with the level of expectations and instruction and/or programs for children with disabilities, and follows with the need for strong data accountability at both the state and local levels.

We formally ask what the agencies involved are doing and will do to address this issue. Furthermore, in an attempt to heighten awareness and assure appropriate action is taken; we formally ask to convene a meeting with the Commissioner of Education, The Governor, the President of the Senate and the Speaker of the House. We will rely on the administrative support provided to the SAC under the authorizing statute to arrange the meeting.

To: Parents, Advocates, Educators, and Concerned Citizens,

**Your help is urgently needed!** Public hearings have been scheduled for several House Bills that will significantly impact special education rights and/or services for New Hampshire children with disabilities and their families. The following is a brief summary of the bills and when they will be heard. All of the hearings will be held in room 207 of the Legislative Office Building (LOB) in Concord. Directions to the legislative office building may be found at [www.gencourt.state.nh.us/misc/directions/](http://www.gencourt.state.nh.us/misc/directions/)

**HB 678** - An Act revising the special education program approval and monitoring process. This bill makes amends the special education program approval and monitoring process. Other key points: strengthens the policy and purpose section, makes changes to the definition of a child with a disability (particularly "developmental delay"), continues to allow mapping (programming) of a cochlear implant as a related service, promotes education in the LRE, addresses FAPE in adult correctional facilities, & revises SAC membership. The public hearing for this bill will be held on **March 5<sup>th</sup> at 10:00 am** in room 207 of the Legislative Office Building (LOB) in Concord.

**HB 677** - An Act relative to special education procedural safeguards and the dispute resolution process. This bill revises portions of the dispute resolution and due process hearing process in special education cases. Other key points: revises the process for appointing surrogate parents, allows courts to reimburse parents for expert witness fees if the parents prevail at a due process hearing. The public hearing for this bill will be held on **March 5<sup>th</sup> at 1:00 pm** in room 207 of the LOB.

**HB 679** - An Act relative to delivery of special education services. This bill amends the procedures for delivery of special education services by school districts and other agencies. Other key points: Includes short-term objectives as part of each child's IEP, and revises the sections on the interagency agreement and extended school year services. The public hearing for this bill will be held on **March 5<sup>th</sup> at 2:00 pm** in room 207 of the LOB.

**HB 766** - An Act making changes to the laws relating to special education. This bill makes numerous changes in the statutes relating to RSA 186-C on special education. Key points: makes changes to RSA 169-B (Delinquent Children law), RSA 169-C (Child Protection Act), and RSA 169-D (Children in Need of Services--CHINS) to protect children who have, or are suspected of having disabilities, establishes how the district of liability is determined for such children, and clarifies that public charter schools may not discriminate on the basis of disability. The public hearing for this bill will be held on **March 8<sup>th</sup> at 10:00 am** in room 207 of the LOB.

**HB 765** - An Act relative to procedures for determination of special education costs, payment liability and rate setting. This bill makes various changes to the procedures for determining special education costs, rate setting and payment liability. Other key points: provides an incentive for districts to build their capacity to meet children's needs within in-district, and makes changes to how Medicaid is accessed by schools. The public hearing for this bill will be held on **March 14<sup>th</sup> at 1:00 pm** in room 207 of the LOB.

It is critical that the House Education Committee hears from you regarding these bills. It will be most helpful if for each bill, you state your position on the bill, then provide specific information and/or examples of how the components of the bill will affect your child and/or how it will support your involvement in your child's education. There is an attached summary of the bills, including some "talking points" that may be helpful to you as you draft your testimony. Testimony can be typed or handwritten, and should be addressed to the chair of the House Education Committee:

Emma Rous, Chair  
House Education Committee  
Legislative Office Building  
North State Street  
Concord, NH 03301-4951

Telephone calls to committee members are also helpful. Contact information for House Education Committee members may be found on the Disability Rights Center's website: [www.drcnh.org](http://www.drcnh.org). If you are able to attend any or all of the hearings, it would make a tremendous impact on the committee. At the hearing, you may sign in supporting (or opposing) the bill. You may also present oral or written testimony, or both. Testimony involves you stating your name and address followed by an approximately 1 to 3 minute explanation of why you are supporting (or opposing) the bill. The committee truly wants (and needs) to hear from parents and other key stakeholders.

