



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN - 3 2010

Honorable Virginia M. Barry  
Commissioner of Education  
New Hampshire Department of Education  
101 Pleasant Street  
Concord, New Hampshire 03301-3860

Dear Commissioner Barry:

Thank you for the timely submission of New Hampshire's Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d), New Hampshire needs assistance in meeting the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2008 APR and revised SPP, other State-reported data, information obtained through the verification visit, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2010: Part B" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for New Hampshire is that the State's FFY 2008 data reflect 22% compliance for Indicator 16 and 90.47% compliance for Indicator 20. In making its determination of needs assistance, OSEP considered that the State's FFY 2008 data for Indicator 16 are valid and reliable and represent more accurate data than its FFY 2007 data, and the State recalculated its data accurately after OSEP's January 15, 2010 verification visit letter that had found that New Hampshire failed to demonstrate compliance with requirements in 34 CFR §300.152(a) and (b)(1)(i) for timely complaint resolutions. Specifically, the State's FFY 2008 data were calculated using a correct calculation of timeline extensions for complaint investigations, while its FFY 2007 data were based on an incorrect calculation. For these reasons we are unable to determine that New Hampshire met requirements for FFY 2008 under IDEA section 616(d).

OSEP notes other areas that reflect a high level of performance, which include that New Hampshire reported valid and reliable data for all indicators and a high level of compliance for Indicator 9 (0%), Indicator 10 (0%), Indicator 12 (95%), and Indicator 15 (96%). We hope that New Hampshire will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

The State's determination for the FFYs 2005, 2006, and 2007 APRs was also needs assistance. In accordance with section 616(e)(1) of the IDEA and 34 CFR §300.604, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose special conditions on the State's Part B grant award.

Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance related to Indicators 16 (State Complaint Timelines) and 20 (State Reported Data). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp->

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[www.ed.gov](http://www.ed.gov)

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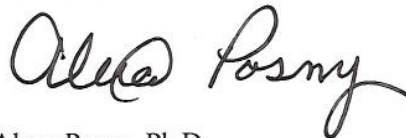
[apr-calendar.rrfcnetwork.org/](http://apr-calendar.rrfcnetwork.org/). You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator. For the indicator(s) listed above, your State must 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 extent to which your State takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under section 616 should your State not be determined to meet requirements next year. We encourage New Hampshire to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by section 616(e)(7) of the IDEA and 34 CFR §300.606, the State must notify the public within the State that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the agency's website and distributing the notice to the media and through public agencies.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2010,. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements of Part B," or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3), take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see the SPP/APR Planning Calendar website at: <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in its APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the SEA's website and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting New Hampshire's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Susan Falkenhan, your OSEP State Contact, at 202-245-7242.

