

**New Hampshire  
Department of Education  
Bureau of Special Education  
Monitoring Review for Approval of  
Private Provider Special Education  
Programs**

**Nashua Children's Home  
Summary Report  
2017-2018**

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**Monitoring Visit Conducted on February 6, 2018  
Report Date: March 15, 2018**

## Overview of the Nashua Children's Home Program

Nashua Children's Home is a New Hampshire Department of Education, Bureau of Special Education Approved Program located in Nashua, New Hampshire. The program is approved for grades one through eight for up to 30 students. Students enrolled in this program have primary disabilities in the areas of Emotional Disturbance, Intellectual Disability, Other Health Impairments and Specific Learning Disability. Nashua Children's Home has licensures for residential facilities issued through the Department of Health and Human Services.

The educational program is a 180 day private school placement located within Nashua Children's Home's (NCH) main building at 125 Amherst Street, Nashua, NH. It has been in operation since 1979. All students in the program are referred by their sending LEA and must be NH students. A majority of the students that attend the day program are bussed to and from home. There are some students who also reside at the NCH Residential Program. The educational program is designed for students who cannot be appropriately educated in a less restrictive setting within the public schools.

Small, self-contained classrooms with a favorable teacher to student ratio, coupled with a strong, proactive *Behavioral Guidelines* system and full-time crisis worker provide a supportive learning environment for students who struggle with behavior, academics and social skills.

Nashua Children's Home's educational program recognizes that the optimum goal for each of its students is successful reintegration into a public school setting as quickly as possible. These goals are realized through academic and affective curriculum and through individual and family counseling. The students develop and refine their decision-making abilities. They become more aware of their environment and obtain academic and social skills to deal with their environment more effectively. Close communication between home and school assists the family in developing skills, which will support the student in the future.

The leadership team at Nashua Children's Home consists of an Educational Director and an Assistant Educational Director. All students in the educational program are also assigned to a Child and Family Therapist for counseling and also have access to NH certified school counselors as well.

The program's mission is to "provide care and stability to boys and girls unable to remain with their families, special education services for students who have not been successful in public school settings and support for families struggling to remain intact."

## Noteworthy Practices and Areas in Need of Refinement

### Noteworthy Practices

During the monitoring visit, it had been revealed that Nashua Children's Home includes several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- Behavior and emotional support is designed to maximize growth and development of children physically, socially and emotionally through the use of the *Behavioral Guidelines* which include the principles: "Maintain attitude of respect and dignity, Use language and body responsibly, proactively cooperate, carefully attend to health and safety, honestly give best effort". These are evident in all classrooms, modeled and reinforced by adults and practiced routinely by students. Use of these guidelines has cultivated a safe, supportive and comfortable environment for students who feel welcome and valued.
- The availability of a full time crisis worker and the assignment of a child and family therapist to each student support the program in implementing the *Behavioral Guidelines*, supporting students and partnering with families.
- All classrooms reflect and utilize the *Behavioral Guidelines* and encourage students to interact in a pro-social manner, to problem-solve and to participate fully.
- Therapist offices offer a calming and welcoming environment for students.
- The recreation space promotes positive interaction in which students can relax and practice their social skills.
- Staff and students share a trusting relationship which was evident in all classrooms. Students demonstrate that they feel safe and comfortable participating in both academic and social curriculum during class time in a classroom environment that promotes respect.
- Nashua Children's Home, in addition to its special education programming for students in grades one through eight, provides Independent Living Homes for both males and females between 16 and 18 years of age where they can reside while attending school and work. This program provides a needed therapeutic living setting for students who not only need a place to live, but also require supervision and independent living support. Additionally, the TLP program (Transitional Living Program) provides transition for adults between ages 18 and 20 who require supervision and instruction to learn self-sufficiency and to prevent long-term dependency. Having such transitional living environments with supervision built in allows these young adults to learn what is needed to live independently and to "practice" these skills within a safe and supportive environment.