Your involvement is very important, as only you can make the committee members aware of what each of these bills mean to you as the parent of a child with a disability, or other key stakeholder. If you have questions or would like more information, please contact **Dick Cohen** at the Disabilities Rights Center - [richardc@drcnh.org](mailto:richardc@drcnh.org) or 224-0432, or Bonnie Dunham at the Parent Information Center - [bdunham@parentinformationcenter.org](mailto:bdunham@parentinformationcenter.org) or 224-7005 x 22 or at home 424-4024. We look forward to seeing you at the hearings!

**Summary of HB 765 (formerly LSR #0181): An Act relative to procedures for determination of special education costs, payment liability and rate setting.**

**Analysis:** This bill makes various changes to the procedures for determining special education costs, rate setting and payment liability.  
**Other key points:** provides an incentive for districts to build their capacity to meet children's needs within in-district, and makes changes to how Medicaid is accessed by schools  
**Sponsors:** Nancy F. Stiles, Claire D. Clarke, Arthur G. Jillette, Kimberley S. Casey, Margaret W. Hassan  
**Public hearing scheduled for March 14th at 1:00 pm**

Key Points (Including section and page #s where the topic is located in the bill)	Rationale and Related Points	Fiscal Impact
Throughout the bill - Makes technical changes to update language in RSA 186-C & related laws. Changes terms such as “educationally disabled child”, “handicapped child” to “child with a disability”, “children with disabilities”; “individualized education plan” to “individualized education program”; and “educationally related services” to “related services.” Also changes the phrase, “where the child’s needs can best be met” to “where the child’s needs can be met in accordance with state and federal education law”.	Updates language to be more respectful, accurate and to be consistent with State & Federal laws, particularly the Individuals with Disabilities Education Act of 2004 (IDEA).	None
#19 (p 6) Adds a requirement that private special education school/provider reimbursement rates be sufficient to reflect costs of comparable or similar programs in the region or state and sufficient to provide children with disabilities with a free appropriate public education, and prohibits providers from charging a rate in excess of the rate set by the DOE.	Rates would reflect the actual costs to provide the service. Rates that are set too low may force private providers out of the market, leaving children with disabilities without services, or at risk of having to be placed in an out-of-state program, which would almost certainly be more expensive.	Some provider rates may increase, but would be offset by improved educational results & less out of state placements.
#20 (pp 6-7) Changes the district of programmatic and financial liability for parentally -placed private school children to the district in which the school is located, and For children who are accepted on a tuition basis by another public school or public academy, provides that the district where the child attends school as the programmatic and financially liable district. Provides for the liable district to receive reimbursement for special education expenses under RSA 186-C.	The change regarding parentally-placed private school children is required by Federal law (IDEA requirement). The clarification re: district of liability for children who are tuitioned by their parents to another public school or academy, sets a singular standard for children and school districts in New Hampshire that meets Federal and State law.	None, although the district that is incurring the cost is changed
#21 (p 7) Provides an incentive for districts to bring children	Local school districts will benefit from improved	Anticipate cost

placed in out-of-district programs back to their home district by giving the district a percentage of the catastrophic aid funds they would have received had the child remained out-of-district, using those funds to build capacity to serve children in their communities by enhancing or establishing in-district programs or services.	capacity to serve their children with disabilities; and children with disabilities will benefit by being able to maintain connections with neighborhood peers and their communities, keeping children and families together. The \$1,000,000 to be set aside is not new money, but a reallocation of funds that would have been used to pay to maintain the child in an out-of-district program.	savings, as in-district programs are generally less expensive than out-of-district programs.
#22 (pp 7-8) Eliminates references to Laconia developmental services and redefines a “state institution” (now called a “state facility”) as “any approved and operated facility for children and youth with disabilities”. Also, deletes the language relegating children ages 18 to 21 placed at the Philbrook center to minor status.	Updates this section to reflect changing times and practices. For example, Laconia State School and Training Center closed in 1990.	None
#26 (p 10) Requires the school district to obtain written parental consent to access a child’s Medicaid whenever an IEP including such services is proposed or amended. Establishes DHHS as the payor of first resort for Medicaid reimbursable educational services, such as speech therapy or counseling. Includes a mechanism for districts to be reimbursed if they had already provided the services.	Written parental consent before a school district can access a child’s Medicaid is now required under Federal law. The financial burden for medically-related educational services will no longer fall completely on the local district.	Anticipate cost savings, as Medicaid services generate a 50% Federal match for covered services.

