

**New Hampshire
Department of Education
Bureau of Special Education**

**SPECIAL EDUCATION COMPLIANCE
MONITORING REVIEW REPORT**

**Concord School District
2013-2014**

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Compliance Monitoring Visit Conducted on
January 15, 16, 22 & 31, 2014

Report Date: August 18, 2014

Overview of the Special Education Monitoring Process

New Hampshire has a responsibility, under federal law, to have a system of general supervision that monitors the implementation of the Individuals with Disabilities Education Act (IDEA) by school districts. The general supervision system is accountable for enforcing IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* (NH Rules) and for ensuring continuous improvement. As stated in section 616 of 2004 amendments to the IDEA, "The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on -

- (A) Improving educational results and functional outcomes for all children with disabilities; and
- (B) Ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities."

There are eight components that comprise NH's general supervision system. It is important to note that although the components are separate, the components connect, interact and articulate requirements to form a comprehensive system. The general supervision system for NH has the following components.

- State Performance Plan (SPP)
- Policies, Procedures, and Effective Implementation
- Data on Processes and Results
- Targeted Technical Assistance and Professional Development
- Effective Dispute Resolution
- Integrated Monitoring Activities
- Improvement, Correction, Incentives and Sanctions
- Fiscal Management

The special education compliance monitoring review is one method that the Bureau of Special Education utilizes to implement the general supervision system. The special education compliance monitoring review is comprised of:

- Policies, Procedures, and Effective Implementation
- Special Education Personnel
- Monitoring of Special Education Process
- Improvement, Correction, Incentives and Sanctions

The intent of the special education compliance monitoring review is to:

- Improve student outcomes for students with IEPs
- Determine compliance
- Ensure districts understand and are implementing special education requirements in accordance with the *New Hampshire Rules for Education of Children with Disabilities*
- Improve special education policies, procedures and practices

The Bureau of Special Education followed a standard process to select districts to participate in the special education compliance monitoring review. Each district was sorted into a cohort group based on the current October 1st fall enrollment. The Bureau of Special Education in conjunction with the Bureau of Data Management reviewed the previous year state assessment data for grades 3 through 8 for Reading and Math to determine the district in each cohort group that had the widest achievement gap for students without disabilities compared to students with disabilities.

Once a district was selected, the Bureau of Special Education contacted the district to discuss the special education compliance monitoring review with the school administration. The Concord School District was selected through this process. The Concord School District is comprised of seven schools (five elementary schools, one middle school, and one high school): Abbot-Downing School with a grade span of K-5, Beaver Meadow School with a grade span of P-5, Broken Ground School with a grade span of 3-5, Christa McAuliffe School with a grade span of K-5, Mill Brook School with a grade span of P-2, Rundlett Middle School with a grade span of 6-8, and Concord High School with a grade span of 9-12. The Bureau of Special Education also provided targeted professional development regarding the special education compliance review process and completion of the self-assessment data collection form. The district was provided with a list of 10 students with disabilities representative of each school based on grade level, disability, gender, and case manager. Students residing in the district who attended a charter school were also included in the representative sample. During the on-site visit, the monitoring team selected 8 of the 10 student files for each school to review. At two schools, Beaver Meadow School and Rundlett Middle School, seven files were able to be reviewed. If there were students with IEPs attending a charter school from each school, one file at each school of a student attending a charter school was included in the total for each school. There were three students who attend a charter school included in the review from the following schools: Broken Ground School, Christa McAuliffe School and Mill Brook School. There was a total of 54 files reviewed for the Concord School District.

The monitoring visit, which was conducted on January 15, 16, 22 & 31, 2014, consisted of New Hampshire Department of Education (NHDOE) team members verifying district identified evidence for each self-assessment data collection question. The district was encouraged to invite their special education staff as well as related service providers to attend the review. Many of the district special education staff attended the review, which provided another targeted professional development opportunity. Staff members were provided the opportunity to learn about implementing IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* and to engage in a professional discussion of best practices for ensuring improved outcomes for students with disabilities.

The NHDOE, Bureau of Special Education review members for this compliance monitoring review included Santina Thibedeau, State Director of Special Education, and Education Consultants: Bridget Brown, McKenzie Harrington-Bacote, Deborah Krajcik, Mary Lane, Ruth Littlefield, and Mary Steady.

Policies, Procedures, and Effective Implementation

Each district 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*. As part of the special education compliance review, the monitoring team reviewed the district's policies and procedures manual for compliance.

In addition, the Bureau of Special of Education cross checked the Annual Request for Federal Special Education Funds FY 14, IDEA Part B Section 611 Assurances, and District Policies to Support Assurance Standards with the district's policy and procedures manual to ensure that document name, date adopted, and pages were valid. Districts are required to submit assurance statements with their local application for IDEA funds.

The monitoring team reviewed the district's policies and procedures manual for the following components.

- Child Find pursuant to Ed 1105
- Confidentiality of Information pursuant to Ed 1119
- Facilities, Personnel and Services pursuant to Ed 1126.01(b)(3)
- Personnel Development pursuant to Ed 1126.01(b)(4)
- Parent Involvement pursuant to Ed 1126.01(b)(5)
- Public Participation pursuant to Ed 1126.01(b)(6)
- Procedural Safeguards pursuant to Ed 1120
- Referral and Disposition of Referral pursuant to Ed 1106
- Evaluation pursuant to Ed 1107
- Determination of Eligibility for Special Education pursuant to Ed 1108
- Individualized Education Program pursuant to Ed 1109
- Placement of Children with Disabilities pursuant to Ed 1111
- State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities pursuant to Ed 1126
- Participation with Other Agencies pursuant to Ed 1126.01(b)(10)
- Private School Requirements pursuant to Ed 1126.01(b)(11)
- Accessible Instructional Materials pursuant to Ed 1126.01(b)(12)
- Disciplinary Procedures for Children with Disabilities pursuant to Ed 1124
- Dispute Resolution
 - Complaint Procedures pursuant to Ed 1121
 - Alternative Dispute Resolution pursuant to Ed 1123
 - Administrative Due Process Hearing Procedures pursuant to Ed 1123
- Local Education Agency Request for Special Education Funds pursuant to Ed 1126.01

Policies and Procedures

Based on the review of the Concord School District’s policies and procedures manual, the NHDOE determined there was **one finding of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
Regulatory Component	Review Status
Ed 1126.01(b)(4)	The district policies and procedures do not address the personnel development component to ensure that professional development opportunities are available to teachers, staff and administrators which enhance their knowledge and skills related to the education of children with disabilities, including a description of current in-service activities and those for the next school year. The policy lacks a description of the current in-service activities and those for the next school year. The policy refers to Appendix C, which lists professional development initiatives for 2010-2011.
Corrective Action regarding the Implementation of the Regulations: The Concord School District must revise its policies and procedures. Provide the school board approved policies and procedures that address personnel development, which includes a description of current in-service activities and those for the next school year to the NHDOE by October 15, 2014.	

Effective Implementation of Practices

As part of the student file review, the Bureau of Special Education also looked for evidence that the policies and procedures were effectively being implemented. The NHDOE determined that there were **two findings of noncompliance** that became apparent during the monitoring visit that must be corrected as soon as possible but no later than October 15, 2014.