## **Areas in Need of Refinement**

Areas in need of refinement are practices that have the potential to become noncompliant. Whereas these practices do not rise to the standard of noncompliance, and therefore require no corrective actions, the NHDOE believes that the practices, and potential remedies, are noteworthy to be addressed.

During the Nashua Children's Home on-site visit the monitoring team did not identify any areas in need of refinement.

## **Overview of the Monitoring Review for Approval of Special Education Programs Process**

The Special Education Monitoring Review for Approval of Private Provider Special Education Programs process ensures that students with educational disabilities have access to; can participate in; and can demonstrate progress within the general education curriculum, thereby improving student learning. The primary focus of the monitoring review is to improve educational results and functional outcomes for all children with disabilities.

Monitoring is done on a cyclical basis. During the year prior to monitoring, the New Hampshire Department of Education (NHDOE), Bureau of Special Education (Bureau) offers training to each private provider who is involved in the monitoring process. Training encompasses writing Measurable Annual Goals, Written Prior Notice, Self-Assessment, and a topic selected by the private provider based on current need. During this time, the private provider will be given the option to include a director from outside of their Local Education Agency (LEA) area to participate in the on-site file review, as well as at least one special education administrator from another private school who has been trained in the process by the Bureau. At the beginning of the school year in which the private provider is being monitored, the private provider will send the Bureau their completed application for renewal of Bureau special education approval/nonpublic school approval in addition to the program's policy and procedure manual and any special education forms that are used by the private program. Following a review of these documents, the monitoring team will conduct an on-site review in which student files are examined for evidence of implementation of the policies and procedures through the special education process. The Bureau will also conduct a follow-up review to verify the implementation of corrective actions as defined in the summary report.

The New Hampshire Department of Education, Bureau of Special Education review members for this monitoring review included Helene Anzalone and Lori Noordergraaf and Lisa McManus, Education Director from Learning Skills Academy.

## Procedures and Effective Implementation

Each private provider must have special education procedures, and effective implementation of practices that are aligned and support the implementation of IDEA and the *New Hampshire Standards for the Education of Children with Disabilities*.

The monitoring team reviewed the following special education procedures for compliance with State and Federal regulations regarding administration, confidentiality of information, program requirements, responsibilities of private providers of special education implementation of IEPs, behavioral interventions, RSA 126-U Limiting the use of child restraint practices in schools and treatment centers, qualifications and requirements for instructional, administrative and support personnel, change in placement or termination of enrollment, physical facilities, health and medical care, photography and audio-visual recording, and emergency planning and preparedness.

Based on the review of Nashua Children’s Home’s special education procedures the monitoring team determined there were **6 findings of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1114.04(c)(2)	Confidentiality; Confidentiality of Information
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s special education procedures the monitoring team was unable to find written procedures and schedules for destruction of outdated files and records that reflect the NH Standards for the Education of Children with Disabilities that were adopted on March 23, 2017.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> Nashua Children’s Home must revise its special education procedures to include written procedures and schedules for destruction of outdated files and records that reflect the NH Standards for the Education of Children with Disabilities that were adopted on March 23, 2017. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 1114.07(b)	Behavioral Interventions
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s special education procedures the monitoring team was unable to find a statement that policies and procedures followed by the program in managing behavior are provided to the sending LEA and parent at the time of enrollment, at the time of annual review and any time the facility or non-district program’s policies and procedures for managing behavior are revised.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> Nashua Children’s Home must revise its special education procedures to include a statement that policies and procedures followed by the program in managing behavior are provided to the sending LEA and parent at the time of enrollment, at the time of annual review and any time the facility or non-district program’s policies and procedures for managing behavior are revised. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 1114.16(d)(2)	Physical Facilities
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's special education procedures the monitoring team was unable to find the written procedures to protect children from hazards such as the presence of lead paint.	
<b>Corrective Action Regarding the Implementation of the Regulations:</b> Nashua Children's Home must revise its special education procedures to include written procedures to protect children from hazards such as the presence of lead paint. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
4. Ed 1114.16(d)(3)	Physical Facilities
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's special education procedures the monitoring team was unable to find the written procedures to protect children from hazards such as the storage of hazardous materials.	
<b>Corrective Action Regarding the Implementation of the Regulations:</b> Nashua Children's Home must revise its special education procedures to include written procedures to protect children from hazards such as the storage of hazardous material. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
5. Ed 1114.16(d)(8)	Physical Facilities
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's special education procedures the monitoring team was unable to find the written procedures to protect children from hazards such as any unsafe access to electrical, plumbing and heating systems.	
<b>Corrective Action Regarding the Implementation of the Regulations:</b> Nashua Children's Home must revise its special education procedures to include written procedures to protect children from hazards such as any unsafe access to electrical, plumbing and heating systems. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
6. Ed 1126.02(b)(3)(e)	New Hampshire Rules for the Education of Children with Disabilities
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's special education procedures the monitoring team was unable to find a procedure regarding non-discriminatory testing practices.	
<b>Corrective Action Regarding the Implementation of the Regulations:</b> Nashua Children's Home must revise its special education procedures to include non-discriminatory testing practices. Provide the revised procedures and the method the provider used to inform staff of the revision to the NHDOE within 6 months from the date of this report.	

