

New Hampshire  
Department of Education

IDEA Part B Special Education  
Annual Performance Report (APR)  
For FFY 2009  
(2009 – 2010)

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[http://www.education.nh.gov/instruction/special\\_ed/spp.htm](http://www.education.nh.gov/instruction/special_ed/spp.htm)

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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, 2011, 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 made available information and data relative to the SPP and APR, 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. The NHDOE has maximized opportunities for stakeholder input from broader constituencies through a variety of formal and informal input sessions, work with the NH Association of Special Education Administrators, and through feedback loops built into key initiatives. We have specifically sought input from NH parent organizations such as the Parent Information Center (NH's Parent Training Institute), NH Family Voices and NAMI-NH.

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, 2011 submission of the SPP and APR as follows:

- Participated in OSEP's teleconferences regarding the SPP and APR;
- Accessed guidance materials from the OSEP SPP/APR Calendar at: <http://www.rrfcnetwork.org>;
- Received ongoing consultation from our OSEP State Contact;
- Support from OSEP-funded Technical Assistance Center such as DAC, 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 11-4 and the SPP/APR application packet, the NHDOE respectfully submits:

- A revised SPP (using the SPP template) that specifics, for each indicator, annual targets (reflecting improvement over the NH baseline data for that indicator) and improvement activities for each year through FFY 2012 (July 1, 2012 through June 30, 2013).
- Baseline data, targets and improvement activities for Indicators 4B, 13 and 14 (using the SPP template). The NHDOE has also revised baseline data and targets for Indicator 4A, Indicator 5 and Indicator 7 in the SPP. Indicator 11 includes an update based on OSEP clarification regarding the measurement.
- An updated Overview of the SPP including a description of where, on the NHDOE website, a complete copy of the State's revised SPP, including any revisions, is available, as well as where the NHDOE has reported to the public on the performance of each district in NH against the target's in the NH SPP.

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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, 2011 deadline.

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 2009 APR submitted February 1, 2011 are posted on the NHDOE website at:

[http://www.education.nh.gov/instruction/special\\_ed/spp.htm](http://www.education.nh.gov/instruction/special_ed/spp.htm)

In addition to posting on the NHDOE website, the NHDOE provides notification on how to access the SPP and APR 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 2008-2009, 2007-2008, 2006-2007 & 2005-2006 District Data Profiles can be viewed at:

[http://www.education.nh.gov/instruction/special\\_ed/data\\_profiles.htm](http://www.education.nh.gov/instruction/special_ed/data_profiles.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), as well as the OSEP State Contact for NH provided consultation to the NHDOE on issues related to data collection, analysis, and reporting for this indicator. As required by the Office of Special Education Programs (OSEP), the NHDOE aligned the targets for this indicator with the Elementary and Secondary Education Act (ESEA) graduation rate targets.

**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.

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**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%**

**FFY 2009 APR – Fourth year of data: 91.11%**

*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 2009 APR, use data from 2008-2009), and compared the results to the target that was set for 2008-2009 in the State Performance Plan.

Data Examination for 2008-2009: In the New Hampshire Consolidated State Performance Report (CSPR): *Parts I and II for State Formula Grant Programs under the Elementary and Secondary Education Act (ESEA)* for reporting on School Year 2008-2009 the NHDOE did not report graduation data for the special education population, nor have they in the past. Those data were reported as “missing” and the USDOE accepted that. The NHDOE was able to use the CSPR actual data and the ESEA calculation to determine the 2008-2009 graduation rate for students with disabilities for the FFY 2009 APR submission, even though the data were not reported in the CSPR. The Bureau of Information Services provided these data to the Bureau of Special Education, disaggregating the youth with IEPs from the statewide data for all children. This is the first year NH has been able to report the graduation rate for students with IEPs using the CSPR data.

Aligning Graduation Rate Targets with Title I of ESEA: As required by OSEP, the NHDOE has aligned targets for *Indicator 1: Graduation Rates for Youth with IEPs* with the graduation rate targets for all students under Title I of the ESEA for the FFY 2009 SPP/APR submission. NHDOE expects to convert to a cohort graduation rate beginning with the 2010-2011 school year. As identified in the NH Consolidated State Performance Report (CSPR): *Parts I and II for State Formula Grant Programs under the Elementary and Secondary Education Act (ESEA) for reporting on School Year 2008-2009*, for High School AYP determinations, the ultimate graduation rate target for all students is 95% in AYP year 2013-2014 (which reflects graduates from the previous school of 2012-2013). This has been established at an incremental increase of 5% each year as follows:

**Graduation Rates**

- AYP Year 2009-2010 (school year 2008-2009): 75%
- AYP Year 2010-2011 (school year 2009-2010): 80%
- AYP Year 2011-2012 (school year 2010-2011): 85%
- AYP Year 2012-2013 (school year 2011-2012): 90%
- AYP Year 2013-2014 (school year 2012-2013): 95%

FFY	Measurable and Rigorous Target
FFY 2009	75%

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FFY	<b>Actual Target Data for FFY 2009 APR</b> (for this indicator, report data for the year before the reporting year: 2008-2009)
FFY 2009	91.11%

Calculation

$$91.11\% = 100\% - 8.89\%$$

$$\text{Graduation Rate} = 100\% - \text{Cumulative dropout rate}$$

$$2.30\% = \text{Annual Dropout Rate}$$

$$\text{Cumulative Dropout Rate: \%} = \text{Round}(1 - (1 - \text{annual dropout rate}\%)^4, 4)$$

$$\text{Cumulative Dropout Rate} = 8.89\%$$

See Indicator 2: Dropout rate for actual numbers used to calculate the annual dropout rate.

Explanation of Calculation

When reporting graduation rates for the APR, OSEP requires States to use the same data as used for reporting to the US Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). These data are reported in the CSPR for all students. In order to calculate this for students with IEPs, the Bureau of Information Services identified youth with IEPs in the overall data and performed the same calculation for this subgroup as the calculation used for all youth.

As reported in the 2008-2009 CSPR in reference to Section 1.8.1 Graduation Rates: "This response is taken directly from Section 7.3 of New Hampshire's Accountability Workbook. Currently NH reports drop-out rates. NH uses a modified NCES definition of graduation (does not include GED) rate until such time as a data collection system allows us to gather more accurate graduation rates. New Hampshire's graduation rate is calculated as the percentage of students who complete high school and earn a regular high school diploma within the standard number of years. The standard number of years for youth with an IEP/504 plans are specified in those documents. NH Graduation Rate = Completer Rate X Regular Diploma Rate Where, Completer rate = 100% - Cumulative Dropout Rate % and Regular Diploma Rate in the standard # of years = # of completers with regular diplomas earned in the standard # of years Number of Completers with regular + nonstandard diplomas."

Definition and Requirements for Graduation with a Regular Diploma

**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 2009:**

Note: The NHDOE reports improvement activities previously 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

In the summer of 2010, the NHDOE sought a five year *High School Graduation Initiative* grant from the USDOE to support youth with IEPs graduating with a regular high school diploma. NH's proposal, entitled *Achievement for Dropout Prevention and Excellence: 2015 (APEX 2015)* was to work with the ten high schools in the state with the highest dropout rates, as well as the largest high school populations, using a tiered approach through *Positive Behavioral Interventions and Supports*, *Response to Intervention*, and NH's own *Rehabilitation for Empowerment, Natural Supports, Education and Work*, to reduce the incidence of dropouts, increase graduation rates and support a successful transition from high school into post-secondary education or employment. The APEX 2015 model was designed after APEX I, II, and III, with the addition of *Response to Intervention*, an Early Warning Data System, and strong secondary transition training and supports. The USDOE did not award a grant for NH's APEX's 2015.

NH SPP Improvement Activity 2: Completed

Under the NH RESPONDS grant, two NH RESPONDS High School sites continue to work on the development and implementation of 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 receive monthly training and technical assistance in PBIS and the RENEW secondary transition services model. Somersworth high school staff members provided intensive level (Tier 3) RENEW services to 8 youth in 2009-2010. Kennett High School has Tier 1 services in place and are focusing on development and implementation of Tier 2 this year.

Between December 2009 – April 2010, two training sessions on the RENEW secondary transition model were provided. These were 3-part sessions. Over 15 school and mental health staff members in the northern part of the state (Berlin, NH) received training in the RENEW secondary transition services model with 2 follow up technical assistance sessions in the Spring. In the seacoast, 18 school staff from Somersworth High School were trained to use personal futures planning and work-based learning experiences in order to continue to build the high school's Tier 3 support system.

In addition, NH RESPONDS grant designed and delivered a four part transition series to develop statewide capacity in secondary transition services. The four-part transition series – Using the Life after High School Toolkit ...to meaningfully Involve Families in the Secondary Transition Process, February 4, 2010 – Employment Sector Job Training Programs for Young Adults, March 1, 2010 – Assistive Technology and Transition, April 15, 2010 – High School is Transition: A Framework for Reform that Allows School to Educate All Students, May 13, 2010. The series attracted over 60 individuals statewide per training.

NH SPP Improvement Activity 3: Completed

The NHDOE published District Data Profiles (DDP) for 2007-2008 and is in the process of publishing for 2008-2009 for each district that shows how they compare to state targets in the SPP. DDPs for 2007-2008 were published on the state website and disseminated broadly to the media and key state stakeholder groups such as the NH Special Education State Advisory Committee for 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 4: Completed

NH Senate Bill 18 raised the compulsory age of school attendance from 16 to 18, effective July 1, 2009. The NHDOE began enforcement of this bill, which changes the compulsory age of public education from 16 to 18.

NH SPP Improvement Activity 5:

The Governor held the third annual Governor's Summit on High School Graduation in December 2010 led by the NHDOE. The focus of this year's summit was the implementation of Senate Bill 18, and the continued support of all students in the obtainment of a high school diploma, whether through alternative education settings, extended learning opportunities, continued education for youth who become incarcerated prior to receipt of their high school diploma, or the re-engagement of students who have

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already dropped out. The summit included lectures and workshops, which addressed early warning indicators of students at risk for dropping out and covered such topics as the use of school data, alternative education programs, truancy and bullying. The summit was designed to continue state and local cooperation in reducing the dropout rate, and ensuring more New Hampshire young people receive a high school diploma.

The Governor's Summit was also aligned with the NHDOE's continued student-centered *Follow the Child* Initiative that began in New Hampshire during the 2006-2007 school year and continues on today. Follow the Child focuses on four domains of personalized learning and assessment for the success of each child: personally, socially, physically and academically. The NHDOE has continued 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 of 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 6: Completed

The NHDOE, Bureau of Special Education re-issued an 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. The successful bidder was awarded a two-year contract for \$750,000 in the winter of the early months of 2010, with a renewal option for two additional years. The successful bidder was the University of New Hampshire's *Institute on Disability* (IOD), with a proposal titled *Achievement for Dropout Prevention and Excellence III* (APEX III). APEX III focuses on reducing NH's high school dropout rate for students with disabilities, while increasing the graduation rate of students with disabilities, as well using flexible approaches to help youth with IEPs who have already dropped out of high schools re-enter to complete their secondary education. APEX III is providing direct services, training, and technical assistance to six high schools in the state that had higher-than-state-average dropout rates and high rates of disciplinary problems among youth with IEPs during the baseline year, and developing and providing high quality training for middle and high schools throughout the state.

The APEX III 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). APEX III project will build a systematic approach to provide behavior support services (Tier 2) and intensive, individualized school-to-career services (Tier 3) in the 6 high schools that have applied to participate. The demonstration high schools are: Manchester's West High School and Memorial High School, Raymond High School in Raymond, Nute High School in Milton, Campbell High School in Litchfield and Pittsfield High School in Pittsfield. By providing direct services to the highest risk students with disabilities and training and technical assistance for school staffs within a positive behavioral support problem-solving framework, the IOD will to assist and enable those schools to improve their outcomes for students with disabilities.

In addition, APEX III also provides statewide trainings in secondary transition in a series in conjunction with NH RESPONDS (see above Improvement Activity), co-sponsored the NH Transition Community of Practice's Third Annual Summit in fall 2010 and held the Fifth Annual APEX Summer Institute in August 2010 that was open to all NH high schools as well as high schools in surrounding New England states.

NH SPP Improvement Activity 7: Completed

The NHDOE, Bureau of Special Education, which provides technical assistance to schools through trainings and professional development, is in the fourth year of the *Technical Assistance Consultants* (TAC) project that responds to specific technical assistance requests from school districts in areas of need, weakness, or noncompliance. This project went into effect in 2007-2008 through an RFP process. The RFP process is repeated every two years, with the most recent RFP resulting in TAC contracts for four individuals.

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The four TACs provide ongoing support to districts in the following areas: developing and implementing post-school transition plans (secondary transition) and writing post-secondary goals; writing measurable goals and objectives; development, implementation, and management of IEPs; behavior intervention planning; 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; implementation of special education law; understanding special education within an inclusive setting; and timeliness of evaluations. The TACs served as trainers for NHDOE programs, such as the Educational Surrogate Parent Program and IEP Facilitation Program, and provided NHDOE state-wide trainings to districts on data input into the NH Special Education Information System (NHSEIS) database and understanding Indicator 13 compliance. TACs also supported the Bureau of Special Education with telephone support to districts and parents; Preschool Outcome Measurements; complaint work, and; onsite monitoring of school districts for Indicator 13.

The Bureau anticipates issuing another RFP in the early months of 2011 for up to five TACs for FFY 2010.

NH SPP Improvement Activity 8: Completed

The NHDOE has been monitoring the ten NH houses of correction (county jails) during FFY 2009, per NH Senate Bill 396 that states that the NHDOE will monitor each house of correction during the 2009 and 2010 year, for the education of incarcerated youth, age 17 – 21, who have not received their high school diploma and who are eligible for special education services. In 2009, there were 42 inmates and in 2010 there were 56 inmates determined to be youth, age 17-21, not in receipt of their high school diploma, and who are/were students with a disability. The NHDOE, Bureau of Special Education, on a weekly basis, receives a list of possible inmates meeting the above criteria. The NHDOE verifies if an inmate on the list is in fact an inmate, under the age of 21, with a disability and who has not received their high school diploma. The NHDOE, upon verification, notifies the house of correction and the school district of the student's incarceration. The school district's responsibility from that point on is to continue providing special education services to the student with a disability for the duration of their incarceration. The NHDOE acts as a liaison for all issues specific to incarcerated students, age 17 -21, with disabilities who have not received their high school diploma. By ensuring that students with disabilities continue to receive education while incarcerated in one of NH's ten houses of corrections enables students with disabilities to continue on their track to obtainment of a high school diploma.

Explanation of Progress or Slippage

The NHDOE exceeded the target for 2008-2009.

State Actual Data: 91.11%                      Target: 75%

This represents progress of 20.11% percentage points from the graduation rate for youth with IEPs of 71% for the 2007-2008 reporting period.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR.

Stakeholder Input

The NHDOE sought input regarding this indicator through statewide, regional and individual discussions with special education directors. In addition, a number of improvement activities provide an ongoing opportunity for discussions.

Technical Assistance

The NHDOE received technical assistance from the Data Accountability Center and the OSEP State Contact regarding the development of this indicator.

**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**

**FFY 2008 APR – 4.53%**

**FFY 2009 APR – 2.30%**

*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 2009 APR, use data from 2008-2009), and compare the results to the target that was set for 2008-2009 in the State Performance Plan.

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	3.4%

FFY	Actual Target Data for FFY 2008 APR (for this indicator, report data for the year before the reporting year: 2008-2009)
FFY 2008 (2008-2009)	2.3%

Note: There is no dropout rate target established in the New Hampshire *Consolidated State Performance Report (CSPR): Parts I and II for State Formula Grant Programs* under the *Elementary and Secondary Education Act (ESEA)* for reporting on School Year 2008-2009. Therefore, the NHDOE Bureau of Special Education will continue to use the targets established in the SPP until the calculation based on a cohort group is in place.

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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.

$$2.3\% = [231 / (10,038 + 21)] \times 100$$

Explanation of Calculation and Definitions (if applicable)

The calculation for the dropout rate for students with IEPs used in this FFY 2009 APR was the same calculation that the NHDOE Bureau of Data Management used to determine dropout rates for all students for 2008-2009.