When the monitoring team was verifying the evidence of compliance, the district was using a form titled “Parental Permission to Waive Time Limits.” Although the form complied with Ed 1103.02(b), it did not comply with Ed 1120.04(c), Ed 1120.04(d), 34 CFR 300.300, Ed 1107.01(d), Ed 1106.01(d), and 34 CFR 300.323 (c). The form erroneously seeks to have parents waive time limits that are not able to be waived in accordance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. None of the student files reviewed utilized the wavier options that were not permissible in the *New Hampshire Rules for the Education of Children with Disabilities* and therefore, there were no individual instances of noncompliance.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.300; 34 CFR 300.323(c) Ed 1106.01(d); Ed 1107.01(d); Ed 1120.04(c); Ed 1120.04(d)	Parental Consent
Corrective Action regarding the Implementation of the Regulations: The Concord School District must immediately notify staff to stop using the district created form titled “Parental Permission to Waive Time Limits” and provide evidence of how the district is implementing Ed 1103.02(b) as well as how school staff is informed of the new practice to the NHDOE by October 15, 2014.	

Upon review the district created form, Concord School District Learning Disabilities Evaluation Report; the monitoring team discovered that the eligibility checklist could potentially be viewed as limiting. The determination of a specific learning disability relies on the professional judgment of the team using multiple supporting evidences. It appears that the questions build upon “if yes then proceed to the next question.” Criteria cannot be answered by “yes or no” answers but rather the group should consider the language and the criterion and make a decision as a result of the process, not a simple “yes or no.”

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	Determination of Eligibility
Corrective Action regarding the Implementation of the Regulations: The Concord District School District must revise the Concord School District Learning Disabilities Evaluation Report and provide evidence of how the district is implementing 34 CFR 300.306(c)(1)(i) as well as how school staff is informed of the new practice to the NHDOE by October 15, 2014.	

Recommendations to address problematic practices that do not represent noncompliance

During the monitoring visit, it had been revealed that the district has been engaging in some practices that have the potential to become problematic. The NHDOE has identified 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.

- The NHDOE recommends that the district’s Special Education Local Plan be reviewed and revised to address the following:
 - Page 5 of the Concord School District Special Education Policies and Procedures Manual, approved by the Concord School Board July 6, 2010, references the *New Hampshire Rules for the Education of Children with Disabilities, June 30, 2008*. The current rules are the *New Hampshire Rules for the Education of Children with Disabilities, June 30, 2008, Amended as of December 1, 2010 & May 15, 2014* (NH Rules).
- Concord School District Policy #625, Special Education Manual, states that the superintendent is authorized to review and make minor changes or additions to the manual annually and that the Board will review the manual at least every three years. The policy was last adopted on July 6, 2010. The superintendent and board may consider reviewing and updating the manual.
- Throughout the Special Education Manual, there are references to “the District.” The district may consider changing the reference to “the Concord School District.”
- Appendix D of the Special Education Manual does not have updated names and addresses of the schools and SAU office. The district may consider updating these documents.

- Appendix F of the Special Education Manual (page 72) gives the definitions of areas of disabilities including mental retardation. The term has been changed to intellectual disability. The district may consider updating the document.
- Appendix G of the Special Education Manual is based on the *New Hampshire Rules for the Education of Children with Disabilities, June 30, 2008*. The current rules are the *New Hampshire Rules for the Education of Children with Disabilities, June 30, 2008, Amended as of December 1, 2010 & May 15, 2014*. The district may consider updating the document.
- When reviewing evidence of participation in IEP team meetings, reviewers noted that participants signed the meeting minutes participation form or one person signed the form for all participants. The form was kept separately from the IEP in the file. Therefore the IEP document did not have clearly identified with it the members agreeing with the IEP. The district may consider developing a district practice of the IEP participants signing the IEP participation form and attaching it to the IEP document.
- The “Special Education Team Meeting Minutes” form (Revised 4/11) has eight purposes of meeting: Referral Review, Evaluation Planning, Review of Evaluative Data, Determination of Educational Diagnosis/Eligibility for Special Education, Individual Education Program (IEP), Placement, Transition Planning (13+ yrs), and Other. The district may consider reviewing with staff members the process for disposition of referral (Ed 1106). The IEP Team does not make an “Educational Diagnosis.” There is an additional process included, “Transition Planning.” The form indicates four times when procedural safeguards are given to parents and is missing the requirement to give parents a copy of procedural safeguards in accordance with the discipline procedures in 34 CFR 300.530(h). There is a final checkbox for parents to indicate that the team asked them if they received a copy of the procedural safeguards. This is not in the NH Rules. A copy of the procedural safeguards must be given to parents in accordance with 34 CFR 300.504(a). The district may consider revising the form.
- The “Meeting Notes: Concluding Page” form (Revised 4/11) has a checkbox section for Extended School Year Considerations. This is in excess, since for each meeting that the district uses the form, the district is reviewing extended school year services. Prior to signatures on the form, there is a space to indicate the date of the next team review. The term, “team review,” is not in the NH Rules. The form also includes a space for the signature of the building administrator or special education coordinator though it is not evident why the individual must sign the form. The district may consider revising the form.
- The “Meeting Notes: Determination of Special Diagnosis/Eligibility for Special Education” form (Revised 4/11) refers to “diagnosis” which is not a special education term or process. The form also references the *New Hampshire Standards*

for the Education of Students with Disabilities, which are a previous version of the current NH Rules. The checkbox on the form to request a Due Process Hearing references Ed 1127.02, which is a rule pertaining to children with disabilities in placements for which DCYF has financial responsibility. The form also states that the team can initiate a Due Process Hearing. The IEP team does not initiate Due Process. The district or a parent can initiate a Due Process Hearing. The district may consider revising the form.

- The “Permission to Evaluate” form (Revised 8/11) states that the child has been referred for “consideration of possible need for changes in the special education services that he/she is currently receiving.” Gaining parent consent for this is not in the NH Rules. The description of the individual evaluations on the back of the form is not specific and is not necessary. The statement in the second paragraph that decisions will be made “regarding the development of an appropriate education program” is not the purpose of the consent for evaluations. The purpose is to determine eligibility. The second bullet for parent rights states that an independent evaluation is at the parents’ expense and that the results will be considered by the “Planning and Placement Team.” This is inaccurate. Independent evaluations are at the district expense. A “Planning and Placement Team” is not a term used in the NH Rules. There is no correlation in the NH Rules for the statement at the end of the form, “I understand the nature of and the reasons for the requested evaluation(s) as well as the statement of parental rights.” The final statement on the form is outside of the special education process: “If you would like to confer with a representative of the Special Education Team before making a decision about the administration of these evaluations, please contact....” The district may consider revising the form.
- The “Meeting Notes: Referral Review/Evaluation Planning” form (Revised 4/11) is not titled clearly. It should state, “Disposition of Referral.” The form also references a “triennial review.” A referral meeting and a triennial review are two different processes. The form references “Determination of Educational Diagnosis/Eligibility for Special Education.” The IEP team does not make educational diagnoses. The district may consider revising the form.
- The “Evaluation Extension Agreement” form (PP-16) references the *New Hampshire Standards for the Education of Handicapped Students*, a previous version of the current NH Rules. Further clarification is needed in the statement regarding the timeline for evaluation: “The timeline for evaluation may be extended *by no more than 15 days with written consent of both parties.*” The NH Rules do not address the reference, “A copy of this form is as valid as the original.” The district may consider revising the form.

