

**New Hampshire  
Department of Education  
Bureau of Special Education  
Monitoring Review for Approval of  
Private Provider Special Education  
Programs**

**Burnham Brook Middle School  
Summary Report  
2015-2016**

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Monitoring Visit Conducted on September 29, 2015  
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## **Overview of the Burnham Brook Middle School Program**

The Burnham Brook Middle School is a New Hampshire Department of Education, Bureau of Special Education Approved Program located in Canterbury, New Hampshire. The program is approved for grades three through eight for up to sixteen students (both in state and out of state students) who have a primary disability in the areas of Multiple Disabilities, Specific Learning Disability, or Speech Language Impairments.

At the Burnham Brook Middle School, there is a strong sense of community in which the students, parents and program personnel all work together.

The program philosophy is “to provide educational opportunities that both challenge and support all students”.

The purpose for the program is “to ensure that every student is able to realize his or her potential and become a productive citizen of whatever community he or she joins”.

“The Burnham Brook School’s program orientation is to provide a quality educational program for average, above average and gifted students...”

The Burnham Brook Middle School’s handbook emphasizes the importance of communication, trust, valuing the differences and beliefs of others, working together and helping students to understand their learning styles, strengths and weaknesses in order to promote a sense of belonging and achievement for students.

According to the Burnham Brook Middle School Handbook, and as evidenced during the monitoring on-site review, the program promotes a strong sense of community with student and parent involvement. Ongoing positive communication, quality work, dependability and trust are essential components to the program. Students are provided with curriculum that is integrated across subject areas, and includes daily practices that incorporate student choice, learning style, and lessons that are taught to mastery.

In addition, it is the belief of the program that “there is something special within each human being. That uniqueness or ‘gift’, needs only to be discovered and nurtured so that the individual will have the opportunity to become his or her own personal best. As a person learns to value and appreciate his or her own special qualities, she or he expects to be successful. Each success leads to more accomplishment.... Kindness, self-respect, and mutual respect are valued and encouraged. A sense of responsibility to oneself and to others is expected. Problems are viewed as opportunities to grow as individuals, as a school, and as a school community. This sense of community is a hallmark of the Burnham Brook Experience.”

## **Noteworthy Practices and Areas in Need of Refinement**

### **Noteworthy Practices**

During the monitoring visit, it had been revealed that the Burnham Brook Middle School includes several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- Using researched based teaching practices
- Promoting cooperative learning activities
- Integrating art throughout the curriculum
- Using students' strengths and knowledge about their individual learning styles to promote self-advocacy skills as well as strengthen areas of weakness
- Providing students with multiple modes of communicating their knowledge of learned material, based on the students' needs/learning styles
- Combining verbal information with visual examples across the curriculum
- Working with students to become "AWESome" Communicators; which is a unique way to listen and share ideas (in the AWE acronym, the letter 'A' stands for Admire/Appreciate-"I/we admire/appreciate the way you..."; the letter 'W' stands for Wonder-"I/we wonder about...", and the letter 'E' stands for Encourage-"I/we encourage you to...").
- Embedded social and behavioral incentives throughout the day
- The program's constitution was created and written by students and reflects the attitudes and behavior that is expected at the Burnham Brook Middle School
- Providing students and parents with detailed guidelines for communication and direction around handling any miscommunications
- Cultivating a strong sense of community amongst parents, students, and personnel

### **Areas in Need of Refinement**

During the monitoring visit, it had been revealed that the Burnham Brook Middle school had no areas in need of refinement.

## **Overview of the Monitoring Review for Approval of Special Education Programs Process**

The Special Education Monitoring Review for Approval of Private Provider Special Education Programs process ensures that students with educational disabilities have access to; can participate in; and can demonstrate progress within the general education curriculum, thereby improving student learning. The primary focus of the monitoring review is to improve educational results and functional outcomes for all children with disabilities.

