

New Hampshire  
Department of Education

IDEA Part B Special Education  
Annual Performance Report (APR)  
For FFY 2008  
(2008 – 2009)

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*New Hampshire Department of Education  
Bureau of Special Education*

*State Director of Special Education  
Santina Thibedeau  
101 Pleasant Street  
Concord NH 03301*

*For copies of the Annual Performance Report and the State Performance Plan,  
contact the Bureau at (603) 271-3741 or visit our website:*

<http://www.ed.state.nh.us/education/doe/organization/instruction/bose.htm>

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*The following person has been designated to handle inquiries  
regarding the nondiscrimination policies:*

*Brenda Cochrane, Human Resources Administrator  
(603) 271-3743    [bcochrane@ed.state.nh.us](mailto:bcochrane@ed.state.nh.us)*

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## **Overview of the Annual Performance Report Development:**

### Stakeholder Input

In the development of the State Performance Plan (SPP) and the Annual Performance Report (APR), submitted on February 1, 2010, the NHDOE sought input and shared data with key stakeholders including the NH Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC). During SAC monthly meetings, the NHDOE provided information and data, soliciting input and feedback from SAC members. In addition, the NHDOE sought input from the NH Family-Centered Early Supports & Services Interagency Coordinating Council (ICC) on indicators related to preschool special education.

Details about stakeholder input that is specific to a given indicator are found in the overview section for that indicator.

### Technical Assistance

The NHDOE sought technical assistance for the February 1, 2010 submission of the SPP and APR as follows:

- Participated in OSEP's teleconferences regarding the SPP and APR;
- Sought and used guidance materials from the Regional Resource and Federal Center (RRFC) website: <http://www.rffcnetwork.org>
- Received ongoing consultation from our OSEP State Contact;
- Support from OSEP-funded Technical Assistance Center such as DAC (formerly WESTAT and NCSEAM), CADRE, ECO, NECTAC, NPSO, NSTTAC;
- Participated in activities sponsored by and sought technical assistance from the North East Regional Resource Center (NERRC);
- Accessed materials found on the IDEA 2004 website: <http://idea.ed.gov/explore/home>
- Attended OSEP-sponsored conferences for Part B and Section 619

Details about technical assistance are found in the related indicators. For example, Indicator 15 includes detailed information about the extensive support from DAC to support the NHDOE in systematically developing tracking and documentation methods to ensure fidelity of data and to enhance the general supervision system.

### SPP Revisions

In accordance with OSEP Memorandum 10-3 and the SPP/APR application packet, the NHDOE has made the following revisions to the SPP:

- Updated and reported on progress data, baseline, targets and improvement activities for Indicator 7 in the NH Part B State Performance Plan (SPP) for 2005-2010;
- Indicator and Measurement language in Indicators 1, 2, 3, 5, 7, 11, 12, 16 and 17

For more information, see OSEP Memorandum 10-3

- <http://www.ed.gov/policy/speced/guid/idea/bapr/2010/baprmemo12309.pdf>

In addition, the SPP has been updated to include current information, such as the latest submission date, current website links, updated table of contents and information on revisions.

The NHDOE has informed the public of these revisions in the overview section of the SPP and APR as well as within the revised indicator. As required by the US Department of Education, Office of Special Education Programs (OSEP), the complete copy of the NH SPP (including revisions) has been posted on the NHDOE website by the February 1, 2010 deadline.

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Public Reporting

The New Hampshire Department of Education (NHDOE) makes its State Performance Plan (SPP) and Annual Performance Report (APR) available through public means, including posting on the NHDOE website, distribution to the media and distribution through public agencies (20 USC 1416 Section 616(b)(2)(C)(ii)(I)). The NHDOE reports annually to the public (through this same dissemination process) on the progress and/or slippage in meeting the measurable and rigorous targets found in the SPP using the Annual Performance Report (APR). The revised SPP and the FFY 2008 APR submitted February 1, 2010 are posted on the NHDOE website at:

<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/2008%20SPP%20APR/February2008APRSPP.htm>

In addition to posting on the NHDOE website, copies are distributed to: the NH State Board of Education; the NH Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC); NH Special Education Administrators Association; the Family Resource Connection, State Library and the Parent Information Center. Paper and electronic copies on CD will be available upon request from the Bureau of Special Education, NHDOE. These documents are available in alternate format upon request.

As required by OSEP, the NHDOE reports annually to the public on specific performance of each local school district in the state on the targets set out in the SPP by posting District Data Profiles on the NHDOE website. These profiles report the performance of each local school district regarding the indicators in the SPP.

The 2007-2008, 2006-2007 & 2005-2006 District Data Profiles can be viewed at:

<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/DistrictDataProfiles.htm>

Indicator 1 Overview of the Annual Performance Report Development

The OSEP-funded Data Accountability Center (DAC) and the North East Regional Resource Center (NERRC) provided consultation to the NHDOE on issues related to data collection, analysis, and reporting for this indicator.

**Monitoring Priority: FAPE in the LRE**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:** States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

**Overview of FFY Data**

**FFY 2004 SPP – Baseline Year: 73%**

**FFY 2005 APR – First year of Data: 72%**

**FFY 2006 APR – Second year of Data: 75%**

**FFY 2007 APR- Third Year of Data: 71%**

**FFY 2008 APR (data collected in FFY 2007) – Third year of Data: 71%**

*Reporting year:* Consistent with the OSEP Part B Indicator Measurement Table, the NHDOE has described the results of the examination of the data for the year before the reporting year (e.g., for the

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FFY 2008 APR, use data from 2007-2008), and compare the results to the target that was set for 2007-2008 in the State Performance Plan.

Data Examination for 2007-2008: In the New Hampshire Consolidated State Performance Report: Parts I and II for State Formula Grant Programs under the Elementary and Secondary Education Act amended by the No Child Left Behind Act of 2001 For reporting on School Year 2007-08 (CSPR), the NHDOE did not report graduation data for the special education population, nor have they in the past. That was reported as “missing” and USDOE accepted that. Therefore, the NHDOE was unable to report graduation rates using the CSPR data for the FFY 2008 APR submission. The NHDOE sought guidance from OSEP and NERRC on how to report on this indicator for this year. Based on their guidance, the NHDOE reported in the FFY 2008 APR on the graduation rates for youth with IEPs in 2007-2008 using the same calculation and methodology as in the FFY 2007 APR.

Data Examination for 2008-2009: The NHDOE anticipates that for the FFY 2009 APR the State will be able to report the 2008-2009 graduation rate using the graduation rate calculation and timeline established by the US Department of Education under the ESEA. The NHDOE anticipates using a cohort calculation starting in 2009-2010 and the analysis of the graduation rate for the special education population will occur as a part of the data process from that time on.

Aligning Graduation Rate Targets with Title I of ESEA: The NHDOE plans to align the targets for Indicator 1: Graduation Rates for Youth with IEPs with the graduation rate targets under Title 1 of the ESEA when the State reports the graduation rate using the graduation rate calculation and timeline established by the US Department of Education under the ESEA in the FFY 2009 submission of the SPP/APR. The NHDOE, Bureau of Special Education, will work with the NHDOE ESEA staff to establish ESEA graduation rate targets for children with IEPs.

Title 1 ESEA Graduation Rate Targets for all students: In 2003 the NHDOE, along with the NH State legislature, established a comprehensive statewide accountability system in accordance with No Child Left Behind (NCLB) federal requirements. As part of this system a Description of the Adequate Yearly Progress (AYP) Summary Report Page was established by NH and stated the following: **Graduation Rate: 75% or better, or improvement over the previous year (graduation rate is derived from the four-year dropout rate, reported to the nearest 0.1%). Since 2003, the NHDOE Title I program has been using the same state established graduation rate/target, which has been approved by the US Department of Education as a part of New Hampshire’s accountability workbook.**

FFY	Measurable and Rigorous Target
FFY 2007	87%

FFY	Actual Target Data for FFY 2008 APR (for this indicator, report data for the year before the reporting year: 2007-2008)
FFY 2007	71%

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Calculation

$$71\% = (1,403/1,978) \times 100$$

Total number of students with IEPs, 17 to 21 years old, eligible to graduate .....1,978  
Total number of students with IEPs who graduated in 2007-2008 .....1,403

Explanation of Calculation

The number of students with IEPs age 17 to 21 eligible to graduate can be represented as the total number of students with IEPs age 17 to 21 who exited special education according to the reasons provided in the federal category “dropped out of special education” plus the number of students with IEPs who graduated with a regular high school diploma in the 2007-2008 school year. The federal special education exit category of dropped out includes: moved, not known to be continuing; youth whose status is unknown, GED recipients, student who drop out, and other reasons.

Age	# Youth with IEPs who exited Special Education according to the reasons in the Dropped Out Category	# Youth with IEPs who exited Special Education in the Graduated Category	Total
17	147	9	156
18	220	770	990
19	140	468	608
20	54	122	176
21	14	34	48
<b>TOTAL</b>	<b>575</b>	<b>1,403</b>	<b>1,978</b>

The number of students with IEPs age 17 to 21 eligible to graduate is equal to the number of students who exited special education according to the reasons in the dropped out category plus the number of students who graduated with a regular high school diploma.  $575 + 1,403 = \underline{1,978}$ .

Definition

**RSA 186-C: 9 Education Required** states that an educationally disabled child “shall be entitled to continue in an approved program until such time as the child has acquired a high school diploma or has attained the age of 21, whichever occurs first...” New Hampshire does not recognize alternative diplomas, IEP diplomas, the GED, certificates of attendance or any other form but a regular high school diploma for the purposes of counting a child as fulfilling the diploma exiting requirement of RSA 186-C:9. To earn a regular high school diploma, a child must, as specified in the Minimum Standards for Public School Approval effective 7/1/05, Section Ed 306.27, earn “a minimum of 20 credits for a regular high school diploma, unless the local school board has set a requirement of more than 20 credits for a regular high school diploma, in which case the local credit requirement shall apply”. In NH, a regular high school diploma is conferred by the local school board.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

Note: The NHDOE reports improvement activity completed or not completed based on the expectations for the reporting period. Many activities are ongoing and will be continued in the next year even though they have been completed for the reporting period. In addition, many of the activities reported in Indicator 1 are referenced in other related indicators.

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*NH SPP Improvement Activity 1: Completed*

Under the NH RESPONDS grant, two NH RESPONDS High School sites were selected in December 2008 to develop and implement an RTI framework for behavior and secondary transition services at the high school level. These two sites: Kennett High School, Conway and Somersworth High School, Somersworth are both high schools located within our five SAU NH RESPONDS Demonstration Sites and they have participated in the APEX II dropout prevention project and therefore make for even stronger connections for our project from early childhood through high school.

Between March – April 2009 over 16 staff members at Kennett High School received training in the RENEW secondary transition services model in an effort to build secondary transition services capacity in the high school. In Somersworth High School seven RENEW mentors who were initially trained under the APEX project worked actively with the most-at-risk youth to develop personal futures plans and individualized support teams during the 2008-2009 school year .

In addition, the NH RESPONDS grant designed and delivered a four part transition series to develop statewide capacity in secondary transition services. The four-part transition series – “Foundations in Transition” provided the following trainings: December 11, 2008 – “The Basics of Secondary Transition”, January 15, 2009 – “Personal Futures Planning”, February 3, 2009 – “Creative Educational & Employment Options”, and March 19, 2009 – “Resource Development- Who needs to come to the table?”. The series attracted over 60 individuals statewide per training.

*NH SPP Improvement Activity 2: Completed*

The NH DOE published District Data Profiles for 2006-2007 and 2007-2008 for each district that shows how they compare to state targets in the SPP. This was published on the state website and disseminated broadly to the media and key state-holder groups such as the NH Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC), the NH State Board of Education, the NH Parent Information Center (PTI), and the NH Association of Special Education Administrators.

*NH SPP Improvement Activity 3: Completed*

The Bureau of Special Education, which provides technical assistance to schools through trainings and professional development, contracted with seven Technical Assistance Consultants (TACs) in 2008-2009 through an RFP process to directly respond to specific technical assistance requests from school districts in areas of need, weakness, or noncompliance. This was the second year of the TAC Project that went into effect in 2007-2008.

The seven TACs provided ongoing support to districts in the following areas: writing measurable goals and objectives; development, implementation, and management of IEPs; behavior intervention planning; developing and implementing post-school transition plans; regular education responsibility for students with disabilities in the least restrictive environment; co-teaching models; parental involvement; data driven goals and objectives; review of policies and procedures; case management; accommodations and modifications; timeliness of evaluations; RTI development and implementation; inclusion; special education process; Autism Spectrum Disorder, and; best practice in IEP development. TACs served as trainers for NH DOE programs, such as the Educational Surrogate Parent Program, IEP Facilitation Program, Alternate Assessment, and provided trainings to districts on data input into the NH Special Education Information System (NHSEIS) database. TACs also supported the Bureau with telephone support to districts and parents; Preschool Outcome Measurements, and; complaint work.

Request for Proposals (RFP) for the upcoming 2009-2010 school year was issued during the spring of 2009. Five TACs were hired via that RFP for FFY 2009 and two TACs had their contracts from FFY 2008 renewed that same spring for FFY 2009. The Bureau anticipates issuing a second RFP for up to three more TACs in the fall of 2009 to total 10 TACs for FFY 2009.

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NH SPP Improvement Activity 4: Completed

New Hampshire's student-centered *Follow the Child* Initiative focuses on four domains of personalized learning and assessment for the success of each child: personally, socially, physically and academically. During the 2008-2009 school year the NHDOE continued the implementation of this initiative, providing opportunities to help outfit teachers and administrators with the tools and techniques necessary to create classrooms and schools focused on the success, aspirations and well-being of each child. A student's learning pathway is determined by students, parents, and educators together, with short-term and long-term goals drawing on resources inside and outside the school. This initiative is intended to encourage more students to graduate from high school, and to ensure that those graduates are better prepared for their next steps in life.

NH SPP Improvement Activity 5: Completed

NH Senate Bill 18 (SB 18) raises the compulsory age of public education from 16 to 18. SB 18 went into effect July 1, 2009. At that time students will be unable to drop out of school unless they are 18 years of age or older. This is expected to increase high school graduation rates while decreasing dropout rates for all students.

As a result of SB 18, the Department of Education requested in its FFY 2008 and FFY 2009 budget funds for alternative education. The Department of Education was awarded \$2.1 million for dropout prevention. The State Dropout Prevention and Recovery Council was created to oversee the spending of this money with a plan to create a regional, state-wide system of dropout prevention. In FFY 2008 schools who successfully applied to the RFP released in FFY 2007 were awarded Alternative Education grants for the purpose of implementing new programs for students who seek alternative methods of education and job training to successfully complete high school and become a contributing member of their community during FFY 2008 and FFY 2009. There were 11 Alternative Education grants awarded.

Explanation of Progress or Slippage

The NHDOE did not meet the target for 2007-2008.

State Actual Data: 71%                      Target: 87%

This represents slippage of four percentage points from the graduation rate for youth with IEPs of 75% for the 2006-2007 reporting period. It is difficult to determine a specific cause for slippage in this Indicator. Many activities are newly implemented and require time before effect can be measured. NH continues to review the improvement activities and assess the effectiveness as implementation moves forward.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

During the OSEP Verification visit in September 2009, OSEP provided feedback and guidance on this indicator, such as which years to report on, how to report improvement activities, data, etc.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2:** Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:** States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

**Overview of FFY Data**

Note: Because OSEP has changed the measurement and data source for this indicator, the NHDOE has not posted the year to year comparison for this indicator.

FFY	Measurable and Rigorous Target
FFY 2007	3.5%

FFY	Actual Target Data for FFY 2008 APR (for this indicator, report data for the year before the reporting year: 2007-2008)
FFY 2007	4.53%

*Reporting year:* Consistent with the OSEP Part B Indicator Measurement Table, the NHDOE has described the results of the examination of the data for the year before the reporting year (e.g., for the FFY 2008 APR, use data from 2007-2008), and compare the results to the target that was set for 2007-2008 in the State Performance Plan.

