

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

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

**New Boston School District
2015-2016**

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Compliance & Improvement Monitoring Visit
Conducted on November 2, 2015
Report Date: December 4, 2015

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 and the New Hampshire Rules for the Education of Children with Disabilities and for ensuring continuous improvement. As stated in section 616 of 2004 amendments to the IDEA, "The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on -

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

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

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

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

- Policies, Procedures, and Effective Implementation
- District Special Education Forms and Effective Implementation
- Special Education Personnel
- Monitoring of Special Education Process
- Improvement, Correction, Assistance, and Enforcement

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

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

The Bureau of Special Education followed a standard process to select districts to participate in the special education compliance & 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 of Special Education utilized a multi-data approach which aligns with the Office of Special Education Programs (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 New Boston School District was selected through this process. The New Boston School District is comprised of one school: the New Boston Central School with a grade span of pre-school through sixth grade. The New Boston School District is also responsible for students in grades seven through twelve who would be attending other area middle and high schools. The NHDOE reviewed files for New Boston students in grades seven through eight at Mountain View Middle School, and for students in grades nine through twelve, at Goffstown High School.

The Bureau of Special Education also provided targeted professional development regarding the special education compliance review process and completion of the self-assessment data collection form. The district was provided with a list of 24 students with disabilities representative of the schools based on grade level, disability, gender, and case manager. At the time of the selection of students, the information entered into NHSEIS indicated that there were no students enrolled in charter schools for the New Boston School District. During the onsite visit, the monitoring team selected a total of 16 of the 24 student files to review.

The district fall enrollment for October 1, 2014 showed that there were a total of 540 students enrolled in the New Boston School District which had a grade span of pre-school through sixth grade. The district data profiles for October 1, 2014 indicated that there were 151 students in the New Boston School District who were identified with disabilities.

The monitoring visit conducted on November 2, 2015 consisted of New Hampshire Department of Education (NHDOE) team members and a visiting special education administrator verifying district-identified evidence on the self-assessment data collection form. While the district completed the entire self-assessment, each file was reviewed, covering either Parts 1 & 3 (encompassing questions 1-2 and 26-59) or covering Parts 2 & 4 (encompassing questions 3-25 and 60-71).

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 and the *New Hampshire Rules for the Education of Children with Disabilities* and to

engage in a professional discussion of best practices for ensuring improved outcomes for students with disabilities.

The New Hampshire Department of Education, Bureau of Special Education review members for this compliance & improvement monitoring review included Education Consultants: Ruth Littlefield, Elizabeth Carlotto, Helene Anzalone, and Lori Noordergraaf. The special education administrator participating in this compliance improvement monitoring review was Rhett Darak, Assistant Superintendent Special Services from the Hanover – Dresden School District.

Policies, Procedures, and Effective Implementation

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

In addition, the Bureau of Special of Education cross checked the Annual Request for Federal Special Education Funds FY 15, IDEA Part B Section 611 Assurances, and District Policies to Support Assurance Standards with the district's policy and procedures manual to ensure that document name, date adopted, and pages were valid. Districts are required to submit assurance statements with their local application for IDEA funds.

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

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

- Placement of Children with Disabilities pursuant to 34 CFR 300.114 – 300.117; Ed 1111
- State Department of Education Monitoring of Educational Services and Programs for Children with Disabilities pursuant to Ed 1126.01(a)
- Coordination with other Local and State Agencies pursuant to Ed 1126.01(b)(10)
- Children with Disabilities Enrolled in Private Schools by Parents pursuant to 34 CFR 300.131 – 300.132; Ed 1126.01(b)(11)
- Instructional Materials in Accessible Formats pursuant to 34 CFR 300.172; Ed 1126.01(b)(12)
- Disciplinary Procedures for Children with Disabilities pursuant to 34 CFR 300.530 – 300.536; Ed 1124
- Dispute Resolution
 - Complaint Procedures pursuant to 34 CFR 300.153; Ed 1121
 - Alternative Dispute Resolution pursuant to 34 CFR 300.506; Ed 1122
 - Administrative Due Process Hearing Procedures pursuant to 34 CFR 300.507 – 300.518; Ed 1123
- Local Education Agency Request for Special Education Funds pursuant to Ed 1126.01