## Private Provider Curriculum and Effective Implementation

As part of the review, the monitoring team looked for evidence that Nashua Children’s Home is providing students with access to the general curriculum. The monitoring team reviewed the grades one through eight curriculum provided by Nashua Children’s Home for compliance with learning areas in Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.261(b)(1)and(2) & Ed 306.27(c).

Based on the review of the Nashua Children’s Home curriculum, the monitoring team determined that there were **11 findings of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 306.31(a)(1)(f); Ed 306.31(a)(2)(b)	High School Curriculum, Credits, Graduation Requirements, Co-Curricular Program
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Arts Education curriculum submitted did not include the following:</p> <ul style="list-style-type: none"> <li>• Use technology as ways to create, perform or respond to various arts disciplines</li> <li>• Best interests of students regarding safety and health issues associated with materials, tools, equipment, supplies and procedures</li> </ul>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Arts Education curriculum includes:</p> <ul style="list-style-type: none"> <li>• Use technology as ways to create, perform or respond to various arts disciplines</li> <li>• Best interests of students regarding safety and health issues associated with materials, tools, equipment, supplies and procedures</li> </ul> <p>Provide updated Arts Education curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 306.38(a)(b)(c)	Family and Consumer Science
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Middle School Family and Consumer Science Curriculum was not submitted.</p>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> The Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Family and Consumer Science curriculum includes all of the required curriculum standards.</p> <p>Provide updated Family and Consumer Science curriculum that includes all components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 306.40(b)(1)(e) & (b)(2)(d)(e)	Health Education
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Health Education curriculum submitted did not include the following:</p> <ul style="list-style-type: none"> <li>Analyze the effect of culture, media, technology and other influences on health</li> <li>Needs to address physical activity impacting health</li> <li>Needs to address family life and comprehensive sexuality education, including instruction relevant to abstinence.</li> </ul>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Health Education curriculum includes:</p> <ul style="list-style-type: none"> <li>Analyze the effect of culture, media, technology and other influences on health</li> <li>Needs to address physical activity impacting health</li> <li>Needs to address family life and comprehensive sexuality education, including instruction relevant to abstinence.</li> </ul> <p>Provide updated Health curriculum that includes this component to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
4. Ed 306.41(a)(2)	Physical Education
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Physical Education curriculum submitted did not include components to address family and community partnerships.</p>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Middle School Physical Education curriculum includes components to address family and community partnerships.</p> <p>Provide updated Physical Education curriculum that includes this component to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
5. Ed 306.43(a)(1-7)	Elementary Math Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Elementary Math curriculum submitted did not include any of the required curriculum standards, but rather consisted of a table with rows of Common Core Standards aligned with math terms.</p>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Elementary Math curriculum include all of the required curriculum standards elements.</p> <p>Provide updated Elementary Math curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
6. Ed 306.43(a)(1-7)	Middle School Math Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Middle Math curriculum submitted did not include any of the required curriculum standards, but rather consisted of a table with rows of Common Core Standards aligned with math terms.</p>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Middle Math curriculum include all of the required curriculum standards elements.</p>	
<p>Provide updated Middle School Math curriculum that includes this component to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