Calculation

Percent = Dropout count of youth with IEPs *divided* by the October 1 enrollment of youth with IEPs of that school year *plus* the # of youth with IEPS who dropped out between the 1<sup>st</sup> day of school and October 1 *times* 100.

$$4.53\% = [496 / (10,791 + 150)] \times 100$$

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Explanation of Calculation and Definitions (if applicable)

The calculation for the dropout rate for students with IEPs used in this FFY 2008 APR was the same calculation that the NHDOE Bureau of Information Services used to determine dropout rates for all students for 2007-2008.

In the *NH Consolidated State Performance Report: Parts I and II for State Formula Grant Programs under the Elementary and Secondary Education Act amended by the No Child Left Behind Act of 2001 For reporting on School Year 2007-08 (CSPR)*, the NHDOE did not report dropout data for the special education population, nor have they in the past. That was reported as “missing” and USDOE accepted that. Therefore, the NHDOE was unable to report using the CSPR data for the FFY 2008 APR submission.

The NHDOE anticipates that for FFY 2009 APR the State will be able to report the 2008-2009 dropout rate using the dropout data used in the ESEA graduation rate calculation. The NHDOE anticipates using a cohort calculation starting in 2009-2010 and the analysis of the graduation rate for the special education population will occur as a part of the data process from that time on.

*Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2008 APR, use data from 2007-2008), and compare the results to the target.*

This dropout rate was calculated in the FFY 2008 APR for youth with disabilities who had an individualized educational program (IEP) any time during the 2006-2007 or 2007-2008 school year and attended a high school operated by a public school district. It was calculated by dividing the dropout count (496 youth with disabilities) by the number enrolled on October 1<sup>st</sup> of that school year (10,791 youth with disabilities enrolled in grades 9-12) plus the number who dropped out between the first day of school and October 1<sup>st</sup> (150 youth with disabilities). Rates shown are annual rates. The State average annual dropout rate based on this calculation for 07-08 for youth with IEPs was 4.53%. This is the same methodology used by the NHDOE to determine dropout rates for all students during this time period.

Caution: According to the NHDOE, Bureau of Information Services, dropout rates based on October 1<sup>st</sup> district enrollments of less than 160 will not be consistent from year to year, and are not a reliable indicator of current or future conditions. Comparable annual and cumulative rates for the total high school population are available at [www.ed.state.nh.us/education/data/DropoutsAndGraduates.htm](http://www.ed.state.nh.us/education/data/DropoutsAndGraduates.htm).

*Narrative describing what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs.*

Any youth, including youth with IEPs, who stopped attending high school before graduating with a standard or modified diploma, or a certificate of attendance are counted as dropping out. Youth who earned a GED are counted as dropping out. Youth who fail to return after the summer break are considered dropouts as of the first day of the new school year. Youth who dropped out but returned to school any time before October 1<sup>st</sup> of the following year are removed from the dropout count.

*Note: Difference in FFY 2007 and FFY 2008 APR Percentage Rates for 2007-2008 Dropout Data*  
When the NHDOE submitted the FFY 2007 APR, data was generated using the NH Special Education Information System, NHSEIS. This was done because the data from the Bureau of Information was not available due to the data collection dates. With OSEP’s guidance to report on 2007-2008 in the FFY 2008 APR, the NHDOE was able to use the data from the Bureau of Information Services and therefore generate a dropout rate using the same data and calculation that was used for all students.

2007-2008 Dropout Rates for Students with IEPs		
Data Source	FFY 2007 APR: Dropout Rate	FFY 2008 APR: Dropout Rate
NHSEIS	3.9%	-----
Bureau of Information Services	Data Not Available Prior to FFY 2007 APR submission	4.53%

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*Note about Public Reporting of District Data for 2007-2008*

The NHDOE Bureau of Information Services provided district level data in time for the spring 2009 public reporting using the same data and calculation used for all youth. Therefore the District Data Profiles for Indicator 2 for 2007-2008 are posted and were generated based on the data used to establish the state's drop out percentage in the FFY 2008 APR.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: In Progress

The Bureau of Special Education posted a Request for Proposals in the winter of 2009 titled *Supporting Positive Behavioral Strategies for Children and Youth with Disabilities (Pre K-12) Statewide Technical Assistance* with hopes of awarding a successful vendor \$375,000 per year for two years, with the option to renew for another two years, to support select schools using a Response to Intervention framework at the targeted and intensive levels who have higher dropout, and suspension and expulsion rates, as well as lower graduation rates for students with disabilities. The Bureau received proposals, but unfortunately was unable to award a vendor the grant due to inadequate proposals.

The Bureau re-issued the RFP under the title *Supporting At-Risk Children and Youth with Disabilities through Evidence-Based Problem Solving Frameworks Statewide Technical Assistance* in the late summer of 2009 and anticipates to award a successful vendor in the winter of 2010 for FFY 2009. The purpose of this RFP is to contract with a successful vendor to provide direct services and technical assistance to selected local schools to assist in reducing the frequency and duration of suspensions and expulsions of students with disabilities; to promote long term positive behavioral change; increase access to the general curriculum; increase graduation rates; decrease the number of students with disabilities dropping out of school; and to effect positive post-secondary outcomes for students with disabilities.

NH SPP Improvement Activity 2: Completed

The NHDOE, Bureau of Special Education's Achievement for Dropout Prevention and Excellence II (APEX II) project, a federal grant funded through the US DOE's Office of Elementary and Secondary Education, received a one-year no-cost extension to continue the project through a fourth year (through September 30, 2009). APEX II, which began in the 2005-2006 school year, focused on reducing New Hampshire's high school dropout rates and using flexible approaches to help adolescents who have already dropped out of schools re-enter to complete their secondary education. APEX II was a statewide project being implemented at ten high schools in the state that have higher than average dropout rates. The APEX II model consists of two complimentary interventions to target dropouts and students at-risk: *Positive Behavioral Interventions and Supports (PBIS)* and *Rehabilitation for Empowerment, Natural Supports, Education and Work (RENEW)*. The NHDOE contracted with the *National Dropout Prevention Center (NDPC)* at Clemson University to act as the outside evaluator for this grant. The NDPC provided ongoing technical assistance, conducted on-site visits throughout the year, and provided a grant performance report at the end of each grant year.

The fourth year of APEX II focused on successful implementation in schools that fell behind in yearly outcomes and performance measures in the second and third year. PBIS and RENEW implementation require major high school reform and necessitates change on part of administration, teachers, and staff in their day to day interactions and expectations of students to overall improve school climate. As in the third year, four of the ten high schools made significant progress with implementation of PBIS and RENEW, continuing to fully achieve goals and outcomes. Three of the high schools continued to implement aspects of PBIS and RENEW and saw progress in the fourth year of APEX II. One high school continued implementation of the student leadership component only in the fourth year. One high school decided to discontinue implementation of school-wide efforts through PBIS and intensive efforts through RENEW in the fourth year, in addition to one other school that did so as well in the third year. The number of fully participating high schools in year four was seven, with one implanting student leadership, and two discontinuing any implementation.

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APEX II staff, in conjunction with the NDPC, anticipates completing a monograph on the successes and challenges of implementing PBIS at the high school level in the winter of 2010. The goal is to provide support and a resource to other NH high schools, as well as all high schools throughout the country who wish to implement PBIS at the high school level.

NH SPP Improvement Activity 3: Not completed

The NHDOE did not review and revise SPP targets to determine if they continue to be rigorous and measurable during FFY 08 for the following reasons: (1) As of July 1, 2009 students in NH can no longer dropout of school under the age of 18 (due to recently enacted state legislation, Senate Bill 18, that sets the age at which a student may dropout at 18), and; (2) the NHDOE wants to collect appropriate data under Senate Bill 18 to establish a more accurate baseline. This change in law (previously could not dropout under the age of 16) has broad implications for NH high schools and the NHDOE in conjunction with broad stakeholder input will review and revise SPP targets during the FFY 09 school year.

NH SPP Improvement Activity 4: Completed

The NH DOE published District Data Profiles for 2006-2007 and 2007-2008 for each district that shows how they compare to state targets in the SPP. This was published on the state website and disseminated broadly to the media and key state-holder groups such as the NH Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC), the NH State Board of Education, the NH Parent Information Center (PTI), and the NH Association of Special Education Administrators.

NH Improvement Activity Cluster

Improvement Activities related to this indicator are interrelated with Indicator 1: Graduation Rates.

Explanation of Progress or Slippage

The NHDOE did not meet the target of 3.5% for 2007-2008 by 1.03 percentage points.

State Dropout Rate for Youth with IEPs for 2007-2008: 4.53%                      Target for 2007-2008: 3.5%

It is difficult to determine a specific cause for the slippage in this indicator. When the targets were established using a baseline established in December 2005, the NHDOE used NHSEIS data to generate the state dropout rate. With OSEP's guidance of reporting on 2007-2008 for the FFY 2008 APR, this allowed the NHDOE to use the data from the Bureau of Information Services. Many activities are newly implemented and will require time before effect can be measured. NH continues to review the improvement activities and assess the effectiveness as implementation moves forward.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Stakeholder Input

The NHDOE Bureau of Accountability received input from the NH AYP Task Force (now known as the Adequacy Task Force) regarding NH system for statewide assessments for accountability reporting under Title I of the ESEA. This task force advises the department on all policies and procedures relative to statewide assessment.

Technical Assistance

The New Hampshire Department of Education sought technical assistance from the Office of Special Education Programs (OSEP); from the Data Accountability Center (DAC), and the North East Regional Resource Center (NERRC) to support the development of this indicator. Specifically this TA supported the NHDOE with meeting new OSEP reporting requirements in this APR. The NHDOE utilized the optional APR template – Part B to report on this indicator.

**Monitoring Priority: FAPE in the LRE**

**Indicator 3:** Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

A. AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

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<b>Overview of FFY Data</b>	<b>A. District AYP Data</b>	<b>B: Overall Participation Rate</b>	<b>C. Proficiency Rate</b>
<b>FFY 2004 SPP – Baseline Year -</b>	42%	96.18%	Reading Proficiency: 33.45% Mathematics Proficiency: 44.59%
<b>FFY 2005 APR – First year of Data (Grade 10 only) -</b>	District AYP was not determined for this reporting period (see FFY 2005 APR)	Reading Participation: 97.24% Mathematics Participation: 96.64%	Reading Proficiency: 41.49% Mathematics Proficiency: 31.81%
<b>FFY 2006 APR – Second year of Data (Grade 3-8)</b>	41%	Reading Participation: 98.8 % Mathematics Participation: 98.6%	Reading Proficiency: 29.12% Mathematics Proficiency: 28.36%
<b>FFY 2007 APR - Third year of Data (Grade 3-8 and 11)</b>	35%	Reading Participation: 97.8% Mathematics Participation: 97.6%	Reading Proficiency: 31.9% Mathematics Proficiency: 26.9%
<b>FFY 2008 APR- Fourth year of Data (Grade 3-8 and 11)</b>	33.58%	Reading Participation: 98.21% Mathematics Participation: 97.94%	Reading Proficiency: 35.18% Mathematics Proficiency: 29.22%

**Targets and Actual Target Data for FFY 2008:**

Data for this indicator were provided by the NHDOE, Bureau of Accountability. These data are based on October 2008 New England Common Assessment Program (NECAP) results for Grade 3-8 and 11 and the 2007-2008 NH-Alternate Assessment results for Grades 2-7 and 10. These AYP data are used for accountability reporting under Title I of the ESEA. States are no longer required to submit Table 6 with their APR. For more information regarding the NH State Assessment, please visit <http://www.ed.state.nh.us/education/doe/organization/curriculum/NECAP/2008/ResultsofNECAP2008.htm>

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FFY 2008	Measurable and Rigorous Targets									
	Districts Meeting AYP for Disability Subgroup (3A)		Participation for Students with IEPs (3B)				Proficiency for Students with IEPs (3C)			
Targets for FFY 2008 (2008-2009)	45%		Reading		Math		Reading		Math	
			96.18%		96.18%		55.62%		63.04%	
Actual Target Data for FFY 2008 (2008-2009)	#	%	#	%	#	%	#	%	#	%
		46/137	33.58	16,971/17,281	98.21	16,925/17,281	97.94	6,080/17,281	35.18	5,051/17,281

The NHDOE has chosen to report targets and actual target data for 3.A, 3.B, and 3.C in one table. Actual numbers used to make the calculations are provided under each of the sub-indicators. The NHDOE set measureable and rigorous proficiency targets for students with IEPs across all grades 3-8 and 11 in math and reading in the State Performance Plan. The NHDOE ESEA targets are based on annual measureable objectives known as index targets for reading and math. OSEP requires states to report on ESEA annual measureable objects as a percentage, not as an index. Therefore, since the targets set in the SPP are percentages, the NHDOE has decided to continue to use the targets established in the SPP.

As required by OSEP for this annual report, the NHDOE has provided participation data separately for reading and math. Participation rates were inclusive of all ESEA grades assessed (3-8 and grade 11 in high school) for children with disabilities. All children with IEPs were accounted for in all grades assessed, including children not participating in assessments and children enrolled for less than a full academic year, whether or not they were participants.

*Below is information on NH assessment accommodations and valid scores:*

- Accommodations yielding valid scores: Tests taken by students who were provided accommodations that have been approved by the State are considered valid and the students should be included as participants.
- Accommodations may be approved in one of two ways: (1) in most cases approved accommodations are on the NHDOE list of preapproved accommodations; (2) the NHDOE allowed the IEP team to seek approval from the SEA for use of accommodations that do not appear on the list. In these cases, the test may still yield a valid score, if the State determined that the accommodation does not invalidate the score. *Students who received these accommodations were included as participants.*
- Unapproved accommodations: Scores for students who received accommodations that were NOT approved by the State are invalid. 34 CFR §§300.160(b) and 300.160(f)(1).
- Invalid scores due to unapproved accommodations: All students who received invalid scores due to an accommodation that was not approved by the State (as determined by the State), must be counted as non-participants. In making the calculations, these students must be included in the denominator (# of children with IEPs enrolled during the testing window), but NOT in the numerator (# of children with IEPs participating in the assessment). NH complies with this calculation.

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*Other invalid scores:* Under certain circumstances, students whose scores are considered invalid for any other reason may be considered participants, consistent with the State's ESEA Accountability Workbook, for example: *the student left test booklet blank, or used a pen instead of a pencil.*

For more information regarding the NH State Assessment including the NH ESEA Accountability Workbook, please visit  
<http://www.ed.state.nh.us/education/doe/organization/curriculum/NECAP/2008/ResultsofNECAP2008.htm>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008: July 1, 2008 – June 30, 2009):**

*NH SPP Improvement Activity 1: Completed*

The *Beyond Access for Assessment Accommodations* project provided support to schools and IEP teams to determine appropriate use of accommodations to maximize the potential for students with disabilities to access and progress in the general curriculum. This grant also helped school and IEP teams explore the option of transitioning students from participating in the Alternate Assessment to the NECAP.

*NH SPP Improvement Activity 2: Completed*

From October 2007 until March 2009 New Hampshire partnered with Montana, Maine, Rhode Island and Vermont to work on the *Enhanced Assessment Grant* to study the assessment needs of high school students with disabilities regarding reading comprehension. The project activities involved the identification of students, test manipulations, and the development of items for the test manipulations. To learn more about this go to: <http://www.measuredprogress.com>

*NH SPP Improvement Activity 3: Completed*

The General Supervision Enhancement Grant (NH-GSEG): **Gaining Access to What Students with Cognitive Disabilities Know** was awarded for 2007-2010. From October 2007 until June 2009, the NHDOE worked on the results of initial studies of student characteristics and the grade level equivalent alignment (GLE) and refined the focus to support the compliance agreement under Title I of the Elementary and Secondary Education Act between the United States Department of Education and New Hampshire Department of Education. The project analyses of the grade level equivalents; the content analysis of targeted skills and the final analyses of the findings are available upon request.

*NH SPP Improvement Activity 4: Completed*

The NHDOE has adopted new administrative rules effective June 20, 2008. There was no need to revise the administrative rules regarding the participation and performance of children with disabilities on statewide assessment.