The complete bill may be found at: [www.gencourt.state.nh.us/legislation/2007/HB0765.html](http://www.gencourt.state.nh.us/legislation/2007/HB0765.html) Contact information for legislators may be found at [www.gencourt.state.nh.us/house](http://www.gencourt.state.nh.us/house)

See [www.drcnh.org](http://www.drcnh.org) for more information on this and related bill, as well as a complete list of House Education Committee members and their contact information

**Summary of HB 677 (formerly LSR #0182): An Act relative to special education procedural safeguards and the dispute resolution process.**

Analysis: This bill revises portions of the dispute resolution and due process hearing process in special education cases.  
Other key points: revises the process for appointing surrogate parents, allows courts to reimburse parents for expert witness fees if the parents prevail at a due process hearing  
Sponsors: Nancy F. Stiles, Claire D. Clarke, Arthur G. Jillette, Kimberley S. Casey, Daniel C. Itse, Margaret W. Hassan  
Public hearing scheduled for March 5th at 1:00 pm

Key Points (Including section and page #s where the topic is located in the bill)	Rationale and Related Points	Fiscal Impact
Throughout the bill - Makes technical changes to update language in RSA 186-C & related laws.	Updates language to be more respectful, accurate and to be consistent with State & Federal laws, particularly the Individuals with Disabilities	None

	Education Act of 2004 (IDEA).	
<p>#18-20 (pp 6-9) Revises the process for appointing surrogate parents, including foster parents who wish to represent their foster children as surrogate parents, by allowing a court of competent jurisdiction overseeing the child's case or the DOE to appoint a surrogate parent, or the school district in the case of an unaccompanied homeless child with a disability. Changes who is responsible for determining if a foster parent has met the requirement for having a long term relationship with the child for whom they wish to become the surrogate parent from the department of health and human services or the child placing agency to the DOE or child placing agency. Changes the terms "birth parents" and "natural parent" to "biological or adoptive parents" and "welfare records" to "health and human services records".</p>	<p>These changes reflect the new requirements in IDEA, and in the case of foster parents, current NH practice.</p> <p>The changes in terminology re: "parents" are consistent with the changes in IDEA, which were made because the term, "natural parent" was deemed offensive, especially to adoptive parents. NH does not use the term "welfare records".</p>	<p>Minimal, if any</p>
<p>#21 (p 7-8) Adds a provision giving the court the authority to award reimbursement for expert witness fees to a parent who is the prevailing party in a due process hearing, but also gives the court the discretion to reduce or deny reimbursement in certain situations.</p>	<p>Without the option of reimbursement for expert witness fees, many parents will not be able to use the due process hearing option when they believe their child's rights have been denied or the school's proposal would not provide their child with an appropriate education that meet their child's educational needs. Schools, on the other hand, have their own "expert witnesses" on their payrolls. The school's expert witnesses and attorneys are paid by tax dollars, including with taxes paid by the parents. Most parents, who are already without counsel, will be at a serious and likely insurmountable disadvantage if they must pay for expert witnesses without any option for reimbursement if they prevail.</p> <p>Note: Payment of expert witness fees to a prevailing parent has been the courts' interpretation of IDEA and the practice for nearly 30 years. The amendment to state law is needed because of a 2006 Supreme Court ruling interpreting IDEA differently, but leaving States the option to keep the prior practice if they wish. This</p>	<p>Minimal, if any cost implications, as this continues an existing practice that applies to very few cases each year. Eliminating the practice may increase the burden on the DOE and others by removing the incentive for districts to try to settle the dispute outside of a due process hearing.</p>

	issue is now being further reviewed at the Federal level.	
#22 (p 7) Adds “facilitated team meeting” to “mediation” and “neutral conference” as alternatives to resolve disputes between parents and school districts	The volunteer “facilitator” program coordinated by the DOE provides parents and schools with a less formal and non-adversarial means to resolve disputes about a child’s special education.	Anticipate cost savings (Mediators and neutrals are paid).

