

## 2017-2018 Recommended Preventive Actions

As part of the Special Education Compliance & Improvement Monitoring (CIM) review, the monitoring team may become aware of some practices that have the potential to become problematic. The NHDOE identifies these practices and potential remedies to these practices. Whereas these practices do not rise to the standard of noncompliance, and therefore require no corrective actions, the NHDOE believes that the practices are noteworthy to be addressed. There were nine recommended preventive actions noted during the 2017-2018 CIM review, which are included below.

1. **Ensure that the IEP contains at least one special education service that meets the definition of specially designed instruction per 34 CFR 300.39.** Without a special education service, a student cannot meet the definition of a child with a disability per 34 CFR 300.8. Districts have flexibility regarding where to put services in an IEP. [See 34 CFR 300.320(d) regarding construction regulations.], and it is recommended that districts develop a consistent practice for the the location of services based on the needs of the district and the constraints of an IEP software program. Specially designed instruction to meet the unique needs of a child with a disability means adapting the content, methodology, or delivery of instruction to ensure access to the general curriculum. General statements such as assisted study hall, consultation and paraprofessional are not special education services. For example, a student with a specific learning disability who has writing goals and consultation as the only special education service would not meet the definition of a student with a disability per 34 CFR 300.8. An IEP team may determine that the student requires specially designed instruction in writing to meet the IEP goals. In that case, the special education service would be specialized writing instruction and include the frequency, location, and duration of the service. Otherwise, the team may conclude that the student no longer meets the criteria for a student with a disability and exit the student from special education.
2. When making decisions at IEP team meetings for students who need supports for personnel, **ensure that consultation includes specified personnel titles** (e.g. regular education teacher, psychologist, physical therapist, etc.), **and a determined frequency** as opposed to as needed.
3. **Ensure that all schools keep an updated list of the names of authorized personnel** who can access special education files clearly posted where the files are kept. Authorized personnel are district employees who, as part of their job, must have access to the files (e.g. special education case managers, related service providers who are employees of the district as opposed to contracted personnel, teachers, and administrators).
4. **When making placement decisions, ensure that the student's primary disability is on the list of approved disabilities for the program.**
5. When the monitoring team was reviewing the district forms, it was noted that all forms have a heading that states the SAU #, which implies that all the other districts in the SAU also utilize these forms. While at the monitoring on-site visit, it was revealed that **although the different**

**districts within SAU may utilize the same forms, each district appeared to have different processes in place for how these forms are used and filled in.** The district, in conjunction with the special education director, may want to consider providing training across the SAU in order to clarify and allow for consistent use of forms that are used throughout the SAU.

6. During the monitoring on-site visit, it was noted that the district had different practices when students with IEPs transferred in from districts outside of the SAU versus those students with IEPs who transferred to the district from within the SAU. The district may want to consider **developing procedures that are used for any student with an IEP who transfers to the district so that there is a consistent process in place.**
7. When the monitoring team was reviewing the district's Written Prior Notice form, it was noted that the district has combined two forms into one; the "Written Prior Notice" form and the "Summary of Team Meeting" form. Although the district's Written Prior Notice section of the form is compliant, the district may want to **consider separating the "Summary of Team Meeting" from the "Written Prior Notice" into two separate forms, as they are separate documents with different purposes and uses.**
8. When reviewing the "Notice of Special Education Team Meeting" form, and the "Summary of Team Meeting" form, it was noted that each form includes a checkbox that is for both Extended School Year and Placement. The district should **consider having a separate check box for each as Extended School year is a service, not a placement.**
9. When reviewing the district's "Age of Majority" form, it was noted that **the form includes incorrect rule citations and a law in quotes that has unclear origins.** The district may want to consider revising this form, or using the signature section included in NHSEIS for this purpose.