*NH SPP Improvement Activity 5: Completed*

The NHDOE Bureau of Accountability and Bureau of Special Education has provide ongoing professional development and technical assistance relative to **the participation rate** of students with disabilities on statewide assessments with the opportunities available in the following grant activities:

- *Beyond Access for Assessment Accommodations project*
- *Enhanced Assessment Grant*
- *Gaining Access to What Students with Cognitive Disabilities Know project*

*NH SPP Improvement Activity 6: Completed*

The NHDOE Bureau of Accountability and Bureau of Special Education has provide ongoing professional development and technical assistance **relative to the accommodations and modifications** assisting schools, districts, and non-public special education programs as they align curriculum, instruction, and

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assessment to demanding content standards in mathematics and reading within the opportunities available in the following grants: *Beyond Access for Assessment Accommodations project*

- *Enhanced Assessment Grant*
- *Gaining Access to What Students with Cognitive Disabilities Know project*

*SPP Improvement Activity 7: Ongoing*

In the spring of the 2007-2008 school year, the NHDOE applied for a grant from the USDOE to support the participation and performance of children with disabilities on statewide assessments to design an online option for students to participate in the New England Common Assessment Program entitled: *Examining the Feasibility, Effect and capacity to Provide Universal Access Through Computer-Based Testing*. New Hampshire implemented an online accommodations tool at grade 11 during the May 2009 grade level science test. As a result of that first implementation, we are now moving into our second phase of implementation as follows: In May, 2010, NH will expand the online accommodations NECAP test delivery system to ALL grades that take the Science test: Grades 4, 8 and 11. In the fall of 2010, the four NECAP states (NH, VT, RI and ME) have also agreed to implement this online accommodations tool for at least one grade level in reading and in mathematics tests and possibly also in writing. Data and outcomes from the first implementations of this online access tool are now being analyzed, and this information will help to guide implementation as NH goes forward with this grant.

*NH SPP Improvement Activity 8: Completed*

The NHDOE supported a consultant to work directly through the Bureau of Accountability to provide technical assistance support to school districts regarding the implementation of the NH-Alt Assessment.

*NH SPP Improvement Activity 9: Completed*

The NHDOE continued to review and revise SPP targets to determine if they continue to be rigorous and measureable; and to strengthen improvement activities, timelines, and resources to ensure that they are effective for meeting the targets of the Annual Performance Report (APR) to be submitted February 1, 2010 and each year thereafter the NHDOE, with broad stakeholder input.

*NH SPP Improvement Activity 10: Completed*

NHDOE will annually publish District Data Profiles which show how each district compares to state targets in the SPP. This will be published on the state website and disseminated broadly to the media and key stakeholder groups such as the NH Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC), the NH State Board of Education, the NH Parent Information Center, and the NH Association of Special Education Administrators.

**Public Reporting Information:**

- The NHDOE made available to the public and reported to the public with the same frequency and in the same detail as it reported on the assessment of nondisabled children, the number of children with disabilities participating in:
  1. regular assessments
  2. regular assessments with accommodations
  3. alternate assessments based on grade level academic achievement standards
  4. alternate assessments based on alternate academic achievement standards
  5. alternate assessments based on modified academic achievement standards
- The NHDOE reported on assessments for nondisabled children at the district and school level, as well as the State level. The NHDOE reported on the participation of children with disabilities broken down by any of the assessments listed above that were administered by the NHDOE, at those same levels, subject to cell size restrictions.

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These reports are available at:

<http://www.ed.state.nh.us/education/doe/organization/curriculum/Assessment/AYP/2008/AdequateYearlyProgressResultsfor2009.htm>.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): NA**

**Revisions, with Justification, to Improvement Activities / Targets / Timelines / Resources for FFY 2008 (if applicable):**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

The NHDOE accessed the SPP/APR calendar on the RRFC website for guidance in developing this indicator. The NHDOE participated in the NERRC sponsored technical assistance call offering guidance on the development of this indicator. The NHDOE utilized the optional APR template – Part B to report on this indicator.

The NHDOE sought technical assistance from NERRC (Northeast Regional Resource Center) to gain a better understanding of the components of this indicator.

**Monitoring Priority: FAPE in the LRE**

**Indicator 4:** Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.
- B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

**Overview of FFY Data for 4A:**

- FFY 2004 SPP– Baseline Year: 1.7% or 3 districts**
- FFY 2005 APR– First year of Data: 2.26% or 4 districts**
- FFY 2006 APR – Second year of Data: 3.7% or 6 districts**
- FFY 2007 APR – Third Year of Data: 4.32% or 7 districts**
- FFY 2008 APR (data collected in FFY 2007) - Third Year of Data: 4.32% or 7 districts**

*Reporting year:* Consistent with the OSEP Part B Indicator Measurement Table, the NHDOE has described the results of the examination of the data for the year before the reporting year (e.g., for the FFY 2008 APR, use data from 2007-2008), and compare the results to the target that was set for 2007-2008 in the State Performance Plan.

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In addition, OSEP notes that 4B is new for 2009-2010 and that baseline, targets and improvement activities are to be provided for 4B with the FFY 2009 APR, due February 1, 2011.

In analyzing the data for this indicator:

The NHDOE used the data collected on Table 5 of Information Collection 182-0621 (*Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days*). These data were submitted by districts via the NH Special Education Information System (NHSEIS). The State verified the reliability and accuracy of the State's data through automated verification checks through its database.

**Definition and Methodology: "Significant Discrepancy in Rates of Suspensions and Expulsions of Greater than 10 Days in a School Year for Children with IEPs"**

NH has defined a "significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs" as any percentage of students with IEPs suspended or expelled for greater than 10 days in a school year that is greater than 2% of all students with IEPs in the district. In order to yield statistically relevant information that was not potentially revealing of personally identifiable information, the NHDOE used the same cell size as the State Assessment. Districts with fewer than 11 children with disabilities (10 or fewer children with IEPs) were not included in the analysis for this indicator.

FFY	Measurable and Rigorous Target
FFY 2007	A. No more than <b>2.2%</b> of school districts in New Hampshire (four districts) will suspend or expel a child with a disability in excess of 2% of each district's total population of children with disabilities for more than ten days.

FFY	Actual Target Data for FFY 2008 APR (for this indicator, report data for the year before the reporting year: 2007-2008)
FFY 2007	4A. 4.32%

**LEAs with Significant Discrepancy in Rates for Suspension and Expulsion**

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
FFY 2007 (2007-2008)	162	7	<b>4.32%</b>

**Review of Policies, Procedures, and Practices (FFY 2007)**

For each of the 7 districts that the NHDOE identified as having a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, the NHDOE reviewed, and if appropriate, revised (or required the district to revise) the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NHDOE conducted the review requiring each of the 7 districts to provide data and information to the State through a self-assessment. This self-

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assessment specifically covered a review of the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NHDOE reviewed each of the district's self-assessments with verification by a desk audit. In addition, the NHDOE conducted interviews and provided technical assistance to the local Special Education Director in the seven (7) districts.

Based on this review, the NHDOE made no findings of noncompliance in any of the 7 districts.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2008:**

NH SPP Improvement Activity 1: Completed

The NHDOE determined which districts, if any, had a significant discrepancy in the rate of children with disabilities receiving suspension or expulsion in excess of 10 days.

NH SPP Improvement Activity 2: Completed

Every New Hampshire school district which had a significant discrepancy in the rate of children with disabilities receiving suspension or expulsion in excess of 10 days, reviewed, and if necessary was required to revise its policies, procedures and practices related to the development and implementation of IEPs and the use of behavioral interventions, and procedural safeguards to ensure that the policies and procedures comply with Part B of IDEA.

NH SPP Improvement Activity 3: Completed

The NHDOE provided assistance to districts with regard to the adoption of proactive effective techniques to address and reduce the significant discrepancy.

NH Improvement Activity Cluster

Improvement activities related to suspension and expulsion of students with disabilities in special education are interrelated with three other indicators in our State Performance Plan (SPP) and Annual Performance Plan (APR) to include:

- Graduation Rates – Indicator 1
- Drop Out Rates – Indicator 2
- Transition Services – Indicator 13

Explanation of Progress or Slippage

The NHDOE did not meet the target of 2.2% for 2007-2008.

State Actual Data: 4.32% (7 of 162) districts Target of 2.2%

This represents slippage of 0.62 percentage points from the 2006-2007 data in which the NHDOE reported 6 districts or 3.7% with a significant discrepancy in this area. There is no clear evidence to explain slippage in this indicator. The NHDOE will prioritize this indicator for the next work plan with the Data Accountability Center (DAC) and the North East Regional Resource Center (NERRC). The plan will address a review of the definition and methodology used for this indicator and consideration of revisions to the proposed targets, improvement activities, and timelines to address slippage.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

The NHDOE, through a comprehensive data work plan, received intensive support from DAC and NERRC regarding this Indicator 5 data. Support included skill development (acquisition and/or refinement of skills) for the NHDOE personnel resulting in enhanced management routines for collecting and using 616 and 618 data by:

- a) Identifying data sources and methods of collecting monitoring data for each SPP/APR indicator or indicator cluster by April 2008.
- b) Submitting 2008-09 (Tables 1, 2, 3, 5, 7) 618 data from electronic collections by the February 2009 due date.
- c) Producing public reports (2007-08 data) within two weeks after the clarification of the APR 2009.
- d) Developing routines to collect Indicator #15 specific data, analyze these data, and follow up to ensure correction of noncompliance by June 2009.

DAC also provided technical assistance to the NHDOE regarding the development of clear guidance and definitions consistent with federal reporting requirements.

**Monitoring Priority: FAPE in the LRE**

**Indicator 5:** Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by (the total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by (the total #of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/ hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2008-2009	A. 77% of children with IEPs will be served inside the regular class 80% or more of the day. B. 3.3% of children with IEPs will be served inside the regular class less than 40% of the day C. 4.3% of children with IEPs will be served in public or private separate schools, residential placements, or homebound or hospital placements.

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<b>Overview of FFY Data</b>	A. Inside the regular class 80% or more of the day	B. Inside the regular class less than 40% of the day	C. Served in public or private separate schools, residential placements, homebound or hospital placements.
<b>FFY 2004 SPP – Baseline Year:</b>	<b>75.5%</b>	<b>3.3%</b>	<b>4.3%</b>
<b>FFY 2005 APR – First year of Data:</b>	<b>76.3%</b>	<b>3.2%</b>	<b>4.3%</b>
<b>FFY 2006 APR – Second year of Data:</b>	<b>65.03%</b>	<b>13.34%</b>	<b>4.00%</b>
<b>FFY 2007 APR – Third year of Data:</b>	<b>51.70%</b>	<b>22.62%</b>	<b>3.2%</b>
<b>FFY 2008 APR – Fourth year of Data:</b>	<b>45.02%</b>	<b>26.98%</b>	<b>3.20%</b>

**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.  
45.02% = [(11,916) / (26,470)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.  
26.98 % = [(7,142) / (26,470)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.  
3.20 % = [(847) / (26,470)] times 100.

Explanation of Calculation

Data reported in the federal Annual IDEA Data Report, *Table 1 Report of Children with Disabilities receiving Special Education under Part B of the Individuals with Disabilities Education Act* and *Table 3 Part Individuals with Disabilities Education Act Implementation of FAPE Requirements* were used for this indicator. The NHDOE based the numbers for the calculation of this indicator on the data entered by districts into the special education statewide data system (NHSEIS): 26,470 children with IEPs ages 6-21 with data points in NHSEIS on 12/1/2008. As in the past, the NHDOE has not included the non-duplicated counts for youth in correctional facilities and children parentally placed in private schools in the reported data for this indicator.

The NHDOE used a number of data points entered by districts in NHSEIS to calculate the amount of time a student was in the regular class (A. and B. of the measurement): the type of service, the setting in which the service was to be provided, the length of time for the service and length of the school day for the student. The NHDOE calculated the amount of time the child was inside the regular setting by taking

the length of the school day less the time the child was in a special education setting. In other words, if the length of the school day for a child was 6 hours and the child had 1 hour of services in a special education setting, the child was considered to be in the regular class for 5 hours a day or 83.33% of the time. The NHDOE included students enrolled in public academies and joint management agreement (JMA) schools in the same manner as students enrolled in public schools.

The NHDOE data analysis to determine the amount of time the child was in special education settings did not include time when a child was receiving transportation, in a regular education class, in a modified regular class or duplication of services. When the NHDOE calculated the data if the length of school day for the child did not correspond with the hours of service, the NHDOE used the length of school day for the school the child was attending. The length of school day for the school was entered by the district in the reference site in NHSEIS.

For part C. of the measurement, the NHDOE included all children with IEPs served in a separate school, residential facility or homebound/hospital placements.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

The NHDOE continued to monitor and provide oversight of policies, practices and procedures of districts and nonpublic special education programs to ensure young children with IEPs have access to free appropriate public education in the least restrictive environment. Findings of noncompliance related to this indicator were identified and verified as corrected as soon as possible but no more than one year from identification.

NH SPP Improvement Activity2: Completed

The NHDOE identified the percentage of youth receiving special education in day and residential out-of-state placements. Some of these placements were made by the courts. Based on this data review, there does not appear to be a need for next steps regarding this activity.

NH SPP Improvement Activity3: Completed

Based on the review of national and state data, the NHDOE has determined that there does not appear to be a need for next steps regarding out-of-district placements at this time. NH students with IEPs continue to be served in a continuum of environments but primarily in public school settings.

NH SPP Improvement Activity4: Completed

The NHDOE was awarded a dropout prevention grant, APEX II, which was completed during this report period. For more information on APEX II, see indicators 1 & 2. This grant has supported students with IEPs participation in the regular class.

NH SPP Improvement Activity5: Completed

NHDOE published the District Data Profiles which compared each LEA to the state targets in the SPP. This was published on the state website and disseminated broadly to the media and key stakeholder groups. Local districts then used the profiles to have discussion with their communities about the implementation of IDEA, free appropriate public education and educational settings for students with disabilities.

NH SPP Improvement Activity6: Completed

Data analysis for this indicator was completed in time for the submission of the FFY 2008 APR but was not completed in time for broad stakeholder input to reassess SPP targets (to determine if they continue to be rigorous and measurable) and strengthen improvement activities, timelines, and resources to ensure they are effective for meeting the targets. The NHDOE is considering reassessing targets for this indicator with stakeholder input for the next year

Explanation of Progress or Slippage

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IEP teams identified the special education and related services to be provided for a child and then determined the setting(s) in which these services would be provided. This information was entered into NHSEIS by districts and then used by the NHDOE to calculate this indicator. Upon analysis of state and local LRE data, the NHDOE has discovered that many districts, when reporting data for children served in the public school, equated special education services with a special education setting. The NHDOE, based on data review and discussions with districts, discovered that in many cases these special education services were actually being provided in the regular class rather than in a special education setting, as reported by the district. In addition, NHSEIS did not have sufficient business rules to readily analyze the data, thus requiring the NHDOE to conduct a time consuming manual analysis of the data.

Although there has been slippage in the reported percentage for measurement A and B, students in NH are continuing to be educated in the public school setting. This is confirmed by the consistent trend data for Measurement C, which is not affected by the district reporting for amount of time in the regular class. The NHDOE worked with the vendor for NHSEIS as well as with DAC, NERRC and local districts to identify the challenges and to develop solutions. This work will continue for the next year.

5A. The NHDOE did not meet the target for 2008-2009 for part A of this Indicator.

State Actual Data: 45.02% Target: 77.0%

There has been a decrease of 6.68 percentage points of NH children with IEPs served inside the regular class more than 80% of the day from FFY 2007. According the most recent State Rank Ordered Tables on the Data Accountability Center website, in the "Number, Percentage, and Difference from National Baseline of Children Ages 6-21 Served in Different Educational Environments Under IDEA, Part B: December 1, 2007" table, the national percentage for children with IEPs in this setting was 52%. NHDOE is considering reassessing targets for this indicator with stakeholder input.

5B. The NHDOE did not meet the target for 2007-2008 for part B of this Indicator.

