

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

**SPECIAL EDUCATION COMPLIANCE  
IMPROVEMENT MONITORING REVIEW  
REPORT**

**Merrimack School District  
2014-2015**

**Marjorie Chiafery, Superintendent  
John Fabrizio, Director of Special Services**

Chairperson of Monitoring Team  
Deborah Krajcik, Education Consultant

Compliance Improvement Monitoring Visit  
Conducted on October 24, 27, & 28, 2014  
Report Date: December 26, 2014

## **Overview of the Special Education Monitoring Process**

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

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

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

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

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

- Policies, Procedures, and Effective Implementation
  - District forms used to implement the special education process
- Special Education Personnel
- Monitoring of Special Education Process
- Improvement, Correction, Incentives and Sanctions

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

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

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

Once a district was selected, the Bureau of Special Education contacted the district to discuss the special education compliance monitoring review with the school administration. The Merrimack School District was selected through this process. The Merrimack School District is comprised of six schools with a grade span of Preschool through grade 12. The district fall enrollment on October 1, 2013, shows there were a total of 3,944 enrolled in the Merrimack School District. The District Data Profiles for October 1, 2013 indicated that there were 674 enrolled in the Merrimack School District who were identified with disabilities.

The Bureau of Special Education also provided targeted professional development regarding the special education compliance review process and completion of the self-assessment data collection form. The district was provided with a list of 76 students with disabilities representative of the school based on grade level, disability, gender, and case manager. Students residing in the district who attended a charter school were also included in the representative sample. During the onsite visit, the monitoring team selected 60 of the 76 student files to review, one of which was a student enrolled in a charter school.

The monitoring visit, conducted on October 24, 27, & 28, 2014, consisted of NHDOE team members and two special education administrators from other districts verifying district identified evidence on the self-assessment data collection form. While the district completes the entire self-assessment, each file is reviewed using half of the self-assessment items. The self-assessment is divided into two sections, and on the day(s) of the monitoring visit, each of the files that were selected is assigned a section to be reviewed by the monitoring team. Half of the files are reviewed for one part of the self-assessment, and the other half are reviewed using the second part of the self-assessment.

The district was encouraged to invite their special education staff as well as related service providers to attend the review. Many of the district special education staff attended the review, which provided another targeted professional development opportunity. Staff members were provided the opportunity to learn about implementing IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* and to engage in a professional discussion of best practices for ensuring improved outcomes for students with disabilities.

The New Hampshire Department of Education, Bureau of Special Education review members for this compliance monitoring review included Santina Thibedeau, State Director of Special Education, and Education Consultants: Kristina Paul, Deborah Krajcik,

Ruth Littlefield, Mary Lane, Amy Jenks, and Lori Noordergraaf. The special education administrators participating in this compliance improvement monitoring review were Joanne Simons, Special Education Director from Portsmouth, and Teri Gaston, Special Education Director from Monroe.

## Policies, Procedures, and Effective Implementation

Each district must have policies, procedures, and effective implementation of practices that are aligned and support the implementation of IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. As part of the special education compliance review, the monitoring team reviewed the district's policies and procedures manual for compliance.

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

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

- Child Find pursuant to 34 CFR 300.111; Ed 1105; Ed 1126.01(b)(1)
- Confidentiality of Information pursuant to 34 CFR 300.610 – 300.627; Ed 1119; Ed 1126.01(b)(2)
- Special Education Facilities, Personnel and Services pursuant to Ed 1126.01(b)(3)
- Personnel Development pursuant to 34 CFR 300.207; Ed 1126.01(b)(4)
- Parent Involvement pursuant to 34 CFR 300.501(b); 34 CFR 300.501(c); 34 CFR 300.327; Ed 1126.01(b)(5)
- Public Participation pursuant to 34 CFR 300.212; Ed 1126.01(b)(6)
- Procedural Safeguards pursuant to 34 CFR 300.500; Ed 1120
- Referral and Disposition of Referral pursuant to 34 CFR 300.300; 34 CFR 300.301(b); 34 CFR 300.305; 34 CFR 300.124; Ed 1106
- Evaluation pursuant to 34 CFR 300.301 – 300.311; Ed 1107; Ed 1107.02
- Determination of Eligibility for Special Education pursuant to 34 CFR 300.306; Ed 1108
- The Individualized Education Program pursuant to 34 CFR 300.320; 34 CFR 300.320(b); 34 CFR 300.43; Ed 1109
- Placement of Children with Disabilities pursuant to 34 CFR 300.114 – 300.117; Ed 1111

- State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities pursuant to Ed 1126.01(a)
- Coordination with other Local and State Agencies pursuant to Ed 1126.01(b)(10)
- Children with Disabilities Enrolled in Private Schools by Parents pursuant to 34 CFR 300.131 – 300.132; Ed 1126.01(b)(11)
- Instructional Materials in Accessible Formats pursuant to 34 CFR 300.172; Ed 1126.01(b)(12)
- Disciplinary Procedures for Children with Disabilities pursuant to 34 CFR 300.530 – 300.536; Ed 1124
- Dispute Resolution
  - Complaint Procedures pursuant to 34 CFR 300.153; Ed 1121
  - Alternative Dispute Resolution pursuant to 34 CFR 300.506; Ed 1122
  - Administrative Due Process Hearing Procedures pursuant to 34 CFR 300.507 – 300.518; Ed 1123
- Local Education Agency Request for Special Education Funds pursuant to Ed 1126.01

## Policies and Procedures

Based on the review of the Merrimack School District's policies and procedures manual, the monitoring team determined there were **no findings of noncompliance**.