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

For 2008-2009, any early exiter who has not received a GED or been enrolled in college prior to the compilation of this report is considered a dropout. This definition holds true for all students, with and without an IEP.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

NH SPP Improvement Activity 1: Completed

The NHDOE, Bureau of Special Education re-issued an 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. The successful bidder was awarded a two-year contract for \$750,000 in the winter of the early months of 2010, with a renewal option for two additional years. The successful bidder was the University of New Hampshire's *Institute on Disability* (IOD), with a proposal titled *Achievement for Dropout Prevention and Excellence III* (APEX III). APEX III focuses on reducing NH's high school dropout rate for students with disabilities, while increasing the graduation rate of students with disabilities, as well using flexible approaches to help youth with IEPs who have already dropped out of high schools re-enter to complete their secondary education. APEX III is providing direct services, training, and technical assistance to six high schools in the state that had higher-than-state-average dropout rates and high rates of disciplinary problems among youth with IEPs during the baseline year, and developing and providing high quality training for middle and high schools throughout the state.

The APEX III 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). APEX III project will build a systematic approach to provide behavior support services (Tier 2) and intensive, individualized school-to-career services (Tier 3) in the 6 high schools that have applied to participate. The demonstration high schools are: Manchester's West High School and Memorial High School, Raymond High School in Raymond, Nute High School in Milton, Campbell High School in Litchfield and Pittsfield High School in Pittsfield. By providing direct services to the highest risk students with disabilities and training and technical assistance for school staffs within a positive behavioral support problem-solving framework, the IOD will to assist and enable those schools to improve their outcomes for students with disabilities.

In addition, APEX III also provides statewide trainings in secondary transition in a series in conjunction with NH RESPONDS (see above Improvement Activity), co-sponsored the NH Transition Community of

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Practice's Third Annual Summit in fall 2010 and held the Fifth Annual APEX Summer Institute in August 2010 that was open to all NH high schools as well as high schools in surrounding New England states.

NH SPP Improvement Activity 2: Completed

The NHDOE supported sustainability efforts through ongoing technical assistance to all APEX I and APEX II schools. The NHDOE continued to support sustainability efforts through technical assistance to the high schools that were involved in the APEX I and the APEX II schools. Two of those schools continue to be a part of NH's dropout prevention efforts in the APEX III project. Those schools are Raymond High School and Manchester Memorial High School. The other schools involved in APEX I and II continue to receive support through the Bureau's Technical Assistance Consultant project (see Indicator 1), the statewide Transition Series provided by NH RESPONDS and APEX III, and participation in the Fifth Annual APEX Summer Institute.

NH SPP Improvement Activity 3: Completed

For the Annual Performance Report (APR) to be submitted February 1 of each year the NHDOE, with broad stakeholder input reviewed and, if necessary, revised SPP targets to determine if they continue to be rigorous and measurable; and to strengthen improvement activities, timelines, and resources to ensure they are effective for meeting the targets.

NH SPP Improvement Activity 4: Completed

The NHDOE published District Data Profiles (DDP) for 2007-2008 and is in the process of publishing for 2008-2009 for each district that shows how they compare to state targets in the SPP. DDPs for 2007-2008 were published on the state website and disseminated broadly to the media and key state stakeholder groups such as the NH Special Education State Advisory Committee for 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 5: Completed

NH Senate Bill 18, raised the compulsory age of school attendance from 16 to 18. This went into effect July 1, 2009. The NHDOE began enforcement of this bill, which changes the compulsory age of public education from 16 to 18.

NH Improvement Activity Cluster

Improvement Activities listed in Indicator 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, and 14 are also relevant to improvement for this indicator.

Explanation of Progress or Slippage

The NHDOE exceeded the target of 3.4% for 2008-2009 by 1.1% percentage points.

State Data: 2.3%      Target: 3.4%

The NHDOE demonstrated progress in this indicator of 2.23 percentage points from the previous FFY 2008 APR (from a dropout rate of 4.53% to 2.3%)

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR.

Stakeholder Input

The NHDOE Bureau of Accountability received input from the NH Adequate Yearly Progress (AYP) Task Force regarding NH system for statewide assessments for accountability reporting under Title I of the ESEA. The 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 Northeast Regional Resource Center (NERRC) to support the development of this indicator. Specifically this TA supported the NHDOE with meeting 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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**Overview of FFY Data**

	<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 (Grade10 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%
<b>FFY 2009 APR Fifth Year of Data (Grade 3-8 and 11)</b>	24.63 %	Reading Participation: 97.71% Mathematics Participation: 97.81%	Reading Proficiency: 38.45% Mathematics Proficiency: 33.96%

**Targets and Actual Target Data for FFY 2009:**

Data for the indicator were provided by the NHDOE, Bureau of Accountability. These data are based on October 2009 New England Common Assessment Program (NECAP) result for Grades 3-8 and 11 and the May 2009 NH-Alternate Assessment results for Grade 2-7 and 10. These AYP data are used for accountability reporting under Title I of the ESEA. The NHDOE reports annually to the public on specific performance of each local district in the state on the targets regarding this indicator by posting District Data Profiles on the NHDOE website. For more information regarding the NH State Assessment, including the NHSEA Accountability Workbook, please visit:

<http://www.education.nh.gov/instruction/assessment/necap/results/results09.htm>

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FFY 2009	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 2009 (2009-2010)	46%		Reading		Math		Reading		Math	
			97%		97%		63.01%		69.13%	
Actual Target Data for FFY 2009 (2009-2010)	#	%	#	%	#	%	#	%	#	%
		33/134	24.63	16,607/16,997	97.71	16,625/16,998	97.81	6,386/16,607	38.45	5,646/16,625

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 measurable and rigorous proficiency targets for students with IEPs across all grades 3-8 and 11 in reading and math in the State Performance Plan. The NHDOE ESEA targets are based on annual measurable objectives known as index targets for reading and math. OSEP requires states to report on ESEA measurable 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 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. For more on public reporting, go to page 18.:*

- 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 or two ways: (1) in most cases approved accommodations are selected from 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 preapproved list. In these cases, the tests may still yield a valid score, if the State determined that the accommodations did not invalidate the score. Students who received these accommodations were included in the participation rates.
- 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 (# children with IEPs enrolled during the testing window), but NOT in the numerator (# children with IEPs participating in the assessment). NH complies with this calculation. These students are not included in the numerator or denominator for calculating performance.

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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 NHSEA Accountability Workbook, please visit:

<http://www.education.nh.gov/instruction/assessment/necap/results/results09.htm>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*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. This project was submitted to the United States Department of Education on January 30, 2009. To learn more about the *Beyond Access for Assessment Accommodations* project go to:

[http://www.iod.unh.edu/Projects/archived/baaa/project\\_description.aspx](http://www.iod.unh.edu/Projects/archived/baaa/project_description.aspx)

*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.measureprogress.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. A no cost extension has been awarded to this project until November 2011. The NHDOE continued to work 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.

This project described more fully the population of students participating in New Hampshire's Alternate Assessment (AA) with respect to their sensory and cognitive access challenges as well as their achievement and reframe and extend existing NH Grade Level Expectations (GLEs), describing them from multisensory and cognitive access perspectives, incorporating the principles of universal design (UD). It developed alternate academic achievement standards (AAS) aligned with the State's general academic achievement standards and enhanced the capacity of the NH Department of Education (DOE) to support LEAs in assessing students based on AAS, through changes in its program monitoring and approval process and its professional development systems.

Outcomes of this project include:

- Tools that document student learning progressions and progress toward acquiring academic content in the New Hampshire Curriculum Frameworks.
- A comprehensive professional development and technical assistance process for Local Educational Agencies (LEAs).

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- Recommendations to the NHDOE for a new Alternate Assessment based on aligned academic achievement standards.
- Student Access Profiles that create a sensory access framework to identify the individual needs of students.

The project analyses of the grade level equivalents; the content analysis of targeted skills and the preliminary analyses of the findings can be found on the resource website for the GSEG project :

[http://iod.unh.edu/Projects/gaining-access/project\\_description.aspx](http://iod.unh.edu/Projects/gaining-access/project_description.aspx)

NH SPP Improvement Activity 4: Completed

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 provided 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 provided 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 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: Completed

*Examining the Feasibility, Effect and capacity to Provide Universal Access Through Computer-Based Testing:* USDOE grant to support the participation and performance of children with disabilities on statewide assessments with an online option for students to participate in the New England Common Assessment Program.

Outcomes of the grant included:

- 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:
- New Hampshire expanded the online accommodations NECAP test delivery system to all grades that take the Science test: Grades 4, 8 and 11.
- Data and outcomes from all of these implementations of this online access tool named NIMBLE Tools will continue to be analyzed, and this information will help to guide implementation as NH moves forward with providing online assessment options.
- New Hampshire implemented this online accommodations tool for grade 11 in reading and in mathematics tests.

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The NHDOE sought additional grants from the United States Department of Education to support the participation and performance of students with disabilities on the statewide assessment.

1. From 2009 until 2011 the NHDOE in partnership with Minnesota was awarded a multiple year *Enhanced Assessment Grant* under the Office of Elementary and Secondary Education Act, entitled *The Accessible Portable Item Protocol Project (APIP)*. The project will create a standardized system to code and create universally accessible test items that can be made portable across delivery systems. The project outcome will make accessible testing items development much more affordable and standardized to states.
2. In 2010 -2011 the NHDOE as the lead state in a multi-state proposal was awarded an *Enhanced Assessment Grant* under the Office of Elementary and Secondary Education to develop a computer-based program to deliver universal access to statewide assessment for all students.
3. In 2010 the NHDOE in partnership with the Institute on Disability at the University of New Hampshire submitted a proposal to apply for an *Enhanced Assessment Grant* under the Office of Elementary and Secondary Education to create a universal student Accessibility Assessment System (SAAS) in the Nimble Assessment System.
4. In 2010, the NHDOE partnered with Minnesota to submit a proposal to apply for an *Enhanced Assessment Grant* under the Office of Elementary and Secondary Education to develop innovative accessible items for testing.
5. In 2010, the NHDOE partnered with Idaho and other states to apply for an *Enhanced Assessment Grant* under the Office of Elementary and Secondary Education Act to study and to develop an accommodations policy for students with disabilities and English Language Learners to be incorporated into the work of the Smart Balanced Assessment Consortium.

The NHDOE joined two consortiums as a non –governing member state to apply for the Race to the Top Comprehensive Assessment System Competition. The Race to the Top Comprehensive Assessment System Competition provides funding to consortia of states to develop assessments that are valid, support and inform instruction, provide accurate information about what students know and can do, and measure student achievement against standards designed to ensure that all students gain the knowledge and skills needed to succeed in college and the workplace. The NHDOE partnered with other states by joining two consortiums, the Smarter Balanced Assessment Consortium (SBAC) and the Partnership for Assessment of Readiness of College and Careers (PARC). The Smarter Balanced Assessment Consortium (SBAC) proposal addresses measuring the common core state standards by using adaptive online exams via “open source “technology. The Partnership for Assessment of Readiness of College and Careers (PARC) is based on the commitment that states build on the common core state standards efforts by pursuing shared assessments, anchored in college and career readiness to measure more ambitious learning goals and compare performance across states. Both consortiums submitted applications on June 23, 2010 with an expectation that the winners are to be announced September 2010. The Race to the Top Comprehensive Assessment System Competition can be found at: <http://www2.ed.gov/programs/racetothetop/index.html>

*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.

Outcomes of the work include:

- The Consultant worked with content specialists and sensory/communication access specialists to develop guidelines for teachers.
- The Consultant supported the expectation that students with disabilities who participate in the NH Alternate Assessment are able to demonstrate progression in their content performance. This assessment will provide support to the field to help teachers find better ways to help students learn the content and demonstrate what they know and can do.

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- The NHDOE designed the new version of the NH Alternate Assessment scheduled to run during the 2010-2011 school year. This new version is built around the concept of defined learning progressions, or clusters of concepts (GLEs) that appear to develop together within mathematics, reading, writing and science. For that reason, we are renaming the assessment to become: *The New Hampshire Alternate Learning Progressions (NH-ALPs) Assessment*. Teachers will use both video clips and structured written narrative documentation to show us how their students are performing on specified content standards in integrated, authentic ways. Formal data collection will occur from March through May 2011. The new assessment will require students to document their “highest & best” performance of the school year.
- The NHDOE developed Fall Information Sessions statewide for educators whose students will be participating in the New Hampshire Alternate Learning Progressions Assessments. These sessions will introduce the new format of the assessment and provide guidance on how to plan and prepare for the March-May data collection period. The NHDOE will offer full- day official test administration workshops in January 2011 to general and special educators.

For additional information regarding these statewide training sessions go online to:  
<http://iregister.measuredprogress.org>.

During the months of March through May 2010, the NHDOE participated in the National Common Core State Standards Project by providing input regarding Language Arts and Mathematics. The National Governors Association center for Best Practices (NGA) and the Council of Chief State School Officers (CCSSO) released a set of state-led education standards, the Common Core State Standards Project. The NHDOE held fourteen feedback sessions where teachers and curriculum leaders commented on clarity and appropriateness of the standards in mathematics and English/language arts. The intent of the feedback sessions was to have teachers and specialists inform the NHDOE whether or not the National Common Core State Standards appear to align closely with the current New England Common Assessment (NECAP) standards.

*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, 2011 and each year thereafter the NHDOE, with broad stakeholder input.

*NH SPP Improvement Activity 10: Completed*

NHDOE annually published District Data Profiles which show how each district compares to state targets in the SPP. This was 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.

*Explanation of Progress or Slippage*

**3A. District AYP Target:** The NHDOE did not meet the target of 46% for AYP in 2009-2010.

State Actual Data: 24.63%      Target: 46%

The Elementary and Secondary Education Act requires that all students perform at proficient and above by the school year 2013-2014. Based on that requirement, the NHDOE’s requirement for meeting AYP have become more difficult to meet. The NHDOE experienced slippage from 34% in 2009 to: 24.63% in 2010.

A contributing factor may be the increase in the ESEA performance targets which occurred during this testing cycle that included:

- The Reading target increased by 5 points for both elementary and high school grades.

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- The Math target increased by 6 points for the elementary grades, with a 14 point increase in the high school Math target.

New Hampshire continues to review improvement activities for this indicator and assess the effectiveness as implementation of these activities occur.

**3B. Participation Rate Target:** The NHDOE exceeded the target of 97% for 2009-2010 for both reading and math. NH continues to ensure that children with disabilities participate in the State-wide assessment.

New Hampshire's participation rate decreased from 98.21% to 97.71% in reading.  
New Hampshire's participation rate decreased from 97.94% to 97.81% in math.

**3C. Proficiency Targets:** Reading Proficiency: The NHDOE did not meet the target of 63.01% for 2009-2010, however steady progress has been made in this area.

New Hampshire's proficiency rate in reading increased from 35.18% to 38.45% for an increase of 2.98 percentage points. Since baseline data was established in FFY 2004 the proficiency rate has increased from 33.45% to 38.45% for a total increase of 5 percentage points.

Math Proficiency: The NHDOE did not meet the target of 69.13% for 2009-2010, however steady progress has been made in this area.

New Hampshire's proficiency rate in math increased from 29.22% to 33.96% for a total of 4.74 percentage points.

**Public Reporting Information:** <http://reporting.measuredprogress.org/nhprofile/>

For an example of a district report, go to: [All Grades District Disaggregated Report Mathematics](#)

The NHDOE made available to the public and reported to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the number of children with disabilities participating in regular assessments and alternate assessments based on alternate academic achievement standards. NH does not provide alternate assessments based on grade level or modified academic achievement standards.

All students, both with and without IEPs, are eligible for test accommodations as determined appropriate on an individual basis. NH does not report data disaggregated based on whether the student, with or without an IEP, was provided an accommodation. However, for the fall 2010 assessment (school year 2010-2011) data on the number of children with disabilities who were provided accommodation in order to participate in the assessment will be publicly reported.

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 are administered by the NHDOE, at those same levels, subject to cell size restrictions.

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

**Revisions, with Justifications, to Proposed Targets / Improvement Activities/ Timelines/ Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B Annual Performance Plan (APR) for FFY 2009 is described in the Overview of the APR. The NHDOE utilized the OSEP optional template for Indicator B4A to support the development of this indicator.

Technical Assistance

The NHDOE worked with NERRC and Data Accountability Center (DAC) in the development of this indicator. Technical assistance included specific guidance regarding our procedures for data analysis and identification of LEAs with significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.

