

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

**SPECIAL EDUCATION COMPLIANCE &
IMPROVEMENT MONITORING REVIEW
REPORT**

**Nashua School District
2017-2018**

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Compliance & Improvement Monitoring Visit
Conducted on November 14-17, 2017
Report Date: January 2, 2018

Overview of the Special Education Compliance & Improvement 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, New Hampshire Statutes, and the New Hampshire Standards 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 & Improvement Monitoring review is one method that the New Hampshire Department of Education (NHDOE), Bureau of Special Education (Bureau) utilizes to implement the general supervision system. The Special Education Compliance & Monitoring review is comprised of:

- Special Education Procedures, and Effective Implementation
- District Special Education Forms and Effective Implementation
- Special Education Personnel
- Program Visits
- Identification of Recommended Preventive Actions
- Monitoring of Special Education Process
- Improvement, Correction, Assistance, and Enforcement

The intent of the Compliance & Improvement Monitoring review is to improve student outcomes for students with IEPs by:

- Ensuring districts understand and are implementing special education requirements in accordance with the New Hampshire Standards for the Education of Children

with Disabilities, New Hampshire State Statutes, and the Individuals with Disabilities Act (IDEA); and

- Improving special education procedures, and practices.
- Identifying and supporting correction of noncompliance, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

The Bureau of Special Education followed a standard process to select districts to participate in the Special Education Compliance & Improvement Monitoring review. Each district was sorted into one of six cohort groups based on size using the current October 1st fall enrollment. The Bureau utilized a multi-data approach which aligns with the OSEP differentiated monitoring approach to determine the district in each cohort group with the highest need based on the District Determinations; the State Performance Plan (SPP) Indicators: (4B) Suspension/Expulsion, (5A) Education Environments, (6A) Preschool Environments, (11) Child Find, and (12) Early Childhood Transition; and state special education complaints.

Once a district was selected, the Bureau of Special Education contacted the district to discuss the Special Education Compliance & Improvement Monitoring review with the school administration. The Nashua School District was selected through this process. The Nashua School District is comprised of 19 schools: the name of each school and grade span is listed in the chart below. Nashua Title I Preschool and Purple Panthers Preschool are schools that did not serve students with disabilities at the time of the Compliance & Improvement Monitoring review.

| Nashua Schools | Grade Levels |
|---------------------------------|---------------------|
| Nashua Title I Preschool | P |
| Purple Panthers Preschool | P |
| Bicentennial Elementary School | P, K, 1-5 |
| Broad Street Elementary School | P, K, 1-5 |
| Dr. Norman W. Crisp School | P, K, 1-5 |
| Mount Pleasant School | P, K, 1-5 |
| New Searles School | P, K, 1-5 |
| Amherst Street School | K, 1-5 |
| Birch Hill Elementary School | K, 1-5 |
| Charlotte Ave Elementary School | K, 1-5 |
| Fairgrounds Elementary School | K, 1-5 |
| Ledge Street School | K, 1-5 |
| Main Dunstable School | K, 1-5 |
| Sunset Heights School | K, 1-5 |
| Elm Street Middle School | 6-8 |
| Fairgrounds Middle School | 6-8 |
| Pennichuck Middle School | 6-8 |
| Nashua High School North | 9-12 |
| Nashua High School South | 9-12 |

The Bureau also provided targeted professional development regarding the Special Education Compliance & Improvement Monitoring review process and completion of the self-assessment data collection form. The district was provided with a list of 91 students with disabilities representative of the schools based on grade level, disability, gender, special education program, and case manager. At the time of the selection of students, the information entered into the New Hampshire Special Education Information System (NHSEIS) indicated that there were 24 students enrolled in charter schools and 45 students placed by the district in approved out-of-state special education programs for the Nashua School District. During the onsite visit, the monitoring team selected a total of 63 of the 91 student files to review.

The district fall enrollment for October 1, 2016 showed that there was a total of 11,131 students enrolled in the Nashua School District which had a grade span of preschool through twelve. The district data profiles for October 1, 2016 indicated that there were 1,797 students in the Nashua School District who were identified with disabilities.

The monitoring visits conducted on November 14, 2017 through November 17, 2017 consisted of NHDOE team members and two visiting special education administrators verifying district-identified evidence on the self-assessment data collection form.

The district was encouraged to invite their special education staff as well as related service providers and regular education staff, if appropriate, to attend the review. For the staff who attended the review, this provided another targeted professional development opportunity. Staff members were provided the opportunity to learn about implementing IDEA, New Hampshire Statutes, and the New Hampshire Standards 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 NHDOE, Bureau review members for this Compliance & Improvement Monitoring review included: Helene Anzalone, Sherry Burbank, Janelle Cotnoir, Joanne DeBello, Deborah Krajcik, and Lori Noordergraaf. The special education administrators participating in this Compliance & Improvement Monitoring review were Christine Boston, Pupil Personnel Services Director from the Dover School District and Helen Rist, Special Education Director from the Exeter, Exeter Regional, Brentwood, East Kingston, Newfields, and Stratham School Districts.

Special Education Procedures and Effective Implementation

Each district must have special education procedures, and effective implementation of practices that are aligned and support the implementation of IDEA, New Hampshire Statutes, and the New Hampshire Standards for the Education of Children with Disabilities. As part of the special education Compliance & Improvement Monitoring review, the monitoring team reviewed the district's special education procedures plan for compliance.

In addition, the Bureau cross checked the Annual Request for Federal Special Education Funds FY 17, IDEA Part B Section 611 Assurances - District Policies to Support Assurance Standards to ensure that document name, date adopted, and pages were valid with the district's special education procedures plan. Districts are required to submit assurance statements with their local application for IDEA funds.

The monitoring team reviewed the district's special education procedures plan for the following components.

