

**New Hampshire**

**House Bill 661**

**Final Report**

**From the Executive Planning Commission on Special Education**

**June 1, 2010**

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# Executive Summary

In 2007, New Hampshire (NH) House Bill 661 (Appendix A) established an Executive Planning Commission (EPC) on special education to develop a joint, coordinated, comprehensive, and systematic approach among responsible state agencies, working with state institutions of higher education, to address human resource issues and to assist schools in improving their capacity to educate students with low incidence disabilities and/or highly challenging needs (LID/HCN) in the least restrictive environment and to improve their educational outcomes. In 2008 the EPC convened a 66 person Task Force, comprised of representatives of a variety of stakeholder groups, to develop recommendations regarding best practices, personnel preparation, and professional development; and to design a statewide system of technical assistance and pools of specialists to improve educational outcomes for these students who have intensive educational support needs. On December 1, 2008, the EPC submitted a status report to the NH Legislature and the Governor, and an extension was granted for completion of the EPC's work. In January of 2010 the EPC reconvened and established two subcommittees to continue its work. This report presents the final recommendations of the EPC.

# Introduction

In April 2007, the NH Legislature passed House Bill 661 that stated “a significant barrier to the provision of an education that supports personal, social, physical, and academic growth of children with disabilities is the shortage of qualified personnel. This shortage particularly affects the capacity of schools to provide children with HCN or LID a free appropriate public and adequate education in the least restrictive environment.” The bill defined these children to include, but not be limited to those “with emotional disabilities, autism, multiple disabilities, traumatic or acquired brain injury, deafness, deaf-blindness, and blindness.” The bill further stated that “the personnel shortage and related issues adversely affect school capacity to educate and support personal, social, physical, and academic growth resulting in relatively poorer educational outcomes for children with disabilities, increased numbers of schools failing to make adequate yearly progress, increased dropout rates, unwarranted diversion of children into the court system, and placements into separate private or public residential or day placements, all of which have high human and financial costs.”

The bill established an Executive Planning Commission (EPC) on special education to develop “a joint, coordinated, comprehensive, and systematic approach among responsible state agencies, working with state institutions of higher education...to address these human resource issues and assist schools in improving their capacity. This will have the added benefit of maximizing existing resources and providing expanded higher educational opportunities in the state for the ultimate purpose of better meeting children’s needs.”

Table 1 depicts (a) the number of children in the aforementioned categories receiving special education services in NH on 12/01/07, (b) the percentage of all children receiving special education services that these children represent on 12/01/07, and (c) the number and percentage of these children who were in out-of-district placements during 2003-2004.

*Table 1. Number and percent of children with LID/HCN in NH and their rates of out of district placement.*

Disability	Number of children on 12/01/07	Percentage of all children in NH receiving special education services on 12/01/07	# and percentage in out of district placements in the 2003-2004 school year
Deaf-blindness	6	.00103%	33% = 2 students
Traumatic brain injury	65	.2%	6.67% = 2 students
Visually impaired	133	.4%	5% = 6 students
Hearing impaired (includes deaf and hard of hearing)	281	.9%	6% = 16 students
Multiple disabilities	407	1.3%	26% = 100 students
Autism	1320	4.1%	11.5% = 145 students
Emotional disabilities	2683	8.3%	20.5% = 530 students
<b>TOTAL</b>	<b>4895</b>	<b>15.2%</b>	<b>801 students</b>

The EPC was asked to consider:

- (a) A regional model for addressing children with particularly LID [who may need] technical assistance of a highly specialized nature, [and the] desirability of lodging expertise in separate single statewide sources.
- (b) Whether the plan and model should be phased in and how; whether the plan and model should apply only to educationally disabled children as defined by RSA 186-C:2 or expanded at the outset or a later point to include other students, such as students at risk of needing special education, dropping out, court placed, or students for whom English is a second language; whether the plan and model should apply to all students; and whether schools failing to make adequate yearly progress should be prioritized.
- (c) To what extent and from where existing state or federal dollars may be used to fund some of the services proposed, and the apportionment of costs between the state and local school districts for the provision of such services.

- (d) Whether a single entity within an institution would be responsible for directing or coordinating the functions listed in this section, including addressing personnel shortage issues.
- (e) The need or desirability of coordinating with other entities to take advantage of existing expertise possibly through a consortium or similar model.
- (f) The need for memoranda of understanding between state agencies and the universities or other entities.

The EPC was comprised of the Governor; the Commissioners of the Departments of Education, and Health and Human Services; a representative of the Community College System of New Hampshire; the Chancellor of the University System of New Hampshire; or their respective designees. Individuals who served on the EPC included: Charles Annal, Vice Provost, Community College System of New Hampshire (replaced in 2010 by Gale Hall, Early Childhood Education Department Head, New Hampshire Technical Institute); Helen G. Honorow, Governor's Representative, Member of the NH State Board of Education; Mary Sullivan Heath, Deputy Commissioner, NH Department of Education (replaced in 2010 by Kathleen Murphy, Director, Division of Instruction, NH Department of Education); Nancy Rollins, Associate Commissioner, NH Department of Health and Human Services, Division of Community Based Care Services; and Cheryl M. Jorgensen, Chair of the Commission, Project Director and Assistant Research Professor, Institute on Disability and Education Department, University of New Hampshire.

The EPC held twelve meetings from December 2007 through October, 2008 to: (a) identify members of a statewide HB 661 Task Force to support their work, (b) plan meetings of the Task Force, (c) review data and discuss issues related to its charge, (d) review input from the Task Force, and (e) integrate all input into a status report, submitted on December 1, 2008. After the Legislature granted an extension, the EPC met three times from January through May 2010 to continue its work and to finalize its report to the General Court and the Governor.

To advise the EPC, a wide variety of stakeholders participated on a 66-member Task Force. Members included parents of children with LID/HCN, educators, related services providers, state agency staff, the Parent Information Center, the Disabilities Rights Center, the Developmental Disabilities Council, the state's special education advisory committee, school

administrators, higher education faculty researchers, and providers of educational and other human services to children ages birth through 21. Task Force members and their affiliations are listed in Appendix B of this report. Sign language interpreters and accessible transportation were provided to enable full participation by all members of the Task Force.

Task Force members were organized into three Work Groups. Each Work Group was led by a facilitator (Mary C. Schuh - Best Practices; Michael McSheehan - Professional Development, Technical Assistance, Pools of Specialists; and Cheryl M. Jorgensen - Personnel Preparation), and some meetings were attended by one or more members of the EPC. The Task Force met three times, on May 1, July 17, and October 16, 2008. The Work Groups met several times each month between May 1 and October 16, 2008. In addition, the Professional Development, Technical Assistance, and Pools of Specialists Work Group met six times during the spring of 2010. Their charge was to:

1. Analyze the current “state of the state” with respect to need and currently available services/programs.
2. Establish best practices based on current research and recommendations from professional organizations.
3. Develop a plan for addressing the gap between need and available resources.
4. Design a plan for sustainability including governance, leadership, funding, dissemination to families and professionals, and methods for evaluating effectiveness.

The Work Groups, Task Force, and EPC all used deliberative processes that included gathering information, discussing diverse perspectives, and generating recommendations. Work Group facilitators were encouraged to solicit and discuss all ideas, and to communicate both majority and minority opinions to the EPC. The Work Groups presented their evolving recommendations at the July and October 2008 Task Force meetings and solicited input from the Task Force through a variety of means including large and small group discussions and anonymous written comment forms.

A website was created to share information about the work of the Work Groups, Task Force, and EPC. It was designed to be accessible to all, including individuals with disabilities. Meeting announcements and minutes were posted and updated weekly. Paper copies of meeting dates, times, and locations were posted at 10 West Edge Drive, Suite 101, University of New

Hampshire, Durham, NH, 03824; and at 56 Old Suncook Rd., Suite 2, Concord, New Hampshire, 03301. Paper copies of all documents were kept in the office of the EPC Chair, Cheryl M. Jorgensen, at the UNH office location noted above. Two Work Groups each distributed at least one statewide survey seeking input on their evolving recommendations.

The EPC hosted a public comment meeting on November 6, 2008, from 3:00pm-5:00pm in Room 15 of the New Hampshire Department of Education, Londergan Hall, 101 Pleasant Street, Concord, New Hampshire. Following that meeting, the public had 10 days to submit additional input on the HB 661 website or in writing to Cheryl M. Jorgensen at the University of New Hampshire address above. Thirteen people attended the public comment meeting. Nine spoke on behalf of students who are hard of hearing or deaf; three on behalf of students with autism spectrum disorders; and one on behalf of students who are visually impaired or blind. Furthermore, 14 written comments were submitted via the HB 661 website or email; five on behalf of students who are deaf or hard of hearing; one on behalf of students who are blind or visually impaired; one on behalf of students with autism spectrum disorders; and seven general comments not specific to student disability labels.