State Actual Data: 26.98% Target: 3.3%

While NH did not meet the target for this indicator, there was progress. Compared to FFY 2007, there was an increase of 4.36 percentage points of children with IEPs served inside the regular class less than 40% of the day. According the most recent State Rank Ordered Tables on the Data Accountability Center website, in the "Number, Percentage, and Difference from National Baseline of Children Ages 6-21 Served in Different Educational Environments Under IDEA, Part B: December 1, 2007" table, the national percentage for children with IEPs in this setting was 15%. NH may want to reassess the targets for this indicator, based on the actual data and the national percentage. NHDOE is considering reassessing targets for this indicator with stakeholder input.

5C. The NHDOE met the target for 2007-2008 for part C of this Indicator.

State Actual Data: 3.20% Target: 4.3%

From FFY 2007 to FFY 2008, New Hampshire maintained the same percentage of children with IEPs who were served in a separate school, residential facility or homebound/hospital placements. Overall, a smaller percentage of children with IEPs are being placed in these more restrictive settings since the baseline was established in FFY 2004. According the most recent State Rank Ordered Tables on the Data Accountability Center website, in the "Number, Percentage, and Difference from National Baseline of Children Ages 6-21 Served in Different Educational Environments Under IDEA, Part B: December 1, 2007" table, the national percentage for children with IEPs in this setting was 3%.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

**Monitoring Priority: FAPE in the LRE**

**Indicator 6:** Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program ) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

According to OSEP's 10-3 Memo that was sent to SEA Directors with the SPP/APR Package: "*Indicator 6: The indicator has been revised to align with the proposed section 618 State-reported data collection. Reporting will begin with the FFY 2010 SPP/APR due February 1, 2012.*" States do not need to report on Indicator 6 in the FFY 2008 APR due Feb 1, 2010. Establishment of new baseline, targets, and reviewed/revised improvement activities using 2009-2010 data will be reported in the FFY 2009 SPP due Feb 1, 2011.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

**Monitoring Priority: FAPE in the LRE**

**Indicator 7:** Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning =  $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .

**Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):**

**Summary Statement 1:** Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

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**Measurement for Summary Statement 1:** Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the [total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

According to OSEP Part B Indicator Measurement Table – 2/09 Revisions/Implications (3.10.09), States must report on this indicator in the FFY 2008 SPP due Feb 1, 2010 to establish baseline, targets, and improvement activities for this indicator. Please refer to the NH State Performance Plan for this indicator.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Stakeholder Input

The NHDOE sought input from families, the New Hampshire Parent Information Center (NH's PTI), individuals from the NH State Advisory Committee on the Education of Students/Children with Disabilities (SAC) and school representatives through all phases of this process for the 2008-2009 parent survey.

Technical Assistance

The NHDOE received technical assistance from Batya Elbaum from Data Accountability Center (DAC), previously the NCSEAM Center. This technical assistance impacted improvements to the 2008-2009 parent survey as follows: survey design, the method of data analysis, measurement of the survey results, and the determination of improvement activities. The New Hampshire 2008-2009 parent survey administration, improvement activities and results has been showcased by DAC during a national webinar held on November 24, 2009 entitled, "Getting Better Results through Parent Involvement: 2 States' Examples of Improvement in Indicator B-8" as a resource to other states.

**Monitoring Priority: FAPE in the LRE**

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

**Measurement:** Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

**Overview of FFY Data:**

**FFY 2007 SPP – Baseline Year: 32%**

**FFY 2008 APR – First Year of Data: 45%**

FFY	Measurable and Rigorous Target
FFY 2008	In NH, 32% of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

FFY	Actual Target Data
FFY 2008	45%

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**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities )] times 100.

$$45\% = [(2,253/5,036) \times 100]$$

Explanation of calculation

*Response Rate*

In order to interpret the results it is important to understand the overall response rate.

The surveys were sent to New Hampshire parents of all children with disabilities; 2,648 parents of preschool and 30,393 parents of school age children with a combined total of 33,041. A total of 5,058 parents of children with disabilities replied to the survey.

$$15\% = [(5,058/33,041) \times 100]$$

This is an overall response rate of 15%.

Of the 15% of parents of children with disabilities in NH who responded to the survey, 45% reported that the schools facilitated parent involvement as a means of improving services and results for children with disabilities.

*Results*

New Hampshire had a total of 2,253 respondent parents of children with disabilities, equal to 45% of the respondents, who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

$$45\% = [(2,253/5,036) \times 100]$$

The following table shows the 2008-2009 NH Survey Results of the Percentage of Parents Response At or Above the Standard.

STATEWIDE	2008-2009				
	TOTAL RESPONSE	RESPONSES AT OR ABOVE THE STANDARD*		95% CONFIDENCE INTERVAL	
		NUMBER	PERCENT	LOW	HIGH
Preschool	539	308	57%	52.9%	61.3%
School Age	4,497	1,945	43%	41.8%	44.7%
<b>Combined</b>	5,036	2,253	45%	43.4%	46.1%

\* the standard is set at a Rasch score of 600 based on recommendations from the NCSEAM pilot study

For more detailed information please refer to:

<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/ParentInvolvement/ParentInvolvement.htm>.

*Representativeness*

Of the 5,058 surveys received, 5,036 surveys had enough data/information to be included in the determination of representativeness and in the calculation of the percent of parent measures at or above

the standard. For the student demographic variables of age, gender, race/ethnicity, and disability category, the parents who responded to the survey are representative of the statewide population of parents of children with disabilities based on the December 2008 Federal Child Count for Special Education. This was determined through a comparison of the respondents' children to the special education population overall by age, gender, race/ethnicity, and disability category. More information on this is available in the 2008-2009 Parent Involvement Statewide Survey Results, in the section:

Representativeness of the Data.

<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/ParentInvolvement/documents/FINALReportNH9-3-09.pdf>

### Definitions

**Rasch Score:** The Rasch measurement model provides an accurate, reliable method for measuring the extent to which parents report that their schools facilitated parent involvement as a means of improving services and results for children with disabilities. For Indicator 8, New Hampshire used the Rasch measurement model to score each set of survey responses based on a valid, reliable measurement scale. This is the same approach used in estimating scores on standardized tests such as the Scholastic Aptitude Test (SAT). Similar to any standardized testing, this then allows for a cut-off point or a standard to be set. For this survey, the standard was set at 600 which reflects a substantially high level of parental agreement with the survey items. When a parent's survey score is 600 or above it is reasonable to say that they are reporting that their schools facilitated parent involvement as a means of improving services and results for children with disabilities. A parent's survey score of 600 or above can be interpreted as an indication of partnership between the school and the family.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

#### NH SPP Improvement Activity 1: Completed

The NHDOE and Measurement Incorporated, the designated contractor, provided technical assistance to districts to increase the number of accurate addresses to which the surveys was sent in the following ways:

- The NHDOE issued FY 09 Memo #31 New Hampshire Parent Involvement Survey Administration 2008-2009. This memo included detailed information regarding the need for districts to ensure the accuracy of the address information for each parent of a child with a disability. For more detailed information please refer to:  
<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/Memos/FY09Memorandum.htm>.
- During the 2008-2009 school year, Measurement Incorporated worked with districts to ensure that the most accurate contact information for parents was used in mailing the survey to the parent. Arrangements were made for the surveys to be labeled and mailed to parents directly from the district.
- In October 2008 the Bureau and members of the Indicator 8 Input Group met with New Hampshire Association of Special Education Administrators to discuss improvement activities to increase the accuracy of contact information of parents for the 2008-2009 survey administration.
- During the 2008-2009 Parent Survey Administration time period, Measurement Incorporated provided ongoing "hotline" communication to provide districts the technical assistance needed for the 2008-2009 survey dissemination to ensure the accuracy of the addresses to which the surveys would be sent.

#### NH SPP Improvement Activity 2: Completed

Measurement Incorporated increased the use of alternative survey methods (i.e. Interpreters, readers, on-line access) for families in need of these services. In the 2008-2009 school year there was an increase of **9%** of respondents who completed the survey on-line. The on-line survey was available in both English and Spanish for parents of preschool and school age children. Additionally in 2008-2009, **3%** of the surveys were completed by parents with the assistance of interpreters. Surveys were

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translated for parents whose native languages were Maay-Maay, Somali, Albanian, Arabic, Bosnian, Croatian, Dinka/French Linguala, Krahn, or Kurdish.

*NH SPP Improvement Activity 3: In Process*

Baseline for the Indicator was established last year. District performance compared to targets will be posted for all districts in the Spring of 2010. The NHDOE will then complete data analysis to identify and support districts with a rate below the target.

*NH SPP Improvement Activity 4: In Process*

Baseline for the Indicator was established last year. District performance compared to targets will be posted for all districts in the Spring of 2010. The NHDOE will then complete data analysis to identify and support districts with a rate that substantially exceeded the state target to share methods and activities that have contributed to parent involvement based on performance.

*NH SPP Improvement Activity 5: Completed*

The NHDOE explored options to improve partnership efforts between schools and families, based on survey results. During the 2008-2009 school year the NHDOE met with the Indicator 8 Parent Survey Input Group to make available to schools and organizations "Improving Relationships & Results: Building Family School Partnerships Toolkit" developed by NCSEAM in collaboration with the Future of School Psychology Taskforce on Family School Partnerships. The NHDOE and parent organizations developed and distributed a flyer to be shared with schools and parent groups to develop public awareness of the survey. During the 2009-2010 school year the NHDOE will offer districts professional development trainings and individual assistance through a special education technical assistant to share methods/activities that contribute to parent involvement. Districts may attend these professional development training and request this technical assistance to improve their survey results after reviewing their results based on the first public reports for district performance.

*NH SPP Improvement Activity 6: Completed*

The NHDOE worked with family organizations including NH's PTI and districts to improve the survey response rate and ensure representativeness. The NHDOE held an input meeting to discuss ways to improve the overall response rate, Batya Elbaum of the Data Accountability Center (DAC) joined this meeting by phone. These strategies will be available to families and to districts during the 2009-2010 school year to improve their results based on the first public reports for district performance.

*NH SPP Improvement Activity 7: Completed*

In 2008-2009, the NHDOE disseminated results of the 2007-2008 Parent Survey in the following ways:

- The NHDOE posted the 2007-2008 Parent Survey Statewide Results, the Parent Survey Input Group Participant List, and a list of Parent Involvement Resources to the website on October 16, 2008. Additional information can be found at:  
<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/ParentInvolvement/ParentInvolvement.htm>.
- The NHDOE:
  - Disseminated the 2007-2008 Parent Survey Statewide Results to schools, agencies, and organizations on October 16, 2008.
  - Made available Parent Involvement Resources in the Fall of 2008.
  - Provided districts with their individual 2007-2008 parent survey results during the Winter of 2008.

In addition, information about the results of the 2008-2009 Parent Survey was disseminated in the following ways:

- The NHDOE posted the 2008-2009 Parent Survey Statewide Results to the website on October 5, 2009. Additional information can be found at:

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<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/ParentInvolvement/ParentInvolvement.htm>.

- The NHDOE:
  - Disseminated the results to schools, agencies, and organizations on October 5, 2009.
  - Provided professional development trainings to districts about how to involve parents in the special education process on October 22, 2009.
  - Offered technical assistance to districts and family organizations to implement parent involvement improvement activities beginning in the Fall of 2009.
  - Provided district with their individual 2008-2009 Parent Survey results during the Fall of 2009.

*NH SPP Improvement Activity 8: Completed*

Measured Incorporated partnered with the NHDOE during the 2008-2009 school year to:

- Evaluated survey administration processes and procedures and revise the elements of survey administration based on those findings.
- Worked with the Data Accountability Center and other local and national resources to continue to provide the NHDOE with research based effective process to increase student success through improved parent and school involvement.

Explanation of Progress or Slippage

The NHDOE exceeded the target of 32% for 2008-2009.

State Actual Data: 45%            Target: 32%

- In 2008-2009, there was a dramatic increase in the percentage of parents who indicated that schools facilitated parent involvement as a means of improving special education services and results for children with disabilities, from
  - 53% to 57% or a 3% percentage increase among parents of preschool children
  - 30% to 43% or a 13% percentage increase among parents of school age children and
  - 32% to 45% or a 13% percentage increase among preschool and school age parents, combined.

These positive results can be directly attributed to the cooperation and the collaboration of New Hampshire school districts and parent organizations to support the successful administration of the survey to over 33,000 parents during the 2008-2009 school year.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.

### Overview of the Annual Performance Report Development:

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

#### Technical Assistance

The NHDOE worked with Data Accountability Center DAC/WESTAT in the development of this indicator. Technical assistance included specific guidance regarding the appropriate use of the weighted and alternate risk ratio in analyzing NH student data. The NHDOE also utilized guidance from OSEP/Westat: [http://www.nichcy.org/Laws/IDEA/Documents/Training\\_Curriculum/B-resources.pdf](http://www.nichcy.org/Laws/IDEA/Documents/Training_Curriculum/B-resources.pdf).

Additional technical assistance was obtained through *RRFC/SPP/APR Calendar*, including the resources: *Evidence sources to determine if disproportionate representation is the result of inappropriate identification (5/29/08)* and *Questions and Answers on under-representation for Indicators 9 & 10*: <http://www.rffcnetwork.org/nerrc>. The NHDOE utilized the optional APR template – Part B to report on this indicator.

### Monitoring Priority: Disproportionality

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### **Measurement:**

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

#### Overview of FFY Data:

**FFY 2004 – Baseline not required by OSEP**

**FFY 2005 – Baseline Year: 0%**

**FFY 2006 – First Year of Data: 0%**

**FFY 2007 – Second Year of Data: 0%**

**FFY 2008 – Third Year of Data: 0%**

#### In analyzing data for this indicator:

The NHDOE used data collected on *Table 1 (Child Count) of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education under Part B of the IDEA, as amended)* for all children with disabilities aged 6 through 21 served under IDEA and the Race/Ethnic Enrollment Data (10/1/08).

#### Definition of "Disproportionate Representation" and Methodology

##### Definition of Disproportionate Representation

The NHDOE has defined disproportionate representation of racial and ethnic groups in special education and related services as a weighted risk ratio above 3.00 for over-representation and a weighted risk ratio below 0.33 for under-representation.

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Methodology

All racial/ethnic groups (i.e., American Indian/Alaska Native, Asian, Black, Hispanic, and White), as required by OSEP, were included in the analysis. A weighted risk ratio was used in analyzing district data based on a cell size of at least 40 students in the racial/ethnic group enrolled in the district and at least 10 in the comparison group. The comparison group is those students identified as receiving special education and related services. The cell size was selected to protect individually identifiable student information. The *OSEP/Westat technical guide: Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide, July 2007* (<https://www.ideadata.org/TAMaterial.asp>) was used in developing this analysis. The NHDOE chose to use risk ratios and used the electronic spreadsheet developed by WESTAT that calculates both weighted and un-weighted risk ratios to determine state and district level data.

Using the criteria established above, the NHDOE determined that, out of 175 school districts, 151 school districts met the cell size requirement for data analysis. Of those 151 school districts, 16 were identified as meeting the data threshold for disproportionate representation of over and/or under representation. (Step One)

**Determining if Disproportionate Representation is the Result of Inappropriate Identification**

FFY	Measurable and Rigorous Target
FFY 2008	0%

FFY	Actual Target Data for FFY 2008:
FFY 2008	0%

**Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification**

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2008 (2008-2009)	151	16	0	<b>0.00%</b>

The NHDOE reviewed the 16 districts identified in step 1 as having disproportionate representation to determine whether the disproportionate representation (see above definition) was the result of inappropriate identification. The State worked with each of the 16 districts to examine the districts' child find, evaluation, eligibility and other related policies, procedures, and practices to ensure an equitable consideration for special education and related services for all racial and ethnic groups. For each of the 16 districts, the State consulted with the local Director of Special Education regarding the data and reviewed local policies, procedures and practices related to this indicator. In addition, the NHDOE reviewed the data for complaints and due process hearings for any issues regarding disproportionate representation that may have been found in either in these dispute resolution mechanisms. As a result of its verification process, the State determined that, of the 151 districts that met the cell size requirement for

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data analysis, 16 had disproportionate representation of racial and ethnic groups in special education and related services and zero (0) districts had disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification. Of the 16 districts, 13 had over representation of white students and 2 had an under representation of white students. One of the 16 districts had an under representation of Asian/Pacific Islander students.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

There were no districts identified in 2008-2009 with disproportionate representation of racial/ethnic groups in special education and related services that were the result of inappropriate identification.