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

District Special Education Forms and Effective Implementation

As part of the review of The New Boston School District's forms implementing the special education process, the Bureau of Special Education also looked for evidence that the policies and procedures were effectively being implemented. The monitoring team reviewed the following district forms to ensure the implementation of the special education process:

- Record of Access pursuant to 34 CFR 300.614; Ed 1119.02(a)
- Notification of Special Education Team Meeting pursuant to 34 CFR 300.322; Ed 1103.02(a)
- Parental Permission to Waive Time Limits pursuant to Ed 1103.02(b)
- Written Prior Notice pursuant to 34 CFR 300.503; Ed 1120.03(a)(b)
- Determining the Existence of a Specific Learning Disability pursuant to 34 CFR 300.309 & 300.311; Ed 1107.01(a)
- Evaluation Report pursuant to Ed 1107.05(a)
- Procedural Safeguard Notice pursuant to 34 CFR 300.504; Ed 1120.03(b)
- Age of Majority pursuant to 34 CFR 300.320(c); Ed 1120.01(b)
- Annual Notification pursuant to 34 CFR 300.154(d)(2)(v); Ed 1120.08(a)

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

Special Education Personnel

The Bureau of Special Education reviewed the New Boston School District special education staff certifications using the New Hampshire Educator Information System. The review process was for special education staff employed during 2015-2016 school year.

The data for New Boston School District was generated on November 19, 2015. 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**.

Recommendations to Address Problematic Practices that do not Represent Noncompliance

When reviewing the district's special education forms, it had been revealed that there was a form that could have the potential to become problematic. 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.

- The New Boston District's Written Prior Notice form has the potential to be limiting as it provides a list of occasions in which the form would be used, which could be misinterpreted as being the only times in which this form is or should be used. The district may want to consider revising this form.

Monitoring of Special Education Process

Districts are responsible for implementing the special education process in accordance with IDEA and the *New Hampshire Rules for the Education of Children with Disabilities*. The self-assessment data collection form highlights the district's understanding of the requirements of IDEA and the *New Hampshire Rules for the Education of Children with*

Disabilities and was reviewed during the monitoring visit. Each area of compliance on the self-assessment data collection form clearly outlines whether the compliance is either a requirement of both IDEA and the *New Hampshire Rules for the Education of Children with Disabilities* or a requirement of solely the *New Hampshire Rules for the Education of Children with Disabilities*. During the monitoring visit, the monitoring team verified the evidence of compliance based on 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 Rules for the Education of Children with Disabilities*. The findings include the compliance citation, the area of compliance, the specific component of the regulation, and the required corrective actions, which include timelines for demonstrating correction of noncompliance. Student specific information 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 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 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 Rules for the Education of Children with Disabilities*. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the compliance & 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 3 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

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.02		A. Record of Access; Confidentiality Requirements
Self-Assessment Question Number & Regulatory Component		Review Status
1.	34 CFR 300.614 Ed 1119.02(a)	8 out of 8 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)	8 out of 8 IEP files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.306; 34 CFR 300.304 Ed 1108.01; Ed 1107.04		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, 8 out of 8 IEP files demonstrated evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability.
4.	Ed 1108.01(b)(1)	For determination of eligibility, 8 out of 8 IEP files demonstrated evidence that the composition of the IEP team also included a teacher certified in each area of suspected disability.
5.	Ed 1108.01(b)(2)	For determination of eligibility, 8 out of 8 IEP files demonstrated evidence that the composition of the IEP team also included an individual knowledgeable about the child as a result of having had personal contact with the child in the school or, if the child is below school age, at another setting.
6.	34 CFR 300.304(c)(1)(iv) Ed 1107.04(b)	8 out of 8 IEP files demonstrated evidence that trained and knowledgeable personnel administered the assessment.
7.	34 CFR 300.306(c)(1)(i) Ed 1108.01(a)	8 out of 8 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.