Additional public input was sought during the spring of 2010. Santina Thibedeau, Administrator of the NH Department of Education, Special Education Bureau) hosted a public meeting on Wednesday, February 17, 2010 on the topic of personnel shortages and quality. Eight (8) people attended this meeting. The EPC then requested input on a draft of its final report from eight representatives of stakeholder groups including: Barbara Cohen (Granite State College); Sandy Plocharczyk (NH School Administrators Association); Alan Pardy (NH Association of Special Education Administrators); Susan Wolf-Downes (Northeast Deaf and Hard of Hearing Services); Claudia Libis (NH Association for the Blind, NH Agenda for the Education of Students Who are Blind & Visually Impaired Including Those with Multiple Disabilities); Christine Rath (SAU 8); Kevin Murphy (Strafford Learning Center); and Kirsten Murphy (NH Council on Autism Spectrum Disorders).

The EPC recommendations are presented next.

# HB 661 Council

The EPC recommends that the Legislature create a permanent HB 661 Council.

The Council will:

- Promote continuous improvements in NH's educational system for students with LID/HCN that are responsive to emerging knowledge in the field.
- Serve in a leadership role to promote the recommendations contained in this report.
- Assure that initiatives related to students with LID and HCN are coordinated with other related initiative in the state (e.g., The New Hampshire Autism Council).
- Suggest revisions to existing or propose new legislation, policies, and regulations to promote the recommendations contained in this report.
- Serve as a link between the initiatives proposed in this report and the Legislature, Governor, appropriate state agencies, and other organization such as institutions of higher education.

The Council will be comprised of representatives of:

- Regional/local service providers (e.g., SERESC, Strafford Learning Center, NH Association for the Blind, self-employed providers);
- New Hampshire Professional Development Centers;
- LEA administrators (e.g., superintendents, principals, special education administrators);
- Statewide organizations such as Northeast Deaf and Hard of Hearing, ATECH Services, and UNH's Institute on Disability;
- Professional organizations (e.g., NH Occupational Therapy Association);
- New Hampshire Department of Education (e.g., Division of Instruction [including Special Education, Accountability, Assessment]; Division of Program Support [Bureau of Credentialing]; Division of Career Technology and Adult Learning [in particular, its services for school age students in transition]);
- New Hampshire Department of Health and Human Services (e.g., developmental services, behavioral health, early supports and services);
- Disability-specific associations (e.g., NH Council on Autism Spectrum Disorders);
- Parents or guardians of students with disabilities receiving special education and related services;
- Individuals with disabilities; and Institutions of Higher Education.

# Personnel Shortages

A qualified workforce is the cornerstone of quality education for all students. The HB 661 Personnel Preparation and Professional Development Work Group (a) drafted a set of principles and characteristics of personnel preparation and professional development related to learners (infants, toddlers, children, and youth) with LID/HCN; (b) created a catalog of existing personnel preparation programs related to students with LID/HCN; and, (c) drafted recommendations to fill the gap between current capacity and need related to personnel preparation programs; and the dispositions, knowledge, and skills needed by current and new personnel. Through an online survey, feedback on the draft recommendations from a variety of stakeholder groups was received from 779 individuals. Based on this work, the EPC makes the following recommendations:

1. Encourage LEAs and regional providers to support future educators and related services providers through mentoring, internships, and collegial forums during their training programs, and provide financial support for existing staff to enroll in programs within critical shortage/low incidence/high need areas.
2. Recruit undergraduates to go into low incidence professions, let them know about financial aid/scholarship options, and provide opportunities for employment with an LEA or regional service provider after they graduate if they agree to work in the state for four years.
3. Provide induction support (like the “Clinical Fellowship Year” for speech-language pathologists) to new graduates.
4. Link college students with internship or practicum sites.
5. Providers within The Technical Assistance and Professional Development Network (see description of The Network in the following section of this report) will guest-lecture/co-teach in college classes.
6. The Network, together with its partner LEAs and regional service providers, will hold recruitment fairs at UNH and other institutions of higher education to encourage new graduates to work in NH.

7. Investigate formal partnerships among the state's institutions of higher education that will increase the pool of specialists working with low incidence/highly challenging need populations in NH.
8. Revise as necessary ED 500 and ED 600 to (a) assure that personnel standards for initial certification, for re-certification, and for certification through alternative means are appropriate to the needs of students with LID/HCN; and (b) to assure that those standards are aligned with the best practices recommended in this report and applicable national professional standards, especially with respect to dispositions, knowledge, and skills in the following areas:
  - a. Universal design for learning
  - b. The needs of students with autism spectrum disorders
  - c. Assistive technology
  - d. Augmentative and alternative communication
  - e. Positive Behavior Supports and Interventions, Response to Intervention, and other effective instructional and support practices
  - f. Secondary transition to inclusive community settings and typical adult roles
9. Recommend changes to higher education curriculum based on new personnel standards.
10. Establish a specialization in Augmentative and Alternative Communication for Speech-Language Pathologists to be administered by the New Hampshire Allied Health Board, based on guidelines from the American Speech Language Hearing Association and the National Joint Committee for the Communication Needs of Persons with Severe Disabilities.
11. Establish a state license for Assistive Technology Specialists to be administered by the New Hampshire Allied Health Board, based on standards developed by the Rehabilitation Engineering and Assistive Technology Society of North America and the Council for Exceptional Children.
12. Establish an Associate's degree program in LID within the New Hampshire Community College System or other New Hampshire institutions of higher education as appropriate.
13. Enhance existing or create new articulations agreements among institutions of higher education to support a career ladder for professionals who provide services to and educate children with LID/HCN ages birth through age 21.

14. Revise as necessary RSA 190 to add to the membership of the Council for Teacher Education a higher education faculty member who specializes in one or more areas related to students with LID/HCN.
15. Re-establish the Consortium of Postsecondary Special Educators (COPSE) to serve as a clearinghouse of emerging research-based Best Practices.
16. New Hampshire Institutions of Higher Education, in cooperation with the Department of Education, shall implement a comprehensive marketing effort to increase awareness of reduced or free tuition scholarships and loan forgiveness programs in personnel preparation programs leading to certification or licensure in professions related to students with LID/HCN.
17. New Hampshire personnel preparation programs related to students with LID/HCN shall utilize distance learning and other delivery models to make those programs available to individuals from all geographic areas of the state.

# Professional Development & Technical Assistance

During 2008, 35 individuals comprised the Technical Assistance and Pools of Specialists (TA-POS) Work Group. This Work Group was reconvened in 2010 and comprised 13 members including:

- Cheryl M. Jorgensen, Institute on Disability, University of New Hampshire (Facilitator)
- Barbara D. Cohen, Granite State College
- Richard Cohen, Disability Rights Center
- Bonnie Dunham, Parent Information Center
- William Finn, New Hampshire Department of Education, Services for Blind and Visually Impaired
- Lorraine Halton, ATECH Services
- Lori Langlois, North Country Educational Services
- Michael McSheehan, Institute on Disability, University of New Hampshire
- Kevin Murphy, Strafford Learning Center
- Kirsten Murphy, New Hampshire Council on Autism Spectrum Disorders
- Alan Pardy, New Hampshire Association of Special Education Administrators
- Terry Rogers, Strafford Learning Center
- Kathy Thonis, ATECH Services

The Work Groups discussed several New Hampshire projects that have provided technical assistance and student services to local schools over the years, and researched models used by several other states. The following framework and functions (Figure 1) of a statewide model will build the capacity of local schools to educate students with LID/HCN.