NH SPP Improvement Activity 2: Completed

There were no districts identified in 2008-2009 as having disproportionate representation of racial/ethnic groups in special education and related services. If there had been disproportionate representation, the NHDOE policy is to determine if this is based on inappropriate identification. Since there were no districts with a disproportionate representation of racial/ethnic groups in special education and related services, the NHDOE did not need to implement the policy regarding inappropriate identification.

NH SPP Improvement Activity 3: Completed

Technical assistance consultants were available to school districts upon request or as directed by the Bureau to assist with a review of policies, procedures, and practices of special education child find, referral, evaluation, and identification of students in all racial/ethnic groups to ensure equitable consideration for special education and related services.

NH SPP Improvement Activity 4: Completed

The NHDOE, through a variety of initiatives, promoted diversity and issues related to disproportionate representation of racial/ethnic groups in special education and related services that is the result of inappropriate identification.

NH Improvement Activity Cluster

Improvement activities related to this indicator are interrelated with two other indicators in our State Performance Plan (SPP) and Annual Performance Plan (APR) to include:

- Graduation Rates – Indicator 1
- Educational Environments – Indicator 5

Explanation of Progress or Slippage

The State has met and maintained the target of 0% compliance with this indicator.

State Actual Data: 0%                      Target: 0%

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.

### Overview of the Annual Performance Report Development:

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

#### Technical Assistance

The NHDOE worked with Data Accountability Center DAC/WESTAT in the development of this indicator. Technical assistance included specific guidance regarding the appropriate use of the weighted and alternate risk ratio in analyzing NH student data. The NHDOE also utilized guidance from OSEP/Westat [http://www.nichcy.org/Laws/IDEA/Documents/Training\\_Curriculum/B-resources.pdf](http://www.nichcy.org/Laws/IDEA/Documents/Training_Curriculum/B-resources.pdf).

Additional technical assistance was obtained through *RRFC/SPP/APR Calendar*, including the resources: *Evidence sources to determine if disproportionate representation is the result of inappropriate identification (5/29/08)* and *Questions and Answers on under-representation for Indicators 9 & 10*. (<http://www.rfcnetwork.org/nerrc>). The NHDOE utilized the optional APR template – Part B to report on this indicator.

### Monitoring Priority: Disproportionality

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### **Measurement:**

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

#### **Overview of FFY Data:**

**FFY 2004 – Baseline not required by OSEP**

**FFY 2005 – Baseline Year: 0%**

**FFY 2006 – First Year of Data: 0%**

**FFY 2007 – Second Year of Data: 0%**

**FFY 2008 – Third Year of Data: 0%**

#### **In analyzing data for this indicator:**

The NHDOE used data collected on *Table 1 (Child Count) of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education under Part B of the IDEA, as amended)* for all children with disabilities aged 6 through 21 served under IDEA and the Race/Ethnic Enrollment Data (10/1/08).

#### **Definition of "Disproportionate Representation" and Methodology**

##### Definition of Disproportionate Representation

The NHDOE has defined disproportionate representation of racial and ethnic groups in special education and related services as a weighted risk ratio above 3.00 for over-representation and a weighted risk ratio below 0.33 for under-representation.

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Methodology

All racial/ethnic groups (i.e., American Indian/Alaska Native, Asian, Black, Hispanic, and White), as required by OSEP, were included in the analysis. A weighted risk ratio was used in analyzing district data based on a cell size of at least 40 students in the racial/ethnic group enrolled in the district and at least 10 in the comparison group(s). The comparison group is those students identified in specific disability categories (specific learning disability, mental retardation, autism, other health impaired, speech language impaired, and emotional disturbance). The cell size was selected to protect individually identifiable student information. The *OSEP/Westat technical guide: Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide, July 2007* (<https://www.ideadata.org/TAMaterial.asp>) was used in developing this analysis. The NHDOE chose to use risk ratios and used the electronic spreadsheet developed by WESTAT that calculates both weighted and un-weighted risk ratios to determine state and district level data.

Using the criteria established above, the NHDOE determined that, out of 175 school districts, 151 school districts met the cell size requirement for data analysis. Of those 151 school districts, 52 were identified as meeting the data threshold for disproportionate representation of over and/or under representation. (Step One)

**Determining if Disproportionate Representation is the Result of Inappropriate Identification**

FFY	Measurable and Rigorous Target
FFY 2008	0%

FFY	Actual Target Data
FFY 2008	0%

**Districts with Disproportionate Representation of Racial and Ethnic Groups in Specific Disability categories that was the Result of Inappropriate Identification**

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2008 (2008-2009)	151	52	0	<b>0.00%</b>

The NHDOE reviewed the 52 districts identified in step 1 as having disproportionate representation in specific disability categories to determine whether the disproportionate representation (see above definition) was the result of inappropriate identification. The State worked with each of the 52 districts to examine the districts' child find, evaluation, eligibility and other related policies, procedures, and practices to ensure an equitable consideration for special education and related services for all racial and ethnic groups. For each of the 52 districts, the State consulted with the local Director of Special Education regarding the data and reviewed local policies, procedures and practices related to this indicator. In addition, the NHDOE reviewed the data for complaints and due process hearings for any issues regarding disproportionate representation that may have been found in either in these dispute resolution mechanisms. As a result of its verification process, the State determined that 0 of the 151 districts had

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disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification. Please see the summary of these disproportionate representation based on specific disability categories.

Disability Category	Summary of Disproportionate Over and Under Representation
Autism	8 districts over-representation (white) and 3 districts under-representation (white)
Emotional Disabilities	10 districts over-representation (white) and 3 districts under-representation (white)
Other Health Impaired	9 districts over-representation (white) and 2 districts under-representation (white)
Mental Retardation	2 districts over-representation (white) and 0 districts under-representation (white)
Speech/Language	5 districts over-representation (white) and 6 districts under-representation (white)
Specific Learning Disabilities	14 districts over-representation (12-white, 1-black, 1-Hispanic) and 1 districts under-representation (white)

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

In 2008-2009, the NHDOE reviewed policies, procedures and practices for the districts that were identified as having disproportionate representation of racial/ethnic groups in specific disability categories. Based on the examination of the districts, it was determined that none of the districts had disproportionate representation of racial/ethnic groups in specific disability categories based on inappropriate identification.

NH SPP Improvement Activity 2: Completed

There were no districts identified in 2008-2009 as having disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification so there is no noncompliance.

NH SPP Improvement Activity 3: Completed

Technical assistance consultants were available to school districts upon request or as directed by the Bureau to assist with a review of policies, procedures, and practices of special education referral, evaluation, and identification of students in all racial/ethnic groups to ensure equitable consideration for special education and related services.

NH SPP Improvement Activity 4: Completed

The NHDOE, through a variety of initiatives, promoted diversity and issues related to disproportionate representation of racial/ethnic groups in special education and related services that is the result of inappropriate identification.

NH Improvement Activity Cluster

Improvement activities related to this indicator are interrelated with two other indicators in our State Performance Plan (SPP) and Annual Performance Plan (APR) to include:

- Graduation Rates – Indicator 1
- Educational Environments – Indicator 5

Explanation of Progress or Slippage

The State has met and maintained the target of 0% compliance with this indicator.

State Actual Data: 0%                      Target: 0%

**Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Stakeholder Input

The NHDOE also sought input from the New Hampshire Special Education Information System (NHSEIS) stakeholder group to gain a better understanding of districts' technical assistance needs regarding this indicator.

Technical Assistance

The NHDOE accessed the OSEP funded RRFC website for technical assistance regarding this indicator. Resources reviewed included: *Optional B11 Template, Investigative Questions for B11 and the document FREQUENTLY ASKED QUESTIONS REGARDING IDENTIFICATION AND CORRECTION OF NONCOMPLIANCE AND REPORTING ON CORRECTION IN THE STATE PERFORMANCE PLAN (SPP)/ANNUAL PERFORMANCE REPORT (APR) SEPTEMBER 3, 2008 at:*

<http://spp-apr-calendar.rffcnetwork.org/>

These resources supported the State's understanding of how to report on the data and identify findings of noncompliance for this indicator. The NHDOE utilized the optional APR template – Part B to report on this indicator.

The NHDOE sought specific support from our State Contact at OSEP regarding the identification of findings relative to the requirements in this indicator.

**Monitoring Priority: Effective General Supervision Part B / Child Find**

**Indicator 11:** Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

**Overview of FFY Data:**

**FFY 2004 – Baseline not required by OSEP**  
**FFY 2005 – Baseline Year: 81.1%**  
**FFY 2006 – First Year of Data: 95%**  
**FFY 2007 – Second Year of Data: 77%**  
**FFY 2008 – Third Year of Data: 81%**

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FFY	Measurable and Rigorous Target
FFY 2008	100%

FFY	Actual Target Data
FFY 2008	81%

Every New Hampshire School District was required to enter student information regarding date of referral, parent consent to evaluate and eligibility determination for special education into the New Hampshire Special Education Information System (NHSEIS). These data points were then analyzed to determine state compliance percentage and district compliance percentage for initial evaluation.

**Children Evaluated Within 60 Days (or State-established timeline):**

a. Number of children for whom parental consent to evaluate was received	4,372
b. Number of children whose evaluations were completed within 60 days (or State-established timelines)	3,533
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	<b>81%</b>

*Account for children included in (a) but not included in (b):*  $4,372 - 3,533 = 839$

Of the 4,372 children for whom parental consent for initial evaluation was received, 839 children did not have eligibility determined with State established timelines. The 839 children are in 118 districts. Because the NHDOE collects a full year of data for this indicator from each district, findings based on FFY 2008 data are issued in FFY 2009. The NHDOE will report on verification of correction of findings of noncompliance based on the FFY 2008 data in Indicator 11 and Indicator 15 in the FFY 2010 APR due on February 1, 2010.

*Indicate the range of days beyond the timeline and provide reasons for the delays:*

<i>Range of Days Beyond State Timelines</i>	1-15 Days	16-30 Days	31-45 Days	45 -60 Days	+60 Days	Total
<i># of Initial Evaluations</i>	438	181	80	34	106	839

There were 839 students whose initial evaluations went beyond the state timelines. One reason for timeline delays that had a statewide impact was the December 2008 ice storm. This ice storm began on December 11, 2008 and impacted many districts through the end of December. Initially, almost 450 schools or over 95% of schools were closed. Some schools lost up to ten days of instructional time due the ice storm's crippling impact of state highways being closed or blocked due to fallen trees, telephone poles and downed electrical wires and hundreds of local roadways being impassable. The New

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Hampshire Rules for Children with Disabilities, adopted June 2008, do not permit for a waiver of the state timeline due to exceptional circumstances. Therefore, during this time period many districts did not meet the state timelines.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

The NHDOE has reviewed its General Supervision process for ensuring compliance with the indicator. The NHDOE continues to offer technical assistance regarding the data points, data collection and data analysis to districts to ensure 100% compliance.

NH SPP Improvement Activity 2: Completed

The NHDOE posted a guidance memo to assist districts in the data collections and data analysis for this indicator. For more information regarding the memo, please go to <http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/Numbered%20Memorandum/documents/FY10Memo16SPPAPRTimelinessofInitialEvaluations20082009.pdf>

NH SPP Improvement Activity 3: Completed

The NHDOE continued to monitor every district for compliance with initial evaluation timelines and ensure correction of noncompliance as soon as but in no case later than one year from identification. The NHDOE has completed the following actions during 2008-2009 in order to assist school districts that were identified as having noncompliance related to indicator in 2007-2008:

- For the FFY 2007 APR the NHDOE determined that from July 1, 2007 until June 30, 2008 there were 1,036 children with parent consent for initial evaluations that did not initial evaluations completed within state timelines. These children were in 81 districts. Consistent with OSEP guidance, the NHDOE considers all incidences indentified by a single process as a finding. Therefore this resulted in 81 findings of noncompliance. Written notification of the identification of noncompliance was sent to all 81 school districts specific to their level of compliance with timelines of initial evaluations for the school year 2007-2008.
- Districts identified at three levels of compliance:
  - Level 1 – 90-99%
  - Level 2 – 75-89%
  - Level 3 – 0-74%
- Districts were required to submit Corrective Action Forms to the Bureau of Special Education within sixty days of written notification.
- Corrective action plans and written assurances of specific actions taken at the local district were reviewed by the NHDOE and verified for correction of noncompliance. While reviewing the corrective action plans and written assurances, the NHDOE was able to summarize some of the reasons for the time delays:
  - Several districts did not have a comprehensive understanding of the state timelines with regard to initial evaluations.
  - Several districts had misinterpreted the 45 day timeline to mean 45 school days rather than calendar days.
  - Several districts did not understand that the up to 15 day time extention had to be agreed upon and signed prior to the 46<sup>th</sup> day.
  - Several districts had data entry errors as staff was not properly trained on how to enter data into NHSEIS.

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- Each district that was identified at Level 3 (0 – 74% compliance) were contacted by phone and provided individual assistance and direction in addressing the issues of noncompliance regarding timeliness of initial evaluations.

Explanation of Progress or Slippage

The NHDOE did not meet the target of 100% for 2008-2009.

State Actual Data: 81%            Target: 100%

The NHDOE did make progress in this indicator from the previous FFY 2007 APR of 4 percentage points. This progress may be attributed to the work completed with the Data Accountability Center (DAC) and the North East Regional Resource Center (NERRC).

**Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 77%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	81
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	81
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

**Verification of Correction (either timely or subsequent):**

In the 2007-2008 reporting period, the NHDOE identified 81 findings of noncompliance through the desk audit review of data for this indicator. Of the 81 findings, 81 have been corrected and verified by the State through the desk audit process. Each of these findings was corrected timely. The State verified the correction of noncompliance through the NHDOE desk audit review of data entered by the district into NHSEIS. The NHDOE verified that each LEA with a finding of noncompliance under this indicator has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02. In addition, the State looked at current data to ensure that LEAs are correctly implementing the specific regulatory requirements.

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**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including reporting correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02 dated October 17, 2008 (OSEP Memo 09-02).</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>	<p>The State has demonstrated in the FFY2008 APR due February 1, 2010 that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including reporting correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State has demonstrated this in the FFY 2008 APR due February 1, 2010. See above.</p> <p>The State has reviewed the improvement activities and did not find it necessary to revise them since there was progress made.</p>

**Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

### Overview of the Annual Performance Report Development:

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

#### Stakeholder Input

The NHDOE met with parents, representatives of school districts and parent organizations (including NH's PTI) for input on the effectiveness of improvement activities, specifically the activities of the Supporting Successful Early Transitions (SSECT) project. SSECT has been funded by the NHDOE to support smooth and effective transitions from Part C to Part B.

#### Technical Assistance

The NHDOE accessed the OSEP funded RRFC website for technical assistance regarding this indicator. Resources reviewed included the *OSEP FAQ on Identification and Correction, Early Childhood Part C and Part B Requirements Related to Transition, Transition Timeline Flow Chart, the OSEP Policy Letter to Mary Elder, Texas, Local Corrective Action Plans: Collection and Use of Valid and Reliable Data For Determining Factors Contributing To Noncompliance*, and the *Early Intervention to Early Childhood Tracking Form*. The NHDOE utilized the optional APR template – Part B to report on this indicator.