- The “Permission to Waive 10-day Notice” form states that the parent waives, “the right to have written prior notice ten days before my child’s meeting.” The form should specify that parents “receive a written invitation no fewer than 10 days before an IEP meeting” per Ed 1103.02(a). The district may consider revising the form.
- The “Meeting Notes: Review of Evaluation Data” form (Revised 4/11) includes a statement at the bottom, “Is it necessary to obtain diagnostic information before an educational diagnosis is made?” This question is asked at the disposition of referral meeting, not at the eligibility determination meeting. The determination must be made within 60 days with a signed time extension agreement. The district may consider revising the form.
- The “Special Education Placement Proposal” form has a section for Placement #1 and Placement #2, which is captured in the IEP. The checkboxes for who is responsible for placement includes: District, Parent, and Court/DCYF. There is no requirement for the district to authorize a child placed by the parent. The agreement checkboxes are not needed since parents do not have to agree to the special education placement proposal indicated above the checkboxes. The request checkbox for a due process hearing is not a procedure in the NH Rules. The back of the form lists steps for resolving a disagreement and filing a complaint. The phone number to contact the Department of Education to request mediation is incorrect. The NH Rules cited (Ed 1127 and Ed 1128) regarding the complaint process are incorrect. The rules for complaint procedures are found in Ed 1121. The district may consider revising the form.
- The “Emotional-Behavioral Disability (EBD) Eligibility Determination Form” used at Rundlett Middle School references Chapter 115, Wis. Stats., and Pl 11.36, Wis. Admin. Code. This statute is not in accordance with NH Rules for #2 of the form. The district may consider revising the form.
- The “Special Education Meeting Notice” form (Revised 4/11) references “Determination of Diagnosis & Eligibility.” The term, “diagnosis,” is not an educational term. The statement at the end of the form, “If you have any questions or concerns that you would like to discuss prior to the meeting, or if you need to have it rescheduled to a more convenient time, please call me at...” appears to be outside of the special education process. The district may consider revising the form.

Special Education Personnel

The Bureau of Special Education has reviewed the Concord School District special education staff certifications using the New Hampshire Educator Information System (NHEIS). The review process was for special education educators employed during 2013-2014 school year.

The data for Abbot-Downing School, Beaver Meadow School, Broken Ground School, Christa McAuliffe School, Mill Brook School, Rundlett Middle School, and Concord High School was generated 4-6 weeks prior to the on-site visit. At all seven schools each special education educator's endorsement was compared to the subject/assignment. This process was used for special educators who hold Education Intern License 4 (INT4), 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 district 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 1113.12, 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the special education staff certifications, the NHDOE determined there was **a finding of noncompliance**. The NHDOE verified the incidences of noncompliance noted below on May 14, 2015.

Mill Brook School

- A staff member has a Subject/Assignment in Early Childhood Special Education; however has endorsements in Elementary Education (K-8) and General Special Education.

Concord High School:

- A staff member has a Subject/Assignment as Speech-Language Specialist; however has endorsements in English Education (5-12), General Special Education and Specific Learning Disabilities.
- A staff member has a Subject/Assignment in General Special Education for the Local Classes, WF English 9 and WF English 10. The NHDOE has not been provided with evidence that the teacher is highly qualified for the classes.

The district was notified of the concerns above during the on-site monitoring visit. Staff specific information was provided at the on-site monitoring visit.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.18; 34 CFR 300.156 Ed 1113.12(a)	Personnel Standards
Corrective Action regarding the Implementation of the Regulations: The Concord School District must provide the NHDOE with evidence that resolves the discrepancies with the one staff member at Mill Brook School, and two staff members at Concord High School to the NHDOE by October 15, 2014.	

Monitoring of Special Education Process

Districts 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 district’s 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*. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the district’s self-assessment as a resource.

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 level 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 district’s Special Education Director.

Compliance Summary for Concord School District's seven schools: Abbot-Downing School (ADS), Beaver Meadow School (BMS), Broken Ground School (BGS), Christa McAuliffe School (CMS), Mill Brook School (MBS), Rundlett Middle School (RMS), and Concord High School (CHS)

For any area identified below as not meeting with compliance with rules and regulations, a finding of noncompliance is being identified. Required evidence to correct noncompliance is provided later in the document. For the Concord School District, there are **seventeen findings of noncompliance**.

AREA OF COMPLIANCE	COMPLIANCE WITH RULES & REGULATIONS	INDIVIDUAL INSTANCES OF NONCOMPLIANCE						
		ADS	BMS	BGS	CMS	MBS	RMS	CHS
1. Record of Access; Confidentiality Requirements	No	7	0	0	1	0	6	0
2. Evaluation; Determination of Eligibility for Special Education	No	8	7	2	5	12	2	17
3. Written Prior Notice (Determination of Eligibility)	No	21	21	25	27	34	46	46
4. Individualized Education Program	No	6	1	2	1	0	2	13
5. IEP Team; Participants in the Special Education Process	No	6	2	11	9	11	12	17
6. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)	No	8	14	16	13	16	4	15
7. Procedures for Determining Eligibility and Educational Need	No	3	4	4	3	2	2	2
8. Consideration of Special Factors	No	1	1	2	2	4	0	7
9. Courses of Study	No	NA	NA	NA	NA	NA	2	4
10. Measurable Annual Goals; Short-term Objectives or Benchmarks	No	9	9	10	10	13	10	16
11. Review and Revision of IEPs (Measuring Progress)	No	3	1	8	1	1	3	8
12. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)	No	2	4	6	3	1	5	9
13. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)	No	4	3	3	8	8	9	18
14. Definition of Individualized Education Program (Justification for Non-Participation)	No	2	3	5	3	2	1	4
15. Definition of Individualized Education Program (State and District Wide Assessments)	No	1	0	0	0	0	0	3
16. Procedural Safeguards (Written Prior Notice for IEP)	No	29	36	40	35	32	36	50
17. Written Prior Notice (Placement)	No	37	31	49	40	44	49	55

Findings of Noncompliance

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.02(a)		1. Record of Access; Confidentiality Requirements
Self-Assessment Question Number	Regulatory Component	Review Status
1.	34 CFR 300.614 Ed 1119.02(a)	40 out of 54 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.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files B, C, D, E, F, G, H, AE, AO, AP, AQ, AR, AS & AT</u> there was no evidence of a record of access to education records.</p> <p>Within 3 weeks of the date of this report, the district must ensure the record of access has been placed in the file. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: The district policy states that authorized employees do not need to sign the record of access; however there was no evidence regarding which employees are authorized. Within 3 weeks of the date of this report, the district must establish procedures identifying which employees are authorized to review education records for students with IEPs.</p> <p>The NHDOE will select 10 new files (4 at ADS, 2 at CMS, 4 at RMS) for updated data demonstrating compliance with this requirement and will verify that this procedure has been developed through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.15 Ed 1107; Ed 1108		2. Evaluation; Determination of Eligibility for Special Education
Self-Assessment Question Number	Regulatory Component	Review Status
2.	34 CFR 300.306(a)(1) Ed 1108.01(a)	Upon completion of assessments, 39 out of 46 IEP files demonstrated evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability.
3.	Ed 1108.01(b)(1)	For determination of eligibility, 34 out of 46 IEP files demonstrated evidence that the composition of the IEP team also included a teacher certified in each area of suspected disability.
4.	Ed 1108.01(b)(2)	For determination of eligibility, 44 out of 46 IEP files demonstrated evidence that the composition of the IEP team also included an individual knowledgeable about the child as a result of having had personal contact with the child in the school or, if the child is below school age, at another setting.
5.	Ed 1107.04(b)	37 out of 46 IEP files demonstrated evidence that qualified examiners for specific disabilities as set forth in Table 1100.1 completed the required assessments.
6.	34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	33 out of 46 IEP files demonstrated evidence that the team drew upon, carefully considered and documented information

