

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

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

**Newport School District
2016-2017**

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Compliance & Improvement Monitoring Visit
Conducted on November 17-18, 2016
Report Date: January 6, 2017

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
- Program Visits
- Identification of Problematic Practices
- 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 Newport School District was selected through this process. The Newport School District is comprised of 3 schools: the Richard's Elementary School with a grade span of preschool through 5, the Newport Middle School with a grade span of 6 through 8, and Newport Middle High School with a grade span of 9 through 12.

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 22 students with disabilities representative of the schools based on grade level, disability, gender, program, 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 and no students placed by the district in approved out-of-state special education programs for the Newport School District. During the onsite visit, the monitoring team selected a total of 14 of the 22 student files to review.

The district fall enrollment for October 1, 2015 showed that there was a total of 1,007 students enrolled in the Newport School District which had a grade span of preschool through 12. The district data profiles for October 1, 2015 indicated that there were 174 students in the Newport School District who were identified with disabilities.

The monitoring visit conducted on November 17, 2016 and November 18, 2016 consisted of New Hampshire Department of Education (NHDOE) team members and two visiting special education administrators 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 33-65) or covering Parts 2 & 4 (encompassing questions 3-32 and 66-71).

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: Joanne DeBello and Helene Anzalone. The special education administrators participating in this compliance improvement monitoring review were Salina Millora, Director of Special Education from the Goffstown and New Boston School Districts and Susan Merrell, Director of Special Education from Governor Wentworth Regional 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 Newport 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 Newport 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 when Proposing Accessing Public and Private Insurance pursuant to 34 CFR 300.154(d)(2)(v); Ed 1120.08(a)

Based on the review of the Newport 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 Newport 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 Newport School District was generated on November 8, 2016. 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 was **0 findings of noncompliance**.

Recommended Preventive Actions

The NHDOE identified the following 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.

When reviewing student history reports from the New Hampshire Special Education Information System (NHSEIS), it had been revealed that the begin and end dates of IEPs as entered into NHSEIS did not accurately match the dates printed on IEPs with parent consent, as evidenced by student file reviews.

- The Newport School District should provide training to appropriate staff on the procedures for entering information into NHSEIS to ensure accuracy of start and end dates on IEPs with parent consent.

When reviewing the student enrollment report for each program in NHSEIS, the Description of Special Education Programs submitted by the Newport School District, program observations, and teacher interviews, it had been revealed that the number of students enrolled in each program in NHSEIS does not align with the number of students participating in the programs. Therefore, parent consent to program placement was not documented in NHSEIS.

- The Newport School District should align the title of each approved special education program as identified in NHSEIS with the name used by administration and staff. This may require completing an application for change in program. Another option is for administration and staff to refer to each program as the approved title specified in NHSEIS.
- The Newport School District should provide training to appropriate staff on how to correctly select approved special education programs in NHSEIS for each student to ensure accuracy of enrollment based on parent consent.

When reviewing the district's forms acknowledged as compliant and the forms used by administration and staff in student files, it had been revealed that there are inconsistencies in the use of compliant forms and other forms used for the same purpose.

- The Newport School District should ensure compliant forms are used by administration and staff throughout the district.
- The Newport School District should provide training to appropriate staff on access and common procedures for the use of district-wide forms.

When visiting the resource room program titled Support Center at Newport Middle School, observation revealed that the classroom is shared with the Title I program. The Support Center is approved as a separate setting for children with disabilities only. Sharing the space with a regular education program results in a classroom having both children with disabilities and nondisabled children in the same space.

- The Newport School District should consider separating the Support Center and Title I program into two separate classrooms.

Program Visits

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

Based on the review of the Newport School District's special education programs (district program description, observation & interviews), the monitoring team determined there were **17 findings of noncompliance** that must be corrected as soon as possible but no later than 30 days from the date of this report. Per Ed 1126.03(e)(1), all district special education programs "shall remain approved unless disapproved. In the event that standards are not met, the bureau of special education shall monitor and enforce a corrective action plan and apply appropriate sanctions as necessary to ensure compliance."

| <u>PROGRAM PROVIDER LOCATION</u> <i>(as recorded in NHSEIS)</i> | <u>GRADES</u> | <u>PROGRAM CAPACITY</u> | <u>PRIMARY DISABILITY</u> | <u>EDUCATIONAL ENVIRONMENT</u> | <u>TYPE</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------|
| Behavior Support Richards Elementary School 21 School St. Newport, NH 03773 Newport School District | Grades: K-5 | Self-contained programs must comply with Ed 1113.10 (e) Class Size and Age. | Emotional Disturbance Other Health Impairment Specific Learning Disability Speech or Language Impairment | Self-contained | School Year |

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1. Ed 1113.03(b); Ed 1102.01(j); RSA 186-C:2,II | Establishment of Education Programs for Children with Disabilities; Definitions A-C; Approved program |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that children without disabilities participated in the Richard's School Behavior Support Program for children with disabilities. Approved special education programs are established for children with disabilities.</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately remove children without disabilities from the Richard's School Behavior Support Program for children with disabilities.</p> <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> <p>The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.</p> | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 2. Ed 1105.01(c)(2) | Responsibilities of the Local Education Agency |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that children without disabilities participated in the Richard's School Behavior Support Program for children