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
8.	34 CFR 300.503(b)(1) Ed 1120.03(b)	7 out of 8 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 student file N, there was insufficient evidence demonstrating compliance with this requirement.
9.	34 CFR 300.503(b)(2) Ed 1120.03(b)	7 out of 8 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 student file J, there was insufficient evidence demonstrating compliance with this requirement.
10.	34 CFR 300.503(b)(3) Ed 1120.03(b)	2 out of 8 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 student files D, F, J, L, N, & P, there was insufficient evidence demonstrating compliance with this requirement.
11.	34 CFR 300.503(b)(6) Ed 1120.03(b)	7 out of 8 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 student file L, there was insufficient evidence demonstrating compliance with this requirement.
12.	34 CFR 300.503(b)(7) Ed 1120.03(b)	1 out of 8 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. For student files B, D, F, H, J, L, & N, there was insufficient evidence demonstrating compliance with this requirement.
13.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	8 out of 8 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>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to staff on completing the written prior notice 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 3 months from the date of this report.</p>		
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will select 8 new student files (2 at New Boston Central School, 3 at Mountain View Middle School, and 3 at Goffstown High School) for updated data demonstrating compliance with this requirement.</p>		

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
14.	Ed 1109.01(a)(5)	8 out of 8 IEP files demonstrated evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.
15.	Ed 1109.04(a)	8 out of 8 IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.
16.	34 CFR 300.323(c)(1) Ed 1109.03(a)	For an initial IEP, 2 out of 2 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>(Six student files were not of students with initial IEPs.)</i>
17.	Ed 1109.03(d)	5 out of 6 IEP files demonstrated evidence that the IEP was reviewed periodically but not less than annually. <i>(Two student files were of students with initial IEPs.)</i> For <u>student file E</u> , there was insufficient evidence demonstrating compliance with this requirement.
18.	34 CFR 300.323(a) Ed 1109.03(1)	8 out of 8 IEP files demonstrated evidence that an IEP was in place at the beginning of the school year.
<p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to address that IEPs are reviewed periodically but not less than 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 3 months from the date of this report.</p>		
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will select 2 new student files at the New Boston Central School for updated data demonstrating compliance with this requirement.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
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
19.	34 CFR 300.321(a)(1) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that the IEP Team included the parents of the child.
20.	34 CFR 300.321(a)(2) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child.
21.	34 CFR 300.321(a)(3)	8 out of 8 IEP files demonstrated evidence that the IEP Team included at

	Ed 1103.01(a)	least one special education teacher of the child, (or where appropriate), at least one special education provider of the child.
22.	34 CFR 300.321(a)(4) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that the IEP Team included an LEA representative.
23.	34 CFR 300.321(a)(5) Ed 1103.01(a)	8 out of 8 IEP files demonstrated evidence that an individual who can interpret the instructional implications of the evaluation results participated in the meeting.
24.	Ed 1103.1(c)	If vocational education was being considered, 0 out of 0 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education program being considered. <i>(There were no student files in which vocational education was being considered.)</i>
25.	Ed 1103.02(a)	8 out of 8 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. 0 out of 0 of those IEP files demonstrated evidence of written consent of the parent(s) that the notice requirement were waived [Ed 1103.02(b)].