Additional technical assistance was obtained through *SPP/APR Calendar*, including the resource: *“B 4 Analysis of APRs for Suspension/Expulsion and Disproportionality”*. The NHDOE participated in the OSEP teleconference regarding this indicator and has used the *Indicator B4: Rates of Suspensions and Expulsions* power point and the *Indicator B4 Side-by-Side Comparison* as guidance for this indicator.

**Monitoring Priority: FAPE in the LRE**

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

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.

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

**Measurement:**

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.

Include State’s definition of “significant discrepancy.”

**Note:** The NHDOE made the changes described below to Indicator 4A. The detailed explanation can be found in the section titled “Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009.”

- 1) After an intensive review of the data by the NHDOE, the definition of significant discrepancy was increased from 2% to 3%.
- 2) In addition to the change to the threshold for significant discrepancy, the NHDOE implemented a minimum “n” size requirement in the analysis of the suspension and expulsion greater than 10 days.
- 3) These changes to NH’s definition and methodology were implemented to ensure that the identification of districts with significant discrepancies was meaningful, valid and reliable.

As a result of these changes, FFY 2009 (based on 2008-2009 data) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2011 for Indicator 4 contains the revised methodology and definition. The revised FFY 2005 SPP submitted to OSEP on February 1, 2011 also contains new baseline data, a revised discussion of these new baseline data and revised targets. Baseline data from FFY 2009 (based on 2008-2009 data) are also included in this Annual Performance Report following this note in the “Actual Target Data for FFY 2009” section.

**Data Analysis for Indicator 4A:**

Data for this indicator are from *Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Subject to Disciplinary Removal)*. These data were submitted by districts via NHSEIS, the State database. The NHDOE verified the reliability and accuracy of the data through automated verification checks built into NHSEIS.

**Definition of Significant Discrepancy and Methodology**

The NHDOE defines a “significant discrepancy” as any district with a rate of suspensions and expulsions greater than 10 days in a school year for children with IEPs that is greater than 3% of students with IEPs enrolled in the district.

For any district that had greater than 3% students with IEPs suspended or expelled for greater than 10 days in a school year, the NHDOE removed from the calculation any districts that did not meet the following minimum “n” size requirements:

- A minimum of 11 children with IEPs in the district, consistent with the state assessment, NECAP.
- At least 4 students with IEPs suspended or expelled for greater than 10 days

Note that removal of those districts not meeting the minimum “n” size requirements is new for this reporting year. This change was implemented to provide a more meaningful, valid and reliable method of identifying districts with significant discrepancies. For a complete discussion of this change, please see the section below titled “Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010.” As a result of this change, targets have also been changed.

*Methodology*

Discrepancies are computed by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the state. The results of the NHDOE examination of the data are for the year before the reporting year (e.g. for the FFY 2009 APR, data are from 2008-2009), including data disaggregated to determine if significant discrepancies occurred in the rates of long-term suspensions and expulsions of children with IEPs. If the NHDOE determined that there were significant discrepancies in the suspension and expulsion occurring, the NHDOE reviewed, and if appropriate, revised (or required the district to revise) its policies, practices, and procedures relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards to ensure that the policies, procedures and practices comply with Part B.

**Actual Target Data for FFY 2009 (using 2008-2009 data)**

FFY	Measurable and Rigorous Target
FFY 2009 (using 2008-2009 data)	2.87%

FFY	Actual Data for FFY 2008 APR
FFY 2009 (using 2008-2009)	2.87%

*Describe the results of the State examination of the data.*

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A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year.

Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100.

$$2.87\% = [(5/174)] * 100$$

Of the 174 school districts in NH in 2008-2009, 5 or 2.87% meet the definition of “significant discrepancy” in the rates of suspension and expulsion for greater than 10 days in a school year.

There are three steps in this process: 1) identify districts with greater than 3% suspension/expulsion of students with IEPs for more than 10 days in a school year; 2) from that group of districts, remove the districts from the calculation if there were fewer than 11 students with IEPs in the district; 3) remove from the remaining districts any districts with fewer than 4 students with IEPs suspended or expelled for more than 10 days in the school year.

- The NHDOE determined that there were 13 districts that had greater than 3% suspension/expulsion of students with IEPs for more than 10 days in a school year.
- There was 1 of the 13 districts that had fewer than 11 students with IEPs, leaving 12 districts for consideration.
- Of the 12 districts remaining, there were 7 districts had fewer than 4 students with IEPs suspended or expelled for more than 10 days in the school year, leaving 5 districts that met the definition of significant discrepancy, for both the threshold and minimum “n” size.
- In total, the NHDOE removed 8 districts from the 174 districts based on the minimum “n” size. There were 5 districts that were determined to meet the definition of significant discrepancies in the rates of suspension and expulsions of greater than 10 days in a school year for children with IEPs.

The NHDOE chose to keep the total number of districts in the denominator.

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

Year	Total Number of LEAs*	Number of LEAs that have Significant Discrepancies	Percent
<b>FFY 2009 (using 2008-2009 data)</b>	174	5	2.87%

**4A. Review of Policies, Procedures, and Practices** (completed in FFY 2009 using 2008-2009 data): *If any LEAs are identified with significant discrepancies:*

For each of the 5 districts that the NHDOE identified as having a significant discrepancy in the rates 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 affected 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 to ensure that these policies, procedures, and practices comply with IDEA. The NHDOE conducted the review required by 34 CFR §300.170(b) by permitting the districts to provide data and information to the NHDOE through a self-assessment. The district’s self-assessment specifically covered a review of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral

interventions and supports, and procedural safeguards. For any district that had significant discrepancies in both 4A and 4B, the NHDOE conducted an onsite visit to review 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 to ensure that these policies, procedures, and practices comply with IDEA.

Based on this review, the NHDOE made no findings of noncompliance in any of the 5 districts.

**4A. Correction of FFY 2008 Findings of Noncompliance:** There were no findings of noncompliance related to this indicator in FFY 2008, therefore there are no FFY 2008 findings of noncompliance to correct.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

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 in a school year.

NH SPP Improvement Activity 2: Completed

Each NH school district with a significant discrepancy in the rate of children with disabilities receiving suspensions or expulsions in excess of 10 day in a school year, reviewed, and if necessary was required to revise, its policies, practices and procedures 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.

*Explanation of Progress and Slippage*

The NHDOE met the revised target for FFY 2009 as this has become the new baseline for this indicator.

State Actual: 2.87%                      Target: 2.87%

Because of the change in the definition for significant discrepancy, the NHDOE cannot compare this year's data to last year.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):**

There were no remaining FFY 2007 findings of noncompliance.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009 (if applicable):**

When the NHDOE examined the FFY 2008 data, we discovered that a large number of districts were being identified with significant discrepancies in 4A. The NHDOE decided to conduct an in-depth analysis of this indicator to determine if the methodology used to determine if districts were being identified as having a significant discrepancy in the rates of suspensions and expulsions greater than 10 days was resulting in a valid and reliable count of districts with significant discrepancies. We approached DAC and NERRC to assist us with this examination.

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In order to conduct the extensive analysis, we reviewed the thresholds identified by other states in their definition and examined the small “n” requirements in states that were similar to NH, such as Vermont and Maine. As a result of this examination, it was discovered that the threshold of 2.2% for “significant discrepancy” was not a reasonable threshold for NH and that 3% was a more appropriate threshold (described in the section above titled: “*Definition of Significant Discrepancy and Methodology*”). In addition, small districts in NH were often being identified based on extremely small numbers of children suspended or expelled for more than 10 days. For example, in one district there were 49 children with IEPs in the district and 3 were suspended or expelled for more than 10 days resulting in a rate of 6.12%. In another example there were 32 children with IEPs in the district and 1 was suspended or expelled for more than 10 days resulting in a rate of 3.13%. Based on this analysis, the NHDOE has created the following minimum “n” size requirements, as described in the section above titled: “*Definition of Significant Discrepancy and Methodology*”.

The 3% threshold and these minimum “n” size requirements have been designed to ensure that NH is implementing a meaningful, valid and reliable way to identify those districts with significant discrepancies in the rates of suspensions and expulsions greater than 10 days for children on IEPs.

The NHDOE also included two additional years for targets and improvement activities for 4A in the SPP, as required by OSEP.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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

**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.

NOTE: A detailed explanation of the revisions of this indicator are found in the section titled "Revisions, with Justifications, to Proposed Targets/Improvement Activities/ Timelines/Resources for 2008." Based on an extensive review of State and national data, the NHDOE has reset targets for this indicator effective FFY 2009.

FFY	Measurable and Rigorous Target
FFY 2009-2010*	A. 48.71% of children with IEPs will be served inside the regular class 80% or more of the day. B. 19.18% of children with IEPs will be served inside the regular class less than 40% of the day C. 2.82% of children with IEPs will be served in public or private separate schools, residential placements, or homebound or hospital placements. *These targets were revised in the FFY 2009 SPP, submitted February 1, 2011.

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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>
<b>FFY 2009 APR- Fifth year of Data:</b>	<b>48.71%</b>	<b>19.18%</b>	<b>2.82%</b>

**Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010):**

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.  
48.71% = [(13,210) / (27,120)] 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.  
19.18 % = [(5,202) / (27,120)] 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.  
2.82 % = [(764) / (27,120)] 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 B 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): 27,120 children with IEPs ages 6-21 with data points in NHSEIS on 12/1/2009. 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.

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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, or overlapping services. When the NHDOE calculated the data, if the length of school day for the child did not correspond with the total hours of services identified in the IEP, 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 2009:**

Note: The NHDOE reports improvement activities previously 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.

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 Activity 2: 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 Activity 3: 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 Activity 4: Completed

The NHDOE, Bureau of Special Education re-issued an 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. The successful bidder was awarded a two-year contract for \$750,000 in the winter of the early months of 2010, with a renewal option for two additional years. The successful bidder was the University of New Hampshire's *Institute on Disability* (IOD), with a proposal titled *Achievement for Dropout Prevention and Excellence III* (APEX III). APEX III focuses on reducing NH's high school dropout rate for students with disabilities, while increasing the graduation rate of students with disabilities, as well using flexible approaches to help youth with IEPs who have already dropped out of high schools re-enter to complete their secondary education. APEX III is providing direct services, training, and technical assistance to six high schools in the state that had higher-than-state-

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average dropout rates and high rates of disciplinary problems among youth with IEPs during the baseline year, and developing and providing high quality training for middle and high schools throughout the state.

NH SPP Improvement Activity 5: 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 Activity 6: Completed

Based on the trend data for the last 3 years (since districts began using NHSEIS) and the national average, the NHDOE has established new targets in the SPP for the next 3 years.

Explanation of Progress or Slippage

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.

An increased number of students in NH have been educated in the public school setting in FFY 2009. 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 met the revised target for 2009-2010 for part A of this Indicator.

State Actual Data: 48.71%                      Target: 48.71%

There has been progress of 3.69 percentage points of NH children with IEPs served inside the regular class more than 80% of the day from FFY 2008. 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 57%. In FFY 2009 there were 13,210 students with IEPs served inside the regular class 80% or more of the day compared to 11,916 students in FFY 2008.

5B. The NHDOE met the revised target for 2009-2010 for part B of this Indicator.

State Actual Data: 19.18%                      Target: 19.18%

Compared to FFY 2008, there was a decrease of 7.8 percentage points of children with IEPs served inside the regular class less than 40% of the day, with no increase in students being placed in a more restrictive setting, thus demonstrating progress with this measure. 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", the national percentage for children with IEPs in this setting was 15%.

5C. The NHDOE met the revised target for 2009-2010 for part C of this Indicator.

State Actual Data: 2.82%                      Target: 2.82%

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NH demonstrated progress with this measurement of 0.38 percentage points from FFY 2008. 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 to 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", the national percentage for children with IEPs in this setting was 3%. In FFY 2009 there were 746 students placed in these more restrictive placements compared to 847 students in FFY 2008.

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

Baseline data established in 2004-2005 was generated from the old State database (SPEDIS) that was not able to calculate when special education services were occurring in the regular class. The new State database (NHSEIS) is able to make that calculation. The NHDOE has worked for the last 3 years with DAC and NERRC to support districts with accurate data entry into NHSEIS regarding placement and services. The NHDOE is using the 12/1/09 data to establish a new baseline and to generate new targets. The continuum of learning environments available for children with disabilities needs to be reflected in the targets. It is an IEP team's decision as to what setting on the continuum is appropriate for an individual child and how much time the child is in the regular classroom. Through the process of public reporting, it has become evident the targets established in 2007 for 5A and 5B are not reasonable to achieve and do not reflect national or state results. We are also adjusting the targets for 5C since we have exceeded those targets that were set previously. We have received feedback that the targets originally set (for example 77% of students with disabilities inside the regular classroom 80% or more of the day) are not in keeping with IEP teams decisions about where children should receive special education and related services. This discrepancy between the actual data and the targets has been a burden for districts as they explain how and where special education and related services are provided to their local community. Therefore, in the February 1, 2011 submission of the SPP, the NHDOE is re-establishing baseline and setting new targets for 2009-2010. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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.

Pursuant to OSEP Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table, States must report in the FFY 2010 submission of the SPP, due February 1, 2012 new baseline, targets and, as needed, improvement activities for this indicator using the 2010-2011 data. The FFY 2009 submissions of the SPP and APR have no required reporting for this indicator.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR. The NHDOE utilized the *ECO Suggested Format for APR Indicator B7, Due February 2011* in the development of this indicator.

#### Stakeholder Input

The NHDOE sought input from New Hampshire Special Education Preschool providers, New Hampshire Special Education Directors, PTAN Regional groups, the New Hampshire Parent Information Center (NH's PTI), representatives from the three Preschool Outcomes Measurement System publishers – (Brookes Publishing – AEPSi; Curriculum Associates – Brigance; and Teaching Strategies – Creative Curriculum) in the development of this indicator.

A focus group representing a variety of perspectives met with the NHDOE to assist with the FFY 2009 data review and analysis. It was unanimously agreed by that group that we should re-establish the baseline and set new targets in the SPP submitted February 1, 2011. An Advisory Group is being formed through PTAN to provide ongoing input to the NH Preschool Outcome Measurement System.

#### Technical Assistance

The NHDOE has continued to benefit from support from: the Office of Special Education Programs (OSEP); the National Early Childhood Technical Assistance Center (NECTAC); the Early Childhood Outcome Center (ECO); the North East Regional Resource Center (NERRC); and colleagues in other states. This support has assisted the NHDOE with the development and implementation of the outcome system described in this indicator, including: increased validity and reliability of data, more effective implementation of the outcome system, enhanced system for monitoring, and professional development to enhance local capacity. Technical assistance has included: phone, email and onsite support; resources (Power Points, FAQs, etc.) from OSEP and ECO; national conferences; meetings with Nebraska, Colorado, ECO and the publishers. A webinar, done by Lynne Kahn of NECTAC and the NHDOE, was held last year to explain the preliminary data and reporting requirements to NH stakeholders.

The NHDOE has participated in ECO conferences and teleconferences to support the development of the NH Preschool Outcome Measurement System as well as in the OSEP Mega Conference.

<b>Monitoring Priority: FAPE in the LRE</b>
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**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.

**Measurement for Summary Statement 1:**

Percent =  $(\# \text{ of preschool children reported in progress category (c) plus } \# \text{ of preschool children reported in category (d)} \div [\# \text{ of preschool children reported in progress category (a) plus } \# \text{ of preschool children reported in progress category (b) plus } \# \text{ of preschool children reported in progress category (c) plus } \# \text{ of preschool children reported in progress category (d)}]) \times 100$ .

**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 =  $(\# \text{ of preschool children reported in progress category (d) plus } \# \text{ of preschool children reported in progress category (e)} \div \text{the total } \# \text{ of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)}) \times 100$ .

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**Target Data and Actual Target Data for preschool Children Exiting in FFY 2009 (2009-2010)**

<b>Summary Statements</b>	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.3%	66.3%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	71.3%	71.3%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	61.1%	67.1%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	53.4%	53.4%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	68.5%	68.5%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	63.1%	63.1%

The data increased in quality from 2008-2009 to 2009-2010 and the NHDOE met its revised targets. It should be noted that the targets set based on the previous baseline were estimated correctly for each target, (A and B were predicted to increase, and C was predicted to decrease with higher quality data) showing that the assumptions made about the baseline data from the prior year were correct. Further details on the revised measure, baseline and targets are included in the SPP submitted on February 1, 2011 for Indicator 7.