## Effective Implementation of Practices

As part of the review of The Merrimack School District's forms implementing the special education process, the Bureau of Special Education also looked for evidence that the policies and procedures were effectively being implemented. The NHDOE determined that there were **no findings of noncompliance**.

The monitoring team reviewed the following district forms to ensure the implementation of the special education process:

- Record of Access pursuant to 34 CFR 300.614; Ed 1119.02(a)
- Notice of IEP Meeting pursuant to 34 CFR 300.322; Ed 1103.02(a)
- 10 Day Wavier pursuant to Ed 1103.02(b)
- Written Prior Notice pursuant to 34 CFR 300.503; Ed 1120.03(a)(b)
- Determining the Existence of a Specific Learning Disability pursuant to 34 CFR 300.309 & 300.311; Ed 1107.01(a)
- Evaluation Report pursuant to Ed 1107.05(a)
- Procedural Safeguard Notice pursuant to 34 CFR 300.504; Ed 1120.03(b)

## **Recommendations to address problematic practices that do not represent noncompliance**

During the monitoring visit, it had been revealed that the district has been engaging in some practices that have the potential to become problematic. The NHDOE has identified these practices and potential remedies to these practices. Whereas these practices do not rise to the standard of noncompliance, and therefore require no corrective actions, the NHDOE believes that the practices are noteworthy to be addressed.

- In reviewing files at the Merrimack School District, the monitoring team noticed that some special education case managers had a practice of seeking consent when presenting the parents with a Written Prior Notice using a form called "Informed Consent", which was attached to a Written Prior Notice. The Merrimack School District should consider not using the "Informed Consent" form in conjunction with the Written Prior Notice form, as it is misleading to both parents and staff. The intent of Written Prior Notice is not for parents to give consent, but rather to provide the parents with all the information they need based upon the meeting in order for them to then consider the actions being proposed or refused by the district. Then, after taking in to account all of the information presented on the Written Prior Notice, parents can decide whether or not they will provide written consent to the proposals.
- In reviewing the Merrimack School District's list of authorized personnel posted on the special education file cabinets, it was noted that the list at the Middle School included classroom teachers. Authorized personnel are those employees of the district who can access the special education file without having to sign the record of access located in the file itself. This generally includes those staff members who would regularly need to access the student's special education information as a regular matter of course in their job. This would generally include employees of the district who are special education teachers, related service providers, etc. Classroom teachers do not typically have to regularly access a student's special education file, and therefore would need to sign the record of access. The Merrimack School District should consider updating this list to include only those employees who would not need to sign the record of access.

## **Special Education Personnel**

The Bureau of Special Education has reviewed the Merrimack School District special education staff certifications using the New Hampshire Educator Information System. The review process was for special education staff employed during 2014-2015 school year.

The data for Merrimack School District was generated and reviewed prior to the visit. Each special education staff member's endorsement was compared to the subject/assignment. This process was used for special educators who hold Education Intern License 4 (INT4), Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the endorsement was appropriate to the subject/ assignment then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and the subject/assignment, the district was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1113.12, 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the special education staff certifications, the NHDOE determined there were **no findings of noncompliance**.

## **Monitoring of Special Education Process**

Districts are responsible for implementing the special education process in accordance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. The self-assessment data collection form highlights the district's understanding of the requirements of IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* and was reviewed during the monitoring visit. Each area of compliance on the self-assessment data collection form clearly outlines whether the compliance is either a requirement of both IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* or a requirement of solely the *New Hampshire Rules for the Education of Children with Disabilities*. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the district's self-assessment as a resource.

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

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

## Overview of the Specific Findings of Noncompliance

The chart below identifies the area of compliance based on student files that were reviewed by the compliance and improvement monitoring team during the onsite visit. The chart is broken down into the **compliance citations** and **area of compliance**. The compliance citations are based on the *CFR* found in the Federal regulations of IDEA and the *Ed* found in the administrative rules of the New Hampshire Rules for the Education of Children with Disabilities. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the compliance and improvement monitoring team.

The **review status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “31 out of 31 files demonstrated a record of parties that have obtained access to the education records collected or used under Part B of the Act.” Simply put, 31 files were reviewed and 31 files were found to be in compliance.