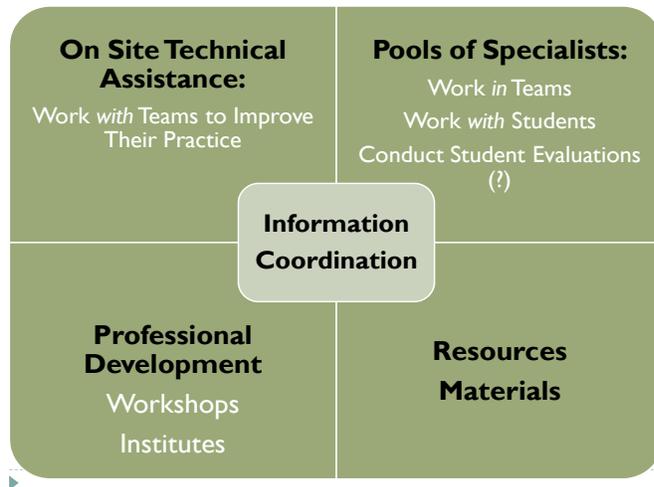


Figure 1. Core functions of a statewide model of technical assistance and pools of specialists

The statewide model will also have the following features:

- Guided by Best Practices to close the “research to practice” gap
- Staffed by qualified professionals who are supervised by qualified professionals with the necessary areas of expertise and knowledge of the systems of education and human services in NH
- Within and across discipline mentoring and ongoing professional development
- Relationships with institutions of higher education and national organizations (e.g., IDEA Technical Assistance Centers, Regional Resource Centers, professional organizations):
  - mentoring of student teachers, student therapists; faculty who teach courses are linked with practitioners in the field and vice versa
  - access to the most recent research and advances in the field
- Monitoring and evaluation of impact including:
  - Intermediate outcomes (e.g., implementation of best practices, timely provision of services to students, increased knowledge and skills by professionals, improved family and school satisfaction)
  - Improved educational outcomes for students
  - Reductions in out of district placement rates and costs
- Stakeholder involvement and feedback structures
- Prioritization of supports and services based on need and available funds

A variety of organizational and management structures for a statewide model of technical assistance and pools of specialists were considered including:

- Satellite offices located in various regions of the state that would provide technical assistance or pools of specialists to LEAs in their catchment area
- A central office or group of experts that provides consultation to the satellite agencies, as needed, regarding students with the most intensive or challenging needs
- Administration and services provided by a new agency or through a consortium of existing agencies:
  - A new agency might have its own governance structure, staff members, office, web address, mission, staff job descriptions, and fiscal structure.
  - A consortium might be a group of agencies concerned with children with LID/HCN who maintain their own identities and activities, while at the same time cooperate with other agencies to provide technical assistance and/or pools of specialists to local schools, families, and communities. Each of these structures has particular advantages or disadvantages, as depicted in Table 2.

*Table 2. Possible advantages and disadvantages of single agency or a consortium of agencies related to the educational needs of students with LID/HCN.*

Organizational Structure	Advantages	Disadvantages
New Agency	Unified mission, vision, and values Only one agency to communicate with Quality control easier May encourage new thinking that is not tethered to existing agencies or models Central databases Job security for consultants	Too autocratic Perceived loss of control or lack of buy-in by other agencies May get stuck in one point of view Monopoly What if staff/administration are not liked or trusted?
Consortium of Existing Agencies	Greater diversity of perspectives Staff and services already exist in various locations in the state Strong agency identities Opportunity for frequent contact with peers with similar interests Reduce silos of expertise	Less uniformity Lack of checks and balances Risk of local or regional differences in quality Diluted leadership Difficulty making decisions Hard to assure equity – how much each agency gets from a budget versus how much they have to give Difficult to coordinate Top-heavy administrative costs

Based on these discussions and currently available information, the EPC recommends the establishment of *The New Hampshire Professional Development and Technical Assistance Network for Students with LID/HCN (hereafter referred to “The Network”)*. The role of The Network is to work in collaboration with other stakeholders to:

- Support high quality educational outcomes characterized by valued membership, full participation, reciprocal social relationships, and learning (academic and functional) in general education classrooms and other natural environments in local school communities; resulting in students’ graduation and participation in post-secondary education, community living, and rewarding employment.
- Reduce costly out-of-district placements by increasing local school based options and be a resource to LEAs in the transition of students to the least restrictive environment.

The Network will contribute to the achievement of these goals through:

- Developing and/or disseminating best practice guidelines
- Promoting high quality pre-service preparation to reduce personnel shortages, improve retention, and increase quality
- Coordinating forums for communication and networking among professionals and parents
- Planning and coordinating professional development for service providers
- Coordinating the provision of high level technical assistance to LEAs
- Creating, maintaining, and disseminating an accessible online database of specialists
- Linking specialists with LEAs and facilitating creative staffing solutions

The EPC proposes that The Network be funded in a demonstration capacity for two years, from January 1, 2011 through December 31, 2012. At the conclusion of this demonstration period, the EPC will report to the Legislature and Governor on The Network’s impact and make recommendations regarding its sustainability.

## **TARGET POPULATION**

The target population served by The Network includes students (between the ages of birth and 21 who are receiving early intervention or special education services) with autism, multiple disability, traumatic brain injury, severe emotional disability, deafness/hard of hearing, blindness/visual impairment, deaf-blindness, developmental delay, and other students with LID/HCN.

## **ORGANIZATIONAL STRUCTURE**

The EPC recognizes the advantages and disadvantages of a variety of organizational types (e.g., LLC, affiliate of or “administratively attached” to an existing organization, or 501 (c)(3) non-profit agency), but at this time feels it is premature to recommend one particular structure. We therefore recommend that The Network’s first two years of operation be structured as a *model demonstration project*, housed in an existing organization.

The evaluation of The Network’s first two years of operation will include a recommendation for a permanent organizational structure based on, but not limited to, the following criteria:

- Association with an organization that has existing structures for fiscal management, human resources, liability insurance, and the like.
- Compatibility of The Network’s mission with that of its host organization.
- Operational independence from the host organization.
- A separate board or advisory committee from that of its host organization.
- A tax ID number distinct from that of its host organization (if it is determined to be advantageous).

## **GOVERNANCE**

At its inception as a model demonstration project, The Network will have an *Advisory Committee* that meets four times per year and performs the following functions: (a) provide guidance (not decision making) to assure that The Network is responsive to the needs of students, their families, schools, the State Board of Education, and the Legislature; (b) review evaluation data on The Network’s impact; and (c) assist The Network in securing sustainable funding. The Advisory Committee will include representatives from the following organizations and stakeholder groups:

- New Hampshire Department of Education
- New Hampshire Department of Health and Human Services
- Institutions of Higher Education
- New Hampshire Disability Rights Center
- New Hampshire School Administrators Association
- New Hampshire Association of Special Education Administrators

- Representatives from general education, and practitioners in special education and related services in the area of LID/HCN
- New Hampshire Parent Information Center
- New Hampshire Developmental Disabilities Council
- Parents or guardians of students with disabilities receiving special education and related services
- Individuals with LID/HCN
- Legislators
- Current members of the State Board of Education

## **OFFICE AND STAFF**

The Network office will be located in Concord, New Hampshire, or in the location of its host organization. It will have four offices and a small conference room with distance learning capabilities (e.g., SKYPE, conference calls, WebEx). Full-time, benefits-eligible staff will include:

- A Project Director
- A Personnel Development Coordinator
- A Technical Assistance Coordinator
- An Administrative Assistant

This office will also house the *HB 661 Council's* Executive Director and Grant Writer. Technical assistance and professional development providers will be hired on a contractual basis without benefits.

## **SERVICES**

### **In-Service Professional Development**

Each year, the Advisory Committee will work with the Director of The Network to identify the need for professional development (across all student groups, ages, and regions; for parents/guardians and all categories of professionals) and plan a professional development agenda. Professional development will be: (a) comprised of institutes, conferences, symposia, workshop series, and single workshops; (b) be delivered “in person” and via distance technology; and (c) be offered in central locations, regional locations, and on-site at LEAs. Professional development will be delivered by parents/guardians, and organizations and/or individuals with

the highest level knowledge and experience in the field, college/university faculty/researchers, and out-of-state experts. Facilities and technology associated with organizations such as regional providers, the PD centers, the Institute on Disability, the Granite State Distance Learning Network, the Departments of Education and Health and Human Services, and the state's colleges and universities will be utilized to the greatest extent possible.

### **High Level Technical Assistance**

Technical assistance (TA) is defined as consultation to members of a student's local school IEP team to enhance their capacity to: (a) provide quality educational services to improve a student's membership, participation, relationships, learning, transitions, and/or graduation to valued adult roles in inclusive community activities and environments; and (b) develop local school based options for students in or at risk of being placed in alternative or separate schools. Staff from an alternative or separate school may request TA as long as it is done in conjunction with a team from the sending LEA, with the goal of returning the student to his or her local school.

***TA Model Demonstration.*** Following a six-month start-up period, the Network will conduct an 18 month demonstration of a system of high level TA to LEAs for approximately 50 students. These students will be chosen to represent:

- Under-served geographic areas;
- Students from each LID/HCN category;
- LEAs who are identified by the NHDOE through its monitoring process for being in non-compliance;
- LEAs who are not meeting AYP because of their special education population;
- Students referred by their parents/guardians (when the IEP team is supportive of the request);
- LEAs requesting such TA to avoid placement in an alternative or separate school or to return a student to his or her local school from such placements.

***TA Services.*** TA will be delivered in the form of:

- Providing guidance to team members who are conducting a comprehensive evaluation<sup>1</sup>
- Providing input to the development and/or implementation of a student's IEP;

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<sup>1</sup> The EPC was not able to come to agreement about whether the TA teams would actually *conduct* comprehensive evaluations. This issue will have to be decided at a future time.