7. Ed 306. 45(a)(3)(a)(c)(d)(f)	Elementary Science Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s curriculum, the Elementary Science curriculum submitted did not include the following:</p> <ul style="list-style-type: none"> <li>• Activities that allow students to explore, collect, handle, sort and classify natural objects</li> <li>• Use tools, including nonstandard measures, rulers, magnifiers, etc. to enhance observations and collect, represent, and interpret data</li> <li>• Activities that allow students to organize data in multiple ways using tools of technology</li> <li>• Activities that model and communicate safety and health related issues relating to exploration, activities, and inquiry associated with materials, tool, and procedures</li> </ul>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Elementary Science curriculum includes:</p> <ul style="list-style-type: none"> <li>• Activities that allow students to explore, collect, handle, sort and classify natural objects</li> <li>• Use tools, including nonstandard measures, rulers, magnifiers, etc. to enhance observations and collect, represent, and interpret data</li> <li>• Activities that allow students to organize data in multiple ways using tools of technology</li> <li>• Activities that model and communicate safety and health related issues relating to exploration, activities, and inquiry associated with materials, tool, and procedures.</li> </ul>	
<p>Provide updated Elementary Science curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
8. Ed 306. 45(a)(3)(a-m)	Middle School Science Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing Nashua Children’s Home’s Middle School Science curriculum submitted did not include activities for systematic instruction, laboratory experiences and activities.</p>	
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that Nashua Children’s Home’s Middle School Science curriculum includes include activities for systematic instruction, laboratory experiences and activities.</p>	
<p>Provide updated Middle School Science curriculum that includes these components to the NHDOE within 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
9. Ed 306.46(a)(1)(b)	Elementary Social Studies Curriculum
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's Elementary Social Studies curriculum submitted did not include activities to become familiar with skills of decision-making, data gathering and critical thinking.	
<b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children's Home's must provide the NHDOE with evidence that Nashua Children's Home's Elementary Social Studies curriculum includes activities to become familiar with skills of decision-making, data gathering and critical thinking.	
Provide updated Elementary Social Studies curriculum that includes these components to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
10. Ed 306.46(b)(2)	Middle Social Studies Curriculum
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's curriculum, the Middle School Social Studies curriculum submitted did not include opportunities to practice citizenship in the school and communities.	
<b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children's Home must provide the NHDOE with evidence that Nashua Children's Home's High School Social Studies curriculum includes opportunities to practice citizenship in the school and communities.	
Provide updated Middle School Social Studies curriculum that includes this component to the NHDOE within 6 months from the date of this report.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
11. Ed 306.47(a)(b)	Middle School Technology/Engineering Education Program Standards
<b>Finding of Noncompliance:</b> In reviewing Nashua Children's Home's curriculum, the Elementary Technology/Engineering curriculum submitted did not include any of the required curriculum standards elements.	
<b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children's Home must provide the NHDOE with evidence that Nashua Children's Home's Middle School Technology/Engineering curriculum includes all of the required curriculum standards.	
Provide updated Middle School Technology/Engineering curriculum that includes these components to the NHDOE within 6 months from the date of this report.	

## Personnel

The Bureau of Special Education has reviewed the Nashua Children’s Home personnel certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2017-2018 school year.

The personnel roster that was provided by Nashua Children’s Home was compared to the data in the New Hampshire Educator Information System. Each personnel member’s endorsement was compared to the subject/assignment. This process was used for personnel that hold 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 private provider 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 1114.10(a), 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the Nashua Children’s Home personnel certifications, the monitoring team determined there were **8 findings of noncompliance**.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
34 CFR 300.18; 34 CFR 300.156; Ed 1114.10(a)	Personnel Standards
<p><b>Corrective Action regarding the Implementation of the Regulations:</b> Nashua Children’s Home must provide the NHDOE with evidence that resolves the findings of noncompliance for no Teacher/Consultant in the following content areas:</p> <ol style="list-style-type: none"> <li>1. Health Education</li> <li>2. Physical Education</li> <li>3. Mathematics</li> <li>4. Science</li> <li>5. Social Studies</li> <li>6. English/Language Arts</li> <li>7. Family and Consumer Science</li> <li>8. Technology Education</li> </ol> <p>Provide the names and endorsements of certified staff or consultants for the content areas to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

Nashua Children’s Home was notified of the concerns listed above at the on-site on February 6, 2018. Staff specific information was included at that time.