In cases where there was a finding of noncompliance for a particular student, the chart identifies the **Corrective Action of Individual Instance of Noncompliance**. This section of the chart states the student file that was used as evidence to support the noncompliance of the regulation. In the case of an individual instance of noncompliance, the corrective action would generally involve the IEP team convening to resolve the finding of noncompliance. Timelines for these corrective actions are also noted. The NHDOE will return to the district approximately three months following the district receiving written notification of noncompliance (the report) to review all student files in which there were

findings of noncompliance in order to verify compliance with the corrective action stated in the report.

Lastly, the chart identifies the **Corrective Action Regarding the Implementation of the Regulation**. This section may also include a reference to a student file that was used as evidence to support the noncompliance of the regulation, if applicable. This section informs the district of any practices or procedures which need to be corrected as well as trainings for staff to inform them of the corrections as a result of the findings of noncompliance. The required corrective action by the district and a timeline for the corrective action is also provided. Identified in this section will be a number of new student files that will be selected at each school to demonstrate compliance with a requirement. The NHDOE will verify compliance through a subsequent on-site review of the new files within a year from the date of the report.

## Specific Findings of Noncompliance

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.02		Record of Access; Confidentiality Requirements
Self-Assessment Question Number	Regulatory Component	Review Status
1.	34 CFR 300.614 Ed 1119.02(a)	<b>31 out of 31</b> files demonstrated evidence of a record of parties that have obtained access to the education records collected, maintained or used under Part B of the Act.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.504(a) Ed 1120.03(b)		Procedural Safeguards
Self-Assessment Question Number	Regulatory Component	Review Status
2.	34 CFR 300.504(a) Ed 1120.03(b)	<b>31 out of 31</b> IEP files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.306; 34 CFR 300.304 Ed 1108.01; Ed 1107.04		Evaluation; Determination of Eligibility for Special Education
Self-Assessment Question Number	Regulatory Component	Review Status
3.	<b>34 CFR 300.306(a)(1)</b> <b>Ed 1108.01(a)</b>	Upon completion of assessments, <b>26 out of 29</b> IEP files demonstrated evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability.
4.	<b>Ed 1108.01(b)(1)</b>	For determination of eligibility, <b>24 out of 29</b> IEP files demonstrated evidence that the composition of the IEP team also included a teacher certified in each area of suspected disability.
5.	Ed 1108.01(b)(2)	For determination of eligibility, <b>29 out of 29</b> IEP files demonstrated evidence that the composition of the IEP team also included an individual knowledgeable about the child as a result of having had personal contact with the child in the school or, if the child is below school age, at another setting.
6.	<b>34 CFR 300.304(c)(1)(iv)</b> <b>Ed 1107.04(b)</b>	<b>25 out of 29</b> IEP files demonstrated evidence that trained and knowledgeable personnel administered the assessment.
7.	<b>34 CFR 300.306(c)(1)(i)</b> <b>Ed 1108.01(a)</b>	<b>21 out of 29</b> IEP files demonstrated evidence that the team drew upon, carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> For student files X, AR, &amp; AS there was no evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability. For student files R, X, AS, AW &amp; AY, there was no evidence that the IEP team also included a teacher certified in each area of suspected disability. For student files J, X, AC, &amp; AS, there was no evidence that trained and knowledgeable personnel administered the assessment as set forth in table 1100.1. For student files C, G, X, AA, AC, AS, AU, &amp; BG, there was no evidence that the team drew upon, carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.</p> <p>Provide training to appropriate staff to ensure that the composition of the IEP team to determine eligibility includes a group of qualified professionals and the parent of the child, teachers certified in each area of suspected disability. Training will need to also address ensuring that trained and knowledgeable personnel administering assessments, and that the IEP team to determine eligibility draws upon carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.</p> <p>Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select 7 new student files (3 at JMUES, 2 at TFS, 3 at MMS) for updated data demonstrating compliance with this requirement and will verify that the composition of the IEP teams for determination of eligibility includes a group of qualified professionals and the parent of the child, and teachers certified in each area of suspected disability through a subsequent onsite review.</p> <p>The NHDOE will select 11 new files (2 at JMES, 2 at JMUES, 2 at RFES, 3 at MMS, 2 at MHS) for updated data</p>		