The NHDOE and the Supporting Successful Early Childhood Transitions (SSECT) project have benefited from technical assistance from the National Early Childhood Technical Assistance Center (NECTAC), the National Early Childhood Transition Center (NECTC), and the Data Accountability Center (DAC) specifically with:

- Tools to support districts with reviewing and revising, if appropriate, policies, procedures and practices to promote smooth transitions;
- Guidance for districts and early intervention providers to develop effective Interagency Agreements
- Systemic development of data systems to ensure accurate and timely data

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

<p><b>Measurement:</b></p> <ol style="list-style-type: none"><li>a. # of children who have been served in Part C and referred to Part B (LEA notified pursuant to 637(a)(9)(A)) for Part B eligibility determination.</li><li>b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.</li><li>c. # of those found eligible who have an IEP developed and implemented by their third birthdays.</li><li>d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.</li><li>e. # of children who were referred to Part C less than 90 days before their third birthdays.</li></ol> <p>Account for children included in a but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.</p> <p>Percent = [(c) divided by (a – b – d – e)] times 100.</p>
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**Overview of FFY Data:**

**FFY 2004 – Baseline Year: 58.96%**  
**FFY 2005 – First Year of Data: 88.26%**  
**FFY 2006- Second Year of Data: 66%**  
**FFY 2007- Third Year of Data: 92%**  
**FFY 2008- Fourth Year of Data: 95%**

FFY	Measurable and Rigorous Target
FFY 2008	100%

FFY	Actual Target Data
FFY 2008	95%

The NHDOE monitored each of its 175 districts to determine compliance with this indicator, as in previous years. The NHDOE intends to monitor every district in the next year. The NHDOE, on an annual basis, collected an Excel file with data on each child referred from Part C to each district for the whole fiscal year after the end of the fiscal year.

**Actual State Data (Numbers)**

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	789
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	78
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	629
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	37
e. # of children who were referred to Part C less than 90 days before their third birthdays. <i>[While this information is not required until the in NH some districts had documentation to report this data so NH reported available data ]</i>	9
# in a but not in b, c, d, or e.	36
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = $[(c) / (a-b-d-e)] * 100$	<b>95%</b>

*Account for Children Included in a, but not in b, c, d, or e:*

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There were 36 children who had been served in Part C and referred to Part B for Part B eligibility determination who were not in b, c, d, or e above. These children were referred to 20 districts out of a total of 175 districts in NH in 2008-2009.

The NHDOE has verified that at the time of the NHDOE data review (January 2010), of these 36 children, 36 or 100% had subsequently either been determined not eligible for special education, had an IEP developed and implemented, or were no longer in the jurisdiction of the LEA. The State verified this correction through a desk audit review of written documentation submitted by the district for each instance of noncompliance. In addition to this review, the NHDOE verified correction of child-specific noncompliance through onsite review by SSECT staff and a review of district data entered in the NH Special Education Information System (NHSEIS).

Because the NHDOE collects a full year of data for this indicator from each district, findings based on FFY 2008 data are issued in FFY 2009. The NHDOE will report on verification of correction of findings of noncompliance based on the FFY 2008 data in Indicator 12 and Indicator 15 in the FFY 2010 APR due on February 1, 2012.

*Indicate the range of days beyond the third birthday and the reasons for the delays:*

Range of Days Beyond 3rd Birthday	1-15 d	16-30 d	31-45 d	46-60 d	>60 days	Total
# of children with delays	10	6	5	4	10	35

Reasons for delays were reported by districts as: IEP meeting scheduled less than 14 day prior to 3<sup>rd</sup> birthday and parents took the full 14 days to consider the IEP, district personnel lack of understanding of the rules and regulations, late referrals to Part B from Part C, staff scheduling issues, and other. In some cases, there had been staff changes and there was no record of why there was a delay.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

*SPP Improvement Activity 1: Completed*

*The NHDOE/NHDHHS Policy Manual, Transition from Family-Centered Early Supports and Services: A Guide for Families and Staff* has been used with ESS providers, families and school districts to support the transition process consistent with IDEA, federal Part B regulations, and NH laws/rules. The NHDOE and the lead agency for Part C (NH Department of Health and Human Services or NHDHHS) have been gathering input from stakeholders for revisions to the manual and are awaiting the final Part C regulations in order to update this document.

*SPP Improvement Activity 2: Completed*

Districts involved in NHDOE monitoring process were reviewed for compliance with this indicator and other related requirements relative to early transitions. Any noncompliance identified through this process was corrected as soon as possible but no later than one year from the date of identification. Data on this has been included in Indicator 15.

*SPP Improvement Activity 3: Completed*

The NHDOE (619) has continued to fund the Supporting Successful Early Childhood Transitions (SSECT) project. Based on the Preschool Special Education funds, SSECT universal supports were available to families, early intervention providers and preschool special educators through the website.

<http://www.parentinformationcenter.org/SSECT/> SSECT staff provided technical assistance to parents, early intervention providers, and school personnel around transition requirements and quality practices. SSECT staff also provided ongoing feedback to the NHDOE regarding barriers and successes within local districts.

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SSECT has provided intensive supports to assist with the development of regional Interagency Agreements between early intervention and preschool special education. As of the submission of the February 1, 2010 APR, SSECT has supported:

- The development of regional interagency agreements in 10 of the 10 regions in the state, including joint training between early intervention and preschool special education, intensive review of district policies and procedures, and collaborative problem-solving around systems issues with early intervention and districts. The agreement is then implemented as a trial and then reviewed and revised as needed prior to official signature by administrators. This includes a review to ensure the agreement is consistent with the NH Rules for the Education of Children with Disabilities, ED 1105.04.
- The implementation of regional interagency agreements in 8 out of the 10 regions in the state, including the review and revision of agreements as needed. The remaining 2 regions have draft agreements that are being piloted and will be finalized June 30, 2010.
- SSECT has worked closely with the NHDOE to identify districts with ongoing barriers to smooth transitions. SSECT assisted districts with finding(s) of noncompliance in this area to develop corrective action plans.

*SPP Improvement Activity 4: Completed*

The NHDOE considered the use of other state and federal resources to support improvement activities, timelines and resources for this indicator. It was determined that the support for SSECT was having a powerful impact and that the resources were meeting the state and districts needs. In addition, the NHDOE worked with SSECT to request Part C ARRA funds to promote quality and compliant transitions.

*SPP Improvement Activity 5: Completed*

The NHDOE published District Data Profiles comparing each district to state targets in the SPP for this indicator. This was published on the state website and disseminated broadly to the media and key stakeholder groups such as the NH State Advisory Committee on the Education of Students/Children with Disabilities (SAC), the NH Parent Information Center (PTI), and the NH Association of Special Education Administrators.

*SPP Improvement Activity 6: Completed*

The NHDOE, with broad stakeholder input, reviewed and amended as necessary, the improvement activities, timelines, and resources, to be submitted in the Annual Performance Report (APR) February 1. Any changes that were made occurred within the framework of the activities already established.

*Explanation of Progress or Slippage*

The State did not meet the target of 100% compliance with this indicator.

State Data: 95%            Target: 100%

The NHDOE made progress in this indicator of 3 percentage points from the previous FFY 2007 APR (from 92% compliance to 95% compliance), demonstrating substantial compliance with this indicator. Progress on this indicator has increased 36 percentage points from FFY 2004 when baseline was established at 59% compliance. This progress may be attributed in part to the work of the Supporting Successful Early Childhood Transitions project. In addition, NH adopted new rules that required districts to have a written transition process and a Memorandum of Agreement with the local early intervention providers. The NHDOE has also benefited from support from the Data Accountability Center to ensure the quality and completeness of the data.

**Correction of Findings of Noncompliance (if State reported less than 100% compliance)**

The NHDOE, through work with the Data Accountability Center and guidance from OSEP, has established timelines for the identification of findings, the verification of correction, and reporting on the correction of noncompliance for this indicator. As a result, there were two sets of findings of noncompliance identified in FFY 2008.

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- 1) *Findings Identified in FFY 2008 (July 1, 2008-June 30, 2009) to be corrected in FFY 2009 (July 1, 2009-June 30, 2010) based on the examination of FFY 2007(July 1, 2007-June 30, 2008) data*

In the FFY 2007 APR the NHDOE reported on 48 children referred from Part C to Part B prior to age three who did not have a timely transition during the year. Based on the FFY 2007 data analysis for the submission in the 2/1/09 FFY 2007 APR, findings of noncompliance were made in spring 2009 (based on the APR timeline), within a few months of the NHDOE identifying the issues. Therefore, the verification of correction of noncompliance for these districts will be reported on in the FFY 2009 APR to be submitted February 1, 2011.

Even though the NHDOE is not required to report on these data for this APR, the NHDOE has verified that each district had determined, although not timely, that the child was either not eligible for special education, or had a fully developed and implemented IEP unless the child was no longer within jurisdiction of the district, for each of these 48 children. The NHDOE verified this through a review of data submitted to the state from every district, as well as additional onsite review by SSECT staff and a review of some district data entered in the NH Special Education Information System (NHSEIS). Therefore, the NHDOE has verified that, for each of these 48 children, the district has corrected each individual case of noncompliance unless the child is no longer within the jurisdiction of the LEA. The NHDOE will complete the verification of district correction of noncompliance, specifically with respect to the implementation of the specific regulatory requirements, and report on this in the FFY 2009 APR.

- 2) *Findings Identified in FFY 2008 (July 1, 2008-June 30, 2009) to be corrected in FFY 2009 (July 1, 2009-June 30, 2010) based on the examination of FFY 2006 (July 1, 2006-June 30, 2007) data*

In the FFY 2007 APR, the NHDOE provided an explanation of the NHDOE challenges and timelines for ensuring timely correction of noncompliance identified in the FFY 2006 APR. The NHDOE reported that in the fall of 2008 (during FFY 2008) the State issued 27 written findings of noncompliance to 27 districts relative to timely transitions based on the examination of FFY 2006 data. These findings were identified based on data from 2006-2007 that was collected for the FFY 2006 APR. Since these findings were identified in FFY 2008, the State is not required to report on correction until the FFY 2009 APR to be submitted February 1, 2011. However, as required by OSEP's June 2009 Response Table, the NHDOE is reporting on its verification of correction of the findings made based on the FFY 2006 data in both indicator 12 and 15 in the FFY 2008 APR. The NHDOE has verified the correction of 27 of the 27 findings of noncompliance.

Level of compliance (actual target data) State reported for FFY 2006 APR for this indicator: 66%

4. Number of findings of noncompliance the State made based on the examination of FFY 2006 data (identified during FFY 2008 and corrected in FFY 2008)	27
5. Number of findings based on FFY 2006 data the State has verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	27
6. Number of findings of noncompliance the FFY 2006 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

**Verification of Correction (either timely or subsequent)**

As explained above, the NHDOE identified findings of noncompliance relative to this indicator based on the examination of FFY 2006 data early in FFY 2008 and has verified correction in late FFY 2008. The NHDOE identified 27 findings of noncompliance for this indicator. Of the 27 findings, 27 have been verified as corrected by the State through a desk audit process. Each of these findings was corrected

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timely. The State verified the correction of noncompliance through the NHDOE desk audit review of district's self-assessments and through a review of data entered by the district into NHSEIS. The NHDOE verified that each LEA with a finding of noncompliance under this indicator was subsequently correctly implementing the specific regulatory requirements and had developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02. The self-assessments, based on the level of noncompliance, included a written assurance of compliance with regulations, documentation of correction of root causes, and information on access to technical assistance. SSECT staff conducted a variety of verification activities with targeted districts to validate the fidelity with which districts were complying with regulations. Through this data review process, written documentation from districts and the follow up by SSECT staff, the NHDOE has verified for each the 27 findings of noncompliance each LEA was, at the time of the data review, correctly implementing the specific regulatory requirements required. The NHDOE verified that each district had developed and implemented the IEP, although late, unless the child was no longer within jurisdiction of the district, for every child who did not experience a timely transition in these 27 districts. The NHDOE also conducted additional verification of correction through onsite review by SSECT staff and a review of subsequent district data entered in the NH Special Education Information System (NHSEIS).

*Findings Identified Prior to FFY 2006 (July 1, 2006-June 30, 2007)*

All previously identified findings of noncompliance have been verified as corrected in previous APRs.

**Additional Information Required by the OSEP APR Response Table (if applicable)**

Statement from the Response Table	State's Response
<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.124(b), including reporting correction of the noncompliance the State reported under this indicator in the FFY 2006 and 2007 APRs.</p>	<p>The NHDOE has complied with this requirement (see above).</p>
<p>The State must report, in its FFY 2008 APR, due February 2, 2009, that it has verified that each LEA with noncompliance reported by the State under this indicator in this indicator for FFY 2006 and 2007 APRs: (1) is correctly implementing the regulatory requirements; and (2) has developed and implemented the IEP although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>	<p>The NHDOE has reported in the FFY 2008 APR that it has verified that each LEA with noncompliance reported by the State under this indicator in this indicator for FFY 2006 and 2007 APRs: (1) is correctly implementing the regulatory requirements; and (2) has developed and implemented the IEP although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p>

**Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

The NHDOE utilized the optional APR template – Part B to report on this indicator.

The NHDOE utilized the list of sources of technical assistance related to the SPP/APR indicators that were provided by the Secretary: <http://spp-apr-calendar.rfcnetwork.org/techassistance.html>. Specifically, the NHDOE took advantage of technical assistance resources and services intended to increase the compliance rate for identified indicators, including but not limited to the following:

- For Indicator 13, the NHDOE used a variety of tools and resources available from the National Secondary Transition Technical Assistance Center (NSTTAC) for the identification and improvement of compliance for secondary transitions. This includes the two checklists developed by NSTTAC as a tool for reviewing IEPs to determine if they meet Indicator 13 compliance requirements. The NHDOE has participated in the TOPS (Transitions Outcomes Project) through our previous State Improvement Grant. The NHDOE, through the NH Transition Community of Practice, has collaborated with Ed O’Leary as a presenter/trainer at NH Secondary Transition Planning training.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 13:** Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

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**Correction of FFY 2007 Findings of Noncompliance:**

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 56%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	18
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	16
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>2</b>

**Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	2
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	2
6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>0</b>

**Actions Taken if Noncompliance Not Corrected:**

All FFY 2007 findings of noncompliance relative to this indicator have been corrected and verified by the State.

**Verification of Correction (either timely or subsequent):**

In the 2007-2008 reporting period, the NHDOE identified 18 findings of noncompliance through the onsite monitoring process for this indicator. Of the 18 findings, 18 have been corrected and verified by the state monitoring process. Sixteen of these were corrected timely and two were corrected subsequently. The state verified the correction of the noncompliance either through onsite visit and file review and/or through a NHDOE desk audit review of district submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure correction for each individual child, including the development of an IEP that includes the required transition content for each individual case of noncompliance. In addition, the State looked at current data to ensure that LEAs are correctly implementing the specific regulatory requirements.

**Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):**

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	1
2. Number of remaining FFY 2006 findings the State has verified as corrected	1
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	<b>0</b>

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**Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable):**

There are no remaining findings of noncompliance from FFY 2005 or earlier.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<p>The State reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR IEP goals and transition services §300.320(b) was partially corrected.</p> <p>Although the State is not required to report data for this indicator in the FFY 2008 the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR, due February 1, 2010, that it has verified that the LEAs with noncompliance reported by the State under this indicator in the FFY 2006 and FFY 2007 APRs: (1) are correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p>	<p>Subsequent to the submission of the FFY 2007 APR, the partially corrected non-compliance has been fully corrected and verified.</p> <p>The State has reported on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR.</p> <p>The State has reported in its FFY 2008 APR, due 2/1/10, as required by the OSEP APR Response Table for this indicator.</p>

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 14:** Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

States do not need to report on Indicator 14 in the FFY 2008 APR due Feb 1, 2010. States will establish new baseline, targets, and improvement activities using 2008-2009 exiting data in the FFY 2009 SPP due Feb 1, 2011.

**OSEP 10-3 Memo:**

"Indicator 14: The indicator has been revised to collect more consistent data on the percent of students with IEPs who are no longer in secondary school and are in higher education, competitively employed or in other postsecondary education or employment. Reporting will begin with the FFY 2009 SPP/APR due February 1, 2011."