## Monitoring of the Implementation of Special Education Process

Private providers are responsible for implementing the special education process in accordance with IDEA and the *New Hampshire Standards for the Education of Children with Disabilities*. The self-assessment data collection form highlights the private providers' 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*. The private provider cites the evidence of compliance in the self-assessment prior to the monitoring visit. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the private providers' self-assessment as a resource. In the case of student specific finding(s) of noncompliance, the sending District is cited for noncompliance, as well as the private provider.

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 citation, the area of noncompliance, and the required corrective actions, which include timelines for demonstrating correction of noncompliance. Student specific information will not be included in the report but will be provided to the private provider and, when appropriate, a district's Director of Special Education.

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 private provider has corrected each individual case of noncompliance, unless the child is no longer placed at the program. These areas must be corrected as soon as possible with state timelines given in the report for each area. The Bureau will return to the program, typically within 3 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 private provider's participating in professional development training to appropriate personnel with regards to areas found to be in noncompliance. The Bureau will review updated data collected after the identification of noncompliance to demonstrate that the program 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 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 “5 out of 6 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.” This means that 6 files were reviewed and 5 files were found to be in compliance.

In cases where there was a finding of noncompliance for a particular student, the chart identifies the **First Stage Corrective Action of Individual 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 Bureau will return to the private provider program within 3 months following the program 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 informs the private provider program of any practices or procedures which need to be corrected as well as trainings for personnel to inform them of the corrections as a result of the findings of noncompliance. The required corrective action for the program 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 the program 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 Bureau will verify compliance through a subsequent on-site review of the new files within one 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 the private provider program.**

## Findings of Noncompliance

When determining compliance, the NHDOE reviews the currently agreed upon/signed IEP at the on-site monitoring visit. During the on-site monitoring visit there were **0 files** which could not be reviewed for sections C(#3), E(#12-18), F(#19-24), G(#25), H (#26-29), I(#30), J(#32), K(#33-34), L(#35-44),M(#45), and N(#46-48) as there was no parent and/or LEA signature indicating consent / approval of the provisions of the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.03		A. Governance
Self-Assessment Question Number & Regulatory Component		Review Status
1.	Ed 1114.03(a)	<b>1 out of 1</b> IEP files demonstrated evidence that the private provider has, for IEPs in which the private provider cannot provide the student with all services detailed in the IEPs, an agreed upon contract with the sending LEA for the provision of those services. <i>(One student file has all services provided by the private provider)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.05		B. Record of Access; Confidentiality Requirements
Self-Assessment Question Number & Regulatory Component		Review Status
2.	34 CFR 300.614 Ed 1119.01(a)	<b>2 out of 2</b> IEP 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, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		C. Individualized Education Program
Self-Assessment Question Number & Regulatory Component		Review Status
3.	Ed 1109.04(a)	<b>0 out of 2</b> IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.  For <b>student codes A &amp; B</b> there was insufficient evidence demonstrating compliance with this requirement.
4.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP was reviewed at least annually. <i>(No student files were of students with initial IEPs or moved from another state or district.)</i>
5.	34 CFR 300.323(a) Ed 1109.03(d)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP was in place at the beginning of the school year. <i>(No student files were placed after beginning of school year)</i>

**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 private provider 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.

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 copies of IEPs are provided to each teacher and service provider listed as having responsibilities for implementing the IEP.