demonstrating compliance with this requirement and will verify that trained and knowledgeable personnel are administering assessments, and that the IEP team to determine eligibility draws upon carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior through a subsequent onsite review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03		Written Prior Notice (Determination of Eligibility)
Self-Assessment Question Number	Regulatory Component	Review Status
8.	<b>34 CFR 300.503(b)(1) Ed 1120.03(b)</b>	<b>27 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.</b>
9.	<b>34 CFR 300.503(b)(2) Ed 1120.03(b)</b>	<b>19 out of 28 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.</b>
10.	<b>34 CFR 300.503(b)(3) Ed 1120.03(b)</b>	<b>5 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.</b>
11.	<b>34 CFR 300.503(b)(6) Ed 1120.03(b)</b>	<b>20 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.</b>
12.	<b>34 CFR 300.503(b)(7) Ed 1120.03(b)</b>	<b>20 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.</b>
13.	<b>34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)</b>	<b>29 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.</b>
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> For student files AE &amp; AF, there was no evidence that the written prior notice included a description of the action proposed or refused by the agency. For student files I, K, R, AC, AE, AF, AN, AR, AY, &amp; BG, there was no evidence that the written prior notice included an explanation of why the agency proposed or refused to take the action. For student files C, G, I, J, Q, R, U, X, AA, AB, AC, AE, AF, AK, AM, AN, AR, AS, AU, AW, BF, BG, &amp; BH there was no evidence that the written prior notice included a description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action. For student files J, R, U, AF, AN, AS, AU, AW, &amp; AY, there was no evidence that the written prior notice included a description of other options that the IEP team considered and why those options were rejected. For student files R, AC, AE, AF, AS, AU, AW, BG, &amp; BH, there was no evidence that the written prior notice included a description of other factors that were relevant to the LEA's proposal or refusal.</p> <p>Provide training to staff on completing the written prior notice in order for staff to appropriately document each component of a written prior notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select 16 new student files (2 at JMES, 3 at JMUES, 3 at RFES, 3 at TFES, 3 at MMS, 2 at MHS) for updated</p>		

data demonstrating compliance with this requirement and will verify that each required component in the written prior notices are complete, including a description of the action proposed or refused by the agency, a description of why the district proposed or refused to take the action, a description of each evaluation procedure assessment, record, or report the district used as a basis for the proposed or refused action, a description of other options the district considered and why those options were rejected, and a description of other factors the that were relevant to the LEA's proposal or refusal. The NHDOE will verify compliance with this requirement through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323; 34 CFR 300.324 Ed 1109		Individualized Education Program
Self-Assessment Question Number	Regulatory Component	Review Status
14.	Ed 1109.01(a)(5)	<b>29 out of 29</b> IEP files demonstrated evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.
15.	<b>Ed 1109.04(a)</b>	<b>28 out of 29</b> IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.
16.	<b>34 CFR 300.323(c)(1) Ed 1109.03(a)</b>	For an initial IEP, <b>6 out of 7</b> IEP files demonstrated evidence that there was a meeting to develop an IEP for the student conducted within 30 days of a determination that the child needs special education and related services
17.	<b>Ed 1109.03(d)</b>	<b>22 out of 24</b> IEP files demonstrated evidence that the IEP was reviewed periodically but not less than annually.
18.	34 CFR 300.323(a) Ed 1109.03(1)	<b>28 out of 28</b> IEP files demonstrated evidence that an IEP was in place at the beginning of the school year.
<b>Corrective Action of Individual Instance of Noncompliance:</b> For <u>student file AU</u> there was no evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP. For <u>student files AY &amp; BH</u> , there was no evidence that the IEP was reviewed periodically but not less than annually.		
As soon as possible, but not later than 2 months from of the date of this report, the district must ensure that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP for student AU; for students AY & BH, the district must ensure that the IEPs are reviewed periodically, but not less than annually.		
<b>Corrective Action regarding the Implementation of the Regulations:</b> For student file Q, there was no evidence that for an initial IEP, there was a meeting to develop an IEP for the student conducted within 30 days of a determination that the child needs special education and related services.		
Develop procedures and provide trainings to appropriate staff for ensuring that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP, that IEPs are reviewed periodically but not less than annually, and that for initial IEPs, there are meetings to develop an IEP for the student conducted within 30 days of a determination that the child needs special education and related services. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE as soon as possible but no later than 3 months from the date of this report.		
The NHDOE will select 6 new student files (2 at JMUES, 2 at MMS, 2 at MHS) for updated data demonstrating compliance with the requirement and will verify compliance through a subsequent on-site review.		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321(a) Ed 1103.01		IEP Team; Participants in the Special Education Process
Self-Assessment Question Number	Regulatory Component	Review Status
19.	34 CFR 300.321(a)(1) Ed 1103.01(a)	<b>29 out of 29</b> IEP files demonstrated evidence that the IEP Team included the parents of the child.
20.	<b>34 CFR 300.321(a)(2)</b> <b>Ed 1103.01(a)</b>	<b>27 out of 29</b> IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child.
21.	34 CFR 300.321(a)(3) Ed 1103.01(a)	<b>29 out of 29</b> IEP files demonstrated evidence that the IEP Team included at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child.
22.	34 CFR 300.321(a)(4) Ed 1103.01(a)	<b>29 out of 29</b> IEP files demonstrated evidence that the IEP Team included an LEA representative.
23.	34 CFR 300.321(a)(5) Ed 1103.01(a)	<b>29 out of 29</b> IEP files demonstrated evidence that an individual who can interpret the instructional implications of the evaluation results participated in the meeting.
24.	Ed 1103.01(c)	If vocational education was being considered, <b>5 out of 5</b> IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education program being considered.
25.	<b>Ed 1103.02(a)</b>	<b>27 out of 29</b> IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants. <b>13 out of 14</b> of those IEP files demonstrated evidence of written consent of the parent(s) that the notice requirements were waived. [Ed 1103.02(b)].
<p><b>Corrective Action of Individual Instance of Noncompliance:</b> For student files BG &amp; BH, there was no evidence that the IEP team included at least one regular education teacher.</p> <p>As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and show evidence that the IEP Teams included at least one regular education teacher of the child. The NHDOE will verify this through a subsequent on-site review.</p> <p><b>Corrective Action regarding the Implementation of the Regulations:</b> For student files BF &amp; BG, there was no evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time location and identification of the participants. For student file U, there was no evidence of written consent of the parent(s) that the notice requirements were waived pursuant to Ed 1103.02(b).</p> <p>Provide trainings to appropriate staff for ensuring that at least a 10 day notice is given to the parent before an IEP meeting, which includes the purpose, time, location and identification of the participants, and when not possible, that staff follow through with obtaining the written consent of the parent that the notice requirement is waived. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select 2 new student files at MHS for updated data demonstrating compliance with this requirement and will verify evidence that the IEP team included the parents of the child, at least one regular education teacher, an LEA representative, and an individual knowledgeable about the vocational education program being considered.</p> <p>The NHDOE will select 4 new student files (2 at JMUES, 2 at MHS) for updated data demonstrating compliance with this</p>		