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

The NHDOE would like to acknowledge the work completed in response to the June 1, 2009 OSEP letter regarding NH's determination of need assistance for three consecutive years. NHDOE has been advised of the available sources of technical assistance to address Indicator 15. The NHDOE has been working with the Data Accountability Center (DAC) through the development of both the FFY 2007 and FFY 2008 APR. As a result of this technical assistance the NHDOE developed and revised a work plan with both DAC and North East Regional Resource Center (NERRC) with two areas of priorities 1) Ensure the quality of the data reported in the SPP/APR submission of February 1, 2010 and 2) Review the correction and verification of noncompliance. A copy of this work plan has been submitted to our OSEP contact person. The activities in the work plan continue to give the NHDOE an opportunity to analyze our data management routines and data definitions to ensure valid, accurate and timelines of data submission. The State described in the progress letter dated October 1, 2009 the technical assistance selected and how the State is addressing the factors that contributed to the ongoing noncompliance. In conjunction with the work plan, representatives from both DAC and NERRC participated in the OSEP verification visit in September as well as the technical assistance visit that followed.

The NHDOE continued to seek technical assistance from NERRC through teleconferences to gain a better understanding of the components of this indicator. The NHDOE used resources from the RRFC website for the development of this indicator including the Part B Indicator 15 Self-Calculating Worksheet and Investigative Questions for Part B, Indicator 15 and the optional template. In particular, the NHDOE used the OSEP Memorandum 09-02: "Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the IDEA" for detailed information related to reporting on the correction of noncompliance. The NHDOE utilized the optional APR template – Part B to report on this indicator.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

**Measurement:**

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
  - b. # of corrections completed as soon as possible but in no case later than one year from identification.
- Percent = [(b) divided by (a)] times 100.

**Overview of FFY Data:**

**FFY 2004 – Baseline Year: 83%**  
**FFY 2005 – First year of Data: 72%**  
**FFY 2006 – Second year of Data: 72%**  
**FFY 2007 – Third year of Data: 91%**  
**FFY 2008 – Fourth year of Data: 96%**

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FFY	Measurable and Rigorous Target
FFY 2008	100%

FFY	Actual Target Data for FFY 2008
FFY 2008	96%

**Describe the process for selecting LEAs for Monitoring:**

The State monitors LEAs under the general supervision system. For this indicator, the State utilized the selection process for Focused Monitoring as well as noncompliance identified through complaints, due process hearings and desk audits. There are several indicators in the APR that all districts were monitored for and therefore, there is no specific selection process. For additional information on the NHDOE process for selecting LEAs for monitoring, please refer to the NH State Performance Plan (<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/2008%20SPP%20APR/February2008APRSPP.htm>)

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

*NH SPP Improvement Activity 1: Completed*

The NHDOE sought technical assistance through Data Accountability Center (DAC) and North East Regional Resource Center (NERRC) to assist the state in meeting 100% compliance for this indicator. The NHDOE continued to engage the OSEP funded Data Accountability Center (DAC) and the North East Regional Resource Center in onsite, telephone and email technical assistance specific to this indicator. This resulted in a revision work plan that was submitted to the OSEP State Contact for NH. The work plan also involved developing policies and procedures to implement the OSEP Memorandum 09-02: "Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the IDEA" The work plan included the following components:

- Implemented data system management routines that increase the likelihood of timely and accurate data submission (618) for 2007-08 and 2008-09 and production of 2006-2007 and 2008-09 public reporting, including documentation necessary for reporting to be valid, reliable, interpretable, and transparent.
- Continue to refine the collection and correction of noncompliance data as it relates to reporting for this indicator.
- Implement a general supervision system that will track collection of initial monitoring data, follow up correction of noncompliance, and reporting for this indicator.

Consultants from the NHDOE also attended the OSEP sponsored leadership conference in August 2009 for additional technical assistance and resources.

*NH SPP Improvement Activity 2: Completed*

The NHDOE has revised the data collection process for onsite monitoring including: new forms and technical assistance to the onsite team regarding data collection. The NHDOE continues to review their processes and make improvements as necessary. The NHDOE has also used feedback from districts to help improve this process.

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NH SPP Improvement Activity 3: Completed

The on-site monitoring team implemented a regular status review of districts that were coming up to a year of identification of noncompliance. The team connected with the districts at least a few months before the end of the one year to ensure that correction has occurred. If districts were out of compliance beyond a year, the NHDOE continued to take measures to ensure that correction was completed as soon as possible.

Explanation of Progress or Slippage

The NHDOE did not meet the target of 100% for 2008-2009.

State Actual Data: 96%                      Target: 100%

The NHDOE demonstrated substantial compliance at 96%. The NHDOE made progress in this indicator from the previous FFY 2007 APR with a 5 percentage point increase. This progress may be attributed to the work completed with the Data Accountability Center (DAC) and the North East Regional Resource Center (NERRC) as well as the technical assistance given to districts.

Ninety-six percent (96% or 150 out of 156) of findings of noncompliance identified in 2007-2008 were corrected as soon as possible but no later than one year from the date of identification of compliance. Of the 6 remaining findings of noncompliance, none were corrected prior to the FFY 2008 APR submission.

The NHDOE has disaggregated by APR indicator the status of timely correction of noncompliance findings identified by the NHDOE during FFY 2007 (see Part B Indicator 15 worksheet). In responding to the compliance indicators (Indicators 9, 10, 11, 12 and 13) the State has specifically identified and addressed the noncompliance identified in 2007-2008 in this table for each of those indicators. For indicator 12, findings of noncompliance identified early in 2008-2009 based on the examination of FFY 2006 data have also been included, as explained in detail in indicator 12.

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.  2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution: Complaints, Hearings			
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings			
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	3	3	3
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	63	63	63
	Dispute Resolution: Complaints, Hearings			
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	27	27	27
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	5	5
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Measurable Goals	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	7	8	6
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Certified Personnel  Admin/Policy	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	5	2
	Dispute Resolution: Complaints, Hearings	3	3	3
Other areas of noncompliance: IEP Process  Service Provision	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	9	8

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	31	31	31
Sum the numbers down Column a and Column b			156	150
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	96.15%

**Note: For this indicator, report data on the correction of findings of noncompliance the State made during FFY 2007 (July 1, 2007 through June 30, 2008).**

**Correction of FFY 2007 Findings of Noncompliance Timely Corrected (corrected within one year from identification of the noncompliance):**

7. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	156
8. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	150
9. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>6</b>

**Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

10. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	6
11. Number of findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
12. Number of findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>6</b>

**Actions Taken if Noncompliance Not Corrected**

For FFY 2007 there were 6 findings of noncompliance identified in 2007-2008 that were not corrected within one year of identification (2008-2009). These 6 findings were in 2 districts. The issues are reflective of systems issues within the programs and require significant changes to correct. The NHDOE has also taken the following enforcement actions with the 2 districts that continued to have the 6 findings of noncompliance:

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- Onsite visits for technical assistance specific to these findings;
- Onsite compliance verification visits;
- Review of implementation of corrective action for progress or lack of progress.

In order to ensure correction of the remaining findings as soon as possible, the NHDOE will consider redirection of funds if the issues are not corrected by the next grant period (July 1, 2010). Prior to that time, the NHDOE will continue to do regular monitoring of these districts, require additional corrective action to identify the root cause(s) of the issue(s) and strategies for correction, and require mandatory technical assistance.

**Verification of Correction (either timely or subsequent)**

For the 150 findings identified in 2007-2008 the NHDOE used the following process to verify correction as soon as possible but no later than one year from identification. Of the 150 findings, 150 findings have been timely corrected and verified by the NHDOE in a variety of manners.

The state verified the correction of the noncompliance either through onsite visit and file review and/or through a NHDOE desk audit review of district submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure that the LEA has corrected each individual case of noncompliance, unless the child was no longer in the jurisdiction of the LEA. In addition, the NHDOE verified that the LEA was correctly implementing the specific regulatory requirements related to the findings. A more detailed description of the verification of correction process can be found in the specific indicators.

**Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable)**

If the State reported <100% for this indicator in FFY 2006 and did not report that the remaining FFY 2006 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	5
2. Number of remaining FFY 2006 findings the State has verified as corrected	3
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	2

There is one district that has the remaining uncorrected 2 findings of noncompliance. The NHDOE and its representatives have worked with the district's central office staff to identify the root causes of continuing noncompliance. This information has been used to direct their corrective action plan.

The NHDOE has also taken the following enforcement actions with the one district that continue to have the 2 findings of noncompliance:

- Onsite visits for technical assistance specific to these findings;
- Onsite compliance verification visits;
- Review of implementation of corrective action for progress or lack of progress.

In order to ensure correction of the remaining findings as soon as possible, the NHDOE will consider redirection of funds if the issues are not corrected by the next grant period (July 1, 2010). Prior to that time, the NHDOE will continue to do regular monitoring of this district, require additional corrective action to identify the root cause(s) of the issue(s) and strategies for correction, and require mandatory technical assistance.

**Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable)**

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Of the three remaining 3 findings identified in FFY 2005, the NHDOE has verified correction of all 3 findings.

1. Number of remaining FFY 2005 or earlier findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	3
2. Number of remaining FFY 2005 or earlier findings the State has verified as corrected	3
3. Number of remaining FFY 2005 or earlier findings the State has NOT verified as corrected [(1) minus (2)]	<b>0</b>

**Additional Information Required by the OSEP APR Response Table (if applicable)**

Statement from the Response Table	State's Response
<p>The State reported that remaining noncompliance identified in FFY 2005 and FFY 2006 was not corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007 in accordance with 20 U.S.C. 1232d (b)(3)(E) and 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02.</p> <p>In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.</p> <p>In addition, in responding to Indicators 11, 12, and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.</p>	<p style="text-align: center;">The State has reported on this in the FFY 2008 APR.</p> <p>The State has reviewed the improvement activities and did not find it necessary to revise them since there was progress made.</p> <p>The State has reported on all corrected instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department). The State has also verified that each LEA with identified noncompliance was correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02 and that each/all instances of noncompliance (including noncompliance identification).</p> <p style="text-align: center;">The State has completed this.</p> <p style="text-align: center;">The State used the Indicator 15 Worksheet.</p>

**Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):**

There were no revisions to the Proposed Targets / Improvement Activities / Timelines Resources for this indicator in the State Performance Plan.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Stakeholder Involvement

The NHDOE Bureau of Special Education provided information to the NH Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC). The information included results of complaint findings by allegations for multiple years. The NHDOE engaged in lengthy discussions with SAC regarding the complaint process and the timeliness of completion of complaints.

Technical Assistance

The NHDOE sought technical assistance from OSEP staff during the state's verification visit regarding OSEP's interpretation of the requirements for exceptional circumstances for going beyond the timelines.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

**Overview of FFY Data:**

**FFY 2004 SPP – Baseline year: 100%**

**FFY 2005 APR – First year data: 100%**

**FFY 2006 APR - Second year of data: 100%**

**FFY 2007 APR – Third year of data: 100%**

**FFY 2008 APR – Fourth Year of Data: 22%**

FFY	Measurable and Rigorous Target
FFY 2008-2009	NHDOE will maintain 100% compliance with the 60 day time limit, or a 60 day time limit extended only for exceptional circumstances with respect to a particular complaint.

**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

100% = [(4 + 6) divided by 45] times 100.

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Explanation of Calculation

The Bureau of Special Education collected the number of complaints for the time period of July 1, 2008 to June 30, 2009. The Bureau of Special Education identified 4 complaints (1.1(b)) with reports issued within the timeline and 6 (1.1(c)) complaints with reports issued within extended timelines. There were a total of 45 (1.1) complaints with reports issued.

Data for this indicator are provided in the federal annual Table 7, *Report of Resolution Under Part B, of The Individuals with Disabilities Education Act 2008 – 09*.

Of the 45 complaints with reports issued during this reporting period, 4 complaints were resolved within a 60 day timeline. Of the remaining 41 complaints with reports, 6 were resolved with a timeline extended for exceptional circumstance with respect to a particular complaint or the parent and the public agency agreed to engage in mediation or other alternative means of dispute resolution. Of the 45 complaints with reports issued, 10 complaints met the timelines or properly extended timelines.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

SPP Improvement Activity 1: Completed

NHDOE Special Education Complaint Investigators had no more than 3 active complaints under investigation at any given time.

SPP Improvement Activity 2: Completed

The NHDOE Complaint officer completed a review of Special Education Complaint Investigators completion of investigator reports within 35 days of their receipt of the complaint documentation. Special Education Complaint Investigators were instructed by memo of the percentage of their complaint reports that were timely. These results were included in their evaluation and resulted in the nonrenewal of investigators that were consistently untimely.

SPP Improvement Activity 3: Completed

The complaint officer for NHDOE provided ongoing monitoring and evaluation of NHDOE Special Education Complaint Investigators, including the utilization (effective September, 2004) of a data-based system to track the time to complete investigations.

SPP Improvement Activity 4: Completed

All complaints were processed and resolved within the timeline or timeline with exceptional circumstances for particular complaints, based on the NHDOE understanding at the time of what constitutes exceptional circumstances. The NHDOE awaits additional input from OSEP.

SPP Improvement Activity 5: Completed

The NHDOE posted on the NHDOE's website a summary of the previous fiscal years complaint findings.

Explanation of Progress or Slippage

The NHDOE has not met the target of 100% for 2008-2009.

State Actual Data: 22%            Target: 100%

In order to understand the slippage in compliance for this indicator, the NHDOE has conducted a root-cause analysis of the reasons for not meeting timelines. A number of complaint investigators demonstrated that they were not able to complete the investigations within the timelines established by the NHDOE and subsequently three complaint investigators' contracts were not renewed. NHDOE has advertised and is contracting with additional complaint investigators with an emphasis on the completion of all tasks assigned within the timelines. The NHDOE is monitoring each investigation to ensure that the investigators provide their reports to the NHDOE within required timelines.

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The issue of extended timelines and exceptional circumstances were cited during the OSEP verification visit in September 2009. NHDOE is in the process of complying with the corrective action required by OSEP in the verification letter dated January 25, 2010 and will report on the required information in the FFY 2009 APR due February 1, 2011.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the SPP for this indicator.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

The Office of Legislation and Hearings engaged in conversations with the North East Regional Resource Center (NERRC) regarding the development and implementation of evaluation and data analysis criteria for determining hearing officer performance. NERRC worked with the Office of Legislation and Hearings to begin to develop a regional training for hearing officers. The Office of Legislation and Hearings has actively participated in the online list serve (CADRE) dedicated to administrative due process hearings and thereby gained national perspective on issues that all states have in common.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 17:** Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

**Overview of FFY Data:**

**FFY 2004 SPP – Baseline year: 79%**

**FFY 2005 APR – First year of data: 100%**

**FFY 2006 APR – Second year of data: 100%**

**FFY 2007 APR – Third year of data: 100%**

**FFY 2008 APR – Fourth Year of Data: 57%**

FFY	Measurable and Rigorous Target
FFY 2008-2009	100% of fully adjudicated hearings will be completed within 45 days or the 45 day timeline with proper extensions granted.

**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

$$\text{Percent} = [(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100$$

$$57\% = [(3+1)/7]*100$$

Explanation of Calculation

The Office of Legislation and Hearings provided the number of due process hearings fully adjudicated for the time period of July 1, 2008 to June 30, 2009. Data for this indicator are consistent with the federal annual Table 7, *Report of Resolution Under Part B, of The Individuals With Disabilities Education Act 2008 -09*.

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The Office of Legislation and Hearings identified that 57% (4 out of 7) of the fully adjudicated hearings were completed within the 45 day timeline or the 45 day timeline with extensions granted to a date certain. Of these 4 full adjudicated hearings, 3 were completed within the 45 day timeline and 1 was completed within an extended timeline.

The Office of Legislation and Hearings collects data on the timeliness of completion of hearings but does not collect data on the reasons for delays. Delays in completing hearings are considered as one factor in the evaluation of a hearing officer's performance. The end date for hearing officers is considered to be the 43<sup>rd</sup> day of hearing in order to allow the NHDOE to complete the process and meet the 45 day timeline.

Hearings that did <i>Not</i> meet timeline	Number of Days beyond 45
Hearing #1	2 days (45 <sup>th</sup> day was on a Saturday)
Hearing #2	6 days
Hearing #3	10 days

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008. The Office of Legislation and Hearing's provided the information for these improvement activities and the explanation of slippage.**

*NH SPP Improvement Activity 1: Completed*

The Office of Legislation and Hearing's internal committee reviewed all hearing officer's performance to ensure satisfactory performance, consistent with state and federal requirements, including meeting of all timelines.

