

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

**Easterseals Educational Programs
Summary Report
2017-2018**

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**Monitoring Visit Conducted on January 9 & 10, 2018
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Overview of Easterseals Educational Programs

Easterseals currently has three approved programs in New Hampshire, two in Manchester, and one in Lancaster. All of the special education programs are approved for both males and females for the following primary disability categories:

- Autism
- Developmental Delay
- Emotional Disturbance
- Intellectual Disability
- Multiple Disabilities
- Other Health Impairment
- Specific Learning Disability
- Speech-Language Impairment
- Traumatic Brain Injury

Although all Easterseals Educational Programs utilize the same curriculum, place an emphasis on positive behavior, social skills, transition, and independent living skills, use the same special education procedures plan, and the same student / family handbook, each of the three programs is unique in its purpose, program offerings, staffing configuration and utilization of the curriculum in order to meet the needs of the students at each individual program.

The Robert B. Jolicoeur Program (Easterseals Robert B. Jolicoeur School I) located at 1 Mammoth Road in Manchester is approved for up to 70 students in grades Kindergarten through Twelve. The program's philosophy is that every student has the right to be treated with dignity and respect at all times. Despite behavior which may be ineffective or dangerous, the Mammoth Road program believes that students function the best they can. The staff works to understand each student and his or her behavior to provide support designed to teach students to replace behaviors with more effective strategies. The program focuses on academic, vocational and transition skills to prepare for college and independent living. In addition, staff members work towards developing intellectual curiosity and creativity in students, while stimulating them to actively enjoy and participate in their own learning.

The Zachary Road Program (Easterseals Robert B. Jolicoeur School II) located at 200 Zachary Road in Manchester is approved for up to 60 students in grades Kindergarten through Twelve. While the program at Zachary Road shares the same philosophy as the Mammoth Road program, the services at Zachary Road are geared toward students who have a variety of intensive special education needs. Students under staff supervision volunteer and attend job sites around the campus and in the community in order to engage in a variety of meaningful learning experiences. In addition, the program has a particular focus on communication skills, utilizing pictures, communication devices and social skills groups, independent and daily living skills, functional academic skills, as well as overall academic skills.

The Easterseals Lancaster Program located at 525 Prospect Street in Lancaster is approved for up to 21 students in grades Five through Twelve. The Lancaster program strives to help North Country students stay in their communities by meeting a broad array of needs within a small program to help children be able to live at home with their families and have access to specialized education. The Lancaster program's learning environment utilizes creative instructional strategies to engage students in the learning process and develop their skills, knowledge and abilities. The program has a strong focus on preparing each child to be as successful and independent as possible in adulthood. In addition to academics, vocational and independent living skills are an important part of the curriculum. Social and behavioral skills are also taught and practiced on a daily basis. Learning is highly individualized, and students are provided with a safe, therapeutic environment where learning can happen.

All of the Easterseals Educational Programs strive to cultivate a learning environment that utilizes creative teaching strategies, small class sizes and a low student to staff ratio in order to engage students in the learning process and develop their skills, knowledge, and abilities. There is a strong emphasis placed on Positive Behavior Intervention & Supports (PBIS) using the YES! Program, which stands for respect for **Y**ourself, **E**ach other, and **S**urroundings. Easterseals Educational Programs work with students on transition and independent living skills as well as behavioral and social skills on a daily basis in addition to working with families to help resolve issues which may be interfering with their quality of life.

Noteworthy Practices and Areas in Need of Refinement

Noteworthy Practices

During the monitoring visit, it had been revealed that the Easterseals Educational Programs include several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- Utilization of the Positive Behavioral Intervention & Supports program "YES! Program" to support students' behavior.
- Engaging students in creating classroom and school rules.
- Program-wide and individual student incentives for demonstrating socially acceptable classroom behavior, completing projects assigned, and adhering to school/classroom rules.
- Encouraging and supporting daily student self-reflection.
- The elimination of time-out spaces which have been replaced by the creation of a separate fully functioning classroom for students to self-select when they need a quieter place to work, regroup, deescalate, reflect etc.
- Students have access to consistent and appropriate male and female adult role models who provide stability and emotional support.