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
26.	34 CFR 300.324(a)(1)(i)	8 out of 8 IEPs demonstrated evidence of a statement of the child's strengths.
27.	34 CFR 300.324(a)(1)(iv)	8 out of 8 IEPs demonstrated evidence of a statement of the child's academic, developmental, and functional needs.
28.	34 CFR 300.324(a)(1)(ii)	8 out of 8 IEPs demonstrated evidence of a statement of the parent's concerns for improving the student's education in the IEP.
29.	34 CFR 300.324(a)(1)(iii)	8 out of 8 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.
30.	34 CFR 300.320(a)(1)(i)	8 out of 8 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.
31.	34 CFR 300.320(a)(4)(ii)	8 out of 8 IEPs demonstrated evidence of a statement that describes how the child's disability affects non-academic areas.
32.	34 CFR 300.320(a)(1)(ii)	For preschool children, as appropriate, 1 out of 1 IEPs demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities.

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
33.	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, 1 out of 1 IEP demonstrated evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
34.	34 CFR 300.324(a)(2)(ii) Ed 1109.03(h)	When a child demonstrates limited English proficiency, 0 out of 0 IEPs demonstrated evidence that the IEP Team considered the language needs of the child as those needs relate to the child's IEP. <i>(No child demonstrated limited English proficiency from the files reviewed.)</i>
35.	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 from the files reviewed.)</i>
36.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	8 out of 8 IEPs demonstrated evidence that the IEP Team considered the communication needs of the child.
37.	34 CFR 300.324(a)(2)(iv) Ed 1109.03(h)	When a child is deaf or hard of hearing, 0 out of 0 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>(No child was deaf or hard of hearing from the files reviewed.)</i>
38.	34 CFR 300.324(a)(2)(v) Ed 1109.03(h)	8 out of 8 IEPs demonstrated evidence that the IEP Team considered whether the child needed assistive technology devices and services.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		I. Courses of Study
Self-Assessment Question Number & Regulatory Component		Review Status
39.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 2 out of 4 IEPs demonstrated evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education. For <u>student files I & K</u> , 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 show 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 transition services 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.</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 address 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 or a vocational 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 3 months from the date of this report.</p>		
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will select 3 new student files at Mountain View Middle School for updated data demonstrating compliance with this requirement.</p>		

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
40(a).	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	<p>5 out of 8 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.</p> <p>For <u>student files C, E, & I</u>, there was insufficient evidence demonstrating compliance with this requirement.</p>
40(b).	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	<p>4 out of 8 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.</p> <p>For <u>student files C, E, I, & K</u>, there was insufficient evidence demonstrating compliance with this requirement.</p>
40(c).	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	<p>4 out of 8 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.</p> <p>For <u>student files C, E, I, & K</u>, there was insufficient evidence demonstrating compliance with this requirement.</p>
41.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	<p>7 out of 8 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.</p> <p>For <u>student file K</u>, there was insufficient evidence demonstrating</p>

		compliance with this requirement.
42.	34 CFR 300.320(a)(2)(i)(B) Ed 1109.01(a)(1)	If there are other educational needs that result from the child's disability, 7 out of 8 IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs. For <u>student file I</u> , there was insufficient evidence demonstrating compliance with this requirement.
43.	Ed 1109.01(a)(6)	8 out of 8 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.

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 and measurable goals that meet the child's needs that result from the child's disability and the child's other educational needs.

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 address writing measurable annual goals, and goals that meet the child's needs that result from the child's disability and other educational needs in order to be involved in and make progress in the general education curriculum.

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 select 6 new student files (2 at New Boston Central School and 4 at Mountain View Middle School) for updated data demonstrating compliance with this requirement.