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**Progress Data for Preschool Children FFY 2009**

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	24	2.5%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	170	17.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	86	8.8%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	296	30.4%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	399	40.9%
<b>Total</b>	<b>N= 975</b>	<b>100%</b>
<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	38	3.9%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	222	22.8%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	194	19.9%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	337	34.6%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	184	18.9%
<b>Total</b>	<b>N= 975</b>	<b>100%</b>
<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	14	1.4%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	212	21.7%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	134	13.7%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	358	36.7%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	257	26.4%
<b>Total</b>	<b>N= 975</b>	<b>100%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

The NHDOE, working with PTAN and key stakeholders, implemented a plan that provided intensive technical assistance to school districts. Ongoing intensive technical assistance was provided by the NHDOE in conjunction with PTAN through e-mail, phone support, regional meetings and on-site visits to insure compliance, accuracy of data entry and progress toward meeting the state targets. Follow-up technical assistance was provided as requested by districts or as determined necessary by the NHDOE subsequent to trial data runs and consistent monitoring of the publishers online system.

*NH SPP Improvement Activity 2: Completed*

The PTAN website was updated as necessary as new information regarding the Preschool Outcomes Measurement System was available. Memos generated by the NHDOE regarding Preschool Outcomes Measurement were sent electronically to districts and were also published on the NHDOE and PTAN websites - both easily accessible to users in the field. PTAN, in collaboration with the NHDOE, hosted regional meetings throughout the 2009/2010 school year for preschool special education providers and special education administrators, regarding the Preschool Outcomes Measurement System new information, data entry, assessment support and data usage.

The NHDOE and PTAN reviewed documents previously provided to field users such as: the *Preschool Outcomes Measurement Toolkit*, and *Tip Sheets for Data Entry* and made changes and enhancements as new information became available. Through regional meetings, recurring or new questions were compiled to add to the Toolkit or Tip Sheets.

In collaboration with the NHDOE, PTAN provided e-mail and phone follow-up to districts as questions arose related to Preschool Outcomes Measurement in relation to a variety of topics such as: students moving from one district to another when the assessment tool is different, timelines for reporting, archiving students, etc.

*NH SPP Improvement Activity 3: Completed*

Each publisher - Brookes Publishing (AEPsi); Curriculum Associates (Brigance); and Teaching Strategies (Creative Curriculum); provided webinars of their assessment tools for both administrators of the tools and preschool users of the tools to provide ongoing and new information as well as accuracy of data entry. Participants in all sessions were able to ask general questions as well as those unique to their own situation. Each publisher provided ongoing technical support to users throughout the 2009-2010 school year either by phone contact or e-mail. Each publisher has online tutorials with updated information for all users, as well as basic information for new users to access as needed.

*NH SPP Improvement Activity4: Completed*

The NHDOE Preschool Special Education Coordinator in conjunction with the Head Start Collaboration Coordinator made available to Head Start Directors the option to purchase online assessment tools through the NHDOE license to promote efficiency and data sharing between Head Start providers and school districts.

*NH SPP Improvement Activity 5: Completed*

The NHDOE Preschool Special Education Coordinator facilitated communication among the three publishers and personnel from the field in the areas of: implementation and clarification of data entry; required assessment items; access to OSEP reports for the field users and archiving students. Field users are now able to generate OSEP progress reports to determine the accuracy of their data prior to the report generated by the NHDOE for OSEP reporting. The NHDOE added information to the "*Tip Sheets for Data Entry*" as new information was obtained from the publishers to aid districts in verifying the accuracy of their data.

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NH SPP Improvement Activity 6: Completed

Three months prior to running the final Preschool Outcomes Measurement report for OSEP, the NHDOE ran a trial report. A comparison of that data was made to the information provided by each district to the NHDOE earlier in the year regarding entry and exit data. Districts were notified electronically of the trial run, as well as it being posted on the PTAN and NHDOE websites. “*Tip Sheets for Data Entry*” for each publisher’s tool were provided electronically to each user along with the notification. Support was available on an ongoing basis to districts throughout the process. Feedback was then provided to each district regarding the data obtained. Districts in need of support were provided technical assistance in the form of e-mail, telephone contact or on-site visits; depending on the level of support required to ensure validity and accuracy of data.

At the conclusion of the final OSEP run, data was then reviewed and compiled. Districts still in need of support were targeted for more intensive technical assistance in order to insure accuracy of the data being provided.

Explanation of Progress or Slippage

**Summary Statement 1:** Of those children who entered or exited the program below age expectations in [Outcome A, Outcome B, Outcome C] the percent who substantially increased their rate of growth by the time they exited the program.

The NHDOE met the targets for Summary Statement 1 for each of the three outcomes. The State made progress on outcomes A and B. The State attributes this progress to the collaboration between the NHDOE and PTAN resulting in intensive ongoing technical assistance to districts and communication with the three publishers, as well as performance support from the National Early Childhood Technical Center (NECTAC) and Early Childhood Outcome Center (ECO).

Although the data increased in quality from 2008-09 to 2009-10, the NHDOE did not meet the projected targets established under the FFY 2008 baseline. It is important to note that the direction of change was estimated correctly for each target, (A and B were predicted to increase, and C was predicted to decrease with higher quality data) showing that the assumptions made about the baseline data were correct.

Summary Statement 1	State Data 2009-2010 (Revised Baseline)	Revised State Target	Baseline 2008-2009	Progress
Outcome A – Social/Emotional Skills	66.3%	66.3%	63.8%	Increase of 2.5 percentage points
Outcome B – Knowledge and Skills	67.1%	67.1%	65.7%	Increase of 1.4 percentage points
Outcome C – Appropriate Behaviors	68.5%	68.5%	78.7%	Decrease of 10.2 percentage points

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**Summary Statement 2:** Of those children who entered or exited the program below age expectations in [Outcome A, Outcome B, Outcome C] the percent who substantially increased their rate of growth by the time they exited the program.

Established targets were very close to actual data which indicates that the assumptions made about the baseline data were correct. The NHDOE met or exceeded the targets for each of the outcomes for summary statement 2.

<b>Summary Statement 2</b>	<b>State Data 2009-2010 (Revised Baseline)</b>	<b>Revised State Target</b>	<b>Baseline 2008-2009</b>	<b>Progress</b>
<b>Outcome A – Social/Emotional Skills</b>	<b>71.3 %</b>	<b>71.3%</b>	<b>82.1%</b>	<b>Decrease of 10.8 percentage points from baseline to actual</b>
<b>Outcome B – Knowledge and Skills</b>	<b>53.4%</b>	<b>53.4%</b>	<b>75.8%</b>	<b>Decrease of 22.4 percentage points</b>
<b>Outcome C – Appropriate Behaviors</b>	<b>63.1 %</b>	<b>63.1%</b>	<b>78.7%</b>	<b>Decrease of 15.6 percentage points</b>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:**

The NHDOE in collaboration with the National Early Childhood Technical Center (NECTAC) and Early Childhood Outcome Center (ECO) worked with a stakeholder group in New Hampshire in 2008-2009 to set targets for Summary Statements for FFY 2009 and FFY 2010. Since those targets were established, Teaching Strategies (Creative Curriculum) and Brookes Publishing (AEPSi) went through a data conversion process as field users were finding that higher than expected percentages of their children were scoring in the typically developing range based upon online reports generated for B7 OSEP reports.

Both publishers believe the scores now to be more accurate and reflective of a change in measurement rather than a change in performance. This work was done with the support of the statistician from Early Childhood Outcome Center (ECO). Based on this improvement and the resulting revised results for the child outcomes, the NHDOE and stakeholders agree that baseline needs to be re-established in the FFY 2009 submission of the SPP using the FFY 2009 data and new targets set for FFY 2009 through FFY 2012.

The NHDOE has reviewed the improvement activities and determined that they are effective, as demonstrated by the consistent improvement in the results and the substantial compliance demonstrate. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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 2009-2010 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 2009-2010 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 parent survey administration, improvement activities, and results were 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. On May 15, 2010 Batya Elbaum from Data Accountability Center (DAC) and staff from the Bureau of Special Education presented **Parent Involvement in Special Education Survey : Using results to Improve Student Success** at the New Hampshire Parent Information Center's Conference entitled "Engaging Partnerships for the 21<sup>st</sup> Century Student Success."

**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 2009 APR – Second Year of data: 47%**

FFY	Measurable and Rigorous Target
FFY 2009	In NH, 34%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.

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FFY	Actual Target Data
FFY 2009	47%

**Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010):**

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.

$$47\% = [(2,831/6,029 \times 100)]$$

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: 2,739 parents of preschool and 29,762 parents of school age children with a combined total of 32,501. A total of 6,029 parents of children with disabilities completed the survey.

$$19\% = [(6,029/32,501) \times 100]$$

This is an overall statewide response rate of 19%.

This is an increase of 4 percentage points in the response rate from 15% in 2008-2009 to the 19% in the 2009-2010 response rate.

Results

New Hampshire had a total of 2,831 respondent parents of children with disabilities who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This means that 47% of the respondents reported that schools facilitated parent involvement.

These actual target data show progress of 2 percentage points from 45% in 2008-2009 to 47% in 2009-2010.

The following table shows the 2009-2010 NH Survey Results of the Percentage of Parents Response At or Above the Standard.

2009-2010					
STATEWIDE	TOTAL RESPONSE	RESPONSES AT OR ABOVE THE STANDARD*		95% CONFIDENCE INTERVAL	
		NUMBER	PERCENT	LOW	HIGH
Preschool	654	393	60%	56.6%	64.1%
School Age	5,375	2,438	46%	44.2%	46.9%
Combined	6,003	2,831	47%	45.9%	48.4%

\* 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.education.nh.gov/instruction/special\\_ed/parent\\_involv.htm](http://www.education.nh.gov/instruction/special_ed/parent_involv.htm).

Representativeness

Of the 6,029 surveys received, 6,003 surveys held enough data/information to be included in the determination of representativeness. For the student demographic variables of gender and race/ethnicity

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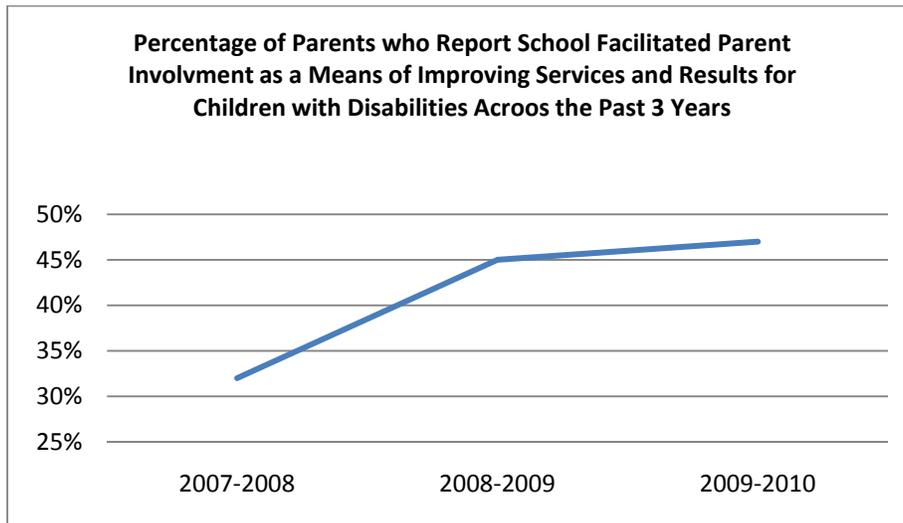
the parents who responded to the survey were representative of the statewide population of parents of children with disabilities based on the December 2009 Federal Child Count for Special Education. This was determined through a comparison of the respondents' children to the special education population overall by gender and race/ethnicity. More information on this is available in the 2009-2010 Parent Involvement Statewide Survey Results, in the section:

[http://www.education.nh.gov/instruction/special\\_ed/documents/20092010\\_finalsurveyresults.pdf](http://www.education.nh.gov/instruction/special_ed/documents/20092010_finalsurveyresults.pdf)

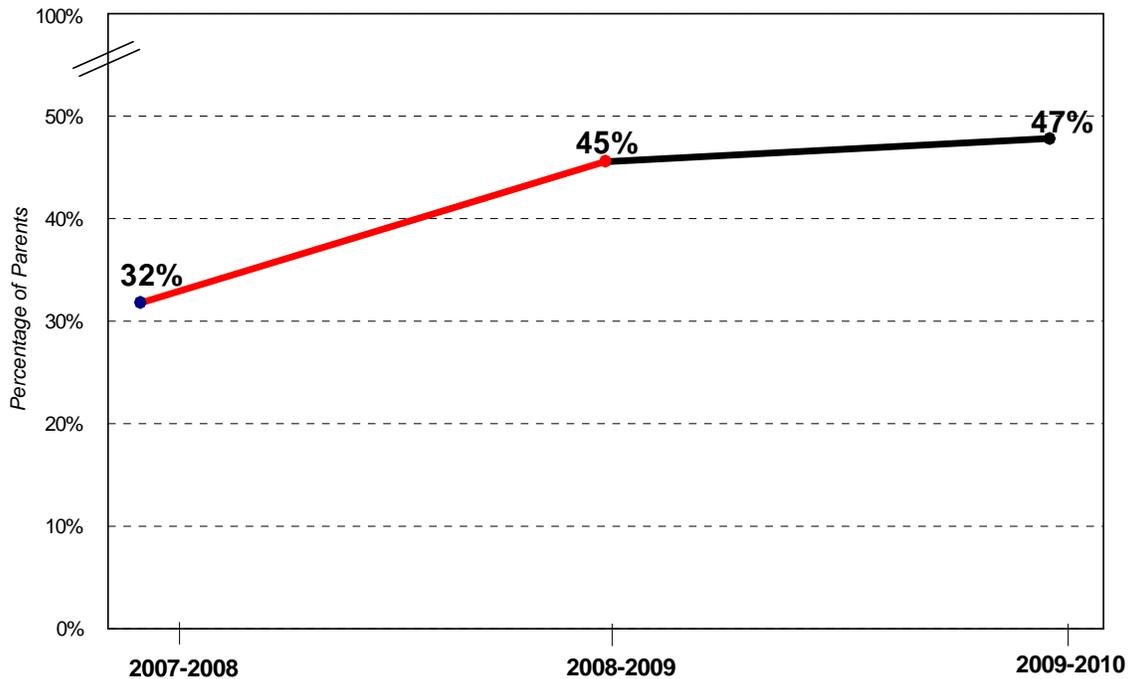
Definitions

**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.

The following graph illustrates that since the baseline was established in the 2007-2008 school year, there has been a 15 percentage point increase from 32% to 47% of the total number of parents of children with disabilities who replied to the survey and reported that the schools facilitated parent involvement as a means of improving services and results for children with disabilities.



**Percentage of Parents who Report Schools Facilitated Parent Involvement as a Means of Improving Services and Results for Children with Disabilities Across the Past 3 Years**



**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

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

- The NHDOE issued FY10 Memo #25 New Hampshire Parent Involvement Survey Administration in March 2010. This memo included detailed information outlining the process to be used regarding the survey administration to districts to ensure efficiency in distributing the survey to parents. This memo included improvements to the parent survey administration based on feedback the NHDOE by districts and families .For more detailed information please refer to: [http://www.education.nh.gov/instruction/special\\_ed/documents/fy10\\_memo25.pdf](http://www.education.nh.gov/instruction/special_ed/documents/fy10_memo25.pdf)
- In 2009-2010 the Bureau continued to host Indicator B- 8 Input Group meetings to discuss improvement activities and procedures to increase the accuracy of contact information of parents for the 2009-2010 survey administration. Members of the Indicator B- 8 Input Group, consisting of representatives from school and family organizations, provided suggestions to the Bureau of Special Education. Many of the suggestions were incorporated into the technical assistance that was provided to districts.

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- During the 2009-2010 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 mailed directly to the parents from the district.
- During the 2009-2010 Parent Survey Administration time period, Measurement Incorporated provided ongoing "hotline" communication to provide districts the technical assistance needed for the 2009-2010 survey dissemination to ensure the accuracy and efficiency of the survey administration process.
- Following the completion of the 2009-2010 Parent Survey, Measurement Incorporated conducted a web-based survey with follow-up phone calls to receive feedback from the Directors of Special Education regarding the administration of the Parent Involvement Survey. The NHDOE will make improvements to the process and are developing trainings to the districts based on the results of the feedback survey regarding the 2010-2011 Parent Survey Administration. To learn more about the feedback survey please refer to:  
[http://www.education.nh.gov/instruction/special\\_ed/parent\\_involv.htm](http://www.education.nh.gov/instruction/special_ed/parent_involv.htm).