		from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.
7.	Ed 1107.02(b)	For students identified with a specific learning disability, 4 out of 4 IEP files demonstrated evidence that the determination was based on the district's specific learning disability policy.
8.	34 CFR 300.304(c)(6) Ed 1108.01(a)	37 out of 46 IEP files demonstrated evidence that the evaluation was sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files E, K, M, AA, AM, AW & BA</u>, there was no evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability. For <u>student files C, K, M, W, AA, AB, AC, AM, AV, AW, AX & BA</u>, there was no evidence that the composition of the IEP team to determine eligibility also included a teacher certified in each area of suspected disability. For <u>student files AM & BA</u>, there was no evidence that the composition of the IEP team also included an individual knowledgeable about the child as a result of having had personal contact with the child in the school or, if the child is below school age, at another setting. For <u>student files C, E, AB, AI, AM, AS, AW, AX & BA</u>, there was no evidence that qualified examiners for specific disabilities as set forth in Table 1100.1 completed the required assessments. For <u>student files C, E, J, M, P, AG, AI, AJ, AM, AW, AX, AZ & BA</u>, there was no evidence that the team drew upon, carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior. For <u>student files C, E, M, AI, AJ, AM, AW, AX & BA</u>, there was no evidence that the evaluation was sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.</p> <p>Within 45 days of the date of this report, the district must convene the IEP teams to review the identification of eligibility and include: a group of qualified professionals and the parent, a teacher certified in each area of suspected disability, and an individual knowledgeable about the child. Required assessments completed by qualified examiners, documented information from a variety of sources, and sufficiently comprehensive evaluations must be reviewed. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to ensure that the composition of the IEP Team for eligibility includes a group of qualified professionals and the parent of the child, a teacher certified in each area of suspected disability, and an individual knowledgeable about the child; that required assessments completed by qualified examiners and documented information from a variety of sources are included in the evaluation process; and that the evaluations are sufficiently comprehensive. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 13 new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 2 at MBS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify that the composition of the IEP teams for determination of eligibility include a group of qualified professionals and the parent, a teacher certified in each area of suspected disability, and an individual knowledgeable about the child through a subsequent on-site review.</p> <p>The NHDOE will select 16 additional new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 3 at MBS, 2 at RMS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify that required assessments completed by qualified examiners, documented information from a variety of sources, and sufficiently</p>		

comprehensive evaluations are reviewed through a subsequent on-site review..		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03		3. Written Prior Notice (Determination of Eligibility)
Self-Assessment Question Number	Regulatory Component	Review Status <i>(46 files were reviewed for this area as the most current determination of eligibility for 8 students was completed in another district or state.)</i>
9.	Ed 1120.03(a)	36 out of 46 IEP files demonstrated evidence that the parent(s) of a child with a disability were notified in writing within a reasonable time, but not less than 14 days, before the LEA proposed to initiate or change, or refused to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.
10.	34 CFR 300.503(b)(1) Ed 1120.03(b)	34 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
11.	34 CFR 300.503(b)(2) Ed 1120.03(b)	29 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.
12.	34 CFR 300.503(b)(3) Ed 1120.03(b)	23 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
13.	34 CFR 300.503(b)(4) Ed 1120.03(b)	31 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a statement that says the parents of a child with a disability have protection under the procedural safeguards.
14.	34 CFR 300.503(b)(4) Ed 1120.03(b)	For notices not for an initial referral for evaluation, 18 out of 35 IEP files demonstrated evidence that the LEA notified the parents of a means by which a copy of the procedural safeguards can be obtained. <i>(11 student files were of students with initial evaluations.)</i>
15.	34 CFR 300.503(b)(5) Ed 1120.03(b)	29 out of 46 IEP files lacked evidence that the notice given to the parents of a child with a disability included sources for the parents to contact to obtain assistance in understanding the provisions of the notice.
16.	34 CFR 300.503(b)(6) Ed 1120.03(b)	17 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
17.	34 CFR 300.503(b)(7) Ed 1120.03(b)	1 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.
18.	34 CFR 300.503(c)(1)(i)	34 out of 46 IEP files lacked evidence that the notice given to

	Ed 1120.03(b)	the parents of a child with a disability was written in language understandable to the general public.
19.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	23 out of 46 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.
<p>Corrective Action regarding the Implementation of the Regulations: Ensure that the notification contains all elements required by regulations. Develop a procedure that identifies for parent(s) the reasonable time (not less than 14 days) to receive notification in writing of the district's action, as well as a procedure to address the other requirements of the written prior notice components. Provide training to staff on completing the written prior notice in order for staff to appropriately document each component. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 22 new student files (2 at ADS, 3 at BMS, 3 at BGS, 3 at CMS, 3 at MBS, 4 at RMS, 4 at CHS) for updated data demonstrating compliance with this requirement and will verify that the procedure for identifying for parents(s) the reasonable time to receive notification has been developed and that the written prior notices are complete through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		4. Individualized Education Program
Self-Assessment Question Number	Regulatory Component	Review Status
20.	Ed 1109.01(a)(5)	49 out of 54 IEP files demonstrated evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.
21.	Ed 1109.04(a)	43 out of 54 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.
22.	34 CFR 300.323(c)(1) Ed 1109.03(a)	For an initial IEP, 4 out of 8 IEP files demonstrated evidence that there was a meeting to develop an IEP for the student conducted within 30 days of a determination that the child needs special education and related services. <i>(46 student files were not of students with initial IEPs.)</i>
23.	34 CFR 300.323(a) Ed 1109.03(1)	50 out of 52 IEP files demonstrated evidence that an IEP was in place at the beginning of the school year. <i>(2 student files were of students identified after the beginning of school year or who moved from another district or state after the beginning of the school year.)</i>
24.	Ed 1109.03(d)	42 out of 46 IEP files demonstrated evidence that the IEP was reviewed annually. <i>(8 student files were of students with initial IEPs.)</i>
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files E,T, AQ, AW & BA</u>, there was no evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP. For <u>student files E, F, S, AO, AV, AW, AX, AY, AZ, BA & BB</u>, there was no evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP. For <u>student files A, Z, AW & BA</u>, there was no evidence that there was a meeting to develop an initial IEP for the student conducted within 30 days of a determination that the child needs special education and related services. For <u>student files D & BA</u>, there was no evidence that an IEP was in place at</p>		

the beginning of the school year. For student files B, M, T & BA, there was no evidence that the IEP was reviewed annually.

