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Bureau of Special Education FY'20 Memo #11

Date: October 3, 2019

To: Superintendents of Schools
Administrators of Special Education

From: Bureau of Student Support
Division of Learner Support

Re: District Selection for Special Education Compliance & Improvement Monitoring

The New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) has annually reviewed data collected in regards to the district selection process for special education compliance and improvement monitoring, initially implemented in the fall of 2015. This process is outlined in FY'15 Memo #18 and its corresponding Appendix 2 available using the following links:

- https://www.education.nh.gov/instruction/special_ed/memos/documents/fy15_memo_18_district_selection_sped_compliance_improvement_monitoring.pdf
- https://www.education.nh.gov/instruction/special_ed/memos/documents/fy15_memo_18_appendix_2_district_selection_rubric.pdf.

Through analysis of data collected from the past five years, the Bureau has identified methods to improve the process for selecting districts in need of intensive technical assistance and professional development through compliance and improvement monitoring.

Throughout 2018 and 2019, the Bureau gathered information through a national collaborative involving 21 state departments of education regarding their process for annually determining school districts to monitor for special education compliance. In the spring and summer of 2019, the Bureau solicited input from district and community stakeholders to assist in the review and revision of the district selection process for NHDOE special education compliance and improvement monitoring. The Bureau presented two possible options for a new process and, based on stakeholder input, a third process was developed.

The district selection process continues to utilize a multi-data approach, rather than a single measurement tool, which aligns with the Office of Special Education Programs (OSEP) differentiated monitoring approach.

The Bureau, with stakeholder input, has revised the *District Selection Rubric*, located on the appendix of this memo, which outlines the data collection components and their point values. The point system is designed so that meeting the state targets on the State Performance Plan (SPP) is assigned a lower point value, whereas not meeting the state targets is assigned a higher point value.

The final revision of the selection process has several changes that include the following:

- Eliminating the cohort model to allow districts in most need of improvement to access intensive technical assistance and professional development available through compliance and improvement monitoring, rather than selection using enrollment size;
- Adding a requirement that districts must have a minimum of five total points from the District Selection Rubric to be considered for compliance and improvement monitoring;
- Adding increased point values changing from a range of 0 through 3 points for Indicators 5A, 6A, 11, and 12 on the SPP to a range of 0 through 5 points on the new rubric in order to use more precise data in selecting districts;
- Adding Indicator 3C from the SPP for reading and mathematics, which correlates with student outcomes, each on a point scale of 0 through 3.

Below is a description of each Indicator on the SPP that has a point value in the District Selection Rubric:

Indicator	Description
3C	<p>Performance of Children with IEPs on Statewide Assessments: Proficiency rate for children with IEPs against grade level and alternate academic achievement standards in reading and mathematics. (20 U.S.C. 1416(a)(3)(A))</p> <ul style="list-style-type: none"> • Points will be assigned based on the annual state targets within the SPP.
4B	<p>Suspension/Expulsion: Whether or not a district had (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p> <ul style="list-style-type: none"> • A point will be assigned based on a yes or no.
5A	<p>Education Environments: Percent of children with IEPs aged 6 through 21 served inside the regular class 80% or more of the day. (20 U.S.C. 1416(a)(3)(A))</p> <ul style="list-style-type: none"> • Points will be assigned based on the annual state targets within the SPP.
6A	<p>Preschool Environments: Percent of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program. (20 U.S.C. 1416(a)(3)(A))</p> <ul style="list-style-type: none"> • Points will be assigned based on the annual state targets within the SPP.
11	<p>Child Find: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation.</p> <ul style="list-style-type: none"> • Points will be assigned based on a range of compliance.
12	<p>Early Childhood Transition: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. (20 U.S.C. 1416(a)(3)(B))</p> <ul style="list-style-type: none"> • Points will be assigned on a range of compliance.

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Additionally, District Determinations, will be used to assign points based on whether districts are meeting requirements, needs assistance, needs intervention, or needs substantial intervention. The Determination Rubric is described on the NHDOE website available using the following link: https://www.education.nh.gov/instruction/special_ed/documents/determination_rubric.pdf.

The Bureau will also review the State special education complaints between July 1st and June 30th of the previous school year. For example, selection for compliance and improvement monitoring during the 2021-2022 school year will be based upon review between July 1, 2019 and June 30, 2020. If there are two or more special education complaints that have the same substantiated allegation, a point will be assigned. In addition, if there is a substantiated allegation from a complaint that has not been verified as corrected within the federally mandated one year timeline, a point will be assigned.

In the event of a tie in the total points, districts will be selected using longitudinal data of total points from prior years. If state targets on the SPP change, the ranges for each point value will be adjusted using the same scale, which is based on percentages from the state targets.

The special education compliance and improvement monitoring process is just one of the general supervision activities conducted by the Bureau. The Bureau monitors districts on an annual basis for many of the Indicators within the SPP, as well as reviewing districts' fiscal accountability for the use of IDEA funds. The Bureau is also responsible for ensuring that districts have special education procedures and strategies that align with and support the implementation of IDEA.

The Bureau will utilize this new selection process to determine districts for compliance and improvement monitoring this fall for the 2020-2021 school year. Notes from meetings with stakeholders along with the documents used for decision-making for the new process will be available on the NHDOE website.

For questions regarding this new district selection process for compliance and improvement monitoring, please contact Joanne DeBello at (603) 271-4776 or Joanne.DeBello@doe.nh.gov.

Enclosure:
District Selection Rubric