Areas in Need of Refinement

Areas in need of refinement are practices that have the potential to become noncompliant. Whereas these practices do not rise to the standard of noncompliance, and therefore require no corrective actions, the NHDOE believes that the practices, and potential remedies, are noteworthy to be addressed.

During the Easterseals Educational Programs on-site visit the monitoring team did not identify any areas in need of refinement.

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

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

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

The New Hampshire Department of Education, Bureau of Special Education review members for this monitoring review included Lori Noordergraaf, Helene Anzalone, and Kevin Murphy, Special Education Administrator from Strafford Learning Center.

Procedures and Effective Implementation

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

The monitoring team reviewed the following special education procedures for compliance with State and Federal regulations regarding administration, confidentiality of information, program requirements, responsibilities of private providers of special education implementation of IEPs, behavioral interventions, RSA 126-U Limiting the use of child restraint practices in schools and treatment centers, qualifications and requirements for instructional, administrative and support personnel, change in placement or termination of enrollment, physical facilities, health and medical care, photography and audio or audio-visual recording, and emergency planning and preparedness.

Based on the review of the Easterseals Education Programs' special education procedures the monitoring team determined there were **three findings of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. 34 CFR 300.624(b)	Destruction of Information
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' special education procedures the monitoring team was unable to find a procedure regarding the destruction of information in compliance with 34 CFR 300.624(b) regarding the destruction of information.</p>	
<p>Corrective Action Regarding the Implementation of the Regulations: Easterseals Education Programs must revise its special education procedures to reflect that personally identifiable information collected, maintained or used must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 1114.07(b)	Behavioral Interventions
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' special education procedures the procedures described how the written statement of the policies and procedures followed by the program in managing student behavior are provided to the sending LEA and the parent at the time each child with a disability becomes enrolled in the program, and at the time of the annual review of the child's educational progress. The procedures did not include how the statement is provided to the sending LEA and the parent any time the facility or non-district program's policies and procedures for managing behavior are revised.</p>	
<p>Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must revise its special education procedures to reflect how this statement shall be provided to the sending LEA and the parent any time the facility or non-district program's policies and procedures for managing behavior are revised. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 1114.10(c)	Qualifications and Requirements for Instructional, Administrative and Support Personnel
Finding of Noncompliance: In reviewing Easterseals Educational Programs' special education procedures regarding procedures for supervising and evaluating the performance of all staff members, per Ed 1114.10(c), the procedures referred to the employee handbook which was not provided.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must revise its special education procedures to reflect that each provider of special education or other non-LEA program shall have written procedures for supervising and evaluating the performance of all staff members or provide the employee handbook which includes these procedures. Provide the revised procedures and the method the provider used to inform staff of the revision or provide the employee handbook to the NHDOE within 6 months from the date of this report.	

Private Provider Curriculum and Effective Implementation

As part of the review, the monitoring team looked for evidence that the Easterseals Educational Programs is providing students with access to the general curriculum. The monitoring team reviewed the grades Kindergarten through 12 curriculum provided by Easterseals Educational Programs for compliance with learning areas in Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.261(b)(1)and(2) & Ed 306.27(c).

Based on the review of the Easterseals Educational Programs' curriculum, the monitoring team determined that there were **11 findings of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 306.27(4)	High School Curriculum, Credits, Graduation Requirements, Co-Curricular Program
Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the High School curriculum submitted did not include ELO opportunities that occur outside of the building and school day.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' High School curriculum includes ELO opportunities that occur outside of the building and school day.	
Provide updated High School curriculum that includes this component to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 306.38(d)(2)(d)	Family and Consumer Science (9-12)
Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the High School Curriculum submitted for Family and Consumer Science did not textiles and design.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' High School Family and Consumer Science curriculum includes textiles and design.	
Provide updated Family and Consumer Science curriculum that includes this component to the NHDOE within	