Within 45 days of the date of this report, the district must convene the IEP teams to review the IEPs and show evidence of parent and LEA approval of the provisions of the IEP. Within 3 weeks of the date of this report, the district must ensure that copies of the IEP have been provided to each teacher and service provider. The NHDOE will verify this through a subsequent on-site review.

Corrective Action regarding the Implementation of the Regulations: Develop procedures and provide trainings to appropriate staff for ensuring that the signature of the parent or, where appropriate, student, and a representative of the LEA are obtained indicating approval of the provisions of the IEP; that copies of IEPs are provided to each teacher and service provider listed as having responsibilities for implementing the IEP; that meetings to develop an initial IEP are conducted within 30 days of the determination that the child needs special education and related services; that IEPs are in place at the beginning of the school year; and that IEPs are reviewed annually. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 8 new student files (2 at ADS, 2 at BGS, 2 at RMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA are obtained indicating approval of the provisions of the IEP through a subsequent on-site review.

The NHDOE will select 10 additional new student files (2 at ADS, 2 at BGS, 2 at RMS, 4 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence that copies of IEPs are provided to each teacher and service provider listed as having responsibilities for implementing the IEP through a subsequent on-site review.

The NHDOE will select 6 additional new student files (2 at ADS, 2 at CMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence for ensuring that meetings to develop initial IEPs for the students are conducted within 30 days of the determination that the child needs special education and related through a subsequent on-site review.

The NHDOE will select 4 additional new student files (2 at ADS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence for ensuring that that IEPs are in place at the beginning of the school year through a subsequent on-site review.

The NHDOE will select 8 additional new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence for ensuring that IEPs are reviewed annually through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321(a) Ed 1103.01		5. IEP Team; Participants in the Special Education Process
Self-Assessment Question Number	Regulatory Component	Review Status
25.	34 CFR 300.321(a)(1) Ed 1103.01(a)	44 out of 54 IEP files demonstrated evidence that the IEP Team included the parents of the child.
26.	34 CFR 300.321(a)(2) Ed 1103.01(a)	36 out of 54 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child.
27.	34 CFR 300.321(a)(3) Ed 1103.01(a)	38 out of 54 IEP files demonstrated evidence that the IEP Team included at least one special education teacher of the child, (or

		where appropriate), at least one special education provider of the child.
28.	34 CFR 300.321(a)(4) Ed 1103.01(a)	51 out of 54 IEP files demonstrated evidence that the IEP Team included an LEA representative.
29.	Ed 1103.01(c)	When vocational education was being considered, 2 out of 4 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education program being considered.
30.	Ed 1103.02(a)	40 out of 54 IEP files demonstrated evidence that at least a 10 day notice was given to the parent before an IEP meeting, which included the purpose, time, location and identification of the participants. Of the 14 files which did not demonstrate evidence that at least a 10 day notice was given to the parent, 3 out of 14 of those IEP files demonstrated evidence of the written consent of the parent that the notice requirement shall be waived [Ed 1103.02(b)].

Corrective Action of Individual Instance of Noncompliance: For student files A, R, S, U, Y, AA, AG, AL, AO, & AZ, there was no evidence that the IEP Team included the parents of the child. For student files A, B, K, P, S, W, Y, AE, AG, AH, AI, AK, AL, AO, AU, AW, AX & AZ, there was no evidence that the IEP Team included at least one regular education teacher of the child. For student files K, P, S, W, Y, AE, AI, AK, AL, AO, AU, AV, AW, & AZ, there was no evidence that the IEP Team included at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child. For student files F, G, S, Y, AA, AL, AO, AR, AS, AU, AW, & AZ, there was no evidence that the IEP Team included an LEA representative. For student files AP & BA, there was no evidence that the IEP Team included an individual knowledgeable about the vocational education program being considered. For student files B, W, Z, AB, AE, AO, AP, AQ, AR, AS, AW, AZ, BA & BB, there was no evidence that at least a 10 day notice was given to the parent before an IEP meeting, which included the purpose, time, location and identification of the participants and evidence of the written consent of the parent that the notice requirement shall be waived.

Within 45 days of the date of this report, the district must convene the IEP teams to review the IEPs and show evidence that the IEP teams included the parents of the child; at least one regular education teacher of the child; at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child; an LEA representative; and an individual knowledgeable about the vocational education program being considered. The NHDOE will verify this through a subsequent on-site review.

Corrective Action regarding the Implementation of the Regulations: Develop procedures and provide trainings to appropriate staff for ensuring that the IEP Team includes the parents of the child; at least one regular education teacher of the child; at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child; an LEA representative; and an individual knowledgeable about the vocational education program being considered. Develop procedures and provide trainings to appropriate staff 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 staff follow-through with evidence of the written consent of the parent that the notice requirement is waived. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 15 new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 2 at MBS, 2 at RMS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence of appropriate IEP Team participants [the parents of the child; at least one regular education teacher of the child; at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child; an LEA representative; and an individual knowledgeable about the vocational education program being considered through a subsequent on-site review.

The NHDOE will select 10 new student files (2 at ADS, 2 at BGS, 2 at CMS, 2 at RMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify evidence that at least a 10 day notice was given to the parent before an IEP meeting, which included the purpose, time, location and identification of the participants or, if not, evidence of the written consent of the parent that the notice requirement shall be waived, through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a); 34 CFR 300.324(a)(1) Ed 1109.01(a)(1); Ed 1109.03(h)		6. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number	Regulatory Component	Review Status
31.	34 CFR 300.324(a)(1)(i) Ed 1109.03(h)	45 out of 54 IEPs demonstrated evidence of a statement of the child's strengths.
32.	34 CFR 300.324(a)(1)(iv) Ed 1109.03(h)	43 out of 54 IEPs demonstrated evidence of a statement of the child's academic, developmental, and functional needs.
33.	34 CFR 300.324(a)(1)(ii) Ed 1109.03(h)	47 out of 54 IEPs demonstrated evidence of a statement of the parent's concerns for improving the student's education in the IEP.
34.	34 CFR 300.324(a)(1)(iii) Ed 1109.03(h)	29 out of 54 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.
35.	34 CFR 300.320(a)(1)(i) Ed 1109.01(a)(1)	44 out of 54 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.
36.	34 CFR 300.320(a)(4)(ii) Ed 1109.01(a)(1)	37 out of 54 IEPs demonstrated evidence of a statement that describes how the student's disability affects non-academic areas.
37.	34 CFR 300.320(a)(1)(ii) Ed 1109.01(a)(1)	For preschool children, as appropriate, 4 out of 9 IEPs demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files H, L, P, Q, S, T, AK, AU & BA</u>, there was no evidence of a statement of the child's strengths. For <u>student files I, R, S, T, U, AB, AC, AE, AH, AS, AY & BA</u>, there was no evidence of a statement of the child's academic, developmental, and functional needs. For <u>student files A, L, N, U, AM, AY & BA</u>, there was no evidence of a statement of the parent's concerns for improving the student's education in the IEP. For <u>student files A, B, C, E, G, I, J, L, M, P, T, W, Y, AA, AB, AE, AF, AH, AJ, AK, AM, AW, AT, AU & BA</u>, there was no evidence that the results of initial or most recent evaluations of the child were included in the IEP. For <u>student files I, O, P, T, Y, AB, AJ, AK, AY & BA</u>, there was no 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. For <u>student files A, I, K, M, Q, T, W, X, Y, AF, AH, AM, AS, AU, AY, AZ & BA</u>, there was no evidence of a statement that describes how the student's disability affects non-academic areas. For <u>student files I, X, AJ, AM & BA</u>, there was no evidence of a statement that describes how the disability affects the child's participation in appropriate activities for preschool children.</p>		
<p>Within 45 days of the date of this report, the district must amend the IEPs to include all required components of the present levels of academic achievement and functional performance. The NHDOE will verify this through a subsequent on-site review.</p>		
<p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to</p>		