- Child Find pursuant to 34 CFR 300.111; Ed 1105;
- Confidentiality of Information pursuant to 34 CFR 300.610 – 300.627; Ed 1119;
- Special Education Facilities, Personnel and Services pursuant to Ed 1126.01(b)(3)
- Personnel Development pursuant to Ed 1126.01(b)(4)
- Parent Involvement pursuant to Ed 1126.01(b)(5)
- Public Participation pursuant to Ed 1126.01(b)(6)
- Procedural Safeguards pursuant to 34 CFR 300.121; Ed 1126.01(b)(7);
- Pupil Evaluation to Placement 34 CFR 300.300 – 300.311; Ed 1126.01(b)(8)
- Specific Learning Disabilities -Evaluation pursuant to 34 CFR 300.307; Ed 1107; Ed 1107.02
- The Individualized Education Program pursuant to 34 CFR 300.112; Ed 1109; Ed 1109.06(a)
- Placement of Children with Disabilities pursuant to 34 CFR 300.115; Ed 1111
- 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 300.132(a); Ed 1126.01(b)(11)

Based on the review of the Nashua School District's special education procedures plan, the monitoring team determined there were **4 findings of noncompliance** that must be corrected as soon as possible but no later than six months from the date of this report.

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|--|--|
| 1. 34 CFR 300.307(b); Ed 1107.02(b) | Specific Learning Disabilities; Evaluation |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance, the Nashua School District Special Education Procedures Plan did not specify the evaluation procedure and standards that will be used to evaluate whether a child has a specific learning disability per Ed 1107.02(b), which should include using one or more of the following criteria:</p> <p>(1) A discrepancy model between intellectual skills and achievements;</p> <p>(2) A process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in 34 CFR 300.307(a)(2); and</p> <p>(3) Other alternative research-based procedures as described in 34 CFR 300.307(a)(3).</p> | |
| <p>Corrective Action Regarding the Implementation of the Regulations: The Nashua School District must revise its Special Education Procedures Plan to include the evaluation procedure and standards that will be used to evaluate whether a child has a specific learning disability per Ed 1107.02(b) and inform school staff of the procedure. Provide the revised procedure and the method the district used to inform school staff of the revision to the NHDOE within 6 months of the date of this report.</p> | |

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|---|--|
| 2. Ed 1126.01(b)(6) | State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities |
| Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance, the Nashua School District Special Education Procedures Plan did not include a public participation component that describes the district's procedure to ensure the district application is available for review by parents, other agencies, and the general public. | |
| Corrective Action Regarding the Implementation of the Regulations: The Nashua School District must revise its Special Education Procedures Plan to include a public participation component that describes the district's procedure to ensure the district application is available for review by parents, other agencies, and the general public and inform school staff of the procedure. Provide the revised procedure and the method the district used to inform school staff of the revision to the NHDOE within 6 months of the date of this report. | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 3. Ed 1126.01(b)(10) | State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities |
| Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance, the Nashua School District Special Education Procedures Plan did not clearly describe the district's procedure to ensure coordination with other local and state agencies in meeting the needs of children with disabilities. | |
| Corrective Action Regarding the Implementation of the Regulations: The Nashua School District must revise its Special Education Procedures Plan to include the procedure that describes the district's procedure to ensure coordination with other local and state agencies in meeting the needs of children with disabilities and inform school staff of the procedure. Provide the revised procedure and the method the district used to inform school staff of the revision to the NHDOE within 6 months of the date of this report. | |

District Special Education Forms and Effective Implementation

As part of the review of The Nashua School District's forms implementing the special education process, the Bureau of Special Education also looked for evidence that the procedures were effectively being implemented. 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 1119.01(a)
- Notice of Special Education Meeting pursuant to 34 CFR 300.322; Ed 1103.02
- Parental Permission to Waive Time Limits for Written Notice pursuant to Ed 1103.02(d)
- Written Prior Notice pursuant to 34 CFR 300.503; Ed 1120.03
- Specific Learning Disability Eligibility Determination Documentation pursuant to 34 CFR 300.311; Ed 1107.02
- Evaluation Report pursuant to Ed 1107.05(a),(b)
- Procedural Safeguard Notice pursuant to 34 CFR 300.504; Ed 1120
- Age of Majority pursuant to 34 CFR 300.320(c); Ed 1120.01(b)
- Annual Notification when Proposing Accessing Public and Private Insurance pursuant to 34 CFR 300.154(d)(2)(v); Ed 1120.08(a)

Based on the review of the Nashua School District's special education forms, the NHDOE determined that there were **no findings of noncompliance**.

Special Education Personnel

The Bureau reviewed the Nashua School District special education staff certifications using the New Hampshire Educator Information System. The review process was for special education staff employed during 2017-2018 school year.

The data for Nashua School District was generated on November 1, 2017. 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 monitoring team determined there were **no findings of noncompliance**.

Recommended Preventive Actions

When reviewing the district's Special Education Procedures Plan, it had been revealed that the district's plan has the potential to become noncompliant. The NHDOE 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.

- Ensure that the IEP contains at least one special education service that meets the definition of specially designed instruction per 34 CRF 300.39. Without a special education service, a student cannot meet the definition of a child with a disability per 34 CFR 300.8. Districts have flexibility regarding where to put services in an IEP. [See 34 CFR 300.320(d) regarding construction regulations.], and it is recommended that districts develop a consistent practice for the the location of services based on the needs of the district and the constraints of an IEP software program. Specially designed instruction to meet the unique needs of a child with a disability means adapting the content, methodology, or delivery of instruction to ensure access to the general curriculum. General statements such as assisted study hall, consultation and paraprofessional are not special education services. For example, a student with a specific learning disability who has writing goals and consultation as the only special education service would not meet the definition of a student with a disability per 34 CFR 300.8. An IEP team may determine that the student requires specially designed instruction in writing to meet the IEP goals. In that case, the special education service would be specialized writing instruction and include the frequency, location, and duration of the service. Otherwise, the team may conclude

that the student no longer meets the criteria for a student with a disability and exit the student from special education.

