

**NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
SPECIAL EDUCATION
PROGRAM APPROVAL VISITATION
IEP REVIEW COMPLIANCE REVIEW**

**MILFORD SCHOOL DISTRICT
FOCUSED MONITORING IEP COMPLIANCE
REVIEW SUMMARY REPORT
2012-2013**

**Robert Suprenant, Superintendent
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Chairpersons of Visiting Team
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IEP Review Visit Conducted on January 7-11, 2013; January 15, 2013;
January 17, 2013; February 4, 2013
Report Date: April 19, 2013

IEP Compliance Review Team Members:

I. Visiting Team Members:

Catherine Woods	Director of Special Education
Nash Reddy	Director of Special Services

II. Building Team Members:

Johanna Johnson	Director of Special Education/SAU 40
Mike Hatfield	Assistant Director of Special Education
Jennifer Ruigrok	Occupational Therapist
Elizabeth Girard	Speech/Language Pathologist
Deborah Calvetti	Regular Education
Jennifer Anderson	Special Education
Christine Shaw	Pre-Kindergarten Teacher
Shelley Ciccone	Speech/Language Pathologist
Nancy McGuire	Principal
Beth SanMartino	Special Education
Erik Anderson	Regular Education
Les Chase	School Psychologist
Irene Costa	Kindergarten Teacher
Jeanmarie Ackerman	Special Education
Kristin Siccard	Occupational Therapist
Kim Reill	Special Education
Allison Pelletier	Guidance Counselor
Dorothy Dillon	Regular Education
Janice Eustis	Occupational Therapist
Kaitlin Kittredge	Speech/Language Pathologist
Peter Bonaccorsi	Principal
Anthony DeMarco	Principal
Alan Bartunek	School Psychologist
Jara Freeman	Regular Education
Beth Crampton	Special Education
Pamela Swersky	Speech/Language Pathologist
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Elena Iannucillo	Special Education
Traci Dorsey	Special Education
Doreen Danhoff	Regular Education
Helene Bureau	Special Education
Jennie Dilley	Regular Education

III. NHDOE, Bureau of Special Education Representatives:

Deborah Kracjik

IEP Review Compliance Summary Report 2012-2013

Introduction:

The compliance component of the NHDOE Focused Monitoring Process includes both an internal and external review of Special Education data directly linked to compliance with state and federal Special Education rules and regulations. The review is an in depth analysis of IEPs with the participation of district IEP teams. This is intended to be a job-embedded professional development opportunity as well as a compliance review. In addition, there is a concurrent review of additional IEPs by NHDOE Special Education Bureau staff referred to as a “desk audit”. In order to assure consistency from district to district regarding the total number of IEPs reviewed, the NHDOE Special Education Bureau has determined that a total of eight (8) IEPs will be reviewed per school (unless the size of the school dictates a different number). Data gathered through the various compliance activities is reported back to the school’s Achievement Team, as well as the NHDOE, Bureau of Special Education. This is for the purpose of informing both the district and the NHDOE of the status of the district’s Special Education compliance with required special education processes, as well as the review of data related to programming, progress monitoring of students with disabilities, and alignment of Special Education programming with the curriculum, instruction and assessment systems within the school district.

Data Collection Activities:

As part of the NHDOE Focused Monitoring Process a Special Education compliance review was conducted in the Milford School District. Listed below is the data that was reviewed as part of the compliance review, all of which are summarized in this report.

- Review of randomly selected IEPs.
- Review of LEA Focused Monitoring Compliance Application including:
 - Special Education Policy and Procedures
 - Special Education staff qualifications
 - Program descriptions
- Review of all district Special Education programming.
- Review of Out of District Files.
- When appropriate, review of student records for students with disabilities who are attending Charter Schools.
- Review of requests for approval of new programs, and/or changes to existing programs.

SUMMARY OF FINDINGS:

IEP Review Process:

As part of the compliance component of Focused Monitoring, the NHDOE worked in collaboration with the Milford School District to conduct reviews of student IEPs. The IEP Review Process has been designed by the NHDOE to assist teams in examining the IEP for educational benefit, as well as determine compliance with state and federal Special Education rules and regulations. The review is based on the fact that the IEP is the foundation of the Special Education process.