Provide the dates, names of attendees, and a description of the trainings, which defines the private provider'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 2 new student files (2 at Nashua Children's Home) for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321 Ed 1103.01		D. IEP Team; Participants in the Special Education Process
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
6.	<b>34 CFR 300.321(a)(1) Ed 1103.01(a)</b>	<b>1 out of 2</b> IEP files demonstrated evidence that the IEP Team included the parents of the child or adult student.  For <b>student code B</b> there was insufficient evidence demonstrating compliance with this requirement.
7.	34 CFR 300.321(a)(2) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) participated in the meeting. <i>(No student files were students excused per 34 CFR 300.321(e).) (No student files were of students that are not and will not participate in the regular education environment.)</i>
8.	34 CFR 300.321(a)(3) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that at least one special education teacher or, where appropriate, not less than one special education provider of the child participated in the meeting. <i>(No student files were students excused per 34 CFR 300.321(e).)</i>
9.	34 CFR 300.321(a)(4) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team included an LEA representative.
10.	Ed 1103.01(d)	<b>0 out of 0</b> IEP files demonstrated evidence that, if vocational, career or technical education components are being considered, the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(Two student files were students for whom vocational education/CTE were not considered.)</i>
11.	Ed 1103.02(a),(c), (d)	<b>0 out of 0</b> IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants 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)]. <i>(Two student files were students for whom the written invitation is the responsibility of the LEA.)</i>

**First Stage Corrective Action Regarding the Implementation of the Regulations:** Provide trainings to appropriate staff for ensuring that the IEP team included the parents of the child.

Provide the dates, names of attendees, and a description of the trainings, which defines the private provider'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 2 new student files (2 at Nashua Children's Home) for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320		E. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
12.	34 CFR 300.324(a)(1)(i)	<b>2 out of 2</b> IEP files demonstrated evidence that the team considered the strengths of the child.
13.	34 CFR 300.324(a)(1)(iv)	<b>2 out of 2</b> IEP files demonstrated evidence that the team considered the academic, developmental, and functional needs of the child.
14.	34 CFR 300.324(a)(1)(ii)	<b>2 out of 2</b> IEP files demonstrated evidence that the concerns of the parents for enhancing the education of their child were considered.
15.	34 CFR 300.324(a)(1)(iii)	<b>2 out of 2</b> IEP files demonstrated evidence that the results of the initial or most recent evaluation of the child were considered.
16.	34 CFR 300.320(a)(1)(i)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum. <i>(No student files were preschool age students.)</i>
17.	34 CFR 300.320(a)(4)(ii)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects non-academic areas.
18.	34 CFR 300.320(a)(1)(ii)	For preschool children, <b>0 out of 0</b> IEP files demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities. <i>(Two student files were not of preschool age students.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.324(a)(2)(i) Ed 1109.03(h)		F. Consideration of Special Factors
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
19.	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, <b>2 out of 2</b> IEP files demonstrated evidence that the team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior. <i>(No student files were not of students whose behavior impedes learning.)</i>
20.	34 CFR 300.324(a)(2)(ii) Ed 1109.03(h)	When a child demonstrates limited English proficiency, <b>0 out of 0</b> IEP files demonstrated evidence that the team considered the language needs of the child as those needs relate to the child's IEP. <i>(Two student files were not of students who demonstrated limited English proficiency.)</i>

21.	34 CFR 300.324(a)(2)(iii) Ed 1109.03(h)	When a child is blind or visually impaired, <b>0 out of 0</b> IEP files demonstrated evidence that the 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>(Two student files were not of blind or visually impaired students.)</i>
22.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team considered the communication needs of the child.
23.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, <b>0 out of 0</b> IEP files demonstrated evidence that the 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>(Two student files were not of deaf or hard of hearing students.)</i>
24.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team considered whether the child needs assistive technology devices and services.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		G. Courses of Study
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
25.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, <b>1 out of 1</b> IEP files demonstrated evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education. <i>(One student file was a student aged 13 or younger who will not be turning 14 during the IEP period and no evidence the IEP team determined this is necessary.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		H. Measurable Annual Goals; Short-term Objectives or Benchmarks
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
26.	<b>34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)</b>	<b>1 out of 2</b> IEP files demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.  For <b>student code B</b> there was insufficient evidence demonstrating compliance with this requirement.
27.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files 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.