appropriate staff to include a statement in the IEP of the child’s strengths; the academic, developmental, and functional needs; the parent’s concerns; the results of initial or most recent evaluations; how the student’s disability affects the student’s involvement and progress in the general education curriculum; how the student’s disability affects non-academic areas; and, for preschool children, how the disability affects the child’s participation in appropriate activities. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 18 new student files (2 at ADS, 3 at BMS, 3 at BGS, 2 at CMS, 3 at MBS, 2 at RMS, 3 at CHS) 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 300.306(c)(1)(i) Ed 1108.01(a)		7. Procedures for Determining Eligibility and Educational Need
Self-Assessment Question Number	Regulatory Component	Review Status
38.	34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	34 out of 54 IEPs demonstrated evidence that a variety of sources were used for decision-making when developing the IEP including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files A, B, E, I, L, M, N, P, R, S, T, Y, AA, AB, AH, AK, AQ, AS, AU & BA</u>, there was no evidence that a variety of sources were used for decision-making when developing the IEP including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior.</p> <p>Within 45 days of the date of this report, the district must amend the IEPs to include evidence that a variety of sources were used for decision-making when developing the IEP. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to include a variety of sources for decision-making when developing the IEP including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 18 new student files (3 at ADS, 3 at BMS, 3 at BGS, 3 at CMS, 2 at MBS, 2 at RMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.xxx4(a)(2) Ed 1109.03(h)		8. Consideration of Special Factors
Self-Assessment Question Number	Regulatory Component	Review Status
39.	34 CFR 300.324(a)(2)(i) Ed 1109.03(h)	When a child’s behavior impedes the child’s learning or that of others, 23 out of 26 IEPs demonstrated evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior. <i>(From the files reviewed, the IEP Team determined that the</i>

		<i>behavior of 28 children does not impede learning.)</i>
40.	34 CFR 300.324(a)(2)(ii) Ed 1109.03(h)	When a child demonstrates limited English proficiency, 1 out of 2 IEPs demonstrated evidence that the IEP Team considered the language needs of the child as those needs relate to the child's IEP. <i>(52 children did not demonstrate limited English proficiency from the files reviewed.)</i>
41.	34 CFR 300.324(a)(2)(iii) Ed 1109.03(h)	When a child is blind or visually impaired, 4 out of 6 IEPs demonstrated evidence that the IEP 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. <i>(48 children were not blind or visually impaired from the files reviewed.)</i>
42.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	47 out of 54 IEPs demonstrated evidence that the IEP Team considered the communication needs of the child.
43.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, 3 out of 4 IEPs demonstrated evidence that the IEP 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. <i>(50 children were not deaf or hard of hearing from the files reviewed.)</i>
44.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	51 out of 54 IEPs demonstrated evidence that the IEP Team considered whether the child needed assistive technology devices and services.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files E, AX & BA</u>, when a child's behavior impedes the child's learning or that of others, there was no evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address behavior. For <u>student file BA</u>, when a child demonstrates limited English proficiency, there was no evidence that the IEP team considered the language needs of the child as those needs relate to the child's IEP. For <u>student files AJ & BA</u>, when a child is blind or visually impaired, there was no evidence that the IEP 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. For <u>student files I, T, AA, AB, AJ, AL & BA</u>, there was no evidence that the IEP Team considered the communication needs of the child. For <u>student file BA</u>, when a child is deaf or hard of hearing, there was no evidence that the IEP 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. For <u>student files T, AL & BA</u>, there was no evidence that the IEP Team considered whether the child needed assistive technology devices and services.</p> <p>Within 45 days of the date of this report, the district must amend the IEP to include evidence that that the IEP team considered these special factors. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to consider the use of positive behavioral interventions and supports, and other strategies, to</p>		

address behavior when a child's behavior impedes the child's learning or that of others; consider the language needs of the child as those needs relate to the child's IEP; provide 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; consider the communication needs of the child; consider 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; and consider whether the child needed assistive technology devices and services. Provide a brief description of the training including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 12 new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 2 at MBS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence that that the IEP team considered these special factors through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		9. Courses of Study
Self-Assessment Question Number	Regulatory Component	Review Status
45.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 4 out of 10 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.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files AS, AT, AU, AV, BA & BB</u>, there was no evidence that, for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 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.</p> <p>Within 45 days of the date of this report, the district must amend the IEPs to include 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. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to include 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 for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team. Provide a brief description of the training including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 5 new student files (2 at RMS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		10. Measurable Annual Goals; Short-term Objectives or Benchmarks

Self-Assessment Question Number	Regulatory Component	Review Status
46.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	1 out of 54 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.
47.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	38 out of 54 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.
48.	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, 34 out of 40 IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs.
49.	Ed 1109.01(a)(6)	52 out of 54 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.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>all student files except F</u>, there was no evidence of a statement of measurable annual goals. For <u>student files B, G, N, O, V, Z, AC, AF, AG, AH, AL, AR, AT, AV, AY, AZ & BA</u>, there was no 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. For <u>student files N, AK, AR, AU, AV & BA</u>, there was no evidence that the measurable annual goals meet each of the child's other educational needs. For <u>student files P & BA</u>, there was no 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.</p> <p>Within 45 days of the date of this report, the district must amend the IEPs to include measurable annual goals; measurable goals that meet the child's needs that result from the child's disability and the child's other educational needs; and short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff in writing measurable annual goals; in including measurable annual goals that meet the child's needs that result from the child's disability and the child's other educational needs; and including 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 a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 20 new student files (3 at ADS, 2 at BMS, 3 at BGS, 3 at CMS, 3 at MBS, 3 at RMS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence of a statement of measurable annual goals; measurable goals that meet the child's needs that result from the child's disability and the child's other educational needs; and short-term objectives or benchmarks unless the parent determines them unnecessary for all or some of the child's annual goals through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(b)(1)(ii) Ed 1109.01(a); Ed 1109.03(h)		11. Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number	Regulatory Component	Review Status
50.	Ed 1109.01(a)(9)	50 out of 54 IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the