- When making decisions at IEP team meetings for students who need supports for personnel, ensure that consultation includes specified personnel titles (e.g. regular education teacher, psychologist, physical therapist, etc.), and a determined frequency as opposed to as needed.
- Ensure that all schools keep an updated list of the names of authorized personnel who can access special education files clearly posted where the files are kept. Authorized personnel are district employees who, as part of their job, must have access to the files (e.g. special education case managers, related service providers who are employees of the district as opposed to contracted personnel, teachers, administrators).
- When making placement decisions, ensure that the student's primary disability is on the list of approved disabilities for the program.

Program Visits

The purpose of the program visits has been to observe the district's full range of opportunities for the child with a disability that cannot be met in a regular education setting. Per Ed 1111, districts shall ensure that children with disabilities are educated with children who do not have disabilities to the maximum extent appropriate and that removal from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. School districts shall comply with the requirements of 34 CFR 300.115, relative to continuum of alternative placements.

Based on the review of the special education programs, the monitoring team found that the school district was in compliance with Ed 1111.

Monitoring of Special Education Process

Districts are responsible for implementing the special education process in accordance with IDEA, New Hampshire Statutes, and the New Hampshire Standards 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 Standards for the Education of Children with Disabilities and was reviewed during the monitoring visit. Each area of compliance on the self-assessment data collection form clearly outlines whether the compliance is either a requirement of both IDEA and the New Hampshire Standards for the Education of Children with Disabilities or a requirement of solely the New Hampshire Standards for the Education of Children with Disabilities. During the monitoring visit, the monitoring team verified the evidence of compliance based on the 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 Standards 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 is not 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 three months of the date of the report, to verify compliance for each individual instance identified in the report. The second component, “corrective action regarding the implementation of the regulations” would typically involve the district's 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 student files, selected typically within one year of the original on-site Compliance & Improvement Monitoring.

Overview of the Student Specific Findings of Noncompliance

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

The **review status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example *“1 out of 3 files demonstrated a record of parties that have obtained access to the education records collected or used under Part B of the Act. For student files A & B, there was insufficient evidence demonstrating compliance with this requirement ”* This means that 3 files were reviewed and 1 file was found to be in compliance and students A & B were found to be noncompliant.

In cases where there was a finding of noncompliance for a particular student, the chart identifies the **First Stage Corrective Action of Student Specific Instance(s) of Noncompliance**. In the case of an individual instance of noncompliance, the corrective action would generally involve the IEP team convening to resolve the finding of noncompliance. Timelines for these corrective actions are also noted. For the First Stage Corrective Actions, the NHDOE will return to the district within 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.

In cases where there was a finding of noncompliance for a particular student, the next section of the chart identifies the **First Stage Corrective Action Regarding the Implementation of the Regulation**. This section will 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.

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

Student Specific Findings of Noncompliance

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

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|--|---------------------------------|--|
| 34 CFR 300.614 Ed 1119.01(a) | | A. Record of Access; Confidentiality Requirements |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 1. | 34 CFR 300.614 Ed 1119.02(a) | 63 out of 63 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) | | B. Procedural Safeguards |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 2. | 34 CFR 300.504(a) Ed 1120.03(b) | 62 out of 63 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. For student BC , there was insufficient evidence demonstrating compliance with this requirement. |
| First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than two months from the date of this report, the district must provide 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. The NHDOE will verify this through a subsequent on-site review. | | |
| First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure 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. Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report. | | |
| Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following for updated data demonstrating compliance with this requirement: <ul style="list-style-type: none"> • 2 new student files at Elm Street Middle School for Self-Assessment Question 2 | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---|--|
| 34 CFR 300.306; 34 CFR 300.304 Ed 1108.01; Ed 1107.04 | | C. Evaluation; Determination of Eligibility for Special Education |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 3. | 34 CFR 300.306(a)(1) Ed 1108.01(a) | Upon completion of assessments, 61 out of 63 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. For students BA & BC there was insufficient evidence demonstrating compliance with this requirement. |
| 4. | 34 CFR 300.304(c)(1)(iv) Ed 1107.04(b) | 61 out of 63 IEP files demonstrated evidence that trained and knowledgeable personnel administered the assessment. For students Q & AT there was insufficient evidence demonstrating compliance with this requirement. |
| 5. | 34 CFR 300.306(c)(1)(i) Ed 1108.01(a) | 58 out of 63 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. For students Q, AI, AN, AT, & BA there was insufficient evidence demonstrating compliance with this requirement. |

First Stage Corrective Action Regarding the Implementation of the Regulations: 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. Training will also need to include components that consist of information regarding having 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.

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Mt. Pleasant School for Self-Assessment Questions 4 & 5
- 2 new student files at Fairgrounds Elementary School for Self-Assessment Question 5
- 2 new student files at Sunset Heights School for Self-Assessment Question 5
- 2 new student files at Pennichuck Middle School for Self-Assessment Questions 4 & 5
- 2 new student files at Elm Street Middle School for Self-Assessment Questions 3 & 5