As required by the IEP review process, general and special educators in the Milford School District were provided with a collaborative opportunity to review 12 IEPs (including two (2) out-of-district files). NHDOE Special Education Bureau conducted a desk audit of 20 IEPs that were randomly selected to determine if the documents included the following information:

- Appropriate procedures to determine eligibility for special education identification
- Student's present level of performance.
- Measurable annual goals related to specific student needs.
- Instructional strategies, interventions, and supports identified and implemented to support progress toward measurable goals.
- Assessment (formative and summative) information gathered to develop annual goals and to measure progress toward annual goals.
- Accommodations and/or modifications determined to support student access to the general curriculum instruction and assessment.
- Evidence of progress toward key IEP goals and the documented evidence of student gains over a three year period.
- Transition plans that have measurable postsecondary goals (for youth aged 16 and above as required by Indicator 13).
- Evidence of required documentation for preschool programming (for children ages 3-5).

The intended outcome of the IEP Review Process is not only to ensure compliance, but to also develop a plan for improved communication and collaboration between general and special educators, parents and students in the development, implementation and monitoring of IEPs.

**BELOW IS THE SUMMARY OF DISTRICT LEVEL FINDINGS THAT RESULTED
FROM THE IEP REVIEW PROCESS CONDUCTED IN THE
Milford School District:**

**Building/District Summary of IEP Review Process
Conclusions/Patterns Trends Identified Through IEP Review Process:**

- Was it possible to assess the degree to which IEPs were designed to provide educational benefit (access to, participation and progress in the general curriculum)?

Yes. All of the IEPs reviewed by Focused Monitoring reflected educational benefit as evidenced by the following: progress reports, classroom/district assessments, AIMSweb data, therapy logs, progress monitoring notes, NHSEIS progress reports, report cards, data tracking, and social/emotional behavioral data charts.

- How has this process informed future plans for improving the writing of student IEPs and ensuring the student's participation in the general education curriculum?

Several practices will be employed to improve IEPs and participation in the general curriculum: writing measurable goals (including baseline and target), completing the full Written Prior Notice (WPN) including other options considered/rejected and why, citing date/type of evaluations if referenced, documenting the provision of accommodations for

both instruction and assessment, inviting the student individually to Transition meetings, aligning academic goals to (Common Core) standards, assuring that modifications are included as necessary, connecting related services goals to classroom outcomes (skills generalizing to the classroom/curriculum), including teacher-made rubrics/checklists in IEPs, reflecting specific and accurate performance data in Present Levels of Academic Achievement and Functional Performance (first two pages of the IEP).

- Describe how individual student performance information is conveyed from grade to grade/school to school:

Several methods are utilized to transfer student information from grade to grade or school to school: meetings are held between “sending” and “receiving” teachers, guidance counselors transfer critical student information to each other grade to grade/school to school, IEP synopses (“IEP-at-a-glance”) are shared with the receiving school/teacher, special education case managers meet with receiving teachers and review IEP and related information, specific students may have the opportunity to visit in advance of a new year/placement in order to better prepare them and the receiving teacher, receiving teachers observe in-coming students at close of school year, and, finally, sending staff (Para’s) may accompany a student to a new placement/grade until the student acclimates.

- How will the district further explore the factors that have impacted poor scores for individual students on state assessments and in the general education curriculum?

Practices to improve poor student performance include: use of measurable goals, student performance data reviewed by “teacher data teams” comprised both special and general educators, academic goals linked to (Common Core) standards, necessary accommodations delivered consistently across educational settings/assessments, assistive technology available as appropriate, all students with IEPs participating actively in grade level curriculum, use of “scaffolding” techniques in instruction (building new concepts on familiar structures), general education teachers encouraged to use Universal Design for Learning (UDL), use of reward charts to maximize student motivation, encourage collaboration between related service providers and general classroom, use of NECAP released items for practice prior to NECAP administration.