Sincerely,



Alexa Posny, Ph.D.  
Acting Director  
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 618 reported data for this indicator are 71%. The State did not meet its FFY 2007 target of 87%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage.</p> <p>The State reported that the New Hampshire Consolidated State Performance Report (CSPR) did not report graduation data for the special education population. The State provided a detailed progress report in its CSPR on the status of implementing a data collection system that will allow the State to calculate the graduation rate in accordance with 34 CFR §200.19.</p> <p>The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 618 updated data for this indicator are 4.53%. Because the State's actual target data for this indicator are from the same year and has been revised, OSEP cannot comment on whether there is progress or slippage. The State did not meet its FFY 2007 target of 3.5%.</p> <p>The State reported that the New Hampshire CSPR did not report dropout rate data for the special education population. Therefore, the NHDOE was unable to report dropout rates using the CSPR data for the FFY 2008 submission. The State provided a detailed progress report in its APR on the status of implementing a data collection system that will allow the State to calculate the dropout rate in accordance with 34 CFR §200.19.</p> <p>The State provided a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>3. Participation and performance of</p>	<p>The State's FFY 2008 reported data for this indicator are 33.58%. These data</p>	<p>OSEP looks forward to the State's data</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>children with IEPs on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>represent slippage from the FFY 2007 data of 35%. The State did not meet its FFY 2008 targets of 45%.</p>	<p>demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 98.21% for reading and 97.94% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State’s reported FFY 2007 data. The State met its FFY 2008 targets of 96.81% for reading and math.</p> <p>The State provided a web link to 2008 publicly-reported assessment results.  <a href="http://www.ed.state.nh.us/education/doe/organization/curriculum/NECAP/2008/Resultsofnecap2008.htm">http://www.ed.state.nh.us/education/doe/organization/curriculum/NECAP/2008/Resultsofnecap2008.htm</a></p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 35.18% for reading and 29.22% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the FFY 2007 data. The State did not meet its FFY 2008 targets of 55.62% for reading and 63.04% for math.</p> <p>The State provided a web link to 2008 publicly-reported assessment results.  <a href="http://www.ed.state.nh.us/education/doe/organization/curriculum/NECAP/2008/Resultsofnecap2008.htm">http://www.ed.state.nh.us/education/doe/organization/curriculum/NECAP/2008/Resultsofnecap2008.htm</a></p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 4.32%. Because the State’s actual target for this indicator are from the same year as the data reported for this indicator in the State’s FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State did not meet its FFY 2007 target of 2.2%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it reviewed the LEA’s policies, procedures, and practices relating to the development of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007. The State reported on the results of the review and reported that the State made no findings of noncompliance.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for FFY 2009]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%) and improvement activities must be submitted with the FFY 2009 APR.</p>
<p>5. Percent of children with IEPs</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP</p>	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>																				
<p>aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 363 1467 870"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td>51.70</td> <td>45.02</td> <td>77</td> <td>-8.21%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td>22.62</td> <td>26.98</td> <td>3.3</td> <td>-3.62%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td>3.2</td> <td>3.2</td> <td>4.3</td> <td>+0.11%</td> </tr> </tbody> </table> <p>The State's FFY 2008 reported data are 45.02% for 5A, 26.98% for 5B, and 3.2% for 5C. These data represent slippage for 5A and 5B, and remain unchanged for 5C from the FFY 2007 reported data.</p> <p>The State met its FFY 2008 target for 5C but did not meet its targets for 5A and 5B.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	51.70	45.02	77	-8.21%	B. % Inside the regular class less than 40% of the day	22.62	26.98	3.3	-3.62%	C. % In separate schools, residential facilities, or homebound/hospital placements	3.2	3.2	4.3	+0.11%	<p>the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	51.70	45.02	77	-8.21%																		
B. % Inside the regular class less than 40% of the day	22.62	26.98	3.3	-3.62%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	3.2	3.2	4.3	+0.11%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>In the FFY 2009 APR, the State must report a new baseline, targets and, as needed, improvement activities using the 2009-2010 data.</p>																				

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps									
facility. [Results Indicator; New]											
7. Percent of preschool children age 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. [Results Indicator]	The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator in its SPP, and OSEP accepts the State's submission for this indicator. The State's FFY 2008 reported baseline data for this indicator are: <table border="1" data-bbox="548 662 1444 1175"> <thead> <tr> <th data-bbox="548 662 919 776">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="919 662 1192 776"><u>Summary Statement 1</u><sup>1</sup></th> <th data-bbox="1192 662 1444 776"><u>Summary Statement 2</u><sup>2</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 776 919 963"> <b>Outcome A:</b>                              Positive social-emotional skills (including social relationships) (%)                         </td> <td data-bbox="919 776 1192 963">63.8</td> <td data-bbox="1192 776 1444 963">82.1</td> </tr> <tr> <td data-bbox="548 963 919 1175"> <b>Outcome B:</b>                              Acquisition and use of knowledge and skills (including early language/communication) (%)                         </td> <td data-bbox="919 963 1192 1175">65.7</td> <td data-bbox="1192 963 1444 1175">75.8</td> </tr> </tbody> </table>	08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	63.8	82.1	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	65.7	75.8	The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.
08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>									
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	63.8	82.1									
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	65.7	75.8									

<sup>1</sup> 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 six years of age or exited the program.