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---|---|
| 34 CFR 300.503 Ed 1120.03 | | D. Written Prior Notice (Determination of Eligibility) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 6. | 34 CFR 300.503(b)(1) Ed 1120.03(b) | 56 out of 63 IEP files demonstrated evidence that the written prior notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency. For students K, AB, AD, AY, AZ, BC & BK there was insufficient evidence demonstrating compliance with this requirement. |
| 7. | 34 CFR 300.503(b)(2) Ed 1120.03(b) | 52 out of 63 IEP files demonstrated evidence that the written prior 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. For students K, L, M, AB, AD, AR, AY, AZ, BC, BJ & BK there was insufficient evidence demonstrating compliance with this requirement. |
| 8. | 34 CFR 300.503(b)(3) Ed 1120.03(b) | 42 out of 63 IEP files demonstrated evidence that the written prior 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. For students G, K, L, M, Z, AD, AH, AI, AR, AS, AT, AW, AX, AY, AZ, BA, BB, BC, BD, BJ & BK there was insufficient evidence demonstrating compliance with this requirement. |
| 9. | 34 CFR 300.503(b)(6) Ed 1120.03(b) | 56 out of 63 IEP files demonstrated evidence that the written prior 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. For students U, AB, AE, AY, AZ, BC & BK there was insufficient evidence demonstrating compliance with this requirement. |

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| 10. | 34 CFR 300.503(b)(7) Ed 1120.03(b) | <p>55 out of 63 IEP files demonstrated evidence that the written prior 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.</p> <p>For students AD, AH, AR, AS, AY, AZ, BC & BK there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 11. | 34 CFR 300.503(c)(1)(ii) Ed 1120.03(b) | <p>57 out of 63 IEP files demonstrated evidence that the written prior 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>For students AB, AY, AZ, BA, BC & BK there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to staff on completing the written prior notice for determination of eligibility in order for staff to appropriately document each component of a written prior notice.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.</p> | | |
| <p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:</p> <ul style="list-style-type: none"> • 2 new student files at Broad Street Elementary School for Self-Assessment Questions 6-11 • 2 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 6-11 • 2 new student files at New Searles School for Self-Assessment Questions 6-11 • 2 new student files at Birch Hill Elementary School for Self-Assessment Questions 6-11 • 3 new student files at Charlotte Ave Elementary School for Self-Assessment Questions 6-11 • 2 new student files at Ledge Street School for Self-Assessment Questions 6-11 • 2 new student files at Fairgrounds Elementary School for Self-Assessment Questions 6-11 • 2 new student files at Pennichuck Middle School for Self-Assessment Questions 6-11 • 3 new student files at Fairgrounds Middle School for Self-Assessment Questions 6-11 • 4 new student files at Elm Street Middle School for Self-Assessment Questions 6-11 • 2 new student files at Nashua High School North for Self-Assessment Questions 6-11 • 3 new student files at Nashua High School South for Self-Assessment Questions 6-11 | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---------------------------------------|--|
| 34 CFR 300.323; 34 CFR 300.324 Ed 1109 | | E. Individualized Education Program |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 12. | Ed 1109.01(a)(5) | 63 out of 63 IEP files demonstrated evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA stating approval of the provisions of the IEP. |
| 13. | Ed 1109.04(a) | <p>53 out of 63 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.</p> <p>For students G, L, M, N, O, AN, AU, AY, BA & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 14. | 34 CFR 300.323(c)(1) Ed 1109.03(a) | For an initial IEP, 26 out of 26 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. <i>(37 student files were not of students with initial IEPs.)</i> |

| | | |
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| 15. | 34 CFR 300.324(b)(1)(i) Ed 1109.03(d) | 36 out of 39 IEP files demonstrated evidence that the IEP was reviewed at least annually. <i>(24 student files were of students with initial IEPs.)</i> For students AR, AU & BA there was insufficient evidence demonstrating compliance with this requirement. |
| 16. | 34 CFR 300.323(a) Ed 1109.03(d) | 61 out of 61 IEP files demonstrated evidence that an IEP was in place at the beginning of the school year. <i>(Two student files were identified after beginning of school year or moved from another district or state)</i> |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must show evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP and that the IEP was reviewed at least annually.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that copies of IEPs are provided to each teacher and service provider listed as having responsibilities for implementing the IEP. Trainings will also need to ensure that IEPs are reviewed at least annually.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.</p> <p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:</p> <ul style="list-style-type: none"> • 2 new student files at Broad Street Elementary School for Self-Assessment Question 13 • 2 new student files at Dr. Norman W. Crisp School for Self-Assessment Question 13 • 2 new student files at Mt. Pleasant School for Self-Assessment Question 13 • 2 new student files at Sunset Heights School for Self-Assessment Question 13 • 2 new student files at Pennichuck Middle School for Self-Assessment Questions 13 & 15 • 2 new student files at Fairgrounds Middle School for Self-Assessment Question 13 • 2 new student files at Elm Street Middle School for Self-Assessment Questions 13 & 15 | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.321(a) Ed 1103.01 | | F. IEP Team; Participants in the Special Education Process |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 17. | 34 CFR 300.321(a)(1) Ed 1103.01(a) | 60 out of 63 IEP files demonstrated evidence that the IEP Team included the parent(s) of the child or adult student. For students K, AV & AX there was insufficient evidence demonstrating compliance with this requirement. |
| 18. | 34 CFR 300.321(a)(2) Ed 1103.01(a) | 54 out of 59 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child. <i>(Four student files included evidence that a regular education teacher was excused per 34 CFR 300.321(e).)</i> For students K, N, T, AC & BC there was insufficient evidence demonstrating compliance with this requirement. |