NH SPP Improvement Activity 2: Completed

Measurement Incorporated continued to increase their outreach to districts to support the use of alternative survey methods (i.e. Interpreters, readers, on- line access) for families in need of these services in the following:

- Each district was contacted to ensure that families were provided the supports of alternative survey methods needed.
- Schools districts and parent organizations increased the awareness to families of the option to access to alternative survey methods.
- Public libraries and schools were made available to families to provide a location to provide some of the alternative survey methods.
- Both versions of the survey (i.e., preschool and school age) were translated into Spanish.
- Forty-three or 0.7% of the surveys were completed and submitted in Spanish in the 2009-2010 administration.
- An additional 7 surveys or (0.1%) were submitted by parents who had an interpreter translate the survey to their native language in 2009-2010. Surveys were translated for parents whose native languages were Maay-Maay, Somali, Albanian, Arabic, Bosnian, Croation, Dinka/French Linguala, Krahn, or Kurdish.
- In the 2009-2010 school year 10% of respondents (596 of the 6029 parents) completed the survey online. This was an increase of 1 percentage point from the 2008-2009 school year which had 9% online. The online survey was available in both English and Spanish for parents of preschool and school age children.

NH SPP Improvement Activity 3: Completed

The NHDOE posted District performance that compared districts' results to targets for all districts in the spring of 2010. In addition, The NHDOE provided each district a separate summary report of their district's results compared to statewide data. In the spring 2011 the NHDOE will post district performance for this indicator based on the 2010-2011 parent survey. The NHDOE analyzed the results of three years with respect to those districts who scored below the state standard. Based on results and input the NHDOE developed a work plan that includes technical assistance and support to districts during the 2010-2011 school year in the following ways:

- The NHDOE has organized and scheduled trainings in the winter of 2010 based on the technical assistance guide developed by the Mid-South Regional Resource Center entitled: Guide to the Development of Improvement Activities Using Parent Survey Data. This training will teach school district to analyze their district data results regarding Indicator 8 using this guide to determine what specific parent involvement improvement activities would help their school based on the survey.

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- The NHDOE posted several resource documents to schools. More information regarding these supports and resources can be found at :  
<http://www.nhparentsmakethedifference.org/>
- The NHDOE Bureau of Special Education continues to offer support to districts who have chosen parent involvement activities in their ARRA and regular Entitlement applications.
- Measurement Incorporated has tracked the percentage of districts with response rates of less than 10% over the past 3 years. This number/percentage has decreased from 23 districts (14%) in 2007-2008 to 17 districts (10%) in 2009-2010. NHDOE continues to offer support to districts with low response rates and indicator results that are below the state average.

NH SPP Improvement Activity 4: Completed

The NHDOE posted district data profiles that compared each district's survey results to the **2008-2009** target for Indicator B-8 in the Spring of 2010. The NHDOE analyzed the data for Indicator B-8 to identify districts with a rate that substantially exceeded the state target to share methods and activities that have contributed to parent involvement based on performance.

- Measurement Incorporated has tracked the percentage of districts with response rates of 30% or greater over the past 3 years. This number/percentage has steadily increased from 8 school districts (5%) in 2007-2008 to 29 school districts (17%) in 2009-2010. Using data from the Parent Survey results, the NHDOE has identified districts with "effective practices" for parent participation and facilitating parent involvement and will promote these practices statewide.

NH SPP Improvement Activity 5: Completed

The NHDOE continues to develop options to improve partnership efforts between schools and families, based on survey results. The NHDOE funded the New Hampshire Connections Project to provide supports to schools and families around parent involvement with the New Hampshire Connections. The NH Connections Project provides training and technical assistance on a regional and statewide basis regarding parent involvement, parent /professional communication, school and family partnerships with schools and parents of children with disabilities. As part of the work plan developed by NHDOE and DAC, the NHDOE will work with the Data Accountability Center to offer districts professional development trainings and individual assistance through webinars that review statewide survey results and trends and conferences that contribute to parent involvement. Examples of these opportunities will include a workshop scheduled in the fall of 2010 to schools and organizations entitled "Improving Relationships & Results: Building Family School Partnerships Toolkit". Staff from DAC who developed this toolkit will provide the workshop. Districts may attend these professional development trainings and request this technical assistance to improve their survey results after reviewing their results based on the first public reports for district performance. The NHDOE is planning to host webinars where Batya Elbaum from DAC and NHDOE staff will update districts and families of the results of the 2009-2010 Survey Administration and school based activities that promote parent involvement.

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 in the following ways:

- The NHDOE hosted input meetings where discussions were held concerning ways to improve the overall response rate, Batya Elbaum of the Data Accountability Center (DAC) participated in these meetings by phone. These strategies were made 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.
- Based on the 2008-2009 feedback survey from Special Education directors, Measurement Incorporated compiled a list of *Indicator B-8 Effective Practices for Increasing Parent Participation*. This list was posted on the website for districts and parent organizations to use in promoting increased parent participation.

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- In this year's mailing of surveys to each school district, Measurement Incorporated included 10 copies of a flyer that the district could post/circulate to improve awareness and promote participation in the Parent Involvement Survey. This activity was a direct result of input from families and districts.
- On May 15, 2010 Batya Elbaum from Data Accountability Center (DAC) and staff from the Bureau of Special Education presented **Parent Involvement in Special Education Survey: Using Results to Improve Student Success** at the New Hampshire Parent Information Center's Conference entitled "Engaging Partnerships for the 21<sup>st</sup> Century Student Success." The workshop entitled "Parent Involvement in Special Education Survey: Using results to Improve Resources to Improve Student Success" reviewed the New Hampshire procedures for obtaining reliable and valid data on Indicator 8. The presenters also explained how examining results can inform the development of parent and school focused activities that hold promise for improving service ad outcomes for students with disabilities. The workshop promoted strategies and practices in which parents, teachers, and others can work together for student success was showcased.

NH SPP Improvement Activity 7: Completed

**The NHDOE disseminated results of the Parent Survey in the following ways:**

- The NHDOE posted the Parent Survey Statewide results, the Parent Survey Input Group Participant List, and a list of Parent Involvement Resources to the website on September 2010. Additional information can be found at:  
[http://www.education.nh.gov/instruction/special\\_ed/parent\\_involv.htm](http://www.education.nh.gov/instruction/special_ed/parent_involv.htm)
- The NHDOE:
  - Disseminated the Parent Survey Statewide Survey Statewide Results to schools, agencies, and organizations.
  - Made available Parent Involvement Resources.
  - Provided districts with their individual 2009-2010 parent survey results.

NH SPP Improvement Activity 8: Completed

Measurement Incorporated, the designated contractor, collaborated with the NHDOE in the following ways:

- In this year's mailing of surveys to each school district, MI included 10 copies of a flyer that the district could post/circulate to improve awareness and promote participation in the Parent Involvement Survey.
- Evaluated survey administration process and procedures and revised the elements of survey administration based on those findings 2008- 2009 survey administration. Measurement Incorporated conducted a web based survey followed by phone conference calls to collect feedback from Special Education Directors with regards to the process and procedures .The 2009-2010 survey was revised based on the findings of the survey.
- In the spring of 2010 Measurement Incorporated conducted a web based survey to collect feedback from Special Education Directors as to how to continue to improve the survey administration for the 2010-2011 school year.
- 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. Measurement Incorporated and the NHDOE worked with Batya Elbaum from DAC to locate effective strategies to assist schools and districts to develop parent involvement that enhanced meaningful school and family partnerships.

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Explanation of Progress or Slippage

The NHDOE exceeded the target of 34% for 2009-2010.

State Actual Data: 47%

Target: 34%

In 2009-2010, New Hampshire continued to show an 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

- 57% to 61% or a 4 percentage point increase among parents of preschool children
- 43% to 46% or a 3 percentage point increase among parents of school age children and
- 45% to 47% or a 2 percentage point increase among parents of preschool and school age children.

These continued positive results can be directly attributed to cooperation and collaboration of New Hampshire school districts, parent organizations and the technical assistance provided by the Data Accountability Center to support the successful administration of the survey to over 32,000 parents during the 2009-2010 school year.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

### Overview of the Annual Performance Report Development:

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR. The NHDOE utilized OSEP's optional APR template to report on this indicator.

#### Technical Assistance

The NHDOE worked with NERRC and the Data Accountability Center (DAC) in the development of this indicator. Technical assistance included specific guidance regarding our procedures for identification of LEAs with disproportionate representation and data analysis. 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 the *SPP/APR Calendar*, including the resources: *Evidence sources to determine if disproportionate representation is the result of inappropriate identification (5/29/08)*; *Reporting and Analyzing Racial and Ethnic Data Based on Seven Categories for the US Department of Education related to IDEA State Performance Plan Indicators 4-B, 9, and 10*; and *Significant Disproportionality*; and *Disproportionate Representation: Discussion of SPP/APR Response Table Language (October 2007) Developed by Perry Williams, OSEP: <http://spp-apr-calendar.rfcnetwork.org/techassistance.html>*

### 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.

#### 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%**

**FFY2009 – Fourth 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 (12/1/09)* and the *Race/Ethnic Enrollment Data (10/1/09)*.

## 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.

### Methodology

All racial/ethnic groups (i.e., American Indian/Alaska Native, Asian/Pacific Islander, Black, Hispanic, and White), as required by OSEP, were included in the analysis. A weighted risk ratio was used in analyzing the district data. In order to calculate the weighted risk ratio, there had to be at least two racial/ethnic subgroups in the district that met the minimum “n” size. The minimum “n” size was defined as at least 40 students enrolled in the district in two or more racial/ethnic subgroups and within those subgroups, at least 10 students identified as receiving special education and related services. The cell size was selected to protect individually identifiable student information and to ensure that there were sufficient students in the subgroups to allow for appropriate identification of disproportionate representation. The cell size is consistent with the cell size used for determining AYP. 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 methodology. The NHDOE used the electronic spreadsheet developed by WESTAT that calculates both weighted and un-weighted risk ratios to determine state and district level data.

**Step One:** *States must provide the **number of districts identified with disproportionate representation** of racial and ethnic groups in special education and related services.*

Using the criteria established above, the NHDOE determined that, out of 174 school districts, 13 school districts met the cell size requirement for data analysis. Of those 13 school districts, 3 were identified as meeting the data threshold for disproportionate representation of over and/or under representation. Of the 3 districts, 1 had over representation of black students and 2 had an under representation of Asian/Pacific Islander students.

The NHDOE, with support from NERRC and DAC, conducted an intensive review of our procedure for identification of LEAs with disproportionate representation. Based on this examination, the NHDOE determined that the process as explained in the SPP was sound. The small number of districts that met the cell size was a direct result of the homogeneous nature of New Hampshire’s population. Based on our work with DAC and NERRC, we believe the implementation of the methodology for FFY08 APR resulted in an over identification of disproportionate representation. The same methodology was used in FFY 08 as in other years but it was misapplied due to a staff change and a lack of understanding of the complexities of the methodology. During the analysis for FFY 2008, LEAs were considered if total comparison group was greater than 10 (all race/ethnicity together) versus 10 in each category. Based on a better understanding of the application of the minimum “n”, we believe we are more accurately identifying LEAs with potential problems.

**Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification** *States must report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009 reporting period, i.e., after June 30, 2010.*

The NHDOE utilized a desk audit monitoring process for the 3 districts identified in Step One to determine whether the disproportionate representation (see above definition) was the result of inappropriate identification. The NHDOE examined the 3 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 and that eligibility determinations were conducted appropriately. For each of the 3 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

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inappropriate identification that may have been found in either of these dispute resolution mechanisms. As a result of its verification process, the State determined that, of the 13 districts that met the cell size requirement for data analysis, 3 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.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
FFY 2009	0%

<b>FFY</b>	<b>Actual Target Data for FFY 2009:</b>
FFY 2009	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 2009 (2009-2010)	13	3	0	<b>0.00%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

There were no districts identified in 2009-2010 with disproportionate representation of racial/ethnic groups in special education and related services that were the result of inappropriate identification. The NHDOE continued to refine the desk audit process to ensure any noncompliance would be identified.

*NH SPP Improvement Activity 2: Completed*

There were no districts identified in 2009-2010 as having disproportionate representation of racial/ethnic groups in special education and related services as a result of inappropriate identification. The NHDOE continued to develop our general supervision system so that any noncompliance would be corrected. Upon the identification of noncompliance, the NHDOE will consider a variety of factors when determining the required correction, including whether the noncompliance: (1) was extensive or found only in a small number of instances; (2) resulted in a denial of a basic right under IDEA; and (3) represented an isolated instance in the district or reflects a long-standing failure to meet IDEA requirements. The noncompliance must be corrected as possible but in no case longer than one year from written notification of noncompliance. The NHDOE will verify that districts with findings of noncompliance related to this indicator have corrected any child specific instances of noncompliance and are correctly implementing 34

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CFR §§300.600(d)(3) and 300.602(a), (i.e., achieved 0% disproportionate representation based on inappropriate identification) based on a review of updated data subsequently collected, consistent OSEP Memo 09-02.

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%

**Correction of FFY 2008 Findings of Noncompliance (if State did not report 0%):**

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 0%

There were no previous findings of noncompliance to be corrected.

**No Additional Information was Required by the OSEP APR Response Table for this Indicator**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/timelines/resources for two additional years. Please refer to the SPP for more information.

### Overview of the Annual Performance Report Development:

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR. The NHDOE utilized OSEP's optional APR template to report on this indicator.

#### Technical Assistance

The NHDOE worked with NERRC and the Data Accountability Center (DAC) in the development of this indicator. Technical assistance included specific guidance regarding our procedures for identification of LEAs with disproportionate representation and data analysis. 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 the *SPP/APR Calendar*, including the resources: *Evidence sources to determine if disproportionate representation is the result of inappropriate identification (5/29/08)*; *Reporting and Analyzing Racial and Ethnic Data Based on Seven Categories for the US Department of Education related to IDEA State Performance Plan Indicators 4-B, 9, and 10*; and *Significant Disproportionality and Disproportionate Representation: Discussion of SPP/APR Response Table Language (October 2007) Developed by Perry Williams, OSEP*

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

### 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.

#### 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%**

**FFY 2009 – Fourth 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 (12/1/09) and the Race/Ethnic Enrollment Data (10/1/09).

**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.

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. In order to calculate the weighted risk ratio, there had to be at least two racial/ethnic subgroups in the district that met the minimum “n” size. The minimum “n” size was defined as at least 40 students enrolled in the district in two or more racial/ethnic subgroups and within those subgroups, at least 10 students identified in specific disability categories (specific learning disability, mental retardation, autism, other health impaired, speech language impaired, and emotional disturbance) for the racial/ethnic subgroup being compared. The cell size was selected to protect individually identifiable student information and to ensure that there were sufficient students in the subgroups to allow for appropriate identification of disproportionate representation. The cell size is consistent with the cell size used for determining AYP. The *OSEP/Westat technical guide: Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide, July 2007* (<http://www.ideadata.org/TAMaterial.asp>) was used in developing this methodology. The NHDOE used the electronic spreadsheet developed by WESTAT that calculates both weighted and un-weighted risk ratios to determine state and district level data.

**Step One: States are to provide the number of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories**

Using the criteria established above, the NHDOE determined that, out of 174 school districts, 13 school districts met the cell size requirement for data analysis. Of those 13 school districts, 1 was identified as meeting the data threshold for disproportionate representation of over and/or under representation

Disability Category	Summary of Disproportionate Over and Under Representation
Specific Learning Disabilities	1 district over-representation (black)

The NHDOE, with support from NERRC and DAC, conducted an intensive review of our procedure for identification of LEAs with disproportionate representation. Based on this examination, the NHDOE determined that the process as explained in the SPP was sound. The small number of districts that met the cell size was a direct result of the homogeneous nature of New Hampshire’s population. Based on our work with DAC and NERRC, we believe the implementation of the methodology for FFY08 APR resulted in an over identification of disproportionate representation. The same methodology was used in FFY 08 as in other years but it was misapplied due to staff change and a lack of understanding of the complexities of the methodology. During the analysis for FFY 08, LEAs were considered if the total number in the comparison group was greater than 10 (all racial/ethnic groups in the specific disability category) rather than 10 in each category. Based on a better understanding of the application of the minimum “n”, we believe we are more accurately identifying LEAs with potential problems. Even with the over-identification of disproportionate representation, there were no findings of inappropriate identification.

**Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification**  
**Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification** States must report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009 reporting period, i.e., after June 30, 2010.

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The NHDOE utilized a desk audit monitoring process for the 1 district identified in Step One to determine whether the disproportionate representation (see above definition) was the result of inappropriate identification. The NHDOE examined the 1 district's 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 and that eligibility determinations were conducted appropriately. The NHDOE interviewed 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 inappropriate identification that may have been found in either of these dispute resolution mechanisms. As a result of its verification process, the State determined that, of the 13 districts that met the cell size requirement for data analysis, 1 district was identified with disproportionate representation of racial and ethnic groups in the specific disability category of Specific Learning Disability and zero (0) districts had disproportionate representation of racial and ethnic groups due to inappropriate identification.

FFY	Measurable and Rigorous Target
FFY 2009	0%

FFY	Actual Target Data
FFY 2009	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 2009 (2009-2010)	13	1	0	0.00%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

In 2009-2010, 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. The NHDOE continued to refine the desk audit process to ensure any noncompliance would be identified.

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NH SPP Improvement Activity 2: Completed

There were no districts identified in 2009-2010 as having disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification so there is no noncompliance. The NHDOE continued to develop our general supervision system so that any noncompliance would be corrected. Upon the identification of noncompliance, the NHDOE will consider a variety of factors when determining the required correction, including whether the noncompliance: (1) was extensive or found only in a small number of instances; (2) resulted in a denial of a basic right under IDEA; and (3) represented an isolated instance in the district or reflects a long-standing failure to meet IDEA requirements. The noncompliance must be corrected as possible but in no case longer than one year from written notification of noncompliance. The NHDOE will verify that districts with findings of noncompliance related to this indicator have corrected any child specific instances of noncompliance and are correctly implementing 34 CFR §§300.600(d)(3) and 300.602(a), (i.e., achieved 0% disproportionate representation based on inappropriate identification) based on a review of updated data subsequently collected, consistent OSEP Memo 09-02.

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%

**Correction of FFY 2008 Findings of Noncompliance (if State reported more than 0% compliance):**

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 0%.  
There were no previous findings of noncompliance to be corrected.

**No Additional Information Required by the OSEP APR Response Table for this Indicator**

**Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2009 (if applicable):**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Plan (APR) for FFY 2009 is described in the Overview of the APR. The NHDOE utilized the optional OSEP Part B template for the development of this indicator.

Stakeholder Input

The NHDOE sought input from stakeholders who participated in the New Hampshire Special Education Information System (NHSEIS) trainings to gain a better understanding of districts' needs regarding this indicator. The NHDOE continues to modify our trainings in order to effectively meet the needs of districts for this indicator.

Technical Assistance

The NHDOE accessed the OSEP funded SPP/APR Calendar website for technical assistance regarding this indicator. Resources reviewed included: *Optional B11 Template, Investigative Questions for B11; 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; and OSEP Timely Correction Memo (09-02) at: <http://spp-apr-calendar.rfcnetwork.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 sought specific support from our State Contact at OSEP and the Data Accountability Center 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.

FFY	Measurable and Rigorous Target
FFY 2009	100%

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FFY	Actual Target Data for FFY 2009
FFY 2009	95%

**Describe the method used to collect data – if data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year (July 1, 2009 – June 30, 2010).**

NHDOE's established timeframe for completion of initial evaluation is 45 days from the receipt of parental consent for testing. Upon written consent of the parties the 45-day time limit may be extended by no more than 15 days. Both parties must sign the extension prior to the 45th day.

The NHDOE monitored each district in the state to determine compliance with this indicator. Data were collected for this indicator through a desk audit monitoring process as the data required for this indicator were only partially available through the State database known as NHSEIS. NHSEIS does not collect written consent for time extensions or data on exceptions. Data were collected on all children for whom parental consent to evaluate was received for the time period of September 1-November 30, 2009.

During the week of June 14, 2010, the NHDOE received onsite technical assistance from Jane Nell Luster of the Data Accountability Center (DAC). Based on guidance DAC provided during that visit, the NHDOE moved from collecting monitoring data for the entire reporting year to a 3 month report period for this indicator. The time period for the desk audit collection was determined based on an analysis of the previous years' data to assess what reporting period would allow the NHDOE to be confident that data were representative of compliance with the requirements in the indicator for the full reporting period. Based on this assessment, it was determined that a shorter reporting period allows NH to move to a more timely review of data in FFY 2010.

For the desk audit, districts were required to submit evidence of compliance including student information regarding date of referral, date of receipt of parental consent to evaluate and date of eligibility determination for special education that was entered by the district into the New Hampshire Special Education Information System (NHSEIS). The NHDOE desk audit also required that districts with written consent for an extension had to submit written documentation of the extensions so that the NHDOE could determine if the parties signed it by the 45<sup>th</sup> day. The NHDOE also reviewed the written documentation to ensure that signatures were within the 15 day extension. These data points were then analyzed to determine state compliance percentage and district compliance percentage for completion of initial evaluations.

The desk audit also allowed districts to present evidence "when the timeframe set for initial evaluation does not apply to a public agency if: 1) the parent of a child repeatedly fails or refuses to produce the child for evaluation or 2) a child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination but the child's previous public agency as to whether the child is a child with a disability" CFR 300.301(d). As required by OSEP in the Measurement Table, the NHDOE did not report these exceptions in either the numerator or denominator.

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

a. Number of children for whom parental consent to evaluate was received	<b>1,763</b>
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b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	<b>1,667</b>
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)	95%

*Account for children included in (a) but not included in (b):*

Of the 1,763 children for whom parental consent for initial evaluation was received, 96 children did not have evaluations completed within the State established timelines (45 days or 60 days with signed extension). The 96 children were from 46 districts.

*Indicate the range of days beyond the 45 day timeline or 60 days with extension and provide reasons for the delays:*

<b>Range of Days Beyond State Timelines</b>	<i>1-15 Days</i>	<i>16-30 Days</i>	<i>31-45 Days</i>	<i>46-60 Days</i>	<i>+60 Days</i>	<i>Total</i>
<b># of Initial Evaluations</b>	55	16	11	3	11	96

**Reasons for Delay:**

In analyzing the data, timeline delays in the evaluations were due to a variety of factors including but not limited to: scheduling conflicts (i.e., school vacations), lack of appropriately credentialed evaluators, school closing due to weather or facility issues, and communication and scheduling of evaluations for parentally-placed children in private schools.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

The NHDOE continued to work with the Data Accountability Center to refine the State's General Supervision process for ensuring compliance with this indicator. The NHDOE has developed a process for identification and verification of correction of noncompliance that is more efficient and results in greater compliance.

*NH SPP Improvement Activity 2: Completed*

The NHDOE provided additional guidance and support to promote district's understanding of the implementation of the regulations specific to this indicator. The technical assistance included memos as well individual support for districts with compliance issues. Individual support included phone and email contact with multiple opportunities for support.

*NH SPP Improvement Activity 3: Completed*

For any noncompliance concerning a child-specific timeline requirement the State ensured that the LEA completed the required action (e.g. the evaluation) though late, unless the child is no longer within the jurisdiction of the LEA. In addition, the State verification of correction of noncompliance demonstrates that the district is implementing the regulations related to this indicator.

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Explanation of Progress or Slippage

The NHDOE did not meet the target of 100% for 2009-2010.

State Actual Data: 95%                  Target: 100%

Effective with the FFY 2009 APR, the NHDOE, based on clarification from OSEP, considers compliance to be determined based on the timeline from date of parent consent to evaluate to date of completion of evaluation. In previous SPP and APRs, NH measured the timeline from the date of parent consent to evaluate to date of determination of eligibility. Based on this clarification, data for Indicator 11 should not be compared from previous years to FFY 2009. Therefore, there is no progress or slippage to report for FFY 2009. Data for FFY 2009 APR were calculated to reflect the measurement in the indicator, as clarified by OSEP.

This substantially compliant result may be attributed to the increased awareness in the districts of the federal and state requirements. The NHDOE worked closely with districts to refine their procedures regarding timeliness of evaluations, data entry and understanding of the regulations.

**Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):**

The NHDOE made findings for this indicator in FFY 2008 based on FFY 2007 data as the data were collected for the full reporting period. The level of compliance (actual target data) State reported for FFY 2007 for this indicator was 77%.

In FFY 2007, there were 1,036 children with parent consent for initial evaluations that did not have initial evaluations completed within the state timelines. These children were in 81 districts, resulting in 81 findings of noncompliance.

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	<b>81</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>81</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

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

District-level data for this indicator were disaggregated by district and analyzed after the submission of the FFY 2008 APR, prior to the May 2009 public reporting. Written notice of findings of noncompliance was provided to districts within 90 days of the identification of findings, in June 2009 (FFY 2008). By April of 2010, the NHDOE verified that each LEA in the State with noncompliance based on the data reported for this indicator (1) was correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through a desk-audit monitoring process and (2) had completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child was no longer within the jurisdiction of the LEA.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

Through its desk audit process, the NHDOE verified that of the 1,036 children whose initial evaluation was not timely, 1,036 (100%) had a subsequently completed evaluation, although late, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. The State verified this correction through a review of subsequent district data entered in the NH Special Education Information System (NHSEIS) and other documentation. Therefore, there were no citations of individual,

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child specific noncompliance included in the written findings of noncompliance regarding the implementation of IDEA relative to this indicator per district.

Written findings of noncompliance based on these data were issued within 90 days of the completion of the identification of noncompliance, in June 2009 (FFY 2008). There were 81 written findings of noncompliance.

Verification of correction included a review, by the NHDOE, of district's implementation of a self-assessment that included identification of root causes of noncompliance and specific actions to address the noncompliance. Districts were required to review, and if necessary revise, policies, procedures and practices that may result in noncompliance. Customized technical assistance was provided to districts with high levels of noncompliance with this indicator.

The NHDOE reviewed updated data to ensure that districts were correctly implementing 34 CFR §300.301(c)(1) (showed 100% compliance with the specific regulatory requirements of IDEA relative to this indicator). These subsequent data were collected through NHSEIS with supporting documentation as required from the districts. The amount of data reviewed varied based on the level of noncompliance in each district.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):**

Findings of noncompliance identified in FFY 2007 and for prior reporting periods have been verified as corrected in previous APRs.

**Additional Information Required by the OSEP APR Response Table for this Indicator:**

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	The NHDOE responded to this in the section titled: <b>"Correction of FFY 2008 Findings of Noncompliance"</b> .
When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, 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). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	The NHDOE has addressed this in the section titled: <b>"Verification of Correction (either timely or subsequent): For States that Reported Less than 100% Compliance for FFY 2008 for Indicator"</b>

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<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>The NHDOE has made progress with this indicator and continues to work with districts to understand the regulations and data requirements. The NHDOE has added improvement activities for two additional years.</p>
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**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

The NHDOE has reviewed the improvement activities and determined that they are effective, as demonstrated by the consistent improvement in the results and the substantial compliance demonstrate. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. The SPP has been updated based on the new understanding of the measurement, as provided by OSEP. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance report (APR) for FFY 2009 is described in the Overview section of the APR. The NHDOE utilized the optional OSEP Part B template for the development of this indicator.

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 on the improvement activity known as Supporting Successful Early Transitions (SSECT). 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 also benefitted from support from the Data Accountability Center regarding data collection, processing, analysis and verification of correction.

The NHDOE attended the OSEP Mega conference, including the Early Childhood strand, and participated in the session on the Transition FAQ. NHDOE staff also participated in the OSEP teleconference on the FAQ. NERRC has provided specific support to the NHDOE and the Part C office to assist us with early transition requirements.

The NHDOE and the Supporting Successful Early Childhood Transitions (SSECT) project have benefitted from technical assistance from the National Early Childhood Technical Assistance Center (NECTAC), the National Early Childhood Transition Center (NECTC), NERRC 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, including onsite support and joint trainings
- Systemic development of data systems to ensure accurate and timely data

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

**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))

**Measurement:**

- a. # of children who have been served in Part C and referred to Part for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

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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.

Percent = [(c) divided by (a – b – d – e)] times 100.

**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 2009- Fifth Year of Data: 97%**

FFY	Measurable and Rigorous Target
FFY 2009	100%

FFY	Actual Target Data for FFY 2009
FFY 2009	97%

***Describe the method used to collect data, and if the data are from monitoring, describe the procedures used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year (July 1, 2009 – June 30, 2010).***

The NHDOE monitored each district in the state to determine compliance with this indicator. Data were collected for this indicator through a desk audit monitoring process, as the data required for this indicator were only partially available through the State database known as NHSEIS. Data were collected on all children who have been served in Part C and referred to Part B for eligibility determination from the time period of July 1 – October 31, 2009.

For the desk audit monitoring process, districts were required to submit data to the NHDOE in an Excel workbook template. Data elements on the workbook demonstrated compliance with the measurement and allowed the district to provide evidence when parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied. In order to ensure data quality the NHDOE verified data in the NHSEIS. In addition, SSECT (Supporting Successful Early Childhood Transitions) staff conducted onsite reviews of files, policies and procedures as needed.

During the week of June 14, 2010, the NHDOE received onsite technical assistance from Jane Nell Luster of the Data Accountability Center. Based on guidance from DAC provided during that visit, the NHDOE moved from collecting monitoring data for the entire reporting year to monitoring data for a 4 month report period for this indicator. The time period for desk audit data collection was determined based on an analysis of the previous years' data to assess what reporting period would allow the NHDOE to be confident that the data were representative of compliance with the requirements in this indicator for the full reporting period. Based on this assessment, it was determined that a shorter reporting period allows NH to move to a more timely review of data in FFY 2010.

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**Actual State Data (Numbers)**

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	263
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	19
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	223
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	9
e. # of children who were referred to Part C less than 90 days before their third birthdays.	4
# in a but not in b, c, d, or e.	8
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	97%

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

There were 8 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 7 districts out of a total of 176 districts in NH in 2009-2010.

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

Range of days beyond third birthday	1-15 days	16-30 days	31-45 days	46-60 days	>60 days	Total
# of children with delays	2	1	0	1	4	8

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 or longer 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 a need for training regarding data entry. SSECT, as directed by the NHDOE, uses information root cause of noncompliance to provide customized technical assistance to districts.

### ***Timelines for Written Findings of Noncompliance and Verification of Correction on 2009-2010 Data***

The instructions for data submission and the Excel workbook templates for FFY 2009 were sent to districts on July 14, 2010 (FFY 2010). Completed worksheets and other documentation were due to be submitted to the NHDOE by September 10, 2010. The NHDOE then worked with the SSECT staff to ensure the data were complete and accurate for all districts in the state. During this data verification process the NHDOE and SSECT followed up on any missing data, data anomalies and ensured reasons for delays were valid. SSECT staff also took this opportunity to provide customized technical assistance to districts around early transitions. As part of the desk audit monitoring process, data review and district level data analysis was completed in December 2010. Findings based on FFY 2009 data were made in FFY 2010, within 90 days of identification of noncompliance. NHDOE will report on correction of those findings in the FFY 2011 APR, due February 1, 2013.

### ***Verification of Correction of Findings of Noncompliance***

At the time of the NHDOE desk audit (December 2010) (prior to issuing written findings of noncompliance), NHDOE verified that of the 8 children for whom implementation of the IEP was not timely, 8 (100%) had a subsequently developed and implemented IEP, although late, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. The NHDOE verified this through a combination of desk audit review of written documentation submitted by the district for each instance of noncompliance, onsite review by SSECT staff and a review of district data entered in the NH Special Education Information System (NHSEIS). Therefore, there were no citations of child specific noncompliance included in the written findings of noncompliance regarding the implementation of IDEA relative to this indicator. The NHDOE made written findings of noncompliance within 90 days of identification of noncompliance for the seven districts where noncompliance occurred. The NHDOE will verify that districts with findings of noncompliance related to this indicator are correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or NHSEIS, consistent OSEP Memo 09-02.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

#### *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 provided to 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 plan to make revisions next year.