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

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
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
45.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a)	8 out of 8 IEPs demonstrated evidence that each teacher and provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

46.	Ed 1102.01(b)	If accommodations are included, 7 out of 7 IEPs demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor and/or validity of the subject matter being taught or assessed.
47.	Ed 1102.03(v)	If modifications are included, 3 out of 3 IEPs demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity or rigor or validity, of the subject matter being taught or assessed.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
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
48(a).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a statement of special education.
48(b).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a statement of related services.
48(c).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	1 out of 1 IEP demonstrated evidence of a statement of supplementary aids and services.
48(d).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	0 out of 0 IEPs demonstrated evidence of a statement of the program modifications. <i>(There were no files reviewed in which there were program modifications.)</i>
48(e).	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	2 out of 2 IEP demonstrated evidence of a statement of the supports for school personnel.
49.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a projected date for the beginning of the services and modifications described in the supports and services section of the IEP.
50.	34 CFR 300.320(a)(7) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of the anticipated frequency, location, and duration of those services and modifications described in the supports and services section of the IEP.
51.	Ed 1109.04(b)(1)	8 out of 8 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
52.	Ed 1109.04(b)(1)	8 out of 8 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided.
53.	Ed 1109.04(b)(2)	1 out of 1 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided.
54.	Ed 1109.04(b)(3)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications made.

		<i>(There were no files reviewed in which there were program modifications.)</i>
55.	Ed 1109.04(b)(3)	2 out of 2 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
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)	7 out of 8 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. For <u>student file O</u> , 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 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>		
<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.</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 3 months from the date of this report.</p>		
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will select 2 new student files at Goffstown High School for updated data demonstrating compliance with this requirement.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6)(i) 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)	5 out of 5 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.
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, 2 out of 2 IEPs demonstrated

		evidence of a statement of why the child cannot participate in the regular assessment.
59.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1)	When the child is taking an alternate assessment, 2 out of 2 IEPs demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.121 Ed 1120.03		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)	4 out of 8 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 student files D, F, N & P, there was insufficient evidence demonstrating compliance with this requirement.
61.	34 CFR 300.503(b)(2) Ed 1120.03(b)	3 out of 8 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 student files D, F, H, J, & L, there was insufficient evidence demonstrating compliance with this requirement.
62.	34 CFR 300.503(b)(3) Ed 1120.03(b)	1 out of 8 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 student files D, F, H, J, L, N, & O, there was insufficient evidence demonstrating compliance with this requirement.
63.	34 CFR 300.503(b)(6) Ed 1120.03(b)	6 out of 8 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 student files F & N, there was insufficient evidence demonstrating compliance with this requirement.
64.	34 CFR 300.503(b)(7) Ed 1120.03(b)	1 out of 8 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. For student files B, D, F, H, J, L, & N, there was insufficient evidence demonstrating compliance with this requirement.
65.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	8 out of 8 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>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 3 months from the date of this report.</p>	
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will select 10 new student files (4 at New Boston Central School, 3 at Mountain View Middle School, and 3 at Goffstown High School) for updated data demonstrating compliance with this requirement.</p>	

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503(b) 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)	<p>7 out of 8 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.</p> <p>For student file D, there was insufficient evidence demonstrating compliance with this requirement.</p>
67.	34 CFR 300.503(b)(2) Ed 1120.03(b)	<p>2 out of 8 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 student files D, F, H, J, L, & P, there was insufficient evidence demonstrating compliance with this requirement.</p>
68.	34 CFR 300.503(b)(3) Ed 1120.03(b)	<p>1 out of 8 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 student files D, F, H, J, L, N, & P, there was insufficient evidence demonstrating compliance with this requirement.</p>
69.	34 CFR 300.503(b)(6) Ed 1120.03(b)	<p>4 out of 8 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 student files F, H, J, & N, there was insufficient evidence demonstrating compliance with this requirement.</p>
70.	34 CFR 300.503(b)(7) Ed 1120.03(b)	<p>1 out of 8 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>

		For student files B, K, F, H, J, L, & N, there was insufficient evidence demonstrating compliance with this requirement.
71.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	8 out of 8 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>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.</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 3 months from the date of this report.</p>		
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will select 11 new student files (4 at New Boston Central School, 4 at Mountain View Middle School, and 3 at Goffstown High School) for updated data demonstrating compliance with this requirement.</p>		