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| 19. | 34 CFR 300.321(a)(3) Ed 1103.01(a) | <p>59 out of 63 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.</p> <p>For students K, M, AG & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 20. | 34 CFR 300.321(a)(4) Ed 1103.01(a) | <p>61 out of 63 IEP files demonstrated evidence that the IEP Team included an LEA representative.</p> <p>For students K & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 21. | 34 CFR 300.321(a)(5) Ed 1103.01(a) | <p>60 out of 63 IEP files demonstrated evidence that an individual who can interpret the instructional implications of the evaluation results participated in the meeting.</p> <p>For students K, M & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 22. | Ed 1103.01(d) | <p>If vocational, career or technical education was being considered, 6 out of 7 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(56 student files were of students for whom vocational education/CTE was not considered.)</i></p> <p>For student BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 23. | Ed 1103.02(a), (c), (d) | <p>43 out of 63 IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants or the parent agreed in writing that the LEA could satisfy this requirement via transmittal by electronic mail <u>or</u> demonstrated evidence of written consent of the parent(s) that the notice requirement were waived [Ed 1103.02(b)].</p> <p>For students B, D, E, F, G, K, L, N, T, V, AK, AL, AN, AO, AQ, AS, AZ, BA, BB, & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide trainings to appropriate staff for ensuring that the IEP team included a parent, at least one regular education teacher, at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child, an LEA representative, an individual who can interpret the instructional implications of the evaluation results, and an individual knowledgeable about the vocational education programs and/or career technical education being considered .

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.

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, or the parent agreed in writing that the LEA could satisfy this requirement via transmittal by electronic mail or demonstrated evidence of written consent of the parent(s) that the notice requirement were waived.

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Bicentennial Elementary School for Self-Assessment Question 23
- 3 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 17-21 & 23
- 2 new student files at Mt. Pleasant School for Self-Assessment Questions 18 & 23
- 2 new student files at New Searles School for Self-Assessment Questions 18 & 23
- 2 new student files at Charlotte Ave Elementary School for Self-Assessment Question 18
- 2 new student files at Ledge Street School for Self-Assessment Question 19
- 2 new student files at Main Dunstable School for Self-Assessment Question 23
- 2 new student files at Sunset Heights School for Self-Assessment Question 23
- 2 new student files at Pennichuck Middle School for Self-Assessment Question 23
- 2 new student files at Fairgrounds Middle School for Self-Assessment Question 17
- 3 new student files at Elm Street Middle School for Self-Assessment Questions 18-23

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---------------------------|--|
| 34 CFR 300.320(a); 34 CFR 300.324(a)(1) | | G. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 24. | 34 CFR 300.324(a)(1)(i) | 58 out of 63 IEPs demonstrated evidence of a statement of the child's strengths. For students E, O, Q, AC & BB there was insufficient evidence demonstrating compliance with this requirement. |
| 25. | 34 CFR 300.324(a)(1)(iv) | 59 out of 63 IEPs demonstrated evidence of a statement of the child's academic, developmental, and functional needs. For students E, L, O & Q there was insufficient evidence demonstrating compliance with this requirement. |
| 26. | 34 CFR 300.324(a)(1)(ii) | 61 out of 63 IEPs demonstrated evidence of a statement of the parent's concerns for improving the student's education in the IEP. For students AO & BA there was insufficient evidence demonstrating compliance with this requirement. |
| 27. | 34 CFR 300.324(a)(1)(iii) | 61 out of 63 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP. For students L & AR there was insufficient evidence demonstrating compliance with this requirement. |
| 28. | 34 CFR 300.320(a)(1)(i) | 55 out of 58 IEPs demonstrated evidence of a statement in the IEP that describes how the child's disability affects the student's involvement and progress in the general education curriculum. <i>(Five student files were preschool age students.)</i> For students AB, AX & BC there was insufficient evidence demonstrating compliance with this requirement. |
| 29. | 34 CFR 300.320(a)(4)(ii) | 62 out of 63 IEPs demonstrated evidence of a statement that describes how the child's disability affects non-academic areas. For student AB there was insufficient evidence demonstrating compliance with this requirement. |

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| 30. | 34 CFR 300.320(a)(1)(ii) | For preschool children, as appropriate, 10 out of 10 IEPs demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities. <i>(53 student files were not of preschool age students.)</i> |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence that the following is included in the IEP: a statement of the child's strengths; a statement of the child's academic, developmental, and functional needs; a statement of the parent's concern's for improving the student's education in the IEP; the results of initial or most recent evaluations of the child; a statement in the IEP that describes how the child's disability affects the student's involvement and progress in the general education curriculum; and a statement that describes how the child's disability affects non-academic areas.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> | | |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to include in student's IEPs a statement of the child's strengths; of the child's academic, developmental, and functional needs; of the parent's concern's for improving the student's education in the IEP; of the results of initial or most recent evaluations of the child; of how the child's disability affects the student's involvement and progress in the general education curriculum; and that describes how the child's disability affects non-academic areas.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.</p> | | |
| <p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:</p> <ul style="list-style-type: none"> • 2 new student files at Broad Street Elementary School for Self-Assessment Questions 24 & 25 • 2 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 25 & 27 • 2 new student files at Mt. Pleasant School for Self-Assessment Questions 24 & 25 • 2 new student files at Charlotte Ave Elementary School for Self-Assessment Questions 24, 28 & 29 • 2 new student files at Sunset Heights School for Self-Assessment Question 26 • 2 new student files at Pennichuck Middle School for Self-Assessment Question 27 • 2 new student files at Fairgrounds Middle School for Self-Assessment Question 28 • 2 new student files at Elm Street Middle School for Self-Assessment Questions 24, 26 & 28 | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---|--|
| 34 CFR 300.324(a)(2) Ed 1109.03(h) | | H. Consideration of Special Factors |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 31. | 34 CFR 300.324(a)(2)(i) Ed 1109.03(h) | When a child's behavior impedes the child's learning or that of others, 29 out of 29 IEPs demonstrated evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior. <i>(34 student files were not of students whose behavior impedes learning.)</i> |
| 32. | 34 CFR 300.324(a)(2)(ii) Ed 1109.03(h) | When a child demonstrates limited English proficiency, 13 out of 13 IEPs demonstrated evidence that the IEP Team considered the language needs of the child as those needs relate to the child's IEP. <i>(50 student files were not of students who demonstrated limited English proficiency.)</i> |