		annual goals will be measured.
51.	Ed 1109.01(a)(9)	37 out of 54 IEPs demonstrated evidence that the IEP includes a statement whether progress is sufficient to achieve the annual goals by the end of the school year.
52.	Ed 1109.01(a)(8)	53 out of 54 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.
53.	34 CFR 300.324(b)(1)(ii) Ed 1109.03(h)	27 out of 30 IEPs demonstrated evidence that the IEP has been reviewed and revised, as appropriate. (For 24 student files, review and revision of the IEP was not determined appropriate.)
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files S, T, AA & BA</u> there was no evidence that the IEP included a statement of how the child's progress toward meeting the annual goals will be measured. For <u>student files B, C, F, J, P, Q, R, S, V, AI, AN, AR, AS, AU, AV, BA & BB</u>, there was no evidence that the IEP included a statement whether progress is sufficient to achieve the annual goals by the end of the school year. (A statement indicating that each goal will be met by the end of the school year or by the end of the IEP period was not included.) For <u>student file BA</u>, there was no evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents. For <u>student file xxx</u>, there was no evidence that the IEP has been reviewed and revised, as appropriate.</p> <p>Within 45 days of the date of this report, the district must amend the IEPs to include a statement of how the child's progress toward meeting the annual goals will be measured; whether progress is sufficient to achieve the annual goals by the end of the school year; of how the child's progress toward meeting the annual goals shall be provided to the parents; and that the IEP has been reviewed and revised, as appropriate. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to include statements of how the child's progress toward meeting the annual goals will be measured; whether progress is sufficient to achieve the annual goals by the end of the school year; of how the child's progress toward meeting the annual goals shall be provided to the parents; and that the IEP has been reviewed and revised, as appropriate. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 14 new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 2 at MBS, 2 at RMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence that the IEPs include a statement of how the child's progress toward meeting the annual goals will be measured; whether progress is sufficient to achieve the annual goals by the end of the school year; of how the child's progress toward meeting the annual goals shall be provided to the parents; and that the IEP has been reviewed and revised, as appropriate, through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1102; Ed 1109.03(a)		12. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number	Regulatory Component	Review Status
54.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a)	45 out of 54 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.
55.	Ed 1102.01(b)	When accommodations are included, 45 out of 51 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. <i>(For 3 student file, accommodations were not included in the IEP.)</i>
56.	Ed 1102.03(v)	When modifications are included, 9 out of 24 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. <i>(For 30 student files, modifications were not included in the IEP.)</i>
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files E, I, T, AQ, AV, AX, AY, BA & BB</u>, there was no evidence that each teacher and provider had been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. For <u>student files F, I, S, T, AQ & BA</u>, the accommodations included in the IEP were not 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. For <u>student files J, L, P, S, T, AA, AB, AC, AI, AO, AQ, AR, AU, AV & BA</u>, the modifications included in the IEP were not changes in instruction or evaluation that impact the rigor and validity or rigor or validity, of the subject matter being taught or assessed.</p> <p>Within 3 weeks of the date of this report, the district must ensure that there is evidence that each teacher and provider has been informed of the specific accommodations, modifications, and supports in accordance with the IEP. Within 45 days of the date of this report, the district must amend the IEPs to ensure that the accommodations included in the IEP 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 and that the modifications included are changes in instruction or evaluation that impact the rigor and validity or rigor or validity, of the subject matter being taught or assessed. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff for ensuring 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. Develop a procedure and provide training to appropriate staff in writing accommodations that are changes in instruction or evaluation that do not impact the rigor and/or validity of the subject matter being taught or assessed and in writing modifications that are changes in instruction or evaluation that impact 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 staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 12 new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at RMS, 4 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence that each teacher and provider had been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP through a subsequent on-site review.</p> <p>The NHDOE will select 10 new student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at RMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence that the accommodations included in the IEP are changes in instruction or evaluation that do not impact the rigor and/or validity of the subject matter being taught or assessed through a subsequent on-site review.</p> <p>The NHDOE will select 16 new student files (2 at BMS, 3 at BGS, 3 at CMS, 2 at MBS, 3 at RMS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence that the modifications included are changes in instruction or evaluation that impact the rigor and validity or rigor or validity, of the subject matter being taught or assessed through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE

34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		13. 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
57(a).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	40 out of 54 IEPs demonstrated evidence of a statement of special education.
57(b).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	43 out of 44 IEPs demonstrated evidence of a statement of related services. (10 student files were of students where the IEP Team did not determine that related services were necessary.)
57(c).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	5 out of 7 IEPs demonstrated evidence of a statement of supplementary aids and services. (47 student files were of students where the IEP Team did not determine that supplementary aids and services were necessary.)
57(d).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	15 out of 20 IEPs demonstrated evidence of a statement of the program modifications or supports for school personnel. (34 student files were of students where the IEP Team did not determine that program modifications or supports for school personnel were necessary.)
58.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	53 out of 54 IEPs demonstrated evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
59.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	52 out of 54 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.
60.	Ed 1109.04(b)(1)	41 out of 54 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education and related services provided.
61.	Ed 1109.04(b)(2)	5 out of 7 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. (47 files were not applicable in this area.)
62.	Ed 1109.04(b)(3)	4 out of 10 IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications made. (44 files were not applicable in this area.)
63.	Ed 1109.04(b)(4)	16 out of 23 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel implementing the IEP. (31 files were not applicable in this area.)
Corrective Action of Individual Instance of Noncompliance: For <u>student files E, F, L, T, X, Y, Z, AG, AL, AO, AQ, AY, AZ & BA</u> , there was no evidence of a statement of special education. For <u>student file BA</u> , there was no evidence of a statement of related services. For <u>student files AC & BA</u> , there was no evidence of a statement of supplementary aids and services. For <u>student files M, AJ, AO, AQ & BA</u> , there was no evidence of a statement of the program modifications or supports for school personnel. For <u>student file BA</u> , there was no evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP. For <u>student files T & BA</u> , there was no evidence of the anticipated frequency, location, and duration of those services		

and modifications described in the supports and services section of the IEP. For student files C, R, X, AD, AH, AR, AT, AU, AV, AY, AZ, BA & BB, there was no written evidence documenting implementation of the IEP with regards to all special education and related services provided. For student files C & BA, there was no written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. For student files AA, AC, AO, AQ, AR & BA, there was no written evidence documenting implementation of the IEP with regards to program modifications made. For student files C, H, M, AI, AJ, AK, AL, AX & BA, there was no written evidence documenting implementation of the IEP with regards to supports provided for school personnel implementing the IEP.

Within 45 days of the date of this report, the district must amend the IEPs to include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel. The district must also amend the IEPs to include a projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications described in the supports and services section of the IEP. And, the district must ensure that there is written evidence documenting implementation of the IEPs with regards to all special education and related services provided; any supplementary aids and services provided; program modifications made; and supports provided for school personnel implementing the IEP. The NHDOE will verify this through a subsequent on-site review.

Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

Develop a procedure and provide training to appropriate staff to include a statement of the projected date for the beginning of the services and modifications described in the supports and services section of the IEP and the anticipated frequency, location, and duration of those services and modifications. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 30, 2014.

Develop a procedure and provide training to appropriate staff for ensuring that there is written evidence documenting implementation of the IEP with regards to all special education and related services provided; any supplementary aids and services provided; program modifications made; and supports provided for school personnel implementing the IEP. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 14 student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 2 at MBS, 2 at RMS, 2 at CHS) for updated data demonstrating compliance with evidence of a statement of special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel through a subsequent on-site review.

The NHDOE will select 4 student files (2 at BGS, 2 at CHS) for updated data demonstrating compliance with evidence of a statement of the projected date for the beginning of the services and modifications described in the supports and services section of the IEP and the anticipated frequency, location, and duration of those services and modifications through a subsequent on-site review.