Monitoring is done on a cyclical basis. During the first year, the New Hampshire Department of Education (NHDOE), Bureau of Special Education (Bureau) offers training to each private provider who is involved in the monitoring process. Training encompasses writing Measurable Annual Goals, Written Prior Notice, Self-Assessment, and a topic selected by the private provider based on current need. During this time, the private provider will be given the option to include a director from outside of their Local Education Agency (LEA) area to participate in the on-site file review, as well as at least one special education administrator from another private school who has been trained in the process by the Bureau. At the beginning of the second year, the private provider will send the Bureau their completed application for renewal of Bureau special education approval/nonpublic school approval in addition to the program's policy and procedure manual and any special education forms that are used by the private program. Following a review of these documents, the monitoring team will conduct an on-site review in which student files are examined for evidence of implementation of the policies and procedures through the special education process. In the third year, the Bureau will conduct a follow-up review to verify the implementation of corrective actions as defined in the summary report.

The New Hampshire Department of Special Education, Bureau of Special Education review members for this monitoring review included Santina Thibedeau, State Director of Special Education, Lori Noordergraaf, Education Consultant, and Janelle Cotnoir, Program Specialist. The special education administrators participating in this monitoring review was Janet Reed, Special Education Administrator from Regional Services & Educational Center, Inc., and Chuck DiCecca, Special Education Director from SAU 2, Inter-Lakes and Ashland School Districts.

### **Policies, Procedures, and Effective Implementation**

Each private provider must have policies, procedures, and effective implementation of practices that are aligned and support the implementation of IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*.

The monitoring team reviewed the following policies and procedures for compliance with State and Federal regulations regarding administration, confidentiality of information, program requirements, responsibilities of private providers of special education implementation of IEPs, behavioral interventions, RSA 126-U Limiting the use of child

restraint practices in schools and treatment centers, qualifications and requirements for instructional, administrative and support personnel, change in placement or termination of enrollment, physical facilities, health and medical care, photography and audio-visual recording, and emergency planning and preparedness.

Based on the review of the Burnham Brook Middle School policies and procedures manual, the monitoring team determined there were **no findings of noncompliance**.

### **Private Provider Curriculum and Effective Implementation**

As part of the review, the monitoring team looked for evidence that the Burnham Brook Middle School is providing students with access to the general curriculum. The monitoring team reviewed the grades 2 through 8 curriculum provided by Burnham Brook Middle School for compliance with learning areas in Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.261 (b)(2).

Based on the review of the Burnham Brook Middle School's curriculum, the monitoring team determined that there were **no findings of noncompliance**.

### **Personnel**

Personnel at the Burnham Brook Middle school include three full-time teachers, one part time teacher, and an administrative assistant. Support staff includes a speech language pathologist, an occupational therapist, and a school psychologist. Additionally, several consultants are utilized to provide support for the curriculum.

The Bureau of Special Education has reviewed the Burnham Brook Middle School personnel certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2015-2016 school year.

The personnel roster that was provided by the Burnham Brook Middle School was compared to the data in the New Hampshire Educator Information System. Each personnel member's endorsement was compared to the subject/assignment. This process was used for personnel that hold Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the endorsement was appropriate to the subject/ assignment then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and the subject/assignment, the private provider was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1114.10(a), 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the Burnham Brook Middle School's personnel certifications, the monitoring team determined there were **no findings of noncompliance**.

### **Monitoring of the Implementation of Special Education Process**

Private providers are responsible for implementing the special education process in accordance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. The self-assessment data collection form highlights the private providers' understanding of the requirements of IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* and was reviewed during the monitoring visit. Each area of compliance on the self-assessment data collection form clearly outlines whether the compliance is either a requirement of both IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* or a requirement of solely the *New Hampshire Rules for the Education of Children with Disabilities*. The private provider cites the evidence of compliance in the self-assessment prior to the monitoring visit. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the private providers' self-assessment as a resource. In the case of student specific finding(s) of noncompliance, the sending District is cited for noncompliance, as well as the private provider.

Based on this review, the Bureau of Special Education identified findings of noncompliance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. The findings include the citation, the area of noncompliance, and the required corrective actions, which include timelines for demonstrating correction of noncompliance. Student specific information will not be included in the report but will be provided to the private provider and, when appropriate, a district's Director of Special Education.