- Modeling and providing guidance to the team regarding the meaningful participation of parents/guardians and students in the IEP process;
- Providing technical assistance and/or professional development regarding assistive technology, augmentative and alternative communication, instruction, behavior support, collaborative teaming, and other areas of student and/or team needs;
- Modeling and coaching IEP team members on the use of effective practices;
- Problem solving in team meetings;
- Providing information and support in the selection and use of instructional materials to access the general education curriculum;
- Working with administration to develop supportive organizational structures, policies, and staffing models;

**TA Teams.** The Network will contract with professionals to serve on TA teams, per the student and team's identified needs, including but not limited to:

- Behavior Specialist;
- Speech-language Pathologist/Augmentative and Alternative Communication Specialist;
- Occupational or Physical Therapist;
- Assistive Technology Specialist;
- Autism Specialist;
- Psychologist or School Psychologist;
- Teachers with certification and/or expertise in various LID/HCN need areas such as autism, deafness/hard of hearing, blindness/visual impairment, serious emotional disability, and multiple disability.

These specialists will be hired for a guaranteed number of days during each of the first two years of The Network's funding. During the first six months following establishment of the Network, the specialists will work with Network staff and advisors to further develop the TA process, procedures, documents, and evaluation methods. During the second six months of year one and all of year two these specialists will provide high level TA during their contracted hours.

**TA Procedures.** Specific procedures for the delivery of level technical assistance are, as yet, in draft form. The following description is provided as a general outline of the TA process. It is likely that it will be revised by The Network staff and its advisors with input from current regional or private practice providers.

Based on identification of the presenting problem, review of initial data, and discussion with the TA requester, the TA Coordinator will assemble the appropriate members of the TA team. The TA Coordinator will facilitate a virtual or in-person TA team meeting designed to: (a) describe the student and the presenting problem; (b) confirm that the identified providers are the appropriate TA team members; (c) identify a team leader; and (d) connect the team with the requester to schedule a first TA visit. During the first TA visit, the team will conduct one or more of the following activities to assess the problem and to develop recommendations for the team:

- (a) review of student records, including evaluation reports, IEPs, alternate assessment portfolios, behavior data, etc.;
- (b) observation of the student;
- (c) interviews with team members;
- (d) observation of a team meeting;
- (e) observation/inventory/analysis of the student's communication strategies (including aided and unaided) and their effectiveness;
- (f) observation/inventory/analysis of assistive technologies and their effectiveness;
- (g) observation/inventory/analysis of positioning, mobility, and access to the environment;
- (h) observation/inventory/analysis of instructional materials; and
- (i) examination of student work samples. Short video clips will be taken of the student in a sampling of instructional situations or other typical school routines.

At the conclusion of the visit, the TA team will meet with the IEP team to share its initial impressions and recommendations. A written report (see example in Appendix D) will be submitted promptly following the initial TA visit. Shortly following the submittal of the written report the team leader will have a follow-up phone call with the TA requester to identify which of the recommendations the team wants to implement or where they need further assistance. Up to three additional TA visits will be provided to each student during the 18 month TA demonstration effort for the following purposes:

- (a) professional development workshops;
- (b) modeling and coaching of effective practices;
- (c) facilitating team meetings;
- (d) training in the use of and/or demonstration of suggested instructional materials, supports, and/or technologies; and

(e) restructuring policies, organizational structures, and staffing models.

***Evaluation of Effectiveness. See section of the report on standards and methods of evaluation.***

**Costs.** During the model demonstration period, TA will be provided free of charge. Also during this period The Network staff will, in collaboration with its Advisory Committee and the *HB 661 Council*, develop a funding mechanism that will expand and sustain its technical assistance capacity to more students. Potential sources of funds will include:

- IDEA discretionary funds awarded to the NHDOE from the USDOE
- Funds currently budgeted for the NHDOE Technical Assistance Consultants, but not currently filled
- Fee-for-service (utilizing, for example, ARRA funds, IDEA funds, local funds)
- Grants
- Foundation support
- Subscription plan whereby LEAs pay an annual fee, entitling them to a specific number of TA visits

### **Professional Networking**

The Network will provide leadership and coordination to create collegial communities for providers throughout the state. These collegial communities will:

- (a) meet for social and professional networking during monthly dinners (for example),
- (b) engage in sharing and problem solving through The Network's secure website,
- (c) identify providers to be included in the specialists database,
- (d) provide input to The Network's professional development agenda,
- (e) share resources and information among colleagues,
- (f) serve as an induction program for new practitioners in the field, and
- (g) provide input to NHDOE and NHDHHS (and their related discretionary projects) on policy and practice issues.

### **Pools of Specialists**

The Network will create, disseminate, and maintain an up-to-date database of specialists in the area of LID/HCN, using a format such as the one currently in development at ATECH Services (see Appendix E). An LEA looking for a particular specialist could consult the database

to identify providers in their local area. The Network Director will work with LEAs to develop creative staffing options in under-served areas or in situations such as a staff member's illness or leave. For example, if two LEAs in the North Country each need a .5 FTE Teacher of the Deaf, the Director will advise those LEAs about creating a single, shared position.

### **Information and Referral**

The Network will provide information and referral to resources including those *maintained by other organizations* such as:

- Educational and related (e.g., assistive technology) evaluation services;
- Books, research articles, websites, curriculum materials, sample lesson plans, videos/DVDs on best practices;
- Links to family support services;
- After-school, recreation, and summer programs;
- Information on funding for services and equipment;
- Accessible instructional materials;
- Assistive technology devices, including recycled equipment;
- Information about driving/adaptations to cars, bicycles;
- Durable medical equipment.

### **TIMELINE OF ACTIVITIES**

#### **Year 1:**

##### **First Six Months:**

- Hire staff
- Secure space
- Develop Network website and specialists database
- Disseminate and/or develop best practice guidelines
- Recruit members and hold meetings of The Network's Advisory Committee
- Implement personnel development efforts in collaboration with IHEs, LEAs, DOE, DHHS, providers/employers
- Establish baseline and set targets for (a) development of local community-based placement options; and (b) evaluation measures, including student outcomes
- Formalize data collection tools and procedures

- Create a registry of students with LID/HCN (including those students whose needs may be secondary or tertiary to their primary special education identification or who have not yet been identified), poor outcomes, and high rates of out of district placement by geographic area
- Identify students/LEAs for TA demonstration effort
- Contract with consultants/providers for TA teams and fully develop TA procedures and recordkeeping
- Plan and implement a statewide professional development initiative

### **Second Six Months**

- Disseminate best practices
- Offer professional development
- Develop collegial communities and host activities
- Deliver TA
- Collect evaluation data

### **Year 2:**

- Deliver professional development
- Deliver TA
- Evaluate outcomes of professional development and TA
- Update database of specialists
- Nourish collegial communities
- Expand The Network's website
- Develop plan for sustainability of The Network
- Submit report to Legislature and Governor

**Budget – January 1, 2011 – December 31, 2012**

Expenses (in whole dollar amounts)	Year 1	Year 2
Personnel	210,000	220,500
Fringe Benefits	73,500	77,175
TA Consultants (average 2 consultants per visit x 4 visits per student x 50 students x \$875 per consultant per visit)	350,000	350,000
Professional development presenters (\$2,000 per day x 30 workshop days)	60,000	60,000
Office Space	6,000	6,000
Equipment (A-V, laptops, phones, file cabinets, desks)	7,000	2,000
Travel	5,000	5,000
Supplies	2,000	2,000
Phone/Internet	2,000	2,000
Web Design/Hosting	20,000	5,000
Materials (books, software licenses, etc.)	2,500	2,500
Postage	1,000	1,000
Conference Facilities and Food	20,000	20,000
Copying and Printing	10,000	10,000
<b>Total Direct Costs</b>	<b>769,000</b>	<b>763,175</b>
Indirect Costs @ 8%	61,520	61,054
<b>Total Direct and Indirect Costs</b>	<b>830,520</b>	<b>824,229</b>
Income – professional development workshop registration	56,250 - 112,500	56,230- 112.,500

Funds are also needed for the *HB 661 Council's* Executive Director and Grant Writer, totally approximately \$150,000 each year.

A detailed budget justification will be developed upon request.

During its first two years of operation, The Network will be supported by a demonstration grant and, by registration fees for professional development workshops. We estimate that The Network will sponsor or co-sponsor 30 professional development events, attended by 15-30 individuals each. Registration charges will be approximately \$125.00 per workshop, bringing in a total of \$56,250-\$112,500 in income each year.