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| 33. | 34 CFR 300.324(a)(2)(iii) Ed 1109.03(h) | When a child is blind or visually impaired, 0 out of 0 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. <i>(No child was blind or visually impaired of the files reviewed.)</i> |
| 34. | 34 CFR 300.324(a)(2)(iv) Ed 1109.03(h) | 63 out of 63 IEPs demonstrated evidence that the IEP Team considered the communication needs of the child. |
| 35. | 34 CFR 300.324(a)(2)(iv) Ed 1109.03(h) | When a child is deaf or hard of hearing, 2 out of 2 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. <i>(61 student files were not of deaf or hard of hearing students.)</i> |
| 36. | 34 CFR 300.324(a)(2)(v) Ed 1109.03(h) | 63 out of 63 IEPs demonstrated evidence that the IEP Team considered whether the child needed assistive technology devices and services. |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| Ed 1109.01(a)(10) | | I. Courses of Study |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 37. | Ed 1109.01(a)(10) | For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 8 out of 13 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, vocational education, or career and technical education. <i>(50 student files were students aged 13 or younger who will not be turning 14 during the IEP period.)</i> For students AT, BB, BC, BD & BG there was insufficient evidence demonstrating compliance with this requirement. |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence that for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, the IEP includes 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, vocational education, or career and technical education.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, the IEP includes 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, vocational education, or career and technical education.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.</p> | | |

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Pennichuck Middle School for Self-Assessment Question 37
- 3 new student files at Elm Street Middle School for Self-Assessment Question 37
- 3 new student files at Nashua High School North for Self-Assessment Question 37

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|--|---|
| 34 CFR 300.320(a)(2)(i) Ed 1109.01(a) | | J. Measurable Annual Goals; Short-term Objectives or Benchmarks |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 38. | 34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1) | 22 out of 63 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals. For students B, D, F, G, H, I, K, L, M, Q, R, T, U, V, X, Z, AA, AB, AD, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BD & BF there was insufficient evidence demonstrating compliance with this requirement. |
| 39. | 34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1) | 62 out of 63 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. For student L there was insufficient evidence demonstrating compliance with this requirement. |
| 40. | 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, 60 out of 63 IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs. For students L, AS & AU there was insufficient evidence demonstrating compliance with this requirement. |
| 41. | Ed 1109.01(a)(6) | 62 out of 63 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. For student M there was insufficient evidence demonstrating compliance with this requirement. |

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months of the date of this report, the district must amend the IEPs to include measurable annual goals; measurable goals that meet the child's needs that result from the child's disability and the child's other educational needs; and short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals.

The NHDOE will verify this through a subsequent on-site review.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that IEPs include the signature of the parent, or where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.

Provide training to appropriate staff to address writing measurable annual goals; including goals that meet the child’s needs that result from the child’s disability and other educational needs; and including short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child’s annual goals.

Provide the dates, names of attendees, and a description of the trainings, which defines the district’s procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Bicentennial Elementary School for Self-Assessment Question 38
- 2 new student files at Broad Street Elementary School for Self-Assessment Question 38
- 3 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 38-41
- 2 new student files at Mt. Pleasant School for Self-Assessment Question 38
- 2 new student files at New Searles School for Self-Assessment Question 38
- 2 new student files at Amherst Street School for Self-Assessment Question 38
- 2 new student files at Birch Hill Elementary School for Self-Assessment Question 38
- 2 new student files at Charlotte Ave Elementary School for Self-Assessment Question 38
- 2 new student files at Ledge Street School for Self-Assessment Question 38
- 2 new student files at Fairgrounds Elementary School for Self-Assessment Question 38
- 2 new student files at Main Dunstable School for Self-Assessment Question 38
- 2 new student files at Sunset Heights School for Self-Assessment Question 38
- 3 new student files at Pennichuck Middle School for Self-Assessment Questions 38 & 40
- 2 new student files at Fairgrounds Middle School for Self-Assessment Question 38
- 2 new student files at Elm Street Middle School for Self-Assessment Question 38
- 2 new student files at Nashua High School North for Self-Assessment Question 38

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| Ed 1109.01(a)(8) | | K. Review and Revision of IEPs (Measuring Progress) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 42. | Ed 1109.01(a)(8) | 63 out of 63 IEPs demonstrated evidence that the IEP includes a statement of how the child’s progress toward meeting the annual goals shall be provided to the parents. |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.323(d)(2)(ii) Ed 1102; Ed 1109.03(a) | | L. Accessibility of Child’s IEP to Teachers and Others (General Accommodations and General Modifications) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 43. | 34 CFR 300.323(d)(2)(ii) Ed 1109.03(a) | 53 out of 63 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. For students G, L, M, N, O, AN, AU, AY, BA & BC there was insufficient evidence demonstrating compliance with this requirement. |

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| 44. | Ed 1102.01(b) | <p>If accommodations are included, 61 out of 62 IEPs demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor, validity or both of the subject matter being taught or assessed. <i>(One student file was a student with no accommodations.)</i></p> <p>For student AX there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 45. | Ed 1102.03(v) | <p>If modifications are included, 21 out of 27 IEPs demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor, validity or both of the subject matter being taught or assessed. <i>(36 student files were students with no modifications.)</i></p> <p>For students L, V, AG, AO, AW & BJ there was insufficient evidence demonstrating compliance with this requirement.</p> |

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must show evidence that each teacher and service provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

As soon as possible but no later than 2 months from the date of the report, the district must convene the IEP teams to review the IEPs and show evidence that if accommodations are included in the IEP, they are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor, validity or both of the subject matter being taught or assessed, and if modifications are included in the IEP, they are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor, validity or both of the subject matter being taught or assessed.