<sup>2</sup> Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues			OSEP Analysis/Next Steps
	<p><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</p>	74.4	78.7	
<p>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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 45%. These data represent progress from the FFY 2007 data of 32%. The State met its FFY 2008 target of 45% for this indicator.</p> <p>In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.</p>			<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met its FFY 2008 target of 0%.</p> <p>The State reported that 16 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State provided its definition of disproportionate representation.</p>			<p>OSEP appreciates the State's efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met its FFY 2008 target of 0%.</p> <p>The State reported that 52 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of disproportionate representation.</p>			<p>OSEP appreciates the State's efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>



**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 81%. These data represent progress from the FFY 2007 data of 77%. The State did not meet its target of 100%.</p> <p>The State reported that all 81 findings of noncompliance in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>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.</p> <p>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.</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>12. Percent of children referred by</p>	<p>The State revised the measurement language (consistent with the revisions in</p>	<p>OSEP appreciates the State's efforts and</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 95%. These data represent progress from the FFY 2007 data of 92%. The State did not meet its target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2007, the State reported that it did not identify any noncompliance based on FFY 2007 data until FFY 2008 (the spring of 2009). Correction on these findings is not due until the spring of 2010; however the State reported on correction of these findings of noncompliance. The State reported that it verified that each LEA with noncompliance reflected in the data the State reported for this indicator 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. The State further reported that it did not verify that each LEA with findings of noncompliance is correctly implementing 34 CFR §300.124(b).</p> <p>The State reported that all of the findings of noncompliance identified in FFY 2008 related to this indicator based on FFY 2006 data were timely corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, 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 State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2009.</p>	<p>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>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 State must also demonstrate, in the FFY 2009 APR, that the remaining</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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>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</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The State reported that 16 of 18 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining two findings subsequently were corrected by February 1, 2010.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2006 for this indicator has been corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, 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 State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY</p>	<p>In the FFY 2009 APR the State must provide a revised baseline using data from 2009–2010. Targets must remain 100%.</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2009.</p>	
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.</p>	<p>In the FFY 2009 APR the State must report a new baseline, targets and, as needed, improvement activities.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 96%. These data represent progress from the FFY 2007 data of 91%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 150 of 156 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. For the remaining six findings of noncompliance that were not corrected, the State reported on actions it took to address the continuing noncompliance.</p> <p>The State reported that three of five findings of noncompliance identified in FFY 2006 were corrected. For the uncorrected noncompliance, the State</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR the State's data demonstrating that the State timely corrected noncompliance, identified in FFY 2008, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>The State must demonstrate, in the FFY 2009 APR that the remaining six findings</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>reported on actions it took to address the continuing noncompliance.</p> <p>The State reported that three of three findings of noncompliance identified in FFY 2005 were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, 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 State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2009.</p>	<p>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>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 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. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</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>In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p> <p>OSEP’s January 15, 2010 verification letter required the State to provide OSEP within 60 days of the date of that letter a copy NHDOE’s revised Memorandum of</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>Understanding with its contractor outlining the processes for, ensuring SEA oversight of the contractors actions with respect the focused monitoring process.</p> <p>The State provided the required information on March 24, 2010. OSEP determined that no further action is required on this issue in the verification letter.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the indicator language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State FFY 2008 reported data for this indicator are 22%. The State reported that of the 45 complaints with reports issued, 10 reports were issued within the timelines or extended timelines. These data represent slippage from the FFY 2007 data of 100%. The State did not meet its target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p> <p>In addition to providing valid and reliable data for Indicator 16, the State must provide in the FFY 2009 APR, as required by OSEP’s January 15, 2010 verification letter, 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 the extension, including the exceptional circumstances that existed with respect to that complaint to justify the extension, or other reason permitted under 34 CFR §300.152(b)(1).</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is</p>	<p>The State revised the indicator language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 57%. These data are</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>based on three of seven fully adjudicated due process hearings. The State did not meet its FFY 2008 target of 100%.</p>	<p>that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 84%. These data represent slippage from the FFY 2007 data of 100%. The State met its FFY 2008 target of 60%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 78%. These data represent slippage from the FFY 2007 data of 100%. The State did not meet its FFY 2008 target of 82%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 97.62%. However, OSEP's calculation of the data for this indicator is 90.47%. These data represent progress from the FFY 2007 reported data of 89%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, 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 State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p>

**New Hampshire Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	required information on October 1, 2009.	