If The Network's activities result in preventing just 20 unnecessary (\$100,000 per student) out-of-district placements (or returning students to an in-district program), then the savings to NH LEAs will be \$2,000,000 per year in out-of-district expenses. If an in-district program costs approximately \$30,000 per student, then the net savings in educational costs would be \$1,400,000.

# Methods of Research and Development and Dissemination of Best Practices

As commonly used, a best practice is “a technique or methodology that, through experience and research, has proven to reliably lead to a desired result.” The HB 661 Best Practices Work Group consulted the following sources to identify best practices related to students with LID/HCN including:

- research literature in a variety of fields;
- recommendations from New Hampshire and national professional organizations;
- input from a New Hampshire focus group of general education teachers;
- an online survey sent to all members of the HB 661 Task Force and members of a variety of stakeholder groups;
- the U.S. Department of Education’s Office of Special Education Programs Committee on Evidence-Based Practices for Students with Disabilities.

They developed a list of best practices that apply to all students with LID/HCN and a list of practices that are specific to particular disability groups (see Appendix C).

The EPC recommends that The Network establish a work group to review these best practices and to revise them to eliminate redundancy and to assure balance across all student groups. This revised and enhanced list of best practices shall be used to:

- Inform personnel standards in ED 500 and ED 600.
- Inform the services of The Network.
- Inform the New Hampshire special education program approval and monitoring process.
- Recognize “Model” or “Blue Ribbon” schools that use these best practices and achieve desirable outcomes for students with LID/HCN.

# **Provision of Assistive Technology and Reasonable Accommodations**

Provision of assistive technology as a reasonable accommodation is a best practice in educating students with a variety of LID/HCN. It was beyond the resources and time available to the EPC to make comprehensive recommendations in this area. The EPC recommends that a Study Commission on Assistive Technology in NH Schools be established by September 1, 2010; that it be charged with evaluating the current “state of the State;” and that it make specific recommendations for improving access to, use of, and the effectiveness of AT for students with LID and HCN (including infants and toddlers). The EPC recommends that current and planned activities related to students who are blind/visually impaired and deaf/hard of hearing be incorporated into this study commission. On the basis of the recommendations of this Study Commission, to be delivered to the General Court and the Governor by June 30, 2011, determine whether the Master Plan shall be revised to require local schools to include specific goals and activities related to increasing staff knowledge and skills and the delivery of assistive technology services to students with LID/HCN.

# Methods and Standards of Evaluation

The EPC recommends that data on the impact of The Network be collected in six areas:

- (a) completion of Network activities on time and as planned;
- (b) satisfaction with Network services;
- (c) implementation of TA recommendations;
- (d) improved knowledge of best practices by participants in Network professional development offerings;
- (e) changes in statewide data reflecting educational program quality and student outcomes; and
- (f) changes in student and team indicators at TA sites.

## **Completion of Network Activities**

*Formative or process evaluation* will be conducted to determine if The Network's activities were carried out in a timely manner as planned. For each planned activity, data will be collected to indicate: 1 = the activity was carried out on time and as planned, 2 = the activity was carried out as planned, but was delayed, 3 = the activity is still in process, 4 = the activity was changed, 5 = the activity was not carried out. These formative data will be reviewed by The Network staff, its Advisory Committee, and its Coordinating Council, and used to make operational improvements throughout the life of the project.

## **Satisfaction with Network Activities**

*Satisfaction* with The Network's activities will be evaluated by its constituents and consumers. Anonymous satisfaction surveys will be administered for all Network activities and results will be used to identify strengths and improve shortcomings.

## **Knowledge of Best Practices**

Among individuals attending Network professional development events, changes *in knowledge of best practices* will be measured through pre- and post-test quizzes (see Appendix F for sample) and t-test analyses will determine if any changes are significant.

## **Changes in Statewide Measures**

The following *aggregate measures* will be tracked over time to help guide priority-setting, policy reform, and allocation of funds by The Network and State:

- NECAP and NH Alternate Assessment scores for the LID/HCN disability sub-group,
- Catastrophic aid expenditures,
- Per pupil expenditures for students with LID/HCN,
- Suspension, expulsion, graduation, and drop-out rates for students with LID/HCN,
- Educational program placement data,
- Post-graduation quality of life indicators (e.g., employment, independent living, postsecondary education).

## **Implementation of TA Recommendations**

The Network's TA Coordinator will collect data on which *TA recommendations* were implemented with fidelity by the requesting team using a 1-5 Likert scale (e.g., 1 = all recommendations implemented with fidelity; 2 = most recommendations implemented with fidelity; 3 = some recommendations implemented with fidelity; 4 = few recommendations implemented with fidelity; and 5 = no recommendations implemented) or other appropriate methodologies.

## **Changes in Student and Team Indicators at Technical Assistance Sites**

Although changes in students' educational outcomes cannot be related solely to the activities of The Network, a variety of *student outcome measures* will be gathered and analyzed over time. Baseline and follow-along data will also be obtained for *individual students*, whose teams receive technical assistance, including measures such as:

- Educational program placement including percent of time spent with non-disabled students;
- NECAP or NH Alternate Assessment Scores;
- Functional and/or adaptive skills (e.g., using the ABLLS);
- Communication skills;
- Social relationships;
- Behavior;
- Self-advocacy/self-determination skills;

- Work skills;
- Receipt of a high school diploma;
- Participation in extra-curricular activities;
- Achievement of IEP objectives;
- Suspension or expulsion;
- Enrollment in post-secondary education;
- Employment after leaving school.

Not all measures will be collected on all students. A matrix will be developed that will link the presenting TA problem with appropriate evaluation measures. For example, if the presenting TA problem is related to helping a team choose and use an appropriate augmentative communication device for a student unable to use natural speech, the evaluation measures that *may* be collected include: educational placement, NECAP or NH Alternate Assessment scores, the Sensory Access Profile that is part of the NH Alternate Assessment, measures of the student's communication skills, and behavior data. LEAs requesting TA will be required to submit data to the TA team leader. All data will be kept confidential, analyzed, and reported back to the referring LEA, and not be reported to any other agency or organization.

Data will also be collected to track changes in *IEP team outcomes* for those receiving high level TA from The Network. These measures may include:

- Qualification of IEP team members;
- Scores on a Best Practices survey (see Appendix G for a sample);
- Scores on measures of team skills, processes, and structures (see Appendix H for a sample).

### **Methods and Standards of Evaluation for Other EPC Recommendations**

Methods and standards of evaluation were not completed for other activities described in this report. The EPC therefore recommends that the following baseline data be gathered to inform future goals and activities and the evaluation of impact over time.

1. Collect valid and reliable data on students with LID/HCN and determine how those data will be used as part of a system of monitoring and evaluation of HB 661 recommendation and educational outcomes of these students. These data will answer the following questions and others as may be appropriate:

- Which school districts are more and less successful in educating students with LID/HCN in their local schools?
  - To what do they attribute their success or difficulty?
  - What factors do their IEP teams consider when making their placement decisions?
  - What supports and services, reflected in students' Individualized Education Programs (IEPs), are being provided to students with LID/HCN in these districts?
  - What are the characteristics of the staff who serve on the IEP teams in these districts? What are their certification credentials? Their attitudes, knowledge, skills, and experience?
  - What role do school administrators play with respect to educational programs for students with LID/HCN in these districts?
  - Does geography play a role? Size of school district?
  - What kinds of professional development are being provided to the IEP teams of the students in these districts?
  - Are these districts receiving outside technical assistance, for what purposes, and from whom?
  - How are parents/guardians participating in placement decisions in these districts?
  - How much are these districts spending to educate students in their local schools?
  - Have some districts reduced their out-of-district placement rates and how did they do it?
  - Are there particular strategies that work better for educating students with developmental disabilities in local schools versus students with emotional and behavioral disabilities?
  
- How much is being spent in NH on educating students with particular LID/HCN? Are there differences across districts that are not accounted for by differences in per pupil expenditures for students without disabilities?

- How do those costs vary by the type of educational placement? What are the costs associated with educating students in-district versus out-of-district? What are the costs associated with various in-district programs, such as modified general education classes? Resource rooms? Self-contained programs? Alternative schools?
- Are particular out-of-district placements more expensive than others?
- How are Catastrophic Aid entitlements being spent (e.g., \$31,000,000 in 2008)? On which students? Which programs? What are the characteristics of districts that have a higher per capita Catastrophic Aid entitlement than those that have a lower per capita entitlement? Are there geographic differences? Population differences? What are the trends in Catastrophic Aid expenditures?
- What is the impact of HB 766 that allows Catastrophic Aid to be used for staff training and other resource development related to returning students from out of district placements?
- What supports do parents/guardians receive whose children with LID/HCN are educated in their home communities?
- What percentage of out-of-district placements are court ordered? How much do they cost?
- Are there successful examples of “wrap around” services that are helping to keep students with LID/HCN in-district or return them to district from an out-of-district placement?