The NHDOE will verify this through a subsequent on-site review.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that each teacher and service provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP, and to address that accommodations are changes in instruction or evaluation determined necessary by the IEP team that **do not impact** the rigor, validity or both of the subject matter being taught or assessed, and modifications are changes in instruction or evaluation determined necessary by the IEP team **that impacts** the rigor, validity or both of the subject matter being taught or assessed.

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Broad Street Elementary School for Self-Assessment Question 43
- 2 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 43 & 45
- 2 new student files at Mt. Pleasant School for Self-Assessment Question 43
- 2 new student files at New Searles School for Self-Assessment Question 45
- 2 new student files at Ledge Street School for Self-Assessment Question 45
- 2 new student files at Sunset Heights School for Self-Assessment Questions 43 & 45
- 2 new student files at Pennichuck Middle School for Self-Assessment Question 43
- 2 new student files at Fairgrounds Middle School for Self-Assessment Question 43-45
- 2 new student files at Elm Street Middle School for Self-Assessment Question 43
- 2 new student files at Nashua High School South for Self-Assessment Question 45

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b) | | M. 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 |
| 46. | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 57 out of 63 IEPs demonstrated evidence of a statement of special education. For students AA, AR, AU, BG, BH & BJ there was insufficient evidence demonstrating compliance with this requirement. |
| 47. | Ed 1109.04(b)(1) | 51 out of 63 IEP files demonstrated written evidence documenting implementation of the IEP with regards to special education services provided. For students B, I, L, AA, AC, AI, AR, AU, BC, BG, BH & BJ there was insufficient evidence demonstrating compliance with this requirement. |
| 48. | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 40 out of 40 IEPs demonstrated evidence of a statement of related services. <i>(23 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i> |
| 49. | Ed 1109.04(b)(1) | 30 out of 40 IEP files demonstrated written evidence documenting implementation of the IEP with regards to related services provided. <i>(23 student files were students for whom there were no related services in the IEP.)</i> For students I, L, O, Z, AC, AR, AT, BA, BB & BC there was insufficient evidence demonstrating compliance with this requirement. |
| 50. | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 4 out of 4 IEPs demonstrated evidence of a statement of supplementary aids and services. <i>(59 student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i> |
| 51. | Ed 1109.04(b)(2) | 4 out of 4 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supplementary aids and services provided. <i>(59 student files were students for whom there were no supplementary aids and services in the IEP.)</i> |
| 52. | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 29 out of 29 IEPs demonstrated evidence of a statement of the supports for school personnel. <i>(34 student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i> |
| 53. | Ed 1109.04(b)(4) | 24 out of 29 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel. <i>(34 student files were students for whom there were no supports for personnel in the IEP.)</i> For students I, V, AR, AS & BC there was insufficient evidence demonstrating compliance with this requirement. |
| 54. | 34 CFR 300.320(a)(7) Ed 1109.01(a)(1) | 63 out of 63 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. |
| 55. | 34 CFR 300.320(a)(7) Ed 1109.01(a)(1) | 63 out of 63 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. |

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence of a statement of special education services.

As soon as possible, but no later than 2 months from the date of this report, the district will provide documentation for evidence of the implementation of special education and related services provided, and documentation for evidence of the implementation of supports provided for school personnel.

The NHDOE will verify this through a subsequent on-site review.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that the IEP includes applicable special education services.

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, and supports provided for school personnel implementing the IEP.

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Bicentennial Elementary School for Self-Assessment Question 47
- 2 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 47, 49 & 53
- 2 new student files at Mt. Pleasant School for Self-Assessment Question 49
- 2 new student files at New Searles School for Self-Assessment Question 53
- 2 new student files at Birch Hill Elementary School for Self-Assessment Questions 46, 47 & 49
- 2 new student files at Charlotte Ave Elementary School for Self-Assessment Questions 47 & 49
- 2 new student files at Fairgrounds Elementary School for Self-Assessment Question 47
- 2 new student files at Pennichuck Middle School for Self-Assessment Questions 46, 47, 49 & 53
- 2 new student files at Elm Street Middle School for Self-Assessment Questions 47, 49 & 53
- 2 new student files at Nashua High School North for Self-Assessment Questions 46 & 47
- 2 new student files at Nashua High School South for Self-Assessment Questions 46 & 47

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.320(a)(5) Ed 1109.01(a)(1) | | N. Definition of Individualized Education Program (Justification for Non-Participation) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 56. | 34 CFR 300.320(a)(5) Ed 1109.01(a)(1) | <p>56 out of 63 IEP 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.</p> <p>For students J, M, AC, AJ, AS & BA there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 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.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> | | |

First Stage Corrective Action Regarding the Implementation of the Regulations: 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 the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with this requirement:

- 3 new student files at Dr. Norman W. Crisp School for Self-Assessment Question 56
- 3 new student files at Charlotte Ave Elementary School for Self-Assessment Question 56
- 3 new student files at Fairgrounds Elementary School for Self-Assessment Question 56
- 2 new student files at Pennichuck Middle School for Self-Assessment Question 56
- 2 new student files at Elm Street Middle School for Self-Assessment Question 56

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---|---|
| 34 CFR 300.320(a)(6) Ed 1109.01(a)(1) | | O. 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) | 43 out of 43 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. <i>(20 student files were of students for whom there were no state or district wide assessments for the student's age/grade level.)</i> |
| 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, 1 out of 1 IEPs demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(62 student files were of students not taking an alternate assessment.)</i> |
| 59. | 34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) | When the child is taking an alternate assessment, 1 out of 1 IEPs demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(62 student files were of students not taking an alternate assessment.)</i> |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---------------------------------------|---|
| 34 CFR 300.503 Ed 1120.03 | | P. Procedural Safeguards (Written Prior Notice for IEP) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 60. | 34 CFR 300.503(b)(1) Ed 1120.03(b) | 53 out of 63 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. For students G, M, Z, AE, AS, AX, AY, AZ, BB & BC there was insufficient evidence demonstrating compliance with this requirement. |