The Office of Legislation and Hearings conducted two training sessions in FFY 2008 for hearing officers. One training was led by the Attorney General's office. Also, three hearing officers attended the Franklin Pierce Law conference in Maine. A New Hampshire Hearing Officer also conducted a training to attorneys (CLE hours granted) regarding the special education process.

The Office of Legislation and Hearings also has completed the Hearing Officers Guide to Administrative Process. Hearing officers are now required to comply with the procedures detailed in the manual and are evaluated based on those processes including meeting all timelines. The guide is on our website at: <http://www.ed.state.nh.us/education/laws/documents/UserGuidewithIndex.pdf>

*NH SPP Improvement Activity 2: Completed*

The NHDOE reviewed the data throughout the year to determine if the hearings were timely. When a hearing was not completed in a timely fashion, the hearing officer was notified and the timeliness issue was considered in the annual evaluation. This was also noted in quarterly evaluations. Additionally, the Office of Legislation and Hearings sent out a weekly case status report to Hearing Officers wherein all current cases, listed by docket number, are shown by Hearing Officer. The report highlights if there is an issue and identifies individuals who are late with hearings. The Hearing Officer guide and the individual hearing officer's contracts have in place for procedure for suspension and termination of Hearing Officer Contract on the grounds of misfeasance, malfeasance or nonfeasance.

*NH SPP Improvement Activity 3: Completed*

The Office of Legislation and Hearings engaged in conversations with the North East Regional Resource Center (NERRC) regarding the development and implementation of evaluation and data analysis criteria for determining hearing officer performance. NERRC worked with the Office of Legislation and Hearings to begin to develop a regional training for hearing officers. The Office of Legislation and Hearings has actively participated in the online list serve (CADRE) dedicated to administrative due process hearings and thereby gained national perspective on issues that all states have in common.

*Explanation of Progress or Slippage*

The New Hampshire Department of Education did not meet the target of 100% for 2008 – 2009.

State Actual Data: 57%                      Target: 100%

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The data for this indicator did not meet the compliance standard of 100%. The slippage was the result of only 4 of 7 hearings being completed within the timeline. In one instance the forty-fifth day fell on a weekend and the decision went out on Monday. In the second case, the decision was delivered on time but the hearing officer did not sign it, so it could not be mailed to the parties until the hearing officer signed it. In the last case, the signed decision was filed on time, but due to a staff shortage in our office the decision did not get mailed to the parties on time.

The Office of Legislation and Hearings realizes the target is 100%. The NHDOE met that target for the last three consecutive reporting years. Since 2004, when forty cases went to a final decision, the number of due process hearings has dropped dramatically - by more than 75%. With forty cases in 2004 the state's timely completion rate was 79% or 32 cases, and in 2007-2008 there were only seven cases that were adjudicated. With so few cases, each case affects the actual target data for this indicator significantly.

In order to address this noncompliance, the Office of Legislation and Hearings has completed a manual for hearing officers. The manual addresses continuances and end dates. Additionally, as mentioned previously, the Office of Legislation and Hearings now sends out a weekly case status report to Hearing Officers wherein all current cases, listed by docket number, are shown by Hearing Officer. The report highlights if there is an issue and identifies individuals who are late with hearing decisions. The Hearing Officer Guide and contract now has in place a procedure for suspension and termination of Hearing Officer Contract on the grounds of misfeasance, malfeasance or nonfeasance.

The Office of Legislation and Hearings will continue to require participation of hearing officers in a minimum of two training sessions in the next year and to evaluate Hearing Officers timely completion of hearings.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

Indicator and measurement language has been changed in the SPP for this indicator, consistent with the OSEP Part B Indicator Table.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY2008 is described in the Overview section of the APR.

Technical Assistance

The NHDOE Bureau of Special Education sought technical assistance from OSEP regarding the NH Special Education Procedural Safeguards Handbook in the section on Resolution sessions. OSEP provided a suggestion on a modification to the language for that section, which the NHDOE has made.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

**Overview of FFY Data:**

**FFY 2004 SPP - No Data – NH did not meet the threshold for reporting.**

**FFY 2005 SPP - No Data – NH did not meet the threshold for reporting.**

**FFY 2006 SPP – Baseline year – 38.7%**

**FFY 2007 APR – First year of Data – 100%**

**FFY 2008 APR – Second Year of Data: 84%**

FFY	Measurable and Rigorous Target
FFY 2008-2009	60% of resolution sessions held will result in a signed written agreement.

**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

Percent = (3.1(a) divided by 3.1) times 100

84% = [(11 divided by 13)] times 100

Explanation of Calculation

The Office of Legislation and Hearings provided the number of resolution meetings for the time period of July 1, 2008 to June 30, 2009. The Office of Legislation and Hearings identified that 84% (11 out of 13) of the resolution sessions resulted in written settlement agreements.

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Data for this indicator are provided in the federal annual Table 7, *Report of Resolution Under Part B, of The Individuals With Disabilities Education Act 2008 – 09*.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

The Office of Legislation and Hearings completed a manual for administrative hearings and have made that manual available to any interested party. The Bureau of Special Education has also completed a manual for school districts and parents that describes the advantages of cooperative, facilitated processes for conducting meetings and resolving disputes.

NH SPP Improvement Activity 2: Completed

The Bureau of Special education has trained an additional eight individuals to be State IEP Team Facilitators in FFY 2008 and have developed a data base of available facilitators.

Explanation of Progress or Slippage

The NHDOE exceeded the target of: 60% for 2008-2009.

State Actual Data: 84%            Target: 60%

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY2008 is described in the Overview section of the APR.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 19:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

**Overview of FFY Data:**

**FFY 2004 SPP – Baseline Year: 77.61%**

**FFY 2005 APR – First year of Data: 88.33%**

**FFY 2006 APR – Second year of Data: 51.5%**

**FFY 2007 APR – Third year of Data: 100%**

**FFY 2008 APR – Fourth Year of Data: 78%**

FFY	Measurable and Rigorous Target
FFY 2008-2009	During this period 82% of mediations will result in a signed written agreement.

**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

78% = [(7 + 11) divided by 23] times 100.

Explanation of Calculation

The Office of Legislation and Hearings provided the number of mediations requests and mediations held for the time period of July 1, 2008 to June 30, 2009. The Office of Legislation and Hearings identified that 78% (18 out of 23) mediations resulted in a signed written agreement. Of the 18 mediations, 7 were related to due process complaints and 11 were not related to due process complaints.

Data for this indicator are provided in the attached federal annual Table 7, *Report of Resolution Under Part B, of The Individuals With Disabilities Education Act 2008– 09*.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

In FFY 08 the Office of Legislation and Hearings provided each party to mediation a survey that solicits information concerning the mediation process. The surveys are mailed to the Department and reviewed as part of the evaluation of the due process hearing officers (Hearing officers are mediators in NH).

NH SPP Improvement Activity 2: Completed

The NHDOE's achieved the New Hampshire's historic mediation success rate of between 75 – 82%.

NH SPP Improvement Activity 3: Completed

The NHDOE tracked and reported both the number and percentage of agreements, maintaining the mediation success rate.

Explanation of Progress or Slippage

The NHDOE did not meet the target of 82% for 2008-2009.

State Actual Data: 78%            Target: 82%

The New Hampshire Department of Education's data indicate slippage from the 100% of mediations that resulted in a signed written agreement the previous year. However, 78% is within 2 percentage points of the OSEP recommended range of performance for this indicator. This success rate was within the range that has been the average for successful mediations in NH for the past 25+years.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.

**Overview of the Annual Performance Report Development:**

The development of the NH Part B State Annual Performance Report (APR) for FFY 2008 is described in the Overview section of the APR.

Technical Assistance

The NHDOE has been working with the Data Accountability Center (DAC) through the development of both the FFY 2007 and FFY 2008 APR. As a result of this technical assistance the NHDOE developed and revised a work plan with both DAC and North East Regional Resource Center (NERRC) with two areas of priorities 1) Ensure the quality of the data reported in the SPP/APR submission of February 1, 2010 and 2) Review the correction and verification of noncompliance. A copy of this work plan has been submitted to our OSEP contact person. The State described in the progress letter dated October 1, 2009 the technical assistance selected and how the State is addressing the factors that contributed to the ongoing noncompliance. In conjunction with the work plan, representatives from both DAC and NERRC participated in the OSEP verification visit in September as well as the technical assistance visit that followed.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and

Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment B).

**Overview of FFY Data**

**FFY 2004 SPP – Baseline Year: 100%**

**FFY 2005 APR – First year of Data: 95%**

**FFY 2006 APR – Second year of Data: 85.6%**

**FFY 2007 APR – Third year of Data: 89%**

**FFY 2008 APR – Fourth Year of Data: 90.47%**

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FFY	Measurable and Rigorous Target
FFY 2008	100%

**Actual Target Data for FFY 2008 (reporting period July 1, 2008 – June 30, 2009):**

Calculation

$$90.47\% = [(70.57/78) \times 100]$$

Explanation of Calculation

*Submission of SPP/APR Data*

The NHDOE has submitted the FFY 2008 APR with valid and reliable data for all indicators by the required deadline. The NHDOE ensures that data submitted in the SPP/APR are valid and reliable through a variety of means. For example some data are tied to the 618 data reporting requirements and have data quality checks built into the data collection process. Other data are collected through a desk audit which involved a review of data and information by NHDOE staff, which built cross-checks for data accuracy and completeness.

*Submission of 618 data (Federal Tables)*

The NHDOE used different databases for the collection of the 618 data for the federal tables. Tables 1, 3, 4 and 5 are generated using information from the New Hampshire Special Education Information System (NHSEIS). Table 2 is generated using information from the NHDOE Bureau of Credentialing. Table 6 is generated using information from the NHDOE Bureau of Accountability and Table 7 is generated using the database from the NHDOE Office of Legislation and Hearings and Bureau of Special Education, Complaint Officer.

NHSEIS was designed using data collection instruments which ensure that data entered into the system were valid and reliable. NHSEIS provides an error message with explanation when data were entered that was incorrect and gives districts an opportunity to resubmit the data. The NHDOE offered technical assistance and training to districts. NHDOE staff members are available to assist districts on a daily basis with NHSEIS.

The NHDOE received authority through Edfacts and DAC on June 30, 2007 to enter Table 1 Child Count through EDEN. However, DAC did grant permission for the NHDOE to postpone submission of data for Table 1 through EDEN until 2/1/09. The NHDOE did submit Table 1 Child Count through EDEN on February 2, 2009.

As a result of successful EDEN report submission, NH is now EDEN only in Table 1. Submitting to both EDEN and DAC enabled the data to be compared to ensure the accuracy of the data. This resulted in approval for the NHDOE to provide this table through EDEN only.

*Indicator 20 Scoring Rubric*

The NHDOE calculated data for the SPP/APR and 618 data using the Indicator 20 Scoring Rubric.

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<b>SPP/APR Data – Indicator 20</b>			
<b>APR Indicator</b>	<b>Valid and Reliable</b>	<b>Correct Calculation</b>	<b>Total</b>
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	* N/A	* N/A	0
14	* N/A	* N/A	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		<b>Subtotal</b>	34
<b>APR Score Calculation</b>	<b>Timely Submission Points</b> – If the FFY 2008 APR was submitted on-time, place the number 5 in the cell on the right.		5
	<b>Grand Total</b> – (Sum of subtotal and Timely Submission Points) =		39.00

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<b>618 Data – Indicator 20</b>					
<b>Table</b>	<b>Timely</b>	<b>Complete Data</b>	<b>Passed Edit Check</b>	<b>Responded to Data Note Requests</b>	<b>Total</b>
<b>Table 1 – Child Count Due Date: 2/1/09</b>	0	1	0	1	2
<b>Table 2 – Personnel Due Date: 11/1/09</b>	1	1	1	N/A	3
<b>Table 3 – Ed Environments Due Date: 2/1/09</b>	1	1	1	1	4
<b>Table 4 – Exiting Due Date: 11/1/09</b>	1	0	0	N/A	1
<b>Table 5 – Discipline Due Date: 11/1/09</b>	1	1	1	N/A	3
<b>Table 6 – State Assessment Due Date: 2/1/10</b>	1	N/A	N/A	N/A	1
<b>Table 7 – Dispute Resolution Due Date: 11/1/09</b>	1	1	1	N/A	3
				<b>Subtotal</b>	17
<b>618 Score Calculation</b>			<b>Grand Total (Subtotal x 1.857) =</b>		31.57

<b>Indicator #20 Calculation</b>	
A: APR Grand Total	39.00
B: 618 Grand Total	31.57
C: APR Grand Total (A) + 618 Grand Total (B)	70.57
Total N/A in APR	0
Total N/A in 618	0
<b>Base</b>	<b>78.00</b>
D: Subtotal (C divided by Base*) =	0.905
E: Indicator Score (Subtotal D x 100) =	90.47

Note any cell marked as N/A decreased the denominator by 1 for APR and 1.857 for 618.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**

NH SPP Improvement Activity 1: Completed

In February and March, 2008 the NHDOE worked with NERRC and Bruce Bull to develop the process of assuring the timely and accurate data submission from the districts. Through the Data Quality Report in NHSEIS the districts have a report which allows the districts to verify their data. The NHDOE held bi-weekly teleconferences to provide information and technical assistance to districts regarding data entry into NHSEIS. The minutes from the teleconferences were posted to the main page in NHSEIS for districts' use. FY'08 Memo #14:

<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/documents/FY08NumberedMemorandum.htm>

NH SPP Improvement Activity 2: Completed

The NHDOE provided ongoing clarification and guidance to districts regarding reporting on children with disabilities. 1. In August 2008 memo #8, the NHDOE provided to the Local Education Agencies the reporting requirement for students with disabilities to exit special education within the NHSEIS. 2. In September 2008 memo #12, the NHDOE provided the districts with the requirements for reporting Disciplinary Removal of Students with disabilities. 3. In February 2009 memo #28, the NHDOE provided information to the districts on the minimal requirement to be entered in NHSEIS. These memos can be found with all the FFY 2009 memos on the following website:

<http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/Memos/FY09Memorandum.htm>

This site contains all the memos distributed in Fiscal Year 2009.

NH SPP Improvement Activity 3: Completed

In July through November 2008 the NHDOE worked with NERRC, DAC, and Bruce Bull in the formulation of procedures and policies affecting the NHSEIS data. These meeting discussed the memos that were sent to the school district for requirement of reporting. The NHDOE with Bruce Bull of NERRC developed a procedure for the analyses of Significant Disproportionality and for reporting Indicator 5 and Table 3.

NH SPP Improvement Activities 4 and 5: Completed

The NHDOE, through a comprehensive data work plan, received intensive support from DAC and NERRC regarding data collection, processing and analysis. Support included skill development (acquisition and/or refinement of skills) for the NHDOE personnel resulting in demonstrate enhanced management routines for collecting and using 616 and 618 data by:

- a) Identifying data sources and methods of collecting monitoring data for each SPP/APR indicator or indicator cluster by April 2008. The NHDOE used these skills in developing the SPP/APR to be submitted February 1, 2010.
- b) Submitting 2008-2009 (Tables 1, 2, 3, 5, 7,) 618 data from electronic collections by the February 2009 due date. The NHDOE used these acquired skills to submit accurate and timely data.
- c) Developing routines to collect Indicator 15 specific data analyze these data and follow up to ensure correction of noncompliance by June 2009. The NHDOE does have procedures in place to ensure correction of noncompliance. This was discussed during the OSEP verification visit with both DAC and NERRC.

Explanation of Progress or Slippage

The NHDOE has not met the target for 2008-2009.

State Actual Data: 90.47% Target: 100%

The NHDOE has made progress from 89% in FFY 2007 to 90.47% compliance in FFY 2008 for this indicator. The NHDOE would like to acknowledge the technical assistance and support from the Data Accountability Center (DAC) regarding our submission timely and complete data and with the necessary edit checks and responses to data notes.

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**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:**

There were no revisions to the Proposed Targets/Improvement Activities/Timelines/Resources in the State Performance Plan for this indicator.