There are two main components to the corrective actions entitled, "*Corrective Action of Individual Instance of Noncompliance*" and "*Corrective Action Regarding the Implementation of the Regulations*". The first component, "corrective action of individual instance of noncompliance," is for any noncompliance concerning a child-specific requirement. There must be evidence that the private provider has corrected each individual case of noncompliance, unless the child is no longer placed at the program. These areas must be corrected as soon as possible with state timelines given in the report for each area. The Bureau will return to the program, typically within 3 months of the date of the report, to verify compliance for each individual instance identified in the report. The second component, "corrective action regarding the implementation of the regulations" would typically involve the private provider's participating in professional development training to appropriate personnel with regards to areas found to be in noncompliance. The Bureau will review updated data collected after the identification of noncompliance to demonstrate that the program is correctly implementing the specific requirement. This involves a follow-up on-site review of new student files, selected typically within one year of the original on-site compliance & improvement monitoring.

## Overview of the Student Specific Findings of Noncompliance

The chart below identifies the area of compliance based on student files that were reviewed by the compliance & improvement monitoring team during the onsite visit. The chart is broken down into the **compliance citations** and **area of compliance**. The compliance citations are based on the *CFR* found in the federal regulations of IDEA and the *Ed* found in the New Hampshire Rules for the Education of Children with Disabilities. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the compliance & improvement monitoring team.

The **review status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “2 out of 2 files demonstrated a record of parties that have obtained access to the education records collected or used under Part B of the Act.” This means that 2 files were reviewed and 2 files were found to be in compliance.

In cases where there was a finding of noncompliance for a particular student, the chart identifies the **First Stage Corrective Action of Individual Instance(s) of Noncompliance**. In the case of an individual instance of noncompliance, the corrective action would generally involve the IEP team convening to resolve the finding of noncompliance. Timelines for these corrective actions are also noted. For the First Stage Corrective Actions, the Bureau will return to the private provider program within 3 months following the program receiving written notification of noncompliance (the report) to review all student files in which there were findings of noncompliance in order to verify compliance with the corrective action stated in the report.

In cases where there was a finding of noncompliance for a particular student, the next section of the chart identifies the **First Stage Corrective Action Regarding the Implementation of the Regulation**. This section informs the private provider program of any practices or procedures which need to be corrected as well as trainings for personnel to inform them of the corrections as a result of the findings of noncompliance. The required corrective action for the program and a timeline for the corrective action is also provided.

In cases where there was a finding of noncompliance for a particular student, the final section of the chart identifies the **Second Stage Corrective Action Regarding the Implementation of the Regulation**. Identified in this section will be the number of new student files that will be selected at the program to demonstrate correct implementation of the regulations for the section of the self-assessment in which noncompliance was found. For the Second Stage Corrective Actions, the Bureau will verify compliance through a subsequent on-site review of the new files within one year from the date of the report. **The total number of student files selected for the Second Stage Corrective Action Regarding the Implementation of the Regulation will not exceed the original number of files reviewed at the private provider program.**

## Findings of Noncompliance

At the Burnham Brook Middle School program, the monitoring team reviewed two student files for 54 specific components. Out of those two student files reviewed, the Burnham Brook Middle School had **5 findings of noncompliance**, which are detailed in the charts below.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.03		A. Governance
Self-Assessment Question Number	Regulatory Component	Review Status
1.	Ed 1114.03(a)	<b>2 out of 2</b> IEPs demonstrated evidence that the private provider has provided students with disabilities all services detailed in their IEPs unless the provision of those services has been agreed upon by contract with the sending LEA.
2.	Ed 1114.03(d)	<b>2 of out of 2</b> IEPs demonstrated evidence that the private provider has appointed a person to act as chief administrator with authority to manage the affairs of the program.
3.	Ed 1114.03(g)	<b>2 of out of 2</b> IEPs demonstrated evidence that the private provider has kept on permanent file a current list of the names and addresses of all members of the program's board of directors.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.05		B. Program Requirements
Self-Assessment Question Number	Regulatory Component	Review Status
4.	Ed 1114.05(f)	<b>2 out of 2</b> IEPs demonstrated evidence that the private provider has only accepted students with disabilities for which the program is approved.
5.	Ed 1114.05(h)	<b>2 out of 2</b> IEPs demonstrated evidence that the private provider has an established system of routine communication among all staff members of the program who provide direct services to a child, including both instructional and residential services and that all staff members involved in