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| 61. | 34 CFR 300.503(b)(2) Ed 1120.03(b) | <p>54 out of 63 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.</p> <p>For students E, K, M, AS, AW, AY, AZ, BB & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 62. | 34 CFR 300.503(b)(3) Ed 1120.03(b) | <p>38 out of 63 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.</p> <p>For students C, G, H, K, M, T, Z, AB, AC, AD, AH, AI, AO, AR, AS, AT, AU, AW, AY, AZ, BB, BC, BD, BJ & BK there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 63. | 34 CFR 300.503(b)(6) Ed 1120.03(b) | <p>57 out of 63 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.</p> <p>For students M, T, AS, AZ, BB & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 64. | 34 CFR 300.503(b)(7) Ed 1120.03(b) | <p>55 out of 63 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.</p> <p>For students M, AR, AS, AX, AY, AZ, BB & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 65. | 34 CFR 300.503(c)(1)(ii) Ed 1120.03(b) | <p>57 out of 63 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.</p> <p>For students M, AB, AZ, BA, BB & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: 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.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.</p> | | |

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 2 new student files at Bicentennial Elementary School for Self-Assessment Questions 60-65
- 2 new student files at Broad Street Elementary School for Self-Assessment Questions 60-65
- 3 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 60-65
- 2 new student files at New Searles School for Self-Assessment Questions 60-65
- 2 new student files at Birch Hill Elementary School for Self-Assessment Questions 60-65
- 2 new student files at Charlotte Ave Elementary School for Self-Assessment Questions 60-65
- 2 new student files at Ledge Street School for Self-Assessment Questions 60-65
- 2 new student files at Fairgrounds Elementary School for Self-Assessment Questions 60-65
- 2 new student files at Sunset Heights School for Self-Assessment Questions 60-65
- 3 new student files at Pennichuck Middle School for Self-Assessment Questions 60-65
- 3 new student files at Fairgrounds Middle School for Self-Assessment Questions 60-65
- 4 new student files at Elm Street Middle School for Self-Assessment Questions 60-65
- 2 new student files at Nashua High School North for Self-Assessment Questions 60-65
- 2 new student files at Nashua High School South for Self-Assessment Questions 60-65

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
|---|---------------------------------------|---|
| 34 CFR 300.503 Ed 1120.03(b) | | Q. Written Prior Notice (Placement) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 66. | 34 CFR 300.503(b)(1) Ed 1120.03(b) | 54 out of 63 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. For students D, L, M, AJ, AN, AS, AY, AZ & BC there was insufficient evidence demonstrating compliance with this requirement. |
| 67. | 34 CFR 300.503(b)(2) Ed 1120.03(b) | 41 out of 63 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. For students C, D, K, L, M, Q, W, Z, AA, AD, AH, AJ, AN, AS, AX, AY, AZ, BB, BC, BG, BI & BJ there was insufficient evidence demonstrating compliance with this requirement. |
| 68. | 34 CFR 300.503(b)(3) Ed 1120.03(b) | 31 out of 63 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. For students C, D, G, H, K, L, M, Q, T, W, Z, AB, AD, AE, AH, AI, AJ, AN, AO, AR, AS, AT, AU, AW, AX, AY, AZ, BB, BC, BG, BJ & BK there was insufficient evidence demonstrating compliance with this requirement. |
| 69. | 34 CFR 300.503(b)(6) Ed 1120.03(b) | 45 out of 63 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. For students C, D, G, L, M, P, Q, T, U, AA, AJ, AN, AR, AS, AY, AZ, BC & BJ there was insufficient evidence demonstrating compliance with this requirement. |

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| 70. | 34 CFR 300.503(b)(7) Ed 1120.03(b) | <p>46 out of 63 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.</p> <p>For students C, D, G, L, M, P, Q, AA, AD, AJ, AN, AR, AS, AX, AY, AZ & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 71. | 34 CFR 300.503(c)(1)(ii) Ed 1120.03(b) | <p>56 out of 63 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.</p> <p>For students D, L, M, AB, AZ, BA & BC there was insufficient evidence demonstrating compliance with this requirement.</p> |

First Stage Corrective Action Regarding the Implementation of the Regulations: 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 the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review the following files for updated data demonstrating compliance with these requirements:

- 3 new student files at Bicentennial Elementary School for Self-Assessment Questions 66-71
- 2 new student files at Broad Street Elementary School for Self-Assessment Questions 66-71
- 3 new student files at Dr. Norman W. Crisp School for Self-Assessment Questions 66-71
- 2 new student files at Mt. Pleasant School for Self-Assessment Questions 66-71
- 2 new student files at New Searles School for Self-Assessment Questions 66-71
- 2 new student files at Amherst Street School for Self-Assessment Questions 66-71
- 2 new student files at Birch Hill Elementary School for Self-Assessment Questions 66-71
- 3 new student files at Charlotte Ave Elementary School for Self-Assessment Questions 66-71
- 2 new student files at Ledge Street School for Self-Assessment Questions 66-71
- 3 new student files at Fairgrounds Elementary School for Self-Assessment Questions 66-71
- 2 new student files at Sunset Heights School for Self-Assessment Questions 66-71
- 3 new student files at Pennichuck Middle School for Self-Assessment Questions 66-71
- 3 new student files at Fairgrounds Middle School for Self-Assessment Questions 66-71
- 4 new student files at Elm Street Middle School for Self-Assessment Questions 66-71
- 2 new student files at Nashua High School North for Self-Assessment Questions 66-71
- 2 new student files at Nashua High School South for Self-Assessment Questions 66-71