28.	34 CFR 300.320(a)(2)(i)(B) Ed 1109.01(a)(1)	If there are other educational needs that result from the child's disability, <b>2 out of 2</b> IEP files demonstrated evidence that the measurable annual goals meet each of the child's other educational needs that result from the child's disability. <i>(No student files were students who do not have other identified educational needs.)</i>
29.	Ed 1109.01(a)(6)	<b>2 out of 2</b> IEP files 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.
<b>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance:</b> As soon as possible, but no later than 2 months of the date of this report, the private provider must amend the IEPs to include measurable annual goals.		
The NHDOE will verify this through a subsequent on-site review.		
<b>First Stage Corrective Action Regarding the Implementation of the Regulations:</b> Provide training to appropriate staff to address writing measurable annual goals.		
Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.		
<b>Second Stage Corrective Action Regarding the Implementation of the Regulations:</b> The NHDOE will review 2 new student files (2 at Nashua Children's Home) for updated data demonstrating compliance with this requirement.		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(8)		I. Review and Revision of IEPs (Measuring Progress)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
30.	Ed 1109.01(a)(8)	<b>2 out of 2</b> IEP files 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
Ed 1114.06(b)		J. Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
31.	34 CFR 300.325(b) Ed 1109.05 Ed 1114.06(a);	For the purpose of initiating the process for all matters concerning possible changes and/or modification in the identification, evaluation, development and/or revision of an IEP or changes in placement of a child with a disability, <b>0 out of 0</b> IEP files demonstrated evidence that the private provider contacted the sending school district. <i>(Two student files had no changes in the child's identification, evaluation, development or revision of the IEP or placement)</i>
32.	Ed 1114.06(i), (j), (k)	<b>2 out of 2</b> IEP files demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1109.03(a); Ed 1109.03(v); Ed 1102.01(b)		K. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number & Regulatory Component		Review Status
33.	Ed 1102.01(b)	If accommodations are included, <b>2 out of 2</b> IEP files demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that <b>do not impact</b> the rigor, validity, or both of the subject matter being taught or assessed. <i>(No student files were students with no accommodations.)</i>
34.	Ed 1102.03(v)	If modifications are included, <b>0 out of 0</b> IEP files demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team <b>that impact</b> the rigor, validity, or both of the subject matter being taught or assessed. <i>(Two student files were students with no modifications.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		L. 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
35.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement of special education.
36.	Ed 1109.04(b)(1)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
37.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement of related services. <i>(No student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
38.	Ed 1109.04(b)(1)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided. <i>(No student files were students for whom there were no related services in the IEP.)</i>
39.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>0 out of 0</b> IEP files demonstrated evidence of a statement of supplementary aids and services. <i>(Two student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
40.	Ed 1109.04(b)(2)	<b>0 out of 0</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(Two student files were students for whom there were no supplementary aids and services in the IEP.)</i>
41.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>0 out of 0</b> IEP files demonstrated evidence of a statement of the supports for school personnel. <i>(Two student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
42.	Ed 1109.04(b)(4)	<b>0 out of 0</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports for school personnel. <i>(Two student files were students for whom there were no supports for personnel in the IEP.)</i>

43.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
44.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of the anticipated frequency, location, and duration of those services and modifications described in the supports and services section of the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		M. Definition of Individualized Education Program (Justification for Non-Participation)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
45.	34CFR 300.320(a)(5) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		N. Definition of Individualized Education Program (State and District Wide Assessments)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
46.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	<b>1 out of 1</b> IEP files 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>(One student file was of a student for whom there were no state or district wide assessments for the student's age/grade level.)</i>
47.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, <b>0 out of 0</b> IEP files demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(Two student files were of students not taking an alternate assessment.)</i>
48.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the child is taking an alternate assessment, <b>0 out of 0</b> IEP files demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(Two student files were of students not taking an alternate assessment.)</i>