6 months from the date of this report.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 306.42(a)(5)(a-c)	Information and Communication Technologies (K-12)
Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the Information and Communication Technologies curriculum submitted did not any elements of the portfolio.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational programs' Information and Communication Technology curriculum includes all elements of the portfolio.	
Provide updated Information and Communication Technologies curriculum that includes this component to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
4. Ed 306.43(b)(4)	Middle School Math Curriculum
Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the Middle School Math curriculum submitted did not include opportunities to explore historical and cultural development of mathematics.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' Middle School Math curriculum includes opportunities to explore historical and cultural development of mathematics.	
Provide updated Middle School Math curriculum that includes this component to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
5. Ed 306.43(c)(4)	High School Math Curriculum
Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the High School Math curriculum submitted did not include opportunities to explore historical and cultural development of mathematics.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' High School Math curriculum includes opportunities to explore historical and cultural development of mathematics.	
Provide updated High School Math curriculum that includes this component to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
6. Ed 306.45(a)(3)(c)	Elementary Science Curriculum
Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the Elementary Science curriculum submitted did not include organizing data in multiple ways using tools of technology.	

Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' Elementary Science curriculum includes organizing data in multiple ways using tools of technology.

Provide updated Elementary Science curriculum that includes this component to the NHDOE within 6 months from the date of this report.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
7. Ed 306.45(e)(f)(g)	High School Science Curriculum
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the High School Science curriculum submitted did not include the following:</p> <ul style="list-style-type: none"> • Opportunities for students to develop a knowledge and understanding of attitudes and problem-solving techniques essential for life in an increasingly complex technological society • Biology-organic evolution and patterns and products of evolution, including genetic variation, specialization, adaptation, and natural selection • Awareness of the philosophical, ethical, legal, political, and economic impacts of science and technology. 	
<p>Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' High School Science curriculum includes:</p> <ul style="list-style-type: none"> • Opportunities for students to develop a knowledge and understanding of attitudes and problem-solving techniques essential for life in an increasingly complex technological society • Biology-organic evolution and patterns and products of evolution, including genetic variation, specialization, adaptation, and natural selection • Awareness of the philosophical, ethical, legal, political, and economic impacts of science and technology. 	
<p>Provide updated High School Science curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
8. Ed 306.46(a)(2)(3)	Elementary Social Studies Curriculum
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' Elementary Social Studies curriculum submitted did not include the following:</p> <ul style="list-style-type: none"> • Civics and economics • Instruction in history and government and the constitutions of New Hampshire 	
<p>Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' Elementary Social Studies curriculum includes:</p> <ul style="list-style-type: none"> • Civics and economics • Instruction in history and government and the constitutions of New Hampshire 	
<p>Provide updated Elementary Social Studies curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
9. Ed 306.46(b)	Middle Social Studies Curriculum
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' Middle School Social Studies curriculum submitted did not include the following:</p> <ul style="list-style-type: none"> • Opportunities to practice citizenship in the school and community • Instruction in history and government, and the constitution of New Hampshire • Becoming familiar with careers in history, the humanities, and the social sciences 	
<p>Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' Middle School Social Studies curriculum includes:</p> <ul style="list-style-type: none"> • Opportunities to practice citizenship in the school and community • Instruction in history and government, and the constitution of New Hampshire • Becoming familiar with careers in history, the humanities, and the social sciences <p>Provide updated Middle School Social Studies curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
10. Ed 306.46(c)(1)	High School Social Studies Curriculum
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the High School Social Studies curriculum submitted did not include New Hampshire History.</p>	
<p>Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' High School Social Studies curriculum includes New Hampshire History.</p> <p>Provide updated High School Social Studies curriculum that includes this component to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
11. Ed 306.47(a)(b)	Elementary Technology/Engineering Education Program Standards
<p>Finding of Noncompliance: In reviewing Easterseals Educational Programs' curriculum, the Elementary Technology/Engineering curriculum submitted did not include any of the required curriculum standards elements.</p>	
<p>Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that Easterseals Educational Programs' Elementary Technology/Engineering curriculum includes all of the required curriculum standards.</p> <p>Provide updated Elementary Technology/Engineering curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

Personnel

The Bureau of Special Education has reviewed Easterseals Educational Programs' personnel certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2017-2018 school year.