requirement and will verify evidence that the IEP team provided that a 10 day notice is given to the parent(s) before an IEP meeting, which includes the purpose, time, location and identification of the participants and for those circumstances when less than 10 days' notice is given, that prior to a meeting, the notice requirements are waived through the written consent of the parent.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a); 34 CFR 300.324(a)(1)		Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number	Regulatory Component	Review Status
26.	<b>34 CFR 300.324(a)(1)(i)</b>	<b>28 out of 31 IEPs</b> demonstrated evidence of a statement of the child's strengths.
27.	<b>34 CFR 300.324(a)(1)(iv)</b>	<b>26 out of 31 IEPs</b> demonstrated evidence of a statement of the child's academic, developmental, and functional needs.
28.	<b>34 CFR 300.324(a)(1)(ii)</b>	<b>30 out of 31 IEPs</b> demonstrated evidence of a statement of the parent's concerns for improving the student's education in the IEP.
29.	<b>34 CFR 300.324(a)(1)(iii)</b>	<b>28 out of 31 IEPs</b> demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.
30.	<b>34 CFR 300.320(a)(1)(i)</b>	<b>27 out of 28 IEPs</b> demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum.
31.	<b>34 CFR 300.320(a)(4)(ii)</b>	<b>30 out of 31 IEPs</b> demonstrated evidence of a statement that describes how the student's disability affects non-academic areas.
32.	34 CFR 300.320(a)(1)(ii)	For preschool children, as appropriate, <b>9 out of 9 IEPs</b> demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities.
<b>Corrective Action of Individual Instance of Noncompliance:</b> For <u>student files A, AJ, &amp; AX</u> , there was no evidence of a statement of the child's strengths. For <u>student files A, E, T, AT, &amp; AX</u> , there was no evidence of a statement of the child's academic, developmental, and functional needs. For <u>student file AT</u> , there was no evidence of a statement of the parent's concerns for improving the student's education in the IEP. For <u>student files A, Z, &amp; AX</u> , there was no evidence that the results of initial or most recent evaluations of the child were included in the IEP. For <u>student file AT</u> , there was no evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum. For <u>student file BB</u> , there was no evidence of a statement that describes how the student's disability affects non-academic areas.		
As soon as possible, but no later than 2 months of the date of this report, the district must amend the IEPs to include a statement of the child's strengths, a statement of the child's academic, developmental, and functional needs, a statement of the parent's concerns for improving the student's education, the results of initial or most recent evaluation of the child, a statement that describes how the student's disability affects the student's involvement and progress in the general education curriculum, and a statement that describes how the student's disability affects non-academic areas. The NHDOE will verify this through a subsequent on-site review.		
<b>Corrective Action regarding the Implementation of the Regulations:</b> Provide training to appropriate staff to include in student's IEPs a statement of the child's strengths, a statement of the child's academic, developmental, and functional needs, a statement of the parent's concerns for improving the student's education, the results of initial or most recent evaluation of the child, a statement that describes how the student's disability affects the student's involvement and progress in the general education curriculum, and a statement that describes how the student's disability affects non-academic areas. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE.		