The complete bill may be found at: [www.gencourt.state.nh.us/legislation/2007/HB0677.html](http://www.gencourt.state.nh.us/legislation/2007/HB0677.html) Contact information for legislators may be found at [www.gencourt.state.nh.us/house](http://www.gencourt.state.nh.us/house)  
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Summary of HB 678 (formerly LSR #0183): An Act revising the special education program approval and monitoring process. [Page 1 of 2]

Analysis: This bill makes amends the special education program approval and monitoring process.  
Other key points: strengthens the policy and purpose section, makes changes to the definition of a child with a disability (particularly “developmental delay”), continues to allow mapping or programming of a cochlear implant as a related service, promotes education in the LRE, addresses FAPE in adult correctional facilities, & revises SAC membership.  
Sponsors: Nancy F. Stiles, Claire D. Clarke, Arthur G. Jillette, Kimberley S. Casey, Daniel C. Itse, Margaret W. Hassan  
Public hearing scheduled for March 5th at 10:00 am

Key Points (Including section and page #s where the topic is located in the bill)	Rationale and Related Points	Fiscal Impact
Throughout the bill - Makes technical changes to update language in RSA 186-C.	Updates language to be more respectful, accurate and to provide consistency between State and Federal laws, particularly IDEA.	None
# 17 (p 5) Adds language to the policy and purpose provision in line with federal law and all aimed at affording children with disabilities “a free appropriate public education in the least restrictive environment that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.”	Clarifies and updates the purpose (as established by IDEA) and reflects the high expectations set for children with and without disabilities under No Child Left Behind and state law.	None
#18 (p 5) Revises the definition of “child with a disability” to reflect the “people first” language in IDEA, and adds “acquired	This change is not intended to increase the number of children who receive special education,	None

<p>brain injury”(ABI) to the list of disabilities.</p>	<p>but ensure that children with ABI are appropriately identified (ex. currently may be misidentified as having a learning disability or emotional disturbance).</p>	
<p>#18 (p 5) Revises the definition of a “child with a developmental delay” to no longer require the child to first be identified as having another disability.</p>	<p>Requiring that a child first be identified under another disability category meant that school districts had to, at times, conduct additional evaluations. IDEA leaves it to states to establish the criteria for a developmental delay, and provides some guidance. This level of detail is being left to the state board of education.</p>	<p>Potential cost savings</p>
<p>#18 (p 6) Pulls together all of the provisions on related services into one section. IDEA’s prohibition against a related service including surgically implanted medical devices or the device’s replacement, was added, but continues NH’s current practice of allowing related services to include “the maintenance or programming (mapping) of such a device”.</p>	<p>This revision is important because of the educational benefit for a child with a cochlear implant and the potential cost savings if mapping is an allowable related service. Mapping of a cochlear implant is a relatively inexpensive, cost effective and essential service that can enable a child who is deaf to be educated in his or her local school instead of having to attend a special, perhaps residential, school just for children who are deaf.</p> <p>Studies show that the average cost of one-year in a school for the deaf exceeds \$30,000 [sources at <a href="http://www.drcnh.org">www.drcnh.org</a>], while a NH parent of a child with a cochlear implant gave a cost for 2-4 mapping visits/year at \$1,000 - \$1500 (studies give a lower cost).</p> <p>This issue is currently in dispute at the Federal level. While the recently issued IDEA rules do not specify that mapping is a related service, others have argued that the regulations are contrary to the IDEA statute, which requires that it be considered a related service.</p>	<p>Anticipate cost savings, given the cost of mapping vs. the cost of a private school placement for a child who is deaf.</p>