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

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

Based on the review of Easterseals Educational Programs' personnel certifications, the monitoring team determined there were **two findings of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. 34 CFR 300.18; 34 CFR 300.156; Ed 1114.10(a)	Personnel Standards; Qualifications and Requirements for Instructional, Administrative, and Support Personnel
Finding of Noncompliance: In reviewing Easterseals Educational Programs' personnel there was no individual with a subject/assignment and certified in Mathematics for grades 9-12.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that resolves this discrepancy.	
Provide the names and endorsements of certified staff or consultants for Mathematics for grades 9-12 to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. 34 CFR 300.18; 34 CFR 300.156; Ed 1114.10(a)	Personnel Standards; Qualifications and Requirements for Instructional, Administrative, and Support Personnel
Finding of Noncompliance: A staff member at the Robert B. Jolicoeur School, Mammoth Road program with a subject/assignment of teacher holds no certifications.	
Corrective Action regarding the Implementation of the Regulations: Easterseals Education Programs must provide the NHDOE with evidence that resolves this discrepancy.	
Provide the names and endorsements of certified staff or consultants for this subject/assignment to the NHDOE within 6 months from the date of this report.	

Easterseals Educational Programs was notified of the concerns listed above, via phone and email, on January 5, 2018. Staff specific information was included in the email.

Monitoring of the Implementation of Special Education Process

Private providers are responsible for implementing the special education process in accordance with IDEA and the *New Hampshire Standards for the Education of Children with*

Disabilities. The self-assessment data collection form highlights the private providers' understanding of the requirements of IDEA and the *New Hampshire Standards 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 Standards for the Education of Children with Disabilities* or a requirement of solely the *New Hampshire Standards for the Education of Children with Disabilities*. The private provider cites the evidence of compliance in the self-assessment prior to the monitoring visit. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the private providers' self-assessment as a resource. In the case of student specific finding(s) of noncompliance, the sending District is cited for noncompliance, as well as the private provider.

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

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

Overview of the Student Specific Findings of Noncompliance

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

assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the compliance & improvement monitoring team.

The **review status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “5 out of 6 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.” This means that 6 files were reviewed and 5 files were found to be in compliance.

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

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

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

Findings of Noncompliance

When determining compliance, the NHDOE reviews the currently agreed upon/signed IEP at the on-site monitoring visit.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.03		A. Governance
Self-Assessment Question Number & Regulatory Component		Review Status
1.	Ed 1114.03(a)	0 out of 0 IEP files demonstrated evidence that the private provider has, for IEPs in which the private provider cannot provide the student with all services detailed in the IEPs, an agreed upon contract with the sending LEA for the provision of those services. <i>(Seven student files have all services provided by the private provider)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.05		B. Record of Access; Confidentiality Requirements
Self-Assessment Question Number & Regulatory Component		Review Status
2.	34 CFR 300.614 Ed 1119.01(a)	7 out of 7 IEP 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, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		C. Individualized Education Program
Self-Assessment Question Number & Regulatory Component		Review Status
3.	Ed 1109.04(a)	7 out of 7 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.
4.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	6 out of 6 IEP files demonstrated evidence that the IEP was reviewed at least annually. <i>(One student file was of a student with an initial IEP or who moved from another state or district.)</i>
5.	34 CFR 300.323(a) Ed 1109.03(d)	7 out of 7 IEP files demonstrated evidence that the IEP was in place at the beginning of the school year. <i>(No student files were of students placed after the beginning of school year)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321 Ed 1103.01		D. IEP Team; Participants in the Special Education Process
Self-Assessment Question Number & Regulatory Component		Review Status