#### *SPP Improvement Activity 2: Completed*

Districts involved in NHDOE desk audit 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. Through SSECT universal supports were available to families, early intervention providers and preschool special educators through the website. <http://www.picnh.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 implementation of regional Interagency Agreements between early intervention and preschool special education. During 2009-2010 SSECT supported:

- The implementation of regional interagency agreements in each 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. This includes a review to ensure the agreement is consistent with the NH Rules for the Education of Children with Disabilities, ED 1105.04.
- SSECT has worked closely with the NHDOE to identify and provide technical assistance to districts with ongoing barriers to smooth transitions. SSECT assisted districts to develop corrective action plans to address finding(s) of noncompliance in this area.

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, SSECT secured 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 State Performance Plan on February 1, 2011 including adding 2 years of improvement activities to the extended SPP.

Explanation of Progress or Slippage

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

State Data: 97%      Target: 100%

The NHDOE demonstrated progress in this indicator of 2 percentage points from the previous FFY 2008 APR (from 95% compliance to 97% compliance), demonstrating continued substantial compliance with this indicator. Progress on this indicator has increased 38 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 FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2008 APR):**

In the FFY 2008 APR, NH reported less than 100% compliance for the report periods of July 1, 2008-June 30, 2009 and July 1, 2007-June 30, 2008. Each report period has been addressed separately in this section.

**In the FFY 2008 APR, the NHDOE reported less than 100% compliance for the FFY 2008 report period of July 1, 2008-June 30, 2009.** Level of compliance (actual target data) State reported for FFY 2008 (report period July 1, 2008-June 30, 2009) for this indicator: 95%. The NHDOE collected a full year of data through a monitoring desk audit process from each district for this indicator for the FFY 2008 APR. This data collection and analysis were completed, yielding district levels results, after the submission of the FFY 2008 APR. Written findings based on FFY 2008 data were issued within 90 days in 2010 (FFY 2010). There were 21 findings of noncompliance issued. As noted in the FFY 2008 APR, since the written findings of noncompliance were issued in FFY 2010, 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 2011 APR due on February 1, 2013.

**In the FFY 2007 APR, the NHDOE reported less than 100% compliance for the FFY 2007 report period of July 1, 2007-June 30, 2008.** Level of compliance (actual target data) State reported for FFY 2007 (report period July 1, 2007-June 30, 2008) for this indicator: 92%. In the FFY 2008 APR the NHDOE reported that it made findings based on FFY 2007 data in FFY 2008. Findings of noncompliance were made in spring 2009 (based on the APR timeline), within ninety days of the NHDOE identifying the issues. Therefore, the verification of correction of noncompliance for these districts was to be reported in the FFY 2009 APR to be submitted February 1, 2011.

**Verification of Correction (either timely or subsequent):** *For States that Reported Less than 100% Compliance for FFY 2008 for Indicator 12:*

In FFY 2008, the NHDOE made findings of noncompliance based on FFY 2007 data. For the FFY 2007 report period, the NHDOE verified the correction of noncompliance, consistent with OSEP Memo 09-02, as follows:

(1) The NHDOE verified that each district was correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process. In addition to data demonstrating 100% compliance, districts submitted a written assurance of compliance and included documentation of root causes of noncompliance to inform improvement activities. During the correction period, SSECT reviewed local policies and procedures and supported districts with accurate data collection and entry in order to ensure districts were providing timely and quality transitions.

(2) Prior to issuing written findings of noncompliance, the NHDOE, through a data review, verified that each district had developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA. Therefore, the NHDOE has verified that, for each of these individual cases, the district had corrected each individual case of noncompliance unless the child is no longer within the jurisdiction of the LEA, prior to the identification of findings, as reported in the FFY 2008 APR.

These findings reflect all noncompliance identified with this indicator through monitoring and data collections and written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance. NHDOE did not find that any noncompliance with this indicator was the result of noncompliance policies and procedures. All noncompliant practices were addressed through root cause analyses and improvement activities.

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**Correction of FFY 2007 Findings of Noncompliance identified in FFY 2008:**

NHDOE reported less than 100% compliance for the FFY 2007 report period (July 1, 2007-June 30, 2008) in the FFY 2008 APR.

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	<b>21</b>
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)	<b>21</b>
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>
4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	<b>0</b>
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>0</b>
6. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>

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

Statement from the Response Table	State's Response
<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>The NHDOE reported on status of correction of noncompliance for FFY 2008 in Indicator B-12, section: "Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2008 APR)"</p>
<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>The NHDOE has reviewed the improvement activities and determined that they are effective, as demonstrated by the consistent improvement in the results and the substantial compliance demonstrated.</p>

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<p>The State must also demonstrate, in the FFY 2009 APR, that the remaining uncorrected noncompliance findings identified in FFY 2008 based on FFY 2007 data were corrected. When reporting the correction of noncompliance of these findings, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance identified in FFY 2008 based on FFY 2007 data is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>The NHDOE described this in the section above labeled: <b>“Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2008 APR)”</b>.</p>
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**Revisions, with Justification, to Improvement Activities/Timelines/Resources for FFY 2009:**

The NHDOE has reviewed the improvement activities and determined that they are effective, as demonstrated by the consistent improvement in the results and the substantial compliance demonstrate. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR.

**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.

Pursuant to OSEP Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table, States must, in the FFY 2009 submission (of the SPP) due February 1, 2011, establish new baseline for this indicator using the 2009-2010 data. Please refer to the FFY 2009 submission of the SPP for this indicator. There were no other next steps required by OSEP for the NHDOE in the NH Part B FFY 2008 SPP/APR Response Table. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

**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.

Pursuant to OSEP Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table, States must, in the FFY 2009 submission (of the SPP) due February 1, 2011, establish new baseline, targets and, as needed, improvement activities for this indicator. Please refer to the FFY 2009 submission of the SPP for this indicator. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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 the FFY 2007, FFY 2008 and the FFY 2009 APR. As a result of this technical assistance the NHDOE developed and revised a work plan with both DAC and Northeast Regional Resource Center (NERRC) to address areas of needs identified through the OSEP onsite verification process. The area that was address through the technical assistance was the development of the memorandum of agreement between the NHDOE and the monitoring contractors. The activities in the work plan continued 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 NHDOE continued to seek technical assistance from NERRC through teleconferences to gain a better understanding of the components of this indicator. The NHDOE used the B15\_Optional ARR\_Template\_FFY2009, Part B Indicator 15 Self-Calculating Worksheet and 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 found on the RRFC website in addition to 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.

**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.

**States are required to use the "Indicator 15 Worksheet" to report data for this indicator (see Attachment A).**

**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%**
- FFY 2009 – Fifth year of data: 99.40%**

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FFY	Measurable and Rigorous Target
FFY 2009	100%

FFY	Actual Target Data for FFY 2009
FFY 2009	99.40%

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

The NHDOE monitors districts under the general supervision system. For this indicator, the NHDOE utilized a key indicator for the selection process for Focused Monitoring to determine compliance for the implementation of IDEA. Noncompliance was also identified through complaints and due process hearings. In addition, there were several indicators in the APR that all districts were monitored through a desk audit process for compliance 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.education.nh.gov/instruction/special\\_ed/documents/spp\\_2005-10\\_sub2010.pdf](http://www.education.nh.gov/instruction/special_ed/documents/spp_2005-10_sub2010.pdf)

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

The NHDOE sought customized technical assistance through Data Accountability Center (DAC) and Northeast 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 Northeast 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" DAC was onsite at the NHDOE as recently as October 27 and October 28, 2010. The work plan included the following components:

- Implemented data system management routines that increase the likelihood of timely and accurate data submission (618), 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 2010 for additional technical assistance and resources.

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NH SPP Improvement Activity 2: Completed

The NHDOE continued to refine the data collection process for onsite monitoring including: new forms and technical assistance to the onsite team regarding collecting reliable data from multiple sources. The NHDOE submitted the Memorandum of Understanding that clarified the roles of the State and the contractor with regard to the oversight of the contractor's findings of noncompliance and the verification of correction, and the mechanism by which SEA personnel make decisions regarding the identification and verification of correction of noncompliance.

NH SPP Improvement Activity 3: Completed

The Focused Monitoring Team implemented a regular status review of districts to periodically connect with the districts to provide technical assistance, verify progress and ensure timely correction. When districts are not able to correct the identified areas of noncompliance within a year, the NHDOE took measures to ensure that the correction and verification of the correction is complete as soon as possible. The NHDOE did submit a revised Memorandum of Understanding with its contractor for outlining the processes of decision making regarding the identification, and verification of the correction of noncompliance.

NH SPP Improvement Activity 4: Completed

The NHDOE has provided many opportunities for technical assistance to districts that are found to be in noncompliance. These opportunities have been through phone conversations, person to person and onsite visits.

NH SPP Improvement Activity 5: Completed

The NHDOE provided grants for the 2009-2010 school year for districts who were selected for Focused Monitoring. The grants were provided to assist the districts in their efforts to improve outcomes for students with disabilities.

NH SPP Improvement Activity 6: Completed

The NHDOE provided several guidance memos to LEAs for technical assistance regarding policies for timely correction of noncompliance for Indicator 11 and 12.

Explanation of Progress or Slippage

The NHDOE did not meet the target of 100% for 2009-2010.

State Actual Data: 99.40%

Target: 100%

The NHDOE demonstrated substantial compliance at 99.40%. The NHDOE made progress in this indicator from the previous 2008 APR with a 3.40 percentage point increase. This progress may be attributed to the work completed with the Data Accountability Center (DAC) and the Northeast Regional Resource Center (NERRC) as well as the technical assistance the State provided to the districts.

As noted in the FFY 2008 APR, the NHDOE collected a full year of FFY 2008 data for Indicator 11 and 12. Since the findings based on the FY 2008 data for Indicator 11 and Indicator 12 were not made until FFY 2010 (July 2010), the NHDOE will verify correction of FFY 2008 Indicator 11 and Indicator 12 as soon as possible but in no case greater than one year from identification (FFY 2011). Since findings of noncompliance based on these data were not identified until FFY 2010, the NHDOE will report on the correction in Indicator 11 and Indicator 12 in the FFY 2011 APR due on February 1, 2013.

For Indicator 11 and Indicator 12, there were findings of noncompliance based on FFY 2007 data, identified in FFY 2008, and verified as corrected in FFY 2009. Those data are reported in Indicator 11, 12 and 15 in the FFY 2009 APR.

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification.
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>2. Percent of youth with IEPs dropping out of high school.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other</p>			
<p>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 training program, or both, within one year of leaving high school.</p>	<p>Dispute Resolution: Complaints, Hearings</p>			
<p>3. Participation and performance of children with disabilities on statewide assessments.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other</p>	1	1	1
<p>7. Percent of preschool children with IEPs who demonstrated improved outcomes.</p>	<p>Dispute Resolution: Complaints, Hearings</p>			
<p>4A. Percent of district identified as having a significant discrepancy in the rates of suspensions and expulsion of children with disabilities for greater than 10 days in a school year.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other</p>			
<p>4B. Percent of district 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</p>	<p>Dispute Resolution: Complaints, Hearings</p>			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification.
not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.				
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			
6. Percent of preschool children aged 3 through 5 – early childhood placements.	Dispute Resolution: Complaints, Hearings	2	2	2
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			
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 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(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	81	81	81
	Dispute Resolution: Complaints, Hearings	3	3	3
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	21	21	21
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon 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 service needs.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other	3	3	3
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Measurable Goals, Admin/ Policy, Certified Personnel	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other	8	10	9

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification.
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other			
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: IEP Process, Service Provision	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-site Visits or Other	19	23	23
	Dispute Resolution: Complaints, Hearings	12	23	23
<b>Sum the numbers down Column a and Column b</b>			<b>168</b>	<b>167</b>
<b>Percent of noncompliance corrected within one year of identification= (column (b) sum divided by column (a) sum) times 100</b>			<b>(b)/(a) X 100=</b>	<b>99.40%</b>

**Note: For this indicator, report data on the correction of findings of noncompliance the State made during FFY 2008 (July 1, 2008 through June 30, 2009) and verified as corrected as soon as possible and in no case later than one year from identification.**

**Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	<b>168</b>
2. 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)	<b>167</b>
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>1</b>

**FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):**

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	<b>1</b>
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>1</b>
6. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>0</b>

**Verification of Correction for findings of noncompliance reported in the FFY 2009 APR (either timely or subsequent):**

As required by OSEP's June 1, 2010 FFY 2008 SPP/APR Response Table, NHDOE verified that each LEA with findings of noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements, (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02, dated October 17, 2008.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

For the 168 findings identified in 2008-2009 the NHDOE used the following process to verify correction as soon as possible but no later than one year from identification. Of the 168 findings, 167 findings were been timely corrected and verified by the NHDOE in a variety of manners and one was subsequently verified as corrected. The State verified the correction of the noncompliance either through onsite visit and file review and/or through a NHDOE desk audit monitoring review of district submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure that the LEA had 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. The verification was accomplished through onsite monitoring visit with a review of a representative selection of student files, policies and procedures and other evidence to ensure that the LEA is implementing the specific regulatory requirements. When the NHDOE completes a file review, the NHDOE files a representative selection of student files to ensure confidence that the LEA

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has implemented the regulations with 100% compliance. A more detailed description of the verification of correction process for Indicators 11 and 12 can be found in the specific indicators.

The findings reported in this indicator reflect all noncompliance identified through monitoring, data collections, and dispute resolution. Written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance. NHDOE did not find that any noncompliance with this indicator was the result of noncompliance policies and procedures. All noncompliant practices were addressed through root cause analyses and improvement activities.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable)**

If the State reported <100% for this indicator in its FFY 2008 APR and did not report that the remaining FFY 2007 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	6
2. Number of remaining FFY 2007 findings the State has verified as corrected	6
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable)**

Provide information regarding correction using the same table format provided above for findings reported in the FFY 2007 APR.

1. Number of remaining FFY 2006 findings noted in OSEP's June 2010 FFY 2007 APR response table for this indicator	2
2. Number of remaining FFY 2006 findings the State has verified as corrected	2
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

For the one district who had noncompliance identified in 2006-2007, the NHDOE had taken the following actions: The NHDOE, with the district, has investigated the root cause of the continuing noncompliance which included a need for district-wide training on the implementation of the regulations. The district sought technical assistance from other sources in addition to technical assistance provided by the NHDOE. Enforcement actions include directing a percentage of the district's 2010-2011 federal funds to be targeted to correct the area of noncompliance. The NHDOE has been closely monitoring the correction of noncompliance through on site visits and quarterly progress reports. The lack of correction has factored in their determination of implementation of IDEA. This area of noncompliance has been corrected as of the reporting of this APR.

**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 2009 APR that the remaining six findings of noncompliance identified in FFY 2007 and the remaining two findings of noncompliance identified in FFY 2006 that were not reported as corrected in the FFY 2008 APR were corrected.</p>	<p>The State has reported on this in the FFY 2009 APR.</p>
<p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as subsequently collected through on-site monitoring or a State data system, and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>The State has reported on this in the FFY 2009 APR.</p>
<p>In responding to Indicators 11 and 12 in the FFY 2009 APR the State must report on the correction of the noncompliance describe in this table under those indicators.</p>	<p>The State has reported on this in the FFY 2009 APR for Indicator 11 and 12.</p>
<p>In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p>	<p>The State did use the Indicator 15 Worksheet.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

The NHDOE has reviewed the improvement activities and determined that they are effective, as demonstrated by the consistent improvement in the results and the substantial compliance demonstrate. As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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). This was an area that SAC had specifically asked the Bureau of Special Education to present on. 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. After the OSEP verification visit, the Bureau of Special Education developed a complaint manual to assist all stakeholders in understanding the complaint manual. Bureau of Special Education sought input from SAC on a draft of the complaint manual.

Technical Assistance

As noted in the OSEP letter dated January 15, 2010, OSEP conducted a verification visit in NH the week of September 24, 2009. As a result of that visit, OSEP found noncompliance and required corrective action in the area of timely resolution of complaints, including the data related to complaints. The NHDOE received 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. Based on the verification visit, the required action for NH was, in the FFY 2009 APR due 2/1/11, in addition to providing valid and reliable data for Indicator 16, for every complaint that is filed between 2/1/10 and 10/31/10, and whose timeline is extended beyond the 60-day timeline, to provide documentation of the reason for extension, including exceptional circumstances that existed with respect to that complaint to justify the extension, or other reason permitted under 34 CFR 300.152(b)(1).