Summary of HB 678: An Act revising the special education program approval and monitoring process. [Page 2 of 2]		
Key Points (Including section and page #s where the topic is located in the bill)	Rationale and Related Points	Fiscal Impact
#20 (p 8) Requires the DOE to “develop and promote evidence-based practices supporting the education of children with disabilities in the least restrictive environment”, to develop and implement strategies to address the situation if children are being placed out-of-district solely due to a lack of qualified personnel, and to provide focused technical assistance to help school districts with disproportionate representation in out-of-district programs to serve children with disabilities in the least restrictive environment.	This is in keeping with the state and federal obligation to educate children with disabilities in the least restrictive environment, which in many instances is their neighborhood school. If local school districts are able to educate higher numbers of children with disabilities in-district, they may realize significant cost savings.	None
#20 (p 7) Clarifies DOE duties to ensure compliance with RSA 186-C, IDEA and applicable state and federal laws, including the McKinney-Vento Homeless Assistance Act, and to ensure that all private and public special education programs meet educational standards set by the DOE applicable to children with disabilities and all children.	The changes are needed to bring what is a mostly 1981 law in line with effective, professionally recognized practices in oversight, quality assurance and monitoring, and with federal and state law (IDEA, NCLB, NH Constitutional (Claremont) and State Statutory Law). Rigorous evaluation, oversight and monitoring, as well as state support, is needed to address why education for children with disabilities lags behind that for their nondisabled peers. The drop out rate for children with disabilities, for example, is twice the rate for all children. For further data on special education, see UNH Policy Brief, “Access NH,” at <a href="http://iod.unh.edu/AccessNH/accessnh.html">http://iod.unh.edu/AccessNH/accessnh.html</a> .	Given the considerable funds spent for these activities, the total spent on special education, and what is at stake, additional funding would seem to be a wise and necessary investment.
#21 & 24 (pp 12-17) Revises program approval, monitoring & corrective processes over public and private schools in regard to special education to better ensure: Adherence with standards which emphasizes rigorous and measurable educational and functional skill results rather than just procedural compliance; accuracy of reported data which demonstrate results and compliance; monitoring teams have the requisite knowledge and independence; and the DOE has a range of interventions or sanctions to give schools the tools or, if needed the motivation, to meet compliance and performance standards.	\$475,000,000 is spent on special education for about 31,000 children. Responsible public and fiscal policy demand that NH have effective monitoring and enforcement as well as technical support to schools to ensure that funds are spent effectively and yield results.	Some of the new activities, including increased data collection, are required by Federal law.
#20 (p 7-8) Provides more detail regarding the DOE’s responsibilities Revises data collection and reporting requirements, including to reflect those now required by IDEA and to show compliance with No Child Left Behind (NCLB)		

<p>#20 (pp 9-10) Provides more clarity and accountability regarding the provision of special education to eligible students with disabilities in adult correctional facilities, including Granite State High School and the County Houses of Corrections.</p>	<p>These changes address the issue of eligible students with disabilities not receiving a free appropriate public education (FAPE) required by state and federal law. Incarcerated students with disabilities who receive a FAPE will be better prepared to rejoin their communities as productive members of society. For county jails, school districts have financial responsibility under current law, which should be sufficient to cover any increases.</p>	<p>Some cost impact if additional personnel are needed, but existing staff may be sufficient. School districts have a financial responsibility under existing law.</p>
<p>#20 (pp 10-11) Adds members to the state advisory committee, to meet the new requirements in IDEA, and adds one individual representing children with disabilities who are home-schooled and one from a county correctional facility</p>	<p>Most additional members are required by IDEA The additional two new members were added based on public input and concern for unique student groups.</p>	<p>None</p>
<p>#22 (p 16) Deletes the requirement that said, "Eligibility for participation in an approved program of special education shall be determined by the school board of the school district under rules adopted by the state board of education."</p>	<p>This requirement was in conflict with state and federal law (the child's IEP team is responsible for making this determination)</p>	<p>None</p>

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<p><b>Summary of HB 679 (formerly LSR #0185): An Act relative to delivery of special education services.</b></p>		
<p>Analysis: This bill amends the procedures for delivery of special education services by school districts and other agencies. Other key points: Includes short-term objectives as part of each child's IEP, and revises the sections on the interagency agreement and extended school year services. Sponsors: Nancy F. Stiles, Claire D. Clarke, Arthur G. Jillette, Kimberley S. Casey, Daniel C. Itse, Margaret W. Hassan      Public hearing scheduled for March 5th at 2:00 pm</p>		
<p>Key Points (Including section and page #s where the topic is located in the bill)</p>	<p>Rationale and Related Points</p>	<p>Fiscal Impact</p>
<p>#1-16 (pp 1-5) Makes technical changes to update language in RSA 186-C and related laws.</p>	<p>Updates language to be more respectful, accurate and to provide consistency between State and Federal laws, particularly IDEA.</p>	<p>None</p>