- Strengths and suggestions identified related to IEP development/progress monitoring and services:

Strengths:

- *Administrative support: evident throughout the district*
- *In several situations, the link between related services and the regular classroom supported true access to the general curriculum*
- *Collective ownership of students among general and special educators*
- *Special education “push-in” services to the regular classroom provide increased exposure to general curriculum*
- *Knowledge of students is deep and thorough throughout the district*
- *Evidence of frequent and productive communication*
- *Milford is a parent-friendly district and actively encourages parent involvement*

Suggestions:

- *Development of a system to monitor the implementation of accommodations*
- *Expand on the use of Written Prior Notice (WPN) by completing all required portions of the document*
- *Increase the practice and quality of documentation of all special education practices: meeting minutes, WPN, meeting notices, etc.*
- *Develop rubrics/checklists as needed for progress monitoring, include such in appropriate IEPs and share with all members of the IEP team*
- *Provide time for related services providers and case managers to meet and plan together; also time for all building staff to collaborate on students*
- *Consistent use and analysis of student progress data between special and general education staff*

District Wide Commendations:

1. Strong, common knowledge of students and student needs
2. Clear community-based focus
3. Consistency of practice between special and general education
4. Cooperative relationship between SAGE program and Milford middle and high schools; much more supportive of students than many private placements
5. Good working relationship between special and regular educators; classroom teachers carrying through with accommodations, instructional practices
6. Frequent and practical communication among teaching staff (regular and special education), building, and central office administration
7. Strong focus on data district-wide: student performance, attendance, identification rates, RTI data, etc.

LEA Focused Monitoring Compliance Application:

As part of the Focused Monitoring data collection activities, the LEA Plan, which includes Special Education policies and procedures, was reviewed. In addition, personnel rosters were submitted to verify that staff providing services outlined in IEPs are qualified for the positions they hold. Also, program descriptions were reviewed and verified, along with follow up and review of any newly developed programs or changes to existing approved Special Education programs.

The LEA Plan, staff rosters, and program descriptions were all in order and meeting state requirements.

Out of District File Review:

Based on the review of two (2) IEPs for a child with disabilities placed out of district, there were four (4) Findings of Noncompliance as noted in the “Findings of Noncompliance” section of this report:

- Two (2) out of two (2) OOD files reviewed did not contain documentation of the student being invited to the Transition meeting
- Two (2) out of two (2) OOD files reviewed did not reflect monitoring of Transition services by LEA personnel

Students with Disabilities Attending Charter Schools:

There are no Milford students with IEPs attending Charter schools.

Requests for Approval of New Programs and/or Changes to Existing Programs:

As part to the Focused Monitoring Compliance Component, the NHDOE reviews all requests for new programs in the district, and/or requests for changes to existing programs. As such, the NHDOE worked with the Milford School District in the review of the following changes to existing approved programs:

No requests for new or changed programs have been submitted at this time.

Building/District Summary of IEP Review, Out-of-District File and Charter School Review Process

	Focused Monitoring	NHDOE Desk Audit
Preschool	2	2
Elementary School	4	7
Middle School	2	6
High School, Age below 16	0	3
High School, Age 16 or above	2	2
Charter School	0	0
Out-of-District	2	0
Total Number of IEPs Reviewed	12	20

FINDINGS OF NONCOMPLIANCE IDENTIFIED AS A RESULT OF THE NHDOE COMPLIANCE AND IEP REVIEW VISIT:

As a result of the twelve (12) IEPs that were selected for the **Focused Monitoring IEP Review** on January 7-11, 2013; January 15, 2013; January 17, 2013; February 4, 2013, the following Findings of Noncompliance were identified:

Systemic Findings of Noncompliance

Systemic Findings of Non-compliance are defined as systemic deficiencies that have been identified through the IEP Review Process, which are in violation of state and federal special education rules and regulations. The NHDOE, Bureau of Special Education, requires that all Systemic Findings of Non-compliance be corrected as soon as possible, but no later than one year from the report date.