On June 3, 2010 OSEP determined that, under IDEA section 616(d), NH needs assistance in meeting the requirements of Part B of IDEA. One special factor affecting this determination was the data for Indicator 16 OSEP required that NH "report with its FFY 2009 APR submission, due February 1, 2011, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance."

The NHDOE worked with OSEP staff, the Data Accountability Center and NERRC to improve our understanding of the requirements for exceptional circumstances and to address any questions regarding the data. In addition, the NHDOE reviewed resources available on the SPP/APR Calendar and utilized the Complaint Extension Memo posted 5.18.10 to further our compliance with this indicator. As a result of that technical assistance, the NHDOE has more narrowly defined the reasons for exceptional circumstances and has refined the data tracking system to allow the NHDOE ensure that reasons for delays are available for analysis.

The NHDOE has complied with the corrective action required by the verification and determination letters and has reported on technical assistance received and the actions the State took as a result of that assistance.

**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))

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**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 2009 APR – Fifth year of data: 60%**

FFY	Measurable and Rigorous Target
FFY 2009-2010	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.

FFY	Actual Target Data
FFY 2009-2010	60%

**Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010):**

Calculation

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

60% = [(32 + 6) divided by 63] times 100.

Explanation of Calculation

The Bureau of Special Education collected the number of complaints for the time period of July 1, 2009 to June 30, 2010. The Bureau of Special Education identified 32 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 63 (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 2009 – 10* submitted to OSEP for the 11/1/10 deadline.

Of the 63 complaints with reports issued during this reporting period, 32 complaints were resolved within a 60 day timeline. Of the remaining 31 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 63 complaints with reports issued, 38 complaints met the timelines or properly extended timelines.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

SPP Improvement Activity 1: Completed

NHDOE continues to enforce that 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 implemented a tracking system to ensure state timelines. The Special Education Complaint Investigators received prompts regarding indentified due dates. 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 has updated the data base to more effectively track critical information regarding complaints including timelines.

SPP Improvement Activity 4: Completed

The NHDOE received additional clarification from OSEP and has revised (effective February 1, 2010) our understanding of exceptional circumstances based on the OSEP feedback.

SPP Improvement Activity 5: Completed

The NHDOE posted on the NHDOE's website a summary of the previous year's "Total Number and Frequency of Substantiated Allegations":

[http://www.education.nh.gov/instruction/special\\_ed/complaint.htm](http://www.education.nh.gov/instruction/special_ed/complaint.htm)

Explanation of Progress or Slippage

The NHDOE did not meet the target of 100% for 2009-2010 however the data reflect progress from 22% compliance in 2008-2009 to 60% compliance for a total increase of 38 percentage points. This progress was due to improved tracking of reasons for extensions based on a new understanding of the exceptional circumstances regarding complaints.

State Actual Data: 60%                      Target: 100%

Regarding OSEP's Response Table and Verification Letter

OSEP's January 15, 2010 verification letter and OSEP's June 3, 2010 required the NHDOE to provide in the FFY 2009 APR, for every complaint that is filed between February 1, 2010 and October 31, 2010 and whose timeline is extended beyond the 60 day timeline, documentation of the reason for extension including the exceptional circumstance that exist with respect to that complaint to justify the extension, or other reason permitted under 34 CFR 300.152 (b) (1).

During the time period of February 1, 2010 to October 31, 2010, there were 35 complaints filed with reports written. Thirty two of these were completed within 60 days (state timelines). The remaining 3 complaints 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. Therefore for this time period, NH has achieved 100% compliance. The timeline extensions for the 3 complaints with extensions were granted based on the following reasons:

1. Additional allegations were filed by the parent after the complaint began resulting in an amendment to the complaint which the parents understood would extend the timeline. This complaint was completed within 13 days beyond the state timeline.

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2. The NHDOE honored a last minute request by district counsel to review a deposition. This allowed additional time to complete the investigation to ensure a neutral and fair review. This complaint was completed 1 day beyond the state timeline.
3. The complaint involved an investigation of the SEA for failure to comply with the provisions of 34 CFR 300.600 (state monitoring and enforcement), requiring the state to investigate itself. The NHDOE determined based on the scope of the allegation that these extenuating circumstances warranted an extended timeline. This was completed 11 days beyond the state timelines.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 is described in the Overview section of the APR.

Stakeholder Input

The NHDOE sends an evaluation to the parties involved in any adjudicated proceeding to gather input on what went well and areas that might need improvement regarding the process and experience of the participants. The evaluation is incorporated into the quarterly evaluation of the hearing officer and also used in the NHDOE's annual evaluation of the hearing officer. These data are used to determine whether or not to continue with the hearing officer's contract. In addition, the manager of the program audits mediations and hearings periodically to determine the efficacy of the process.

Technical Assistance

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 2009 APR – Fifth Year of Data: 100%**

FFY	Measurable and Rigorous Target
FFY 2009-2010	100% of fully adjudicated hearings will be completed within 45 days or the 45 day timeline with proper extensions granted.

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FFY	Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010)
FFY 2009-2010	100%

Calculation

Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100

100% = [(5+1)/6]\*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, 2009 to June 30, 2010. 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 2009 -10*.

The Office of Legislation and Hearings identified that 100% (6 out of 6) 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 6 full adjudicated hearings, 5 were completed within the 45 day timeline and 1 was completed within an extended timeline.

If there is a request to extend the timeline, the hearing officer notifies the Office of L&H the new end date, the reason for the continuance, the party that requested it and the hearing officer's decision to grant the continuance. The request is reviewed for appropriateness. Delays in the completion of hearings are considered to be a factor in the evaluation of a hearing officer's performance. The end date for hearing officers was 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.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

The Office of Legislation and Hearing's provided the information for these improvement activities and the explanation of progress.

NH SPP Improvement Activity 1: Completed

The Office of Legislation and Hearing 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 continued to require participation of hearing officers in a minimum of two training sessions each year.

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 NHDOE also has a companion guide entitled "Users' Guide to Administrative Process" on our website at: <http://www.education.nh.gov/legislation/documents/usersguide2010.pdf>

NH SPP Improvement Activity 2: Completed

The NHDOE reviewed the data throughout the year to determine if the hearings were timely. If a hearing had not been completed in a timely fashion, the hearing officer would have been notified and the

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timeliness issue considered in the annual evaluation and 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 with late 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 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 NHDOE met the target of 100% for 2009 – 2010.

State Actual Data: 100%                      Target: 100%

The data for this indicator met the compliance standard of 100% and demonstrate progress from the NHDOE's FFY 2008 data of 57%. This progress may be attributed to the increase in guides, training and evaluation of both the process and the hearing officer's performance.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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 for improvement to the language for that section, which the NHDOE 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 of at least 10 resolution sessions.**

**FFY 2005 SPP - No Data – NH did not meet the threshold for reporting of at least 10 resolution sessions.**

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

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

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

**FFY 2009 APR – Third Year of Data: 69%**

FFY	Measurable and Rigorous Target
FFY 2009-2010	60% of resolution sessions held will result in a signed written agreement.

FFY	Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010)
FFY 2009-2010	69%

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Calculation

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

69% = [(9 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, 2009 to June 30, 2010. The Office of Legislation and Hearings identified that 69% (9 out of 13) of the resolution sessions resulted in written settlement agreements.

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 2009 – 10*.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

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 2009 and have developed a data base of available facilitators.

Explanation of Progress or Slippage

The NHDOE exceeded its target of 60% for 2009-2010 by 9 percentage points.

State Actual Data: 69%            Target: 60%

While the data of 69% show slippage from NHDOE's FFY 2008 data of 84%, the NHDOE met its target and believes that the data are acceptable. Families are not required to resolve issues through resolution sessions, therefore it is widely recognized that targets are difficult to set. NHDOE does not expect the number to show an increase from year to year.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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 2009 APR – Fifth Year of Data: 82%**

FFY	Measurable and Rigorous Target
FFY 2009-2010	During this period 84% of mediations will result in a signed written agreement.

**Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010):**

Calculation

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

82% = [(6 + 12) divided by 22] 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, 2009 to June 30, 2010. The Office of Legislation and Hearings identified that 82% (18 out of 22) mediations resulted in a signed written agreement. Of the 22 mediations, 7 were related to due process complaints and 15 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 2009– 10*.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

NH SPP Improvement Activity 1: Completed

In FFY 09 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 its target of 84% for 2009-2010.

State Actual Data: 82%            Target: 84%

The NHDOE's data demonstrate progress from 78% in FFY 2008 to 82% of mediations that resulted in a signed written agreement the previous year. This progress reflects an increase in 4%. 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 2009:**

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/ timelines/resources for two additional years. Please refer to the SPP for more information.

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

The development of the NH Part B State Annual Performance Report (APR) for FFY 2009 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 FFY2007, 2008 and 2009 APR. The NHDOE has worked extensively with DAC through our work plan to ensure the quality of the data reported in the SPP/APR submission. In addition, the NHDOE has worked with DAC to verify that the LEA was correctly implementing the specific regulatory requirements related to findings. Our data manager continues to attend data management conferences and participates in available data manager events such as teleconferences, webinars and list serve activities.

The NHDOE accessed the OSEP funded SPP/APR calendar for technical assistance regarding this indicator. Resources reviewed included the B20 Rubric and other documents specific to Indicator 20

**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:

- a. 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
- b. 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%**

**FFY 2009 APR – Fifth year of data: 92.86%**

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FFY	Measurable and Rigorous Target
FFY 2009	100%

FFY	Actual Target Data
FFY 2009	92.86%

**Actual Target Data for FFY 2009 (reporting period July 1, 2009 – June 30, 2010):**

Note that the target data was derived from the Indicator 20 Data Rubric. A copy of the rubric is included below in the section titled "Indicator 20 Scoring Rubric."

Calculation

$$92.86\% = [(83.57/90) \times 100]$$

Explanation of Calculation

*Submission of SPP/APR Data*

The NHDOE has submitted the FFY 2009 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. Data tied to the 618 data reporting requirements have data quality checks built into the data collection process. Data collected through a desk audit monitoring process and statewide surveys are reviewed by the NHDOE and verified through cross-checks for data accuracy and completeness. The NHDOE verifies the timely correction of noncompliance, consistent with OSEP memo 09-02, through a review of a representative selection of students, policies and procedures and other evidence as needed to ensure that the LEA is implying the specific regulatory requirements.

*Submission of 618 data (Federal Tables)*

The NHDOE used different databases for the collection of the 618 data for the federal tables. Table 1, 3, 4, and 5 are generated using information from the New Hampshire Special Education Information System (NHSEIS). Table 2 was generated using information from the NHDOE Bureau of Credentialing. Table 6 was generated using information from the NHDOE Bureau of Accountability and Table 7 was generated using the database from the NHDOE Office of Legislation and Hearing 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 error message with explanation when data are entered that are incorrect giving districts an opportunity to reenter correct data. The NHDOE offered continuous technical assistance and training to districts including monthly forum, on-site training and phone/email support. NHDOE staff members were available to assist district on a daily basis with NHSEIS.

The NHDOE thought we were approved for ED Facts submission for Table 3. Because of this misunderstanding the Table 3 submission to DANS did not occur until March 22, 2010, after DAC notification March 6, 2010. After NH was notified of failure in edit checks, NH subsequently submitted accurate data for both Table 1 and Table 3. The NHDOE has submitted Tables 1 and 3, timely and accurate, for the 2/1/2011 submission.

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*Indicator 20 Scoring Rubric*

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

<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
4B	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	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		<b>Subtotal</b>	40
<b>APR Score Calculation</b>	<b>Timely Submission Points</b> – If the FFY 2009 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) =		45.00

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<b>618 Data – Indicator 20</b>					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
<b>Table 1 – Child Count</b> Due Date: 2/1/10	1	1	0	1	3
<b>Table 2 – Personnel</b> Due Date: 11/1/10	1	1	1	N/A	3
<b>Table 3 – Ed Environments</b> Due Date: 2/1/10	0	1	0	1	2
<b>Table 4 – Exiting</b> Due Date: 11/1/10	1	1	1	N/A	3
<b>Table 5 – Discipline</b> Due Date: 11/1/10	1	1	1	N/A	3
<b>Table 6 – State Assessment</b> Due Date: 2/1/10	1	N/A	N/A	N/A	1
<b>Table 7 – Dispute Resolution</b> Due Date: 11/1/10	1	1	1	N/A	3
				<b>Subtotal</b>	18
<b>618 Score Calculation</b>			<b>Grand Total</b> (Subtotal x 2.143) =		38.57

<b>Indicator #20 Calculation</b>	
A: APR Grand Total	45.00
B: 618 Grand Total	38.57
C: APR Grand Total (A) + 618 Grand Total (B)	83.57
Total N/A in APR	0
Total N/A in 618	0
<b>Base</b>	<b>90.00</b>
D: Subtotal (C divided by Base*) =	0.929
E: Indicator Score (Subtotal D x 100) =	92.86

Note any cell marked as N/A decreased the denominator by 1 for APR and 2.143 for 618.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Note: The NHDOE reports improvement activities previously 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.

*NH SPP Improvement Activity 1: Completed*

During the year the NHDOE worked with the districts to the use of Data Quality Report in NHSEIS (the State database: New Hampshire Special Education Information System) to verify their data for reliability and accuracy. The NHDOE continued to hold weekly teleconferences to provide information and technical assistance to districts regarding data entry and verification through NHSEIS. The minutes from the teleconferences were posted to the main page in NHSEIS for the districts' use. The NHDOE continued to train the LEAs regarding the business rules within specific data fields to improve the quality of district data and to reduce initial errors that require correction.

*NH SPP Improvement Activity 2: Completed*

NHDOE provided ongoing clarification and guidance to districts regarding reporting on children with disabilities. These memos can be found with all FFY 2009 memos on the following website:

[http://www.education.nh.gov/instruction/special\\_ed/memos.htm#fy10](http://www.education.nh.gov/instruction/special_ed/memos.htm#fy10)

- September 2009 memo 34: The NHDOE provided to the Local Education Agencies the reporting requirements in IDEA Coordinated Early Intervening Services within NHSEIS.
- November 2009 memo #17: The NHDOE provided the districts with the requirement for reporting Child count and Environmental Data in NHSEIS for students with disabilities.
- May 2010 memo #30: The NHDOE provided the districts with the reporting requirements for Indicator 5 Percent of Children with IEPs age 6 through 21 served in regular class and in separate schools, residential facilities, or homebound/hospital placements in entering data in NHSEIS.

*NH SPP Improvement Activity 3: Completed*

The NHDOE began to look at trend data within districts and at the state level to assess how to best improve student results. The NHDOE made connections across indicators, as appropriate to align data collection and quality efforts.

*NH SPP Improvement Activity 4: Completed*

The NHDOE, through a comprehensive data work plan, worked with DAC and NERRC to refine the collection of data to determine noncompliance and verify correction as it relates to reporting for Indicator 15. This resulted in clarification of the NHDOE desk audit monitoring process and subsequent changes to the reporting year. Data collected through Focused Monitoring is more closely aligned with indicator 15 through a memorandum of agreement between the NHDOE and the vendor.

*NH SPP Improvement Activity 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 for the NHDOE personnel resulting in demonstrate enhanced management routines for collecting and using 616 and 618 data. The NHDOE submitted 2009-2010 618 data (Tables 2, 3, 4, 5, and 6) from electronic collection approved September 2010.

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Explanation of Progress or Slippage

The NHDOE has not met the target for 2009-2010.

State Actual Data: 92.86%

Target: 100%

The NHDOE demonstrated progress in this indicator of 2.39 percentage points from the previous FFY 2008 APR (from 90.47% compliance to 92.86% compliance) demonstrating increased compliance with this indicator. Progress on this indicator has increased 7.26 percentage points from FFY 2006 when there was 85.6% compliance. This progress may be attributed in part to the work of the NHDOE through the state work plan with DAC and NERRC.

For the Table 1 and Table 2 submissions for 2/1/2011, the NHDOE submitted timely and accurate data.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**

The NHDOE has reviewed the improvement activities and determined that they are effective, as demonstrated by the consistent improvement in the results and the substantial compliance demonstrate.

As required by OSEP, the NHDOE has expanded the SPP targets and improvement activities/timelines/resources for two additional years. Please refer to the SPP for more information.