<p>#17 (p 6) In the definition of an IEP, states that “each child’s individualized education program shall include measurable annual goals with short-term objectives or benchmarks to address the child’s identified needs”.</p>	<p>Parents have identified this change as being critically important. Short-term objectives or benchmarks (STOs) enable parents , who are equal members of the IEP team, to understand, participate in, support and monitor their child’s progress towards the annual goals in the IEP. In fact, the IDEA regulations note, “benchmarks and short-term objectives were originally intended to assist parents in monitoring their child’s progress toward meeting the child’s annual goals...”</p> <p>When preparing to teach a child with disabilities, educators must plan how the child will progress towards the annual goals in the IEP. They also must keep records to enable them to regularly report the child’s progress towards the annual goals in the IEP. This makes including STOs in the IEP only a matter of them documenting and sharing with the parents the steps by which the child will meet the annual goals.</p> <p>The lower requirement in the federal law requires STOs for some children, those with the most significant disabilities, but as written, would mean that no IEP for any preschool child with a disability would need to include short-term objectives</p>	<p>None. Without STOs, there is a risk of increased costs as ineffective services may go unchecked for an entire school year.</p>
<p>#18 (pp 6-8) Improves &amp; clarifies interagency agreement between DOE &amp; DHHS and their local counterparts to comply with federal law and to ensure more economical, prompt, &amp; effective service delivery to children needing services from multiple agencies or who are transitioning from one system to another.</p> <p>Requires DOE and DHHS to amend their required interagency agreement providing for procedures and criteria, which:</p> <p>Clearly define when school districts are responsible for provision of services and funding and when DHHS agencies are responsible.</p> <p>Establishes a dispute resolution mechanism for parents, schools or a DHHS agency to determine the responsible agency when there is disagreement, and makes school districts responsible until a resolution is reached (subject to</p>	<p>After 25 years, the interagency agreement, and the law requiring it, has not achieved its purpose. These revisions are needed to:</p> <p>Assure compliance with IDEA.</p> <p>Ensure the agency(s) with the appropriate responsibility &amp; expertise provide the needed services to the child &amp; family without unnecessary delay</p> <p>Prevent children from falling through the cracks when there is disagreement about which is the responsible entity.</p> <p>Reduce duplication in evaluations, case mgmt., team meetings, &amp; services.</p> <p>Significantly reduce unnecessary diversion to the juvenile court and child protection systems &amp; more segregated, expensive placements by promoting more creative interagency, “wrap-around” solutions on the local level.</p> <p>Promote consistency across environments &amp; seamless,</p>	<p>None. Costs savings will result both due to elimination of duplication &amp; more effective and creative interventions.</p>

reimbursement if another agency is found responsible). Permits a parent or agency to request participation of another agency that they believe is responsible, rather than have to initiate separate parallel eligibility determinations and service provision.	smooth transitions (to preschool and from high school). There is widespread support for the concept of interagency coordination or “wrap around.” in NH and elsewhere.	
#19 (p 8) States that a child’s IEP team is responsible for developing the IEP.	Revision is needed to comply with federal and state law.	None
#20 (pp 8-9) Revises eligibility for extended school year (ESY) services. Adds the term, “school day” to “school year”. Adds language regarding ESY for preschoolers, “The length of the school year and school day for a preschool child with a disability shall be determined by the child’s IEP team and shall not be governed by the school district’s school calendar. A free appropriate public education shall be provided to a preschool child with a disability, beginning on the child’s 3rd birthday when the child’s IEP team determines that services are necessary to provide a FAPE to the child”.	This revision was needed to provide consistency between the RSA 186-C, the NH special education regulations and the federal law. The language re: preschoolers was added in response to a finding that significant numbers of children with disabilities do not have an IEP in place by their 3rd birthday as is required by law. This will ensure a consistent understanding statewide of the process of determining the length of the school year for preschoolers.	None

The complete bill may be found at: [www.gencourt.state.nh.us/legislation/2007/HB0679.html](http://www.gencourt.state.nh.us/legislation/2007/HB0679.html) Contact information for legislators may be found at [www.gencourt.state.nh.us/house](http://www.gencourt.state.nh.us/house)

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**Summary of HB 766 (formerly LSR #0206): An Act making changes to the laws relating to special education.**

Analysis: This bill makes numerous changes in the statutes relating to RSA 186-C on special education.  
Key points: makes changes to RSA 169-B (Delinquent Children law), RSA 169-C (Child Protection Act), and RSA 169-D (Children in Need of Services--CHINS) to protect children who have, or are suspected of having disabilities, establishes how the district of liability is determined for such children, and clarifies that public charter schools may not discriminate on the basis of disability.  
Sponsors: Nancy F. Stiles, Claire D. Clarke, Arthur G. Jillette, Kimberley S. Casey, Gene P. Charron, Margaret W. Hassan Public hearing scheduled for March 8th at 10:00 am