# Other Recommendations

This EPC recognizes that high quality educational programs for students with LID/HCN require coordination among many parts of New Hampshire's educational system. We recommend that the Legislature and the New Hampshire Departments of Education and Health and Human Services consider the following activities and policy reforms.

1. Revise, if necessary, Catastrophic Aid rules so that it can be used for technical assistance, professional development, and other activities related to personnel development to enhance the capacity of local schools to educate students with LID/HCN.
2. Investigate the use of the State's Medicaid administrative return to support Network activities.
3. Provide technical assistance to LEAs to maximize their reimbursement from Medicaid for allowable costs.
4. Restructure the special education monitoring system to have an increased focus on program quality in addition to compliance.
5. Identify students with LID as a sub-group for monitoring.
6. Use funds from the state budget and the IDEA state grant to subsidize personnel preparation programs in LID/HCN professions when tuition is not adequate to finance those programs.
7. Establish a process that requires LEAs to seek out technical assistance from The Network or other providers when: (a) their out of district placement rates exceed the targets in the Special Education State Performance Plan (SPP); (b) they fail to make Adequate Yearly Progress (AYP) due to the special education subgroup; (c) their performance falls below key indicators in the SPP such as NECAP/NH Alternate Assessment scores, graduation, drop out, suspension, or expulsion; (d) the percentage of time students with LID/HCN spend in regular classes falls below the targets established in the SPP; and/or (e) TA is warranted by other monitoring findings. Consider the Connecticut model that identifies LEAs as "meeting targets," "needs assistance," "needs intervention," or "needs substantial intervention."
8. Increase outreach to parents/guardians to assure that they are aware that they may request technical assistance to support their child's IEP team. Consider requiring that information regarding the availability of technical assistance be provided to parents/guardians, similar

to the way in which students'/parents'/guardians' special education rights are currently made available.

9. Develop methods through which the Departments of Education and Health and Human Services shall provide parents, school administrators in general and special education, and other educational personnel with information about the latest research-based strategies for educating students with LID/HCN in local schools, including but not limited to identifying “Model” or “Blue Ribbon” local schools that use best practices and achieve desirable outcomes for students with LID/HCN.
10. Develop recommendations for revising the New Hampshire Rules for the Education of Students with Disabilities to establish maximum workloads for teachers and other educators who serve on the IEP teams of students with LID/HCN.
11. Work with the Departments of Education and Health and Human Services to conduct a comprehensive review and subsequent reforms of their current policies, practices, and funding methods related to students who are court placed to reduce disincentives and to increase incentives to the development of local school based educational options.

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# Appendix A: House Bill 661

## CHAPTER 328

### HB 661-FN-A – FINAL VERSION

05/10/07 1435s

05/24/07 1692s

27Jun2007... 2355eba

2007 SESSION

07-0184

04/09

HOUSE BILL *661-FN-A*

AN ACT establishing an executive planning commission on special education.

SPONSORS: Rep. Stiles, Rock 15; Rep. Claire Clarke, Merr 6; Rep. Jillette, Sull 2; Rep. Casey, Rock 11; Sen. Hassan, Dist 23

COMMITTEE: Education

AMENDED ANALYSIS

This bill establishes an executive planning commission on special education and authorizes the commission to accept gifts, grants, or donations from any source to hire staff or retain consultants.

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Explanation: Matter added to current law appears in *bold italics*.

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05/10/07 1435s

05/24/07 1692s

27Jun2007... 2355eba

07-0184

04/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seven*

AN ACT establishing an executive planning commission on special education.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

328:1 Purpose.

I. The general court has determined that a significant barrier to the provision of an education that supports personal, social, physical, and academic growth of children with disabilities is the shortage of qualified personnel. This shortage particularly affects the capacity of schools to provide children with HCN or low-incidence disabilities a free appropriate public and adequate education in the least restrictive environment. For purposes of this act, children with HCN or low-incidence disabilities shall include, but not be limited to, children with emotional disabilities, autism, multiple disabilities, traumatic or acquired brain injury, deafness, deaf-blindness, and blindness.

II. The general court has further determined that the personnel shortage and related issues adversely affect school capacity to educate and support personal, social, physical, and academic growth resulting in relatively poorer educational outcomes for children with disabilities, increased numbers of schools failing to make adequate yearly progress, increased dropout rates, unwarranted diversion of children into the court system, and placements into separate private or public residential or day placements, all of which have high human and financial costs. Related issues include:

(a) The need for more comprehensive pre-service and in-service training of educational personnel, and promoting the dissemination and application of best educational practices, including assistive technology, to children with low-incidence and other disabilities.

(b) The need for more widespread and comprehensive delivery of technical assistance to schools.

(c) The often fragmented, temporary, grant-to-grant based approach to in-service training and technical assistance, and unnecessary duplication and inefficiencies existing in the delivery of technical assistance and professional development.

III. The general court has further determined that a joint, coordinated, comprehensive, and systematic approach among responsible state agencies, working with state institutions of higher education, is needed to address these human resource issues and assist schools in improving their capacity. This will have the added benefit of maximizing existing resources and providing expanded higher educational opportunities in the state for the ultimate purpose of better meeting children's needs.

328:2 Special Education; Executive Planning Commission on Special Education. Amend RSA 186-C:21 to read as follows: 186-C:21

*I. There is hereby established an executive planning commission on special education, consisting of the governor, the commissioners of the departments of education, health and human services, and regional community-technical colleges, and the chancellor of the university system of New Hampshire or respective designees who shall have substantial experience at the executive level in the public or private sector.*

*II. The commission shall develop a plan providing for an improved comprehensive, systemic, and sustained approach in the following areas:*

*(a) Methods for delivering student-specific and general technical assistance.*

*(b) Systems of pre-service and in-service education to professional, paraprofessional, and administrative personnel, including improved coordination between personnel preparation at*

*the university level and the curriculum frameworks, evidence based practices, and the needs of students with disabilities.*

*(c) Strategies to address educational personnel shortages.*

*(d) One or more pools of specialists, within or outside of the university system, or both, which school districts can use on a contract or other basis to address temporary or permanent personnel shortages or when special expertise is necessary, including for individual student evaluations and delivery of services.*

*(e) Methods of research and development and dissemination of best practices across the state.*

*(f) Provision of assistive technology and reasonable accommodations.*

*(g) Methods to assist schools and other service systems in developing local school-based options for students who have been placed in alternative or separate schools.*

*(h) Methods and standards to evaluate the performance of the above functions.*

*III. The plan shall include, but not be limited to, the identification of persons or agencies responsible, timelines, resources, and any necessary statutory, regulatory, or policy changes.*

*The commission shall provide the plan and any other recommendations the commission deems necessary and appropriate to the general court and the governor by December 1, 2008, and may at any time prior to said date propose any initiatives which may be implemented earlier.*

*IV. In developing the plan, the commission shall consider:*

*(a) A regional model for addressing children with particularly low-incidence disabilities or technical assistance of a highly specialized nature, desirability of lodging expertise in separate single statewide sources.*

*(b) Whether the plan and model should be phased in and how; whether the plan and model should apply only to educationally disabled children as defined by RSA 186-C:2 or expanded at the outset or a later point to include other students, such as students at risk of needing special education, dropping out, court placed, or students for whom English is a second language; whether the plan and model should apply to all students; and whether schools failing to make adequate yearly progress should be prioritized.*

*(c) To what extent and from where existing state or federal dollars may be used to fund some of the services proposed in this section, and the apportionment of costs between the state and local school districts for the provision of such services.*

*(d) Whether a single entity within an institution would be responsible for directing or coordinating the functions listed in this section, including addressing personnel shortage issues.*

*(e) The need or desirability of coordinating with other entities to take advantage of existing expertise possibly through a consortium or similar model.*

*(f) The need for memoranda of understanding between state agencies and the universities or other entities.*

*V. The commission may accept gifts, donations, or grants from any source provided the gifts, donations, or grants received shall be used for the purpose of hiring staff and retaining consultants with relevant information and expertise as deemed necessary by the commission.*

328:3 Repeal. RSA 186-C:22, relative to development of in-state services for severely emotionally disturbed children is repealed. 328:4 Effective Date. Approved July 16, 2007. This act shall take effect July 1, 2007.

# Appendix B: HB 661 Task Force Members

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# Appendix C: Draft Best Practices

## *General Best Practices for Students with LID/HCN*

### **General and Special Education Leadership**

General and special education administrators provide leadership to implement effective educational practices for students with and without disabilities. They align general and special education improvement efforts so that they are inclusive of students with disabilities.