The NHDOE will select 10 new student files (2 at JMES, 2 at JMUES, 2 at RFES, 2 at MMS, 2 at MHS) for updated data demonstrating compliance with this requirement and will verify the evidence that a statement of the child's strengths, a statement of the child's academic, developmental, and functional needs, a statement of the parent's concerns for improving the student's education, the results of initial or most recent evaluation of the child, a statement that describes how the student's disability affects the student's involvement and progress in the general education curriculum, and a statement that describes how the student's disability affects non-academic areas are included in the IEPs through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(a)(2) Ed 1109.03(h)		Consideration of Special Factors
Self-Assessment Question Number	Regulatory Component	Review Status
33.	<b>34 CFR 300.324(a)(2)(i)</b> <b>Ed 1109.03(h)</b>	When a child's behavior impedes the child's learning or that of others, <b>12 out of 13</b> IEPs demonstrated evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
34.	34 CFR 300.324(a)(2)(ii) Ed 1109.03(h)	When a child demonstrates limited English proficiency, <b>4 out of 4</b> IEPs demonstrated evidence that the IEP Team considered the language needs of the child as those needs relate to the child's IEP.
35.	34 CFR 300.324(a)(2)(iii) Ed 1109.03(h)	When a child is blind or visually impaired, <b>2 out of 2</b> IEPs demonstrated evidence that the IEP Team provided for instruction in Braille and the use of Braille unless the IEP Team determined, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille was not appropriate for the child.
36.	<b>34 CFR 300.324(a)(2)(iv)</b> <b>Ed 1109.03(h)</b>	<b>28 out of 30</b> IEPs demonstrated evidence that the IEP Team considered the communication needs of the child.
37.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, <b>3 out of 3</b> IEPs demonstrated evidence that the IEP Team considered the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.
38.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	<b>29 out of 29</b> IEPs demonstrated evidence that the IEP Team considered whether the child needed assistive technology devices and services.
<b>Corrective Action of Individual Instance of Noncompliance:</b> For <u>student file B</u> , there was no evidence that when a child's behavior impedes the child's learning or that of others, the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior. For <u>student files B &amp; Z</u> , there was no evidence that the IEP Team considered the communication needs of the child.		
As soon as possible, but no later than 2 months of the date of this report, the district must amend student B's IEPs to include considerations when a child's behavior impedes the child's learning or that of others, the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior; and amend		

students B & Z's IEPs to include considerations of the communication needs of the child. The NHDOE will verify this through a subsequent on-site review.

**Corrective Action regarding the Implementation of the Regulations:** Provide training to appropriate staff to include considerations of special factors when developing IEPs. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE.

The NHDOE will select 4 new student files (2 at JMES, 2 at RFES) for updated data demonstrating compliance with this requirement and will verify the evidence that IEP teams considered the areas of special factors. The NHDOE will verify compliance with this requirement through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		Courses of Study
Self-Assessment Question Number	Regulatory Component	Review Status
39.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, <b>4 out of 4</b> IEPs demonstrated evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number	Regulatory Component	Review Status
40.	<b>34 CFR 300.320(a)(2)(i)</b> <b>Ed 1109.01(a)(1)</b>	<b>20 out of 31</b> IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.
41.	<b>34 CFR 300.320(a)(2)(i)(A)</b> <b>Ed 1109.01(a)(1)</b>	<b>29 out of 31</b> IEPs demonstrated evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum.
42.	34 CFR 300.320(a)(2)(i)(B) Ed 1109.01(a)(1)	If there are other educational needs that result from the child's disability, <b>31 out of 31</b> IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs.
43.	Ed 1109.01(a)(6)	<b>31 out of 31</b> IEPs demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals.

**Corrective Action of Individual Instance of Noncompliance:** Three goals were selected for review for each student file. There were 6 components reviewed for each goal; a present level of academic and functional performance, a time frame, a condition/situation, the student's name, a clearly defined/observable behavior, and performance criteria (how well, how consistently, how often, and how it will be measured). For student files A, L, S, AD, AP, AT, AV, AX, AZ, BB, & BD, there was no evidence of *at least one* of the components reviewed for a statement of measurable annual goals. For student file AT, there was no evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum.

Within 2 months of the date of this report, the district must amend the IEPs to include measurable annual goals, including academic and functional goals, and measurable goals that meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum. The NHDOE will verify this through a subsequent on-site review.

**Corrective Action regarding the Implementation of the Regulations:** Provide training to appropriate staff to address writing measurable annual goals, including academic and functional goals, and measurable goals that meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.

The NHDOE will select 13 new student files (2 at JMES, 2 at JMUES, 2 at RFES, 2 at TFES, 3 at MMS, 2 at MHS) for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.04(a)(8)		Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number	Regulatory Component	Review Status
44.	Ed 1109.01(a)(9)	30 out of 31 IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals will be measured.

**Corrective Action of Individual Instance of Noncompliance:** For student file BB, there was no evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals will be measured.

Within 2 months of the date of this report, the district must amend the IEP for student BB to include a statement of how the child's progress toward meeting the annual goals will be measured. The NHDOE will verify this through a subsequent on-site review.

**Corrective Action regarding the Implementation of the Regulations:** Provide training to appropriate staff to address that IEPs include a statement of how the child's progress toward meeting the annual goals will be measured. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.