1. Ed 1109.01 (a)(1) Elements of an IEP/34 CFR 300.320 (a)(2) Definition of an IEP

Eight (8) out of ten (10) IEPs reviewed did not contain measurable annual goals

Student Specific Findings of Noncompliance

Please Note: *The NH Department of Education, Bureau of Special Education requires that Student Specific Findings of Noncompliance be addressed and resolved within 45 days of notification.*

- 1. Ed 1109.01(a)(1) Elements of an IEP/34 CFR 300.320 (a)(2) Definition of an IEP Statement of measurable annual goals**
Eight (8) out of ten (10) IEPs reviewed did not contain measurable annual goals
- 2. Ed 1109.01(a)(1) Elements of an IEP/34 CFR 300.320 (a)(4) Definition of an IEP Statement of program modifications provided**
One (1) out of ten (10) IEPs reviewed did not contain program modification [for a student requiring modifications]
- 3. Ed 1109.04(b) Copies of the IEP and Evidence of Implementation**
Two (2) out of ten (10) IEPs reviewed did not contain written evidence of documentation of the implementation of the IEP, including the delivery of related services
- 4. Ed 1111.01(a) Placement in the Least Restrictive Environment /34 CFR 300.114(2) LRE requirements**
Three (3) out of ten (10) IEPs reviewed did not contain an explanation of why the student was removed from the general education setting
- 5. Ed 1103.01(a) IEP Team/34CFR 300.321(b)(1) Transition services participation**
One (1) out of ten (10) IEPs reviewed did not reflect an invitation to the child with a disability to attend the IEP team meeting [where the Transition Plan was discussed]
- 6. Ed 1109.01(a)(10) Elements of an IEP: statement of transition services needs of a student with a disability beginning at age 14 or younger**
One (1) out of ten (10) IEPs reviewed did not contain a statement of transition services needs
- 7. Ed 1109.01(a)(1) Elements of an IEP/34 CFR 300.320(b)(1) Appropriate measurable post-secondary goals related to employment**
One (1) out of ten (10) IEPs reviewed did not contain a measurable post-secondary goal for employment

Out of District Findings of Noncompliance:

- 8. Ed 1103.01(a) Composition of the IEP team/ 34CFR 300.321(b)(1) IEP Team**
Two (2) out of two (2) OOD files reviewed did not contain documentation of the student being invited to the Transition meeting
- 9. Ed 1109.03(j) Transition services monitored**
Two (2) out of two (2) OOD files reviewed did not reflect monitoring of Transition services by LEA personnel

As a result of the 20 IEPs that were selected for the **NHDOE Desk Audit IEP Review** on January 7, 10, 11 & 17, 2013 the following Findings of Noncompliance were identified:

Systemic Findings of Noncompliance

Systemic Findings of Non-compliance are defined as systemic deficiencies that have been identified through the IEP Review Process, which are in violation of state and federal special education rules and regulations. The NHDOE, Bureau of Special Education, requires that all Systemic Findings of Non-compliance be corrected as soon as possible, but no later than one year from the report date.

- 1. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**
Finding: 13 out of 20 IEPs lacked evidence of statements of measurable annual goals.

Student Specific Findings of Noncompliance

Please Note: The NH Department of Education, Bureau of Special Education requires that Student Specific Findings of Noncompliance be addressed and resolved within 45 days of notification.

- 1. Ed 1107.01 (a) Evaluation; 34 CFR 300.304 (c)(4) Evaluation procedures**
Finding: 4 out of 20 IEPs lacked evidence that the child was assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- 2. Ed 1107.01 (a) Evaluation; 34 CFR 300.310 (a) Observation**
Finding: 2 out of 20 IEPs lacked evidence that the public agency ensured that the child was observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.
- 3. Ed 1107.01 (a) Evaluation; 34 CFR 300.306 (c)(1) Determination of eligibility**
Finding: 3 out of 20 IEPs lacked evidence that the public agency 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.
- 4. Ed 1107.01 (a) Evaluation; 34 CFR 300.306 (c)(1)(i) Determination of eligibility**
Finding: 1 out of 20 IEPs did not have evidence of that the team drew upon 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.
- 5. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**
Finding: 13 out of 20 IEPs lacked evidence of statements of measurable annual goals.

6. Ed 1109.01 (a)(6) Elements of an Individualized Education Program

Finding: 3 out of 20 IEPs lacked evidence that each goal included short-term objectives or benchmarks unless the parent determined them unnecessary for all or some of the child's annual goals.

7. Ed 1109.01 (a)(10) Elements of an Individualized Education Program

Finding: 4 out of 20 IEPs lacked 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 for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team.

8. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(4) Definition of individualized education program

Finding: 3 out of 20 IEPs lacked evidence of a statement of program modifications.

9. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(5) Definition of individualized education program

Finding: 1 out of 20 IEPs lacked evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.