### **School Culture and Climate**

School culture and climate demonstrate respect for the inherent value and dignity of students with disabilities. Parents/guardians and other members of students' families are welcomed into the school community, including in situations where students are currently educated in out of district placements. Neither prejudice nor bullying is tolerated towards any student, family, or staff member.

### **Family-School Partnerships**

Families and schools are engaged in partnership to create quality educational experiences for students with disabilities. Families are provided with information about their rights in the special education process and they are connected to resources for developing their own leadership skills.

### **High Expectations and Least Dangerous Assumption**

Students' educational programs are based on standards that are strongly aligned with the general education curriculum, and include learning goals related to their optimum functioning as adults. All aspects of their educational programs reflect high expectations. When students are not currently able to demonstrate their knowledge due to communication or other challenges, they are still presumed competent to learn and educators seek other ways to teach and assess them.

### **Least Restrictive Environment and Home School Placement**

The Individuals with Disabilities Education Act (IDEA) states: "Congress finds...almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by providing appropriate special education and related services, and aids and supports in the regular classroom, to such children, whenever appropriate" and "that special education can become a service for such children rather than a place where such

children are sent.” IDEA also requires that a continuum of educational placements be available to meet students’ individualized learning needs. When a student is placed in an out-of-district program because of a lack of capacity in the student’s home school (e.g., trained staff, facilities, assistive technology), a plan is implemented that enhances the local school’s capacity to address the student’s educational needs. Regardless of the student’s educational placement, he or she has access to the full range of learning and social experiences offered to students without disabilities in their school and community.

### **Ongoing Authentic Assessment**

Authentic, performance-based assessments are conducted within typical activities in the students’ natural environments for the purpose of identifying students’ learning and communication styles, sensory and behavior needs, preferences and interests, academic strengths and weaknesses; effective instruction and supports, and team and school capacity. Assessment reports include methods for implementing recommendations within the home school environment.

### **Curriculum, Instruction, and Supports**

Curriculum and instruction are designed to accommodate the full range of student diversity according to the principles of Universal Design for Learning (UDL), Response to Intervention (RtI), and Positive Behavior Intervention and Supports. Instruction is designed to enable students to fully participate in and progress in the general education curriculum. Individualized supports are provided in areas related to individual student needs, including but not limited to: assistive technology, augmentative communication, adapted materials, environmental modifications, sign language interpreters, and sensory accommodations.

### **Communication Supports and Services**

Students with disabilities who are unable to meet their communication needs by speech alone (with the exception of students who are deaf or hard of hearing) are provided with accurate and reliable augmentative and alternative communication (AAC) supports and services that enable them to communicate about the content of the academic curriculum and in social situations with adults and age-appropriate classmates. Discrepancies in communication performance with age-appropriate classmates are used to inform the design and provision of augmentative communication supports and services.

## **Transitions**

The transition from high school to adult life involves preparing students for post-secondary education, employment, community participation and independent living, based on the student's future goals, with consideration of the student's needs, interests, preferences, strengths, and need for supports and services. Other transitions (from grade to grade and from one school level to another) also require thoughtful preparation and reliance on best practices to ensure a positive experience for students and their families.

## **Social Relationships and Natural Supports**

Schools support students with disabilities to establish and maintain age-appropriate social networks and relationships, including through their participation in extra-curricular activities alongside their peers without disabilities.

## **Self-Determination**

Students with disabilities of all ages are provided with information to help them understand their disability. They are taught self-determination skills to enable them to express preferences, make choices, avoid unsafe situations, and participate in their educational program and their school to adult life transition plan.

## **Team Collaboration**

General and special education teachers, related service providers, and parents/guardians demonstrate shared responsibility by collaborating in the design, implementation, and evaluation of students' educational programs. Teams use a variety of structures, processes, and skills that support effective team collaboration.

## **Supports for Teachers**

Adequate supports are provided for teachers and other members of students' educational teams. These supports include high quality professional development, manageable caseloads, regular time for collaborative team planning, and resources related to the preparation and delivery of effective instruction and supports (e.g., assistive technology, adapted materials, etc.).

## **Personnel Preparation**

All educational personnel in general and special education are prepared with the knowledge and skills necessary to teach a diverse population of learners including: (a) those with a range of abilities and needs; (b) those from a variety of racial, ethnic, cultural, linguistic, and economic backgrounds; and (c) those from a variety of family configurations and support systems. Advanced personnel preparation programs provide opportunities for in-depth study of

and specialization in educating students with LID/HCN. These programs reflect best practices in their fields, grounded in careful inquiry and analysis. Candidates for advanced certification or licensure complete a supervised internship where they obtain practical experience with students whose disabilities match the endorsement category.

### **Professional Development**

High quality professional development is job embedded and includes a mix of workshops, onsite technical assistance, coaching, mentoring, and other reflective practices delivered within a long-term relationship between providers and a local school. It is provided for general and special education staff together and is linked to improved educational outcomes for students with disabilities. Effective technical assistance consists of (a) a comprehensive assessment of the student, the home school environment, team member skills, and the characteristics of the home school setting; (b) specific suggestions for improving local capacity including staff professional development and resources specific to students' and teams' needs, (c) recommendations for enhancing team collaboration; and (d) methods of evaluating student learning in the context of the accuracy and consistency of supports.

## ***Best Practices for Students from Specific Disability Groups***

### **Students with Autism Spectrum Disorders**

As recommended by the New Hampshire Autism Council, “Educational services should include a minimum of 25 hours a week, 12 months a year in which the child is engaged in systematically planned, developmentally appropriate educational activity aimed toward identified objectives.”

### **Students with Traumatic Brain Injury**

Traumatic brain injury is the most common cause of death and disability of children in the United States, with most children who experience a TBI requiring educational assistance. TBI can manifest in a variety of ways including medical, behavioral, psychological, and cognitive. Assistance can vary from minor accommodations in the general classroom setting to an intensive supports and services model of delivery accommodating home and educational needs. The time students return to school following a TBI can range from 3 to 24 months post injury; but because of the complex nature of TBI, it may be months before problems associated with a TBI are identified.

Best Practice: Structured activities and predictable routines are key to achieving educational and social success for students with TBI. Students should be informed of activities ahead of time and be presented with new material in multiple ways in order to integrate new information with information that is already known.

### **Students Who Are Blind and Visually Impaired, Including Those with Multiple Disabilities and/or Deafblindness**

*In the late 1990’s national agencies and consumer groups concerned about the education of children who are blind and visually impaired developed the “National Agenda for the Education of Children and Youths with Visual Impairments, Including Those with Multiple Disabilities.” In the spring of 1997, the “National Agenda Steering Committee” made a strong recommendation that the individual states bring together stakeholders to review the status of education for students with visual impairments and to consider the development of a state*

*agenda. In October 1997, The Parent Information Center (PIC), lead a collaborative initiative and brought together a large group of stakeholders representing parents, teachers, administrators, State Department of Education personnel, legislators and other interested parties to work on the development of a “N.H. Agenda for the Education of Children and Youths With Visual Impairments, Including Those With Multiple Disabilities”.*

*From November of 1997 to June of 1998, the working group met and developed the New Hampshire Agenda. At that time the introduction to “The NH Agenda” stated “...the real work is only just beginning” and quoted Judith E. Heumann , Assistant Secretary, U. S. Department of Education, Office of Special Education and Rehabilitative Services, in her introduction to “The National Agenda” “...These goals paint a picture of the future in which all children, regardless of their disability, can achieve to their highest potential, because they have been given every opportunity and aid we can bring to bear and a future in which professionals are held accountable for doing the job the law intends for them to do. These goals stand as a hallmark of what we want for our children, because they are the same things we want for ourselves. We can expect no less.”*

*Work on the implementation of the strategies to reach the goals of the National and NH Agendas has been ongoing since their development. Some of the strategies have met with success and have been implemented. The goals of “The NH Agenda” and its related documents are at the core of the following recommendations to the HB 661 Committee in developing their report to the NH Legislature for Best Practices in educating students with visual impairments including those students with disabilities in addition to blindness and visual impairment.*

- **Timely Referral for Services.** New Hampshire has an extensive early intervention network covering all regions of the state. School districts are typically responsive and proactive in referring students with visual impairments. However, improvement in not only the timeliness of referral but in the provision of services and communication with referral sources is an important best practices goal. Students and their families are referred to an appropriate education program within 30 days of identification of a suspected visual impairment.