		providing direct services to a child with a disability has participated in the process of planning for that child and shall know the contents of that child's IEP and all other reports and evaluations, as appropriate to their role and responsibilities.
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COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.02(a)		C. Record of Access; Confidentiality Requirements
Self-Assessment Question Number	Regulatory Component	Review Status
6.	34 CFR 300.614 Ed 1119.02(a)	<b>2 out of 2</b> files demonstrated evidence of a record of parties that have obtained access to the education records collected, maintained or used under Part B of the Act.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.504(a)		D. Procedural Safeguards
Self-Assessment Question Number	Regulatory Component	Review Status
7.	34 CFR 300.504(a)	<b>2 out of 2</b> files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		E. Individualized Education Program
Self-Assessment Question Number	Regulatory Component	Review Status
8.	Ed 1109.04(a)	<b>2 out of 2</b> IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having

		responsibilities for implementing the IEP.
9.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP was reviewed periodically but not less than annually.
10.	34 CFR 300.323(a) Ed 1109.03(1)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP was in place at the beginning of the school year.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321 Ed 1103.01		F. IEP Team; Participants in the Special Education Process
Self-Assessment Question Number	Regulatory Component	Review Status
11.	34 CFR 300.321(a)(1) Ed 1109.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team included the parents of the child.
12.	34 CFR 300.321(a)(2) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that at least one regular education teacher of the child participated in the meeting.
13.	34 CFR 300.321(a)(3) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that at least one special education teacher or special education provider of the child participated in the meeting.
14.	34 CFR 300.321(a)(4) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team included an LEA representative.
15.	Ed 1114.05(d)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team included a private provider representative.
16.	<b>Ed 1103.02(a)(b)</b>	<b>1 out of 2</b> IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants. <b>1 out of 2</b> of those IEP files demonstrated evidence of written consent of the parent(s) that the notice requirements were waived {Ed 1103.02(b)}.
For <b>student file B</b> , there was no evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants, and there was no evidence of written consent of the parent(s) that the notice requirements were waived pursuant to Ed 1103.02(b).		

**First Stage Corrective Action regarding the Implementation of the Regulations:**

Provide training to appropriate personnel for ensuring that at least a 10 day notice is given to the parent before an IEP meeting, which includes the purpose, time, location and identification of the participants, and when not possible, that personnel follow through with obtaining the written consent of the parent that the notice time requirement is waived. Provide a brief description of the trainings including the dates of the trainings and lists of personnel in attendance to the Bureau within 3 months from the date of this report.

**Second Stage Corrective Action Regarding the Implementation of the Regulations:**

The Bureau will select 2 new files for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320		G. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number	Regulatory Component	Review Status
17.	34 CFR 300.324(a)(1)(i)	<b>2 out of 2</b> IEPs demonstrated evidence that the team considered the strengths of the child.
18.	34 CFR 300.324(a)(1)(iv)	<b>2 out of 2</b> IEPs demonstrated evidence that the team considered the academic, developmental, and functional needs of the child.
19.	34 CFR 300.324(a)(1)(ii)	<b>2 out of 2</b> IEPs demonstrated evidence that the concerns of the parents for enhancing the education of their child were considered.
20.	34 CFR 300.324(a)(1)(iii)	<b>2 out of 2</b> IEPs demonstrated evidence that the results of the initial or most recent evaluation of the child were considered.
21.	34 CFR 300.320(a)(1)(i)	<b>2 out of 2</b> IEPs demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum.
22.	34 CFR 300.320(A)(4)(ii)	<b>2 out of 2</b> IEPs demonstrated evidence of a statement in the IEP that describes how the student's disability affects non-academic areas.
23.	34 CFR 300.320(a)(1)(ii)	For preschool children, as appropriate, <b>0 out of 0</b> IEPs demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(a)(2)(i) Ed 1109.03(h)		H. Consideration of Special Factors
Self-Assessment Question Number	Regulatory Component	Review Status
24.	34 CFR 300.324(a)(2)(i)	When a child's behavior impedes the child's learning or that of others, <b>1 out of 1</b> IEP demonstrated evidence that the team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
25.	34 CFR 300.324(a)(2)(ii)	When a child demonstrates limited English proficiency, <b>0 out of 0</b> IEP demonstrated evidence that the team considered the language needs of the child as those needs relate to the child's IEP.
26.	34 CFR 300.324(a)(2)(iii) Ed 1109.03(h)	When a child is blind or visually impaired, <b>0 out of 0</b> IEPs demonstrated evidence that the team provided for instruction in Braille and the use of Braille unless the IEP team determined, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille was not appropriate for the child.
27.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	<b>2 out of 2</b> IEPs demonstrated evidence that the IEP Team considered the communication needs of the child.
28.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, <b>1 out of 1</b> IEPs demonstrated evidence that the team considered the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.
29.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	<b>2 out of 2</b> IEPs demonstrated evidence that the IEP Team considered whether the child needs assistive technology devices and services.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		I. Courses of Study
Self-Assessment Question Number	Regulatory Component	Review Status
30.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, <b>1 out of 1</b> IEPs demonstrated evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		J. Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number	Regulatory Component	Review Status
31.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	<b>1 out of 2</b> IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals
32.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEPs demonstrated evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum.
33.	34 CFR 300.320(a)(2)(i)(B) Ed 1109.01(a)(1)	If there are other educational needs that result from the child's disability, <b>2 out of 2</b> IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs.
34.	Ed 1109.01(a)(6)	<b>2 out of 2</b> IEPs demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals. Provide the goal number for each goal which includes short-term objectives or benchmarks.
Three goals were selected for review for each student file. For <b>student file B</b> one goal was		