6.	34 CFR 300.321(a)(1) Ed 1103.01(a)	7 out of 7 IEP files demonstrated evidence that the IEP Team included the parents of the child or adult student.
7.	34 CFR 300.321(a)(2) Ed 1103.01(a)	5 out of 5 IEP files demonstrated evidence that at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) participated in the meeting. <i>(No student files were students excused per 34 CFR 300.321(e).) (Two student files were of students that are not and will not participate in the regular education environment.)</i>
8.	34 CFR 300.321(a)(3) Ed 1103.01(a)	7 out of 7 IEP files demonstrated evidence that at least one special education teacher or, where appropriate, not less than one special education provider of the child participated in the meeting. <i>(No student files were students excused per 34 CFR 300.321(e).)</i>
9.	34 CFR 300.321(a)(4) Ed 1103.01(a)	7 out of 7 IEP files demonstrated evidence that the IEP Team included an LEA representative.
10.	Ed 1103.01(d)	0 out of 0 IEP files demonstrated evidence that, if vocational, career or technical education components are being considered, the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(Seven student files were students for whom vocational education/CTE was not considered.)</i>
11.	Ed 1103.02(a),(c), (d)	0 out of 0 IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants or the parent agreed in writing that the LEA could satisfy this requirement via transmittal by electronic mail <u>or</u> demonstrated evidence of written consent of the parent(s) that the notice requirement were waived [Ed 1103.02(b)]. <i>(Seven student files were students for whom the written invitation is the responsibility of the LEA.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320		E. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number & Regulatory Component	Review Status	
12.	34 CFR 300.324(a)(1)(i)	7 out of 7 IEP files demonstrated evidence that the team considered the strengths of the child.
13.	34 CFR 300.324(a)(1)(iv)	7 out of 7 IEP files demonstrated evidence that the team considered the academic, developmental, and functional needs of the child.
14.	34 CFR 300.324(a)(1)(ii)	7 out of 7 IEP files demonstrated evidence that the concerns of the parents for enhancing the education of their child were considered.
15.	34 CFR 300.324(a)(1)(iii)	7 out of 7 IEP files demonstrated evidence that the results of the initial or most recent evaluation of the child were considered.
16.	34 CFR 300.320(a)(1)(i)	7 out of 7 IEP files 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. <i>(No student files were preschool age students.)</i>
17.	34 CFR 300.320(a)(4)(ii)	7 out of 7 IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects non-academic areas.
18.	34 CFR 300.320(a)(1)(ii)	For preschool children, 0 out of 0 IEP files demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities. <i>(Seven student files were not of preschool age students.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(a)(2)(i) Ed 1109.03(h)		F. Consideration of Special Factors
Self-Assessment Question Number & Regulatory Component		Review Status
19.	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, 7 out of 7 IEP files demonstrated evidence that the team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior. <i>(No student files were not of students whose behavior impedes learning.)</i>
20.	34 CFR 300.324(a)(2)(ii) Ed 1109.03(h)	When a child demonstrates limited English proficiency, 0 out of 0 IEP files demonstrated evidence that the team considered the language needs of the child as those needs relate to the child's IEP. <i>(Seven student files were not of students who demonstrated limited English proficiency.)</i>
21.	34 CFR 300.324(a)(2)(iii) Ed 1109.03(h)	When a child is blind or visually impaired, 0 out of 0 IEP files demonstrated evidence that the team provided for instruction in Braille and the use of Braille unless the IEP team determined, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille was not appropriate for the child. <i>(Seven student files were not of blind or visually impaired students.)</i>
22.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	7 out of 7 IEP files demonstrated evidence that the IEP Team considered the communication needs of the child.
23.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, 0 out of 0 IEP files demonstrated evidence that the team considered the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode. <i>(Seven student files were not of deaf or hard of hearing students.)</i>
24.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	7 out of 7 IEP files demonstrated evidence that the IEP Team considered whether the child needs assistive technology devices and services.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		G. Courses of Study
Self-Assessment Question Number & Regulatory Component		Review Status
25.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 6 out of 6 IEP files 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. <i>(One student file was a student aged 13 or younger who will not be turning 14 during the IEP period and no evidence the IEP team determined this is necessary.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		H. Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number & Regulatory Component		Review Status
26.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	7 out of 7 IEP files demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.
27.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	7 out of 7 IEP files 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.
28.	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, 7 out of 7 IEP files demonstrated evidence that the measurable annual goals meet each of the child's other educational needs that result from the child's disability. <i>(No student files were students who do not have other identified educational needs.)</i>
29.	Ed 1109.01(a)(6)	7 out of 7 IEP files 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.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(8)		I. Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number & Regulatory Component		Review Status
30.	Ed 1109.01(a)(8)	7 out of 7 IEP files demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.06(b)		J. Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs
Self-Assessment Question Number & Regulatory Component		Review Status
31.	34 CFR 300.325(b) Ed 1109.05 Ed 1114.06(a);	For the purpose of initiating the process for all matters concerning possible changes and/or modification in the identification, evaluation, development and/or revision of an IEP or changes in placement of a child with a disability, 5 out of 5 IEP files demonstrated evidence that the private provider contacted the sending school district. <i>(2 student files had no changes in the child's identification, evaluation, development or revision of the IEP or placement)</i>
32.	Ed 1114.06(i), (j), (k)	7 out of 7 IEP files demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1109.03(a); Ed 1109.03(v); Ed 1102.01(b)		K. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number & Regulatory Component		Review Status
33.	Ed 1102.01(b)	If accommodations are included, 7 out of 7 IEP files demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor, validity, or both of the subject matter being taught or assessed. <i>(No student files were students with no accommodations.)</i>
34.	Ed 1102.03(v)	If modifications are included, 4 out of 5 IEP files demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impact the rigor, validity, or both of the subject matter being taught or assessed. <i>(Two student files were students with no modifications.)</i> For student code A there was insufficient evidence demonstrating compliance with this requirement.
<p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible but no later than 2 months from the date of the report, the district must convene the IEP teams to review the IEPs and show evidence that if modifications are included in the IEP, they are changes in instruction or evaluation determined necessary by the IEP team that impact the rigor, validity, or both of the subject matter being taught or assessed.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that modifications are changes in instruction or evaluation determined necessary by the IEP team that impact the rigor, validity, or both of the subject matter being taught or assessed.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.</p> <p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review Two new student files (2 at Robert B. Jolicoeur) for updated data demonstrating compliance with this requirement.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		L. 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
35.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	7 out of 7 IEP files demonstrated evidence of a statement of special education.
36.	Ed 1109.04(b)(1)	7 out of 7 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
37.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	5 out of 5 IEP files demonstrated evidence of a statement of related services. <i>(Two student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>