- Resource information regarding visual impairments, eye conditions and educational/developmental needs of children with visual impairments is widely available at general locations.
- Referrals to education programs are timely and support from allied services such as social work specific to blindness and visual impairment within the educational system are available.
- There is a smooth and effective transition process between service delivery systems.
- Full Parent Participation. Parents need to be included more readily as full members of the Placement Team. They need to have a presence at the development of the IEP rather than being handed a list of goals for approval. Parents must have an opportunity to meet with all personnel involved in the development of their child's IEP. Policies and procedures will be implemented to ensure the right of all parents to full participation and equal partnership in the education process.
- Availability of Professional Personnel. Teacher preparation programs in the area of visual impairment will prepare a sufficient number of educators of students with visual impairments to meet personnel needs throughout the state. Parents are not only involved in the development of the Individual Education Plan (IEP) and/or 504 plans but are welcomed and involved fully in the process. Parents are informed regarding special education laws and parental rights. Parents are usually given their rights at the required intervals, however, this is not sufficient to give families a thorough working knowledge of the process and how their rights apply.
- Parents need more information about the components of a quality program. Without a qualified teacher of students who are blind or visually impaired, school district teams do not have specific expertise regarding the educational needs of children with visual impairments.
- There is a continuation of advisory, support, funding and implementation relationships with teacher preparation programs and professional development and in-service programs and projects.
- Appropriate Caseload Size. There are several service provider models in NH. For example, qualified teachers of students who are blind or visually impaired may be employed by a school district, S.A.U., non-profit agency (in state or out of state) or as a private contractor.

- Service providers (agencies, school districts etc.) require ongoing professional development for all teachers and orientation and mobility instructors.
- Full Array of Placement Option. The array of options available is often limited by the particular school district's resources, educational philosophy, demographic features and fiscal environment. Placement decisions are sometimes made based on financial considerations, rather than on what is appropriate and necessary for the student. The array of placement options differs across the state, as well as within individual districts, schools and grade levels. New Hampshire has no residential options for students with visual impairments to learn disability- specific skills. A student who requires a residential program must be provided an out of state placement. Many children may benefit from attending a residential placement, or an intensive day program for a period of time to gain educational skills required for learning. Personnel and program resources to meet this need are currently limited in N.H.
- Parents and education teams more informed in order to make appropriate decisions about placement options. The requirements of IDEA relative to the assessment, identification and placement process are understood and properly implemented by teams. Placement decisions are made following appropriate assessment and I.E.P. development.
- Student Assessment. Parents are notified of assessment dates and provided with assessment reports, but are not always invited to be active participants in the assessment process. A complete understanding of the child's visual impairment and its full impact on development and learning is a fundamental component for the provision of an appropriate assessment. Assessment of students is conducted, in collaboration personnel having expertise in the education of students with visual impairments.
- Instructional Materials. There is currently limited access to custom made Braille and large print books and other educationally related materials within New Hampshire. New technology holds much promise to help to increase access by making printed educational materials more readily available in Braille and/or large print. Implementation of such technology requires personnel who are trained and given the requisite support. Access to developmental and educational services will include an assurance that instructional materials are available to students in the appropriate media and at the same time as their sighted peers.

- Information about and assistance in the selection of available materials to school district personnel, families, and qualified teachers of students who are blind or visually impaired is readily available
- N.H. has a statewide instructional materials center whose mission is to support students with visual impairments in their educational placements. This center also provides resources and networking support for teachers.
- A masters level educational media specialist orders materials based upon documented needs of students, districts and teachers.
- Students are provided learning media assessment and Braille instruction in accordance with NH legislation (RSA 186c-2).
- Educational and developmental goals, including instruction, reflect the assessed needs of each student in all areas of academic and disability-specific core curricula.
- Deafblindness is understood to be a unique disability separate from multiple disabilities, deafness/hard of hearing and blindness/low vision. The way information is taken in and consequently processed is understood to be different from individuals without the dual sensory impairments and impacts on the individual across a much broader array of areas (communication, social, concept development, daily living skills, etc).
- Guidelines and best practices on educating students with deafblindness are available to teams.

## Deaf and Hard of Hearing Students

*“For students with hearing loss to realize their potential in today’s high-paced competitive world, it is important that their education be consistent with the education provided all other students, including a focus on high standards with the same challenging curriculum, assessment and accountability systems. The future must hold the same promises for all students, including those with significant educational challenges in language and communication” NASDSE- Meeting the Needs of Students Who Are Deaf or Hard of Hearing: Educational Services Guidelines*

“If communication is not available to a child, such deprivation will affect intellectual growth, social intercourse, language development and emotional attitudes. Despite the most profound deafness among children it cannot be deafness that is producing the problems, but rather some of the consequences of deafness.” Dr. Oliver Sacks - *Seeing Voices*

*“The primary problem of students who are deaf or hard of hearing is not too little hearing, but too much isolation from peers, meaningful learning opportunities and high expectations for academic performance.” Hands & Voices*

- A deaf or hard of hearing student’s educational setting appropriately meets his or her communication needs.
- Placement of deaf and hard of hearing students in educational settings based on the least restrictive environment (LRE) that can appropriately accommodate a all of the child’s educational needs including academic, developmental, social emotional, communication, and when appropriate vocational.
- The educational setting of deaf and hard of hearing students must include all assistive technology and assistive technology services necessary to fully access the school environment.
- Appropriate assessment is critical in the development of programs and services for students who are deaf or hard of hearing.
- Direct instruction in a student’s preferred mode of communication is best practice.
- Schools will employ qualified and certified educational interpreters to support deaf and hard of hearing students in all educationally sponsored activities including extracurricular and social.

- The development of communication, language, social, and cognitive skills at the earliest possible age is fundamental to subsequent educational growth for deaf and hard of hearing students.
- Communication, language, and literacy are a priority: Deaf and hard of hearing children will develop age-appropriate expressive and receptive communication and language skill which are commensurate with their hearing peers in appropriate educational and community settings and will become fully literate and productive adults.
- Deaf and hard of hearing children require and are best served when effective and mutually respectful partnerships are established between and among educators, families, students and the institutions and community support programs in the community that serve those children and their families. Given the importance of early and on-going communication, language, and educational development for these children, a seamless system of information and services and programs must be made available to the family and child throughout her/his educational career.
- Ensure that the education of deaf and hard of hearing children is based on sound systemic procedures and standards.
- Expand the state data system to capture accurate, detailed, and current demographic information regarding deaf and hard of hearing students in the state must be established and maintained.
- Recognize the importance of communication in determining Least Restrictive Environment.
- Educational Audiologist should be an integral part of the assessment and planning team for deaf and hard of hearing students.
- A collaborative partnership is needed among universities, schools and communities to enable the preparation, recruitment, retention and on-going professional development of an optimal supply of teachers, administrators and related personnel with the demonstrated knowledge, skills and experiences to meet the needs of a diverse population of deaf and hard of hearing learners.
- General education/ mainstream/classroom teachers should be aware of the unique educational needs of students with hearing loss to best serve those students who may be placed in an inclusive environment.
- Provision of expanded curriculum options.

## **Students with Emotional and Behavioral Disorders**

*Between 2 and 20% of the school age population demonstrate behavior patterns indicative of emotional and behavioral disorders (EBD). These students have behavior patterns that impede social, behavioral, and academic progress. Students with EBD have poorer attendance, are more likely to be retained in grade, and have higher school drop -out rates than any other disability category. In the long term these students tend to have high rates of unemployment, negative employment experiences, difficulties maintaining personal and interpersonal relationships, and to come to the attention of law enforcement. They and their families frequently encounter significant difficulties accessing mental health services due to lack of availability, cost, and transportation and child care constraints. The cost to society in general is obvious as many of these students do not realize their potential to become productive citizens.*

*If it is the mission of schools to support all students in their pursuit to achieve academic and social success, it is imperative that schools implement more proactive strategies. Walker and Horner described a school-wide, Response to Intervention (RtI) model that provides a continuum of intensity and services. The model is comprised of three tiers: (1) universal interventions, (b) selected interventions, and (c) targeted interventions. Universal interventions are constructed so that there are clear, consistent behavioral expectations that are school and district-wide. Selected interventions are for those students who do not respond sufficiently well to universal interventions or who may have more pressing needs. They are implemented with individuals or in small groups and may include a variety of empirically supported academic and behavioral supports. Targeted interventions are for those students with more challenging behaviors and needs and generally require a multiplicity of approaches and supports. It seems reasonable that, since schools are the place where children are on a daily basis, they can provide an opportunity to access mental health services in coordination with community based supports.*

- Ensure that students with EBD students do not have cognitive or processing deficits that are causing or contributing to their academic/behavioral challenges.
- Provide trained mental health professionals in schools to give support both to students and staff.
- Utilize a child-centered approach when evaluating interventions.

- Provide a coordinated system of support based on wrap-around principles in which students with EBD and their families are equal partners in working toward shared goals maximizes social-emotional growth.