The NHDOE will select 15 additional student files (2 at ADS, 2 at BMS, 2 at BGS, 2 at CMS, 2 at MBS, 2 at RMS, 3 at CHS) for updated data ensuring that there is written evidence documenting implementation of the IEP with regards to all special education and related services provided; any supplementary aids and services provided;

program modifications made; and supports provided for school personnel implementing the IEP through a subsequent on-site review.		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		14. Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number	Regulatory Component	Review Status
64.	34 CFR 300.320(a)(5) Ed 1109.01(a)(1)	32 out of 52 IEP 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>Corrective Action of Individual Instance of Noncompliance: For <u>student files E, H, I, J, L, P, Q, R, S, U, Z, AA, AB, AJ, AK, AS, AU, AX, BA & BB</u>, there was no evidence of an 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.</p> <p>Within 45 days of the date of this report, the district must amend the IEPs to include the explanation. The NHDOE will verify this through a subsequent on-site review.</p> <p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to address this area. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 18 student files (2 at ADS, 2 at BMS, 4 at BGS, 3 at CMS, 2 at MBS, 2 at RMS, 3 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		15. Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number	Regulatory Component	Review Status
65.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)	39 out of 41 IEPs demonstrated evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments. <i>(For 13 student files, there was no state or district wide assessment for the student's age/grade level.)</i>
66.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1)	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, 7 out of 8 IEPs demonstrated evidence of a statement of why the child cannot participate in the regular assessment.
67.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1)	When the child is taking an alternate assessment, 7 out of 8 IEPs demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child.
<p>Corrective Action of Individual Instance of Noncompliance: For <u>student files B & BA</u>, there was no evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments. For <u>student file BA</u>, there was no evidence of a statement of why the child cannot participate in the regular assessment. For <u>student</u></p>		

file BA, there was no evidence describing why the particular alternate assessment selected is appropriate for the child.

Within 45 days of the date of this report, the district must amend the IEPs to include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments; and, for the children taking an alternate assessment, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child. The NHDOE will verify this through a subsequent on-site review.

Corrective Action regarding the Implementation of the Regulations: Develop a procedure and provide training to appropriate staff to include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments in IEPs. Develop a procedure and provide training to appropriate staff to include, for the children taking an alternate assessment, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 6 student files (2 at ADS, 2 at CMS, 2 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence of the statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments through a subsequent on-site review.

The NHDOE will select 2 student files (2 at CHS) for updated data demonstrating compliance with this requirement and will verify the evidence of, for the children taking an alternate assessment, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.121 Ed 1120.03		16. Procedural Safeguards (Written Prior Notice for IEP)
Self-Assessment Question Number	Regulatory Component	Review Status
68.	Ed 1120.03(a)	44 out of 54 IEP files demonstrated evidence that the parent(s) of a child with a disability were notified in writing within a reasonable time, but not less than 14 days, before the LEA proposed to initiate or change, or refused to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.
69.	34 CFR 300.503(b)(1) Ed 1120.03(b)	35 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
70.	34 CFR 300.503(b)(2) Ed 1120.03(b)	29 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.
71.	34 CFR 300.503(b)(3) Ed 1120.03(b)	28 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or

		refused action.
72.	34 CFR 300.503(b)(4) Ed 1120.03(b)	42 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a statement that says the parents of a child with a disability have protection under the procedural safeguards.
73.	34 CFR 300.503(b)(4) Ed 1120.03(b)	For notices not for an initial referral for evaluation, 31 out of 54 IEP files demonstrated evidence that the LEA notified the parents of a means by which a copy of the procedural safeguards can be obtained.
74.	34 CFR 300.503(b)(5) Ed 1120.03(b)	41 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included sources for the parents to contact to obtain assistance in understanding the provisions of the notice.
75.	34 CFR 300.503(b)(6) Ed 1120.03(b)	27 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
76.	34 CFR 300.503(b)(7) Ed 1120.03(b)	2 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal
77.	34 CFR 300.503(c)(1)(i) Ed 1120.03(b)	41 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was written in language understandable to the general public.
78.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	29 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.
79.	34 CFR 300.504(a) Ed 1120.03(b)	41 out of 54 IEP 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.
<p>Corrective Action regarding the Implementation of the Regulations: Develop a procedure that identifies for parent(s) the reasonable time (not less than 14 days) to receive notification in writing of the district's action, and provide training to appropriate staff. (Please note that parental consent cannot be obtained without the requisite prior written notice.) Provide training to staff on completing the prior written notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.</p> <p>The NHDOE will select 22 student files (3 at ADS, 3 at BMS, 3 at BGS, 3 at CMS, 3 at MBS, 3 at RMS, 4 at CHS) for updated data demonstrating compliance with this requirement and will verify that the procedure for identifying for parents(s) the reasonable time to receive notification has been developed and that the written prior notices are complete including an explanation of why the agency proposed or refused to take the action; a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; and a description of other options and other factors through a subsequent on-site review.</p>		
COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03		17. Written Prior Notice (Placement)
Self-Assessment Question Number	Regulatory Component	Review Status

80.	Ed 1120.03(a)	35 out of 54 IEP files demonstrated evidence that the parent(s) of a child with a disability were notified in writing within a reasonable time, but not less than 14 days, before the LEA proposed to initiate or change, or refused to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.
81.	34 CFR 300.503(b)(1) Ed 1120.03(b)	26 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
82.	34 CFR 300.503(b)(2) Ed 1120.03(b)	23 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.
83.	34 CFR 300.503(b)(3) Ed 1120.03(b)	21 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
84.	34 CFR 300.503(b)(4) Ed 1120.03(b)	38 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a statement that says the parents of a child with a disability have protection under the procedural safeguards.
85.	34 CFR 300.503(b)(4) Ed 1120.03(b)	For notices not for an initial referral for evaluation, 31 out of 54 IEP files demonstrated evidence that the LEA notified the parents of a means by which a copy of the procedural safeguards can be obtained.
86.	34 CFR 300.503(b)(5) Ed 1120.03(b)	35 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included sources for the parents to contact to obtain assistance in understanding the provisions of the notice.
87.	34 CFR 300.503(b)(6) Ed 1120.03(b)	25 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
88.	34 CFR 300.503(b)(7) Ed 1120.03(b)	1 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.
89.	34 CFR 300.503(c)(1)(i) Ed 1120.03(b)	32 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was written in language understandable to the general public.
90.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	22 out of 54 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.
Corrective Action regarding the Implementation of the Regulations: Develop a procedure that identifies for parent(s) the reasonable time (not less than 14 days) to receive notification in writing of the district's action, and provide training to appropriate staff. (Please note that parental consent cannot be obtained without the requisite		

prior written notice.) Provide training to staff on completing the prior written notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE by October 15, 2014.

The NHDOE will select 24 student files (3 at ADS, 3 at BMS, 4 at BGS, 3 at CMS, 3 at MBS, 4 at RMS, 4 at CHS) for updated data demonstrating compliance with this requirement and will verify that the procedure for identifying for parents(s) the reasonable time to receive notification has been developed and that the written prior notices are complete including a description of the action proposed or refused by the agency; an explanation of why the agency proposed or refused to take the action; a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; and a description of other options and other factors through a subsequent on-site review.