missing a clearly defined / observable behavior, and another goal was missing the timeframe in which the goal would be completed.

**First Stage Corrective Action of Individual Instance of Noncompliance:**

Within 2 months of the date of this report, the Burnham Brook Middle School, in conjunction with the sending district must amend student B's IEP to include measurable annual goals. The Bureau will verify this through a subsequent on-site review.

**First Stage Corrective Action regarding the Implementation of the Regulations:**

Provide training to appropriate personnel to address writing measurable annual goals. Provide a brief description of the training including the dates of the trainings and lists of personnel in attendance to the Bureau within 3 months from the date of this report.

**Second Stage Corrective Action Regarding the Implementation of the Regulations:**

The Bureau will select 2 new files for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(8)		K. Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number	Regulatory Component	Review Status
35.	Ed 1109.01(a)(8)	<b>2 out of 2</b> IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.06(b)		L. Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs
Self-Assessment Question Number	Regulatory Component	Review Status
36.	Ed 1114.06(a); Ed 1109.05	<b>2 out of 2</b> files demonstrated evidence that the private provider has contacted the sending school district for the purpose of initiating the process for all matters concerning possible changes and/or modification in the identification, evaluation,

		development and/or revision of an IEP or changes in placement of a child with a disability.
37.	Ed 1114.06(g)	<b>2 out of 2</b> files demonstrated evidence that the private provider of special education has maintained progress information for each child with a disability on an ongoing basis in accordance with 34 CFR 300.600(b)(1).
38.	Ed 1114.06(h)	<b>2 out of 2</b> files demonstrated evidence that a mid-year review and annual evaluation of the child's progress relative to the written IEP was conducted by the sending LEA and the private provider.
39.	Ed 1114.06(i)	<b>2 out of 2</b> files demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1109.03(a); Ed 1109.03(v); Ed 1102.01(b)		M. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number	Regulatory Component	Review Status
40.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a)	<b>2 out of 2</b> IEPs demonstrated evidence that each teacher and provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
41.	Ed 1102.01(b)	If accommodations are included, <b>2 out of 2</b> IEPs demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor and/or validity of the subject matter being taught or assessed.
42.	<b>Ed 1102.03(v)</b>	If modifications are included, <b>0 out of 1</b> IEPs demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity or rigor or validity, of the subject matter being taught or assessed.
For <b>student file B</b> , there was no evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity or		

rigor or validity, of the subject matter being taught or assessed.

**First Stage Corrective Action of Individual Instance of Noncompliance:**

Within 2 months of the date of this report, the Burnham Brook Middle School, in conjunction with the sending district must amend student B's IEP so that if modifications are included, the modifications are changes in instruction or evaluation that impacts the rigor and validity or rigor or validity of the subject matter being taught or assessed. The Bureau will verify this through a subsequent on-site review.

**First Stage Corrective Action regarding the Implementation of the Regulations:**

Provide training to appropriate personnel to address that modifications are changes in instruction or evaluation that impacts the rigor and validity or rigor or validity of the subject matter being taught or assessed. Provide a brief description of the trainings including the dates of the trainings and lists of personnel in attendance to the Bureau within 3 months from the date of this report.