38.	Ed 1109.04(b)(1)	5 out of 5 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided. <i>(Two student files were students for whom there were no related services in the IEP.)</i>
39.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	0 out of 0 IEP files demonstrated evidence of a statement of supplementary aids and services. <i>(Seven student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
40.	Ed 1109.04(b)(2)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(Seven student files were students for whom there were no supplementary aids and services in the IEP.)</i>
41.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEP files demonstrated evidence of a statement of the supports for school personnel. <i>(Four student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
42.	Ed 1109.04(b)(4)	3 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports for school personnel. <i>(Four student files were students for whom there were no supports for personnel in the IEP.)</i>
43.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	7 out of 7 IEP files demonstrated evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
44.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	7 out of 7 IEP files demonstrated evidence of the anticipated frequency, location, and duration of those services and modifications described in the supports and services section of the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		M. Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number & Regulatory Component		Review Status
45.	34CFR 300.320(a)(5) Ed 1109.01(a)(1)	7 out of 7 IEP files 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.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		N. Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number & Regulatory Component		Review Status
46.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	4 out of 4 IEP files 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>(Three student files were of students for whom there were no state or district wide assessments for the student's age/grade level.)</i>

47.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, 3 out of 3 IEP files demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(Four student files were of students not taking an alternate assessment.)</i>
48.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the child is taking an alternate assessment, 3 out of 3 IEP files demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(Four student files were of students not taking an alternate assessment.)</i>