The NHDOE will select 2 new student files at MHS for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1102; Ed 1109.03(a)		Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number	Regulatory Component	Review Status
45.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a)	29 out of 31 IEPs demonstrated evidence that each teacher and provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
46.	Ed 1102.01(b)	If accommodations are included, 31 out of 31 IEPs demonstrated evidence that the accommodations are changes in instruction or

		evaluation determined necessary by the IEP team that do not impact the rigor and/or validity of the subject matter being taught or assessed.
47.	Ed 1102.03(v)	If modifications are included, <b>7 out of 7</b> IEPs demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity or rigor or validity, of the subject matter being taught or assessed.
<b>Corrective Action of Individual Instance of Noncompliance:</b> For student files AT & AV, there was no evidence that each teacher and provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.		
Within 2 months of the date of this report, the district must ensure that each teacher and provider for students AT & AV has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. The NHDOE will verify this through a subsequent on-site review.		
<b>Corrective Action regarding the Implementation of the Regulations:</b> Provide training to appropriate staff to address that each teacher and provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.		
The NHDOE will select 2 new student files at MMS for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
Self-Assessment Question Number	Regulatory Component	Review Status
48(a).	<b>34 CFR 300.320(a)(4)</b> <b>Ed 1109.01(a)(1)</b>	<b>30 out of 31</b> IEPs demonstrated evidence of a statement of special education.
48(b).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>29 out of 29</b> IEPs demonstrated evidence of a statement of related services.
48(c).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>11 out of 11</b> IEPs demonstrated evidence of a statement of supplementary aids and services.
48(d).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>27 out of 27</b> IEPs demonstrated evidence of a statement of the program modifications.
48(e).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>27 out of 27</b> IEPs demonstrated evidence of a statement of the supports for school personnel.
49.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	<b>31 out of 31</b> IEPs demonstrated evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
50.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	<b>31 out of 31</b> IEPs demonstrated evidence of the anticipated frequency, location, and duration of those services and

		modifications described in the supports and services section of the IEP.
51.	<b>Ed 1109.04(b)(1)</b>	<b>28 out of 31 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.</b>
52.	<b>Ed 1109.04(b)(1)</b>	<b>23 out of 30 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided.</b>
53.	Ed 1109.04(b)(2)	<b>9 out of 9 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided.</b>
54.	Ed 1109.04(b)(3)	<b>5 out of 5 IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications made.</b>
55.	Ed 1109.04(b)(3)	<b>14 out of 14 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel.</b>
<b>Corrective Action of Individual Instance of Noncompliance:</b> For <u>student file AT</u> , there was no evidence of a statement of special education. For <u>student files A, F, &amp; AT</u> , there was no written evidence documenting implementation of the IEP with regards to all special education services provided. For <u>student files A, F, N, W, AT, BA, &amp; BD</u> , there was no written evidence documenting implementation of the IEP with regards to all related services provided.		
Within 2 months of the date of this report, the district must amend student AT's IEP to include a statement of special education. The NHDOE will verify this through a subsequent on-site review.		
Within 2 months of the date of this report, the district must ensure that there is written evidence documenting implementation of the IEPs with regards to all special education services for students A, F & AT, and ensure that there is written evidence documenting implementation of the IEPs with regard to all related services provided for students A, F, N, W, AT, BA, & BW. The NHDOE will verify this through a subsequent on-site review.		
<b>Corrective Action regarding the Implementation of the Regulations:</b> Develop a procedure and provide training to appropriate staff to include a statement of special education in the IEPs. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.		
Develop a procedure and provide training to appropriate staff for ensuring that there is written evidence documenting implementation of the IEP with regards to all special education and related services provided. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.		
The NHDOE will select 2 student files at MMS for updated data demonstrating compliance with ensuring the IEPs to include a statement of special education. The NHDOE will verify the evidence through a subsequent on-site review.		
The NHDOE will select 8 student files (2 at JMES, 2 at JMUES, 2 at MMS, 2 at MHS) for updated data demonstrating compliance with ensuring that there is written evidence documenting implementation of the IEPs with regards to all special education and related services provided. The NHDOE will verify the evidence through a subsequent on-site review.		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number	Regulatory Component	Review Status
56.	<b>34 CFR 300.320(a)(5) Ed 1109.01(a)(1)</b>	<b>26 out of 31 IEP files demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.</b>
<b>Corrective Action of Individual Instance of Noncompliance:</b> For student files A, V, AD, BA, & BB, there was no evidence of an explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.		
Within 2 months of the date of this report, the district must amend the IEPs to include the explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP. The NHDOE will verify this through a subsequent on-site review.		
<b>Corrective Action regarding the Implementation of the Regulations:</b> Provide training to appropriate staff to address the explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.		
The NHDOE will select 9 new student files (2 at JMES, 2 at JMUES, 2 at RFES, 3 at MHS) for updated data demonstrating compliance with this requirement and will verify the evidence through a subsequent on-site review.		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)		Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number	Regulatory Component	Review Status
57.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)	<b>22 out of 22 IEPs demonstrated evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments.</b>
58.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, <b>4 out of 4 IEPs</b> demonstrated evidence of a statement of why the child cannot participate in the regular assessment.
59.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1)	When the child is taking an alternate assessment, <b>4 out of 4 IEPs</b> demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.121 Ed 1120.03		Procedural Safeguards (Written Prior Notice for IEP)
Self-Assessment Question Number	Regulatory Component	Review Status
60.	<b>34 CFR 300.503(b)(1) Ed 1120.03(b)</b>	<b>22 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.</b>
61.	<b>34 CFR 300.503(b)(2) Ed 1120.03(b)</b>	<b>17 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.</b>
62.	<b>34 CFR 300.503(b)(3) Ed 1120.03(b)</b>	<b>7 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.</b>
63.	<b>34 CFR 300.503(b)(6) Ed 1120.03(b)</b>	<b>21 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.</b>
64.	<b>34 CFR 300.503(b)(7) Ed 1120.03(b)</b>	<b>16 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.</b>
65.	<b>34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)</b>	<b>28 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.</b>
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> For student files I, J, K, Q, AK, AR, &amp; AS, there was no evidence that the written prior notice for IEP included a description of the action proposed or refused by the agency. For student files C, D, G, I, K, AE, AF, AM, AR, AS, BC, &amp; BG, there was no evidence that the written prior notice for IEP included an explanation of why the agency proposed or refused to take the action. For student files C, D, G, H, I, J, R, U, AA, AB, AC, AE, AF, AK, AM, AN, AR, AS, AU, AW, BF, &amp; BH, there was no evidence that the written prior notice for IEP included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. For student files Q, U, AB, AN, AS, AU, BC, &amp; BG, there was no evidence that the written prior notice for IEP included a description of other options that the IEP team considered and the reasons why those options were rejected. For student files C, I, K, R, AC, AE, AF, AK, AN, AS, AU, AY, &amp; BG, there was no evidence that the written prior notice for IEP included a description of other factors that were relevant to the LEA's proposal or refusal. For student file AS, there was no evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.</p> <p>Provide training to staff on completing the written prior notice for IEP in order for staff to appropriately document each component of a written prior notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.</p> <p>The NHDOE will select 17 new student files (3 at JMES, 2 at JMUES, 3 at RFES, 3 at TFES, 3 at MMS, 3 at MHS) for updated data demonstrating compliance with the written prior notices for IEP being complete, including a description of the action proposed or refused by the agency, an explanation of why the agency proposed or refused to take the action, a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that were relevant to the LEA's proposal or refusal, and that the notice given</p>		