**Second Stage Corrective Action Regarding the Implementation of the Regulations:**

The Bureau will select 2 new student files for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		N. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
Self-Assessment Question Number	Regulatory Component	Review Status
43(a).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEPs demonstrated evidence of a statement of special education.
43(b).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEPs demonstrated evidence of a statement of related services.
43(c).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>1 out of 1</b> IEPs demonstrated evidence of a statement of supplementary aids and services.
43(d).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>0 out of 0</b> IEPs demonstrated evidence of a statement of the program modifications for school personnel.
43(e).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>1 out of 1</b> IEPs demonstrated evidence of a statement of the supports for school personnel.
44.	34 CFR	<b>2 out of 2</b> IEPs demonstrated evidence of a

	300.320(a)(7) Ed 1109.01(a)(1)	projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
45.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEPs demonstrated evidence of the anticipated frequency, location, and duration of those services and modifications described in the supports and services section of the IEP.
46.	Ed 1109.04(b)(1)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
47.	Ed 1109.04(b)(1)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided.
48.	Ed 1109.04(b)(2)	<b>1 out of 1</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided.
49.	Ed 1109.04(b)(3)	<b>0 out of 0</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications.
50.	<b>Ed 1109.04(b)(3)</b>	<b>0 out of 1</b> demonstrated written evidence documenting implementation of the IEP with regards to supports for school personnel.
<p>For <b>student file A</b>, there was no evidence documenting implementation of the IEP with regards to supports for school personnel.</p> <p><b>First Stage Corrective Action of Individual Instance of Noncompliance:</b>  Within 2 months of the date of this report, the Burnham Brook Middle School must ensure that there is written evidence documenting implementation of <b>student A's</b> IEP with regards to supports to school personnel. The Bureau will verify this through a subsequent on-site review.</p> <p><b>First Stage Corrective Action regarding the Implementation of the Regulations:</b>  Develop a procedure, and provide training to appropriate personnel for ensuring that there is written evidence documenting implementation of the IEP with regards to supports provided for school personnel. Provide a brief description of the trainings including the dates of the trainings and lists of personnel in attendance to the Bureau within 3 months from the date of this report.</p> <p><b>Second Stage Corrective Action regarding the Implementation of the Regulations:</b>  The Bureau will select 2 new student files for updated data demonstrating compliance with this requirement and will verify evidence through a subsequent on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		O. Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number	Regulatory Component	Review Status
51.	34CFR 300.320(a)(5) Ed 1109.01(a)(1)	<b>0 out of 2</b> IEPs demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.
<p>For <b>student files A and B</b>, there was no evidence of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.</p> <p><b>First Stage Corrective Action of Individual Instance of Noncompliance:</b>            Within 2 months from the date of this report, the Burnham Brook Middle School, in conjunction with the sending district, must amend the IEPs to include the explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP. The Bureau will verify this through a subsequent on-site review.</p> <p><b>First Stage Corrective Action regarding the Implementation of the Regulations:</b>            Provide training to appropriate personnel to address the explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP. Provide a brief description of the trainings including the dates of the trainings and lists of personnel in attendance to the Bureau within 3 months from the date of this report.</p> <p><b>Second Stage Corrective Action Regarding the Implementation of the Regulations:</b>            The Bureau will select 2 new student files for updated data demonstrating compliance with this requirement and will verify that this procedure has been developed through a follow up on-site review.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		P. Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number	Regulatory Component	Review Status
52.	34 CFR 300.320(a)(6)(i)	<b>2 out of 2</b> IEPs demonstrated evidence of a statement of any individual appropriate

	Ed 1109.01(a)(1) RSA 193-C; Ed 1114.05(k)	accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments.
53.	34 CFR 300.320(a)(6)(ii)(a) Ed 1109.01(a)(1) RSA 193-C; Ed 1114.05(k)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, <b>0 out of 0</b> IEPs demonstrated evidence of a statement of why the child cannot participate in the regular assessment.
54.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) RSA 193-C; Ed 1114.05(k)	When the child is taking an alternate assessment, <b>0 out of 0</b> IEPs demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child.