

Amend Ed 1102.01, effective 3-24-17 (Doc. #12141), by deleting (y) and readopting and renumbering (z)-(ab) as (y)-(aa), so that Ed 1120.01 (y)-(aa) are cited and read as follows:

PART Ed 1102 DEFINITIONS

Ed 1102.01 Definitions A-C.

(y) “Court” means a court of competent jurisdiction.

(z) “Curriculum” means all of the courses and other educational opportunities offered by the responsible local education agency.

(aa) “Curriculum for preschoolers” means all of the organized educational activities, experiences, or both that are offered within the early childhood program to address all aspects of development and to promote meaningful learning experiences regarding preschoolers, their families and their community.

Readopt with amendment Ed 1102.03, effective 3-24-17 (Doc. #12141), to read as follows:

Ed 1102.03 Definitions H-M.

(a) “Health care facility” means any hospital, nursing home, sheltered home or other facility licensed under RSA 151.

(b) “Health evaluation” means an evaluation that provides the IEP team with information on the child’s physical condition and can include, but is not limited to:

- (1) A physical assessment, health screening, or both;
- (2) A review of a child’s medical history;
- (3) Classroom observations of the child with health related concerns; and
- (4) Identification of health barriers to learning, as determined by the IEP team.

(c) “Home education” means “home education” as defined in RSA 193-A:4, and includes the term homeschooling.

(d) “Home for children” means:

- (1) Any orphanage, or institution for the care, treatment, or custody of children;
- (2) As defined by RSA 170-E: 25 any child care agency, child care institution, experiential wilderness facility, and independent living home; or
- (3) Any residential school approved under RSA 186-C:5.

(e) “Home instruction” means a home-based LEA placement as detailed in Ed 1111.04 that provides home instruction for school-aged children.

(f) “Independent educational evaluation” means “independent educational evaluation” as defined in 34 CFR 300.502(a)(3)(i).

(g) “Individualized education program (IEP)” means “individualized education program” as defined in 34 CFR 300.22 and which meets the requirements in Ed 1109.

(h) “Individualized education program team (IEP team)” means “individualized education program team” as defined in 34 CFR 300.23 and which meets the requirements in Ed 1103.01(b) and (c).

(i) “Individualized family service plan or (IFSP)” means “individualized family service plan” as detailed in 34 CFR 300.323. The term includes individualized family support plans.

(j) “Individuals with Disabilities Education Act (IDEA) and Individuals with Disabilities Education Improvement Act (IDEIA)” each mean the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, and as implemented by the U.S. Department of Education’s regulations, 34 CFR 300 et seq.

(k) “Interim alternative educational setting” means the setting, as determined by the IEP team pursuant to 34 CFR 300.530(g) through 34 CFR 300.532, in which a child with a disability receives services when removed from placement for disciplinary reasons.

(l) “Interpreter services” means interpreting services provided by an interpreter for the deaf and hard of hearing who is licensed in accordance with Int 300 and RSA 326-I:2,IV that are necessary for a parent, surrogate parent, guardian, or adult student to participate in the special education process.

(m) “Interpreting services for a child with a disability” means “interpreting services for a child with a disability” as defined in 34 CFR 300.34(c)(4) and 300.322(e).

(n) “Local education agency (LEA)” means “local education agency” as defined in 34 CFR 300.28.

(o) “Local school board” means the elected governing body of the LEA which is responsible for providing elementary and secondary education to all children who reside in the district.

(p) “Local school district” means the political subdivisions of the state as defined in RSA 194:1, RSA 195:1, and RSA 195-A:1,I.

(q) “Local school board officials” means the administrators of the local school district.

(r) “Manifestation determination” means the process by which the IEP team determines whether the behavior that violated a student code of conduct is a manifestation of a student’s disability pursuant to 34 CFR 300.530(e).

(s) “Mediation” means an alternative dispute resolution process in which an impartial mediator assists the parties in resolving issues in dispute pursuant to RSA 186-C:24.

(t) “Migratory child with disabilities” means a “migratory child” as defined in 20 U.S.C. 6399(2) who has been identified as a child with a disability.

(u) “Modification” means any change in instruction or evaluation determined necessary by the IEP team that impacts the rigor, validity or both, of the subject matter being taught or assessed.

Readopt with amendment Ed 1113.12, effective 3-24-17 (Doc. #12141), to read as follows:

Ed 1113.12 Personnel Standards.

(a) Personnel providing services to children with disabilities in public elementary and secondary schools shall be appropriately and adequately trained as required by 34 CFR 300.156.

- (b) Paraprofessional personnel providing services to children with disabilities shall:
- (1) Work under the supervision of a certified special education teacher;
 - (2) Be supervised and observed by a certified special education teacher under whom they work as often as deemed necessary by the LEA, but no less than once each week;
 - (3) Implement a plan designed by the certified educator;
 - (4) Monitor the behavior of children with whom they are working; and
 - (5) Assist in the provision of special education and related services.
- (c) Paraprofessional personnel providing services to children with disabilities shall not:
- (1) Design programs;
 - (2) Evaluate the effectiveness of programs;
 - (3) Assume responsibilities of a teacher or a substitute teacher; or
 - (4) Instruct a child with a disability.

RULE	STATUTE
Ed 1102.01 (y) [deleted], (y), (z), (aa) [formerly (z), (aa), (ab)]	RSA 186-C:16, 20 U.S.C 6301 [ESEA as amended by ESSA P.L. 114-95]
Ed 1102.03	RSA 186-C:16, 20 U.S.C 6301 [ESEA as amended by ESSA P.L. 114-95]
Ed 1113.12	34 CFR 300.18 and 34 CFR 300.156, RSA 186-C:16,VIII, RSA 186-C:16, 20 U.S.C 6301 [ESEA as amended by ESSA P.L. 114-95]