to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so. The NHDOE will verify compliance through a subsequent on-site review.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503(b) Ed 1120.03(b)		Written Prior Notice (Placement)
Self-Assessment Question Number	Regulatory Component	Review Status
66.	<b>34 CFR 300.503(b)(1) Ed 1120.03(b)</b>	<b>21 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.</b>
67.	<b>34 CFR 300.503(b)(2) Ed 1120.03(b)</b>	<b>14 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.</b>
68.	<b>34 CFR 300.503(b)(3) Ed 1120.03(b)</b>	<b>4 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.</b>
69.	<b>34 CFR 300.503(b)(6) Ed 1120.03(b)</b>	<b>18 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.</b>
70.	<b>34 CFR 300.503(b)(7) Ed 1120.03(b)</b>	<b>16 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.</b>
71.	<b>34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)</b>	<b>26 out of 29 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.</b>

**Corrective Action regarding the Implementation of the Regulations:** For student files I, J, K, AE, AF, AK, AR, & AS, there was no evidence that the written prior notice for placement included a description of the action proposed or refused by the agency. For student files C, D, G, I, J, K, U, X, AE, AF, AN, AR, AS, AU, & BG, there was no evidence that the written prior notice for placement included an explanation of why the agency proposed or refused to take the action. For student files C, D, G, H, I, J, K, Q, R, U, X, AA, AB, AE, AF, AK, AM, AN, AR, AS, AU, AW, AY, BF, & BH, there was no evidence that the written prior notice for placement included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. For student files D, G, H, K, U, X, AN, AR, AS, AU, & BG, there was no evidence that the written prior notice for placement included a description of other options that the IEP team considered and the reasons why those options were rejected. For student files D, I, K, R, AE, AF, AK, AN, AR, AS, AU, AY, & BG, there was no evidence that the written prior notice for placement included a description of other factors that were relevant to the LEA's proposal or refusal. For student files K, AR, & AS, there was no evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.

Provide training to staff on completing the written prior notice for placement in order for staff to appropriately document each component of a written prior notice. Provide a brief description of the trainings including the dates of the trainings and lists of staff in attendance to the NHDOE within 3 months from the date of this report.

The NHDOE will select 20 new student files (4 at JMES, 3 at JMUES, 3 at RFES, 4 at TFES, 4 at MMS, 2 at MHS) for updated data demonstrating compliance with the written prior notices for placement being complete, including a description of the action proposed or refused by the agency, an explanation of why the agency proposed or refused to take the action, a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that were relevant to the LEA's proposal or refusal, and that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so. The NHDOE will verify compliance through a subsequent on-site review.