Key Points	Rationale and Related Points	Fiscal Impact
Throughout the bill - Makes technical changes to update language in RSA 186-C and related laws and to make language consistent across laws.	Updates language to be more respectful, accurate and to provide consistency between State and Federal laws, particularly IDEA.	None
Makes the following changes to RSA 169-B (Delinquent Children law), RSA 169-C (Child Protection Act), and/or RSA	The change would improve the way that the juvenile justice system deals with children with disabilities. When	This legislation

<p>169-D (Children in Need of Services--CHINS):  #21 &amp; 25 (pp 7-8) Increases court diversion options for children with suspected disabilities in delinquency cases to include referral to the school district for disability-related evaluation and services.  #7, 9, 27 &amp; 41(pp 2-3, 8-9 &amp; 12) Authorizes juvenile courts to make orders providing for special education services in certain circumstances (e.g. when administrative remedies have been exhausted) or make other orders it deems necessary for provision of other services.  #25, 43 (pp 8 &amp; 12) Establishes for abuse and neglect and delinquency cases, that the “court shall determine whether the minor’s school district shall be joined pursuant to RSA 169-B:22, and if joined, the court shall review the school district’s recommendations”. States that the court shall not make a disposition “without first reviewing the school district recommendations required under RSA 169-B:22”.</p>	<p>the reason for court involvement relates to the school’s actions or inactions or the school is part of the solution, the juvenile courts lack authority to order needed school-based services. This expanded authority will give more flexibility to courts to craft more locally-based, interagency solutions instead of over reliance on segregated day or residential placements, which can be disruptive, stigmatizing and often significantly more expensive.  The juvenile/family courts are uniquely qualified to handle these matters. Currently the only courts that can hear special education cases are superior and federal courts. Rarely if ever is the superior court’s jurisdiction invoked. Few cases reach federal court because of costs and related reasons. The juvenile court, already with broad jurisdiction and authority over the child, family and related agencies, are in a unique position to render decisions regarding the whole child, including his education when that is relevant.</p>	<p>has the potential of saving funds, and should not significantly increase the burden on courts.</p>
<p>#22 &amp; 42 (pp 7 &amp; 12) Requires that in delinquency and CHINS cases that a minor believed by the court to have a disability meet with counsel before exercising right to waive counsel.</p>	<p>Under law, a minor who is involved with the court under the delinquency statute and his/her parents are allowed to decide not to have the child represented by counsel under certain conditions.  In the case of a child with a disability, the child would be required to meet with counsel as a way to ensure that the child’s decision not to be represented by counsel is made “competently, voluntarily and with full understanding of the consequences”.</p>	<p>Minimal cost implications are anticipated</p>
<p>#28 &amp; 29 (p 9) In RSA 193:12, establishes how the residence of a child who is in a court-ordered residential placement is determined.</p>	<p>Provides clarity and consistency across state laws.</p>	<p>None</p>
<p>#33-39 (pp 10-11) In RSA 194-B. clarifies that charter schools are not exempt from state or federal special education laws, and prohibits discrimination against children with disabilities. Also makes the definition of “parent” reflect RSA 186-C and establishes that a “teacher must meet the requirements prescribed in the ESEA and IDEA. Requires that when the</p>	<p>Clarifies that the prohibition against public schools discriminating against children with disabilities includes public charter schools.  Removes what was likely unintentional bias against children with disabilities, particularly children with disabilities who have an educational surrogate parent.</p>	<p>None</p>

<p>name of a consultant is not known, that person’s qualifications or certifications are to be identified. Limits the report of the joint legislative oversight committee to charter schools and not, as is currently stated, “all public education and the state’s regulation thereof.”</p>	<p>Limits the scope of the joint legislative oversight committee to reflect the statute under which it was formed.</p>	
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*The complete bill may be found at [www.gencourt.state.nh.us/legislation/2007/HB0766.html](http://www.gencourt.state.nh.us/legislation/2007/HB0766.html) Contact information for legislators may be found at [www.gencourt.state.nh.us/house](http://www.gencourt.state.nh.us/house) See [www.drcnh.org](http://www.drcnh.org) for more information on this and related bill, as well as a complete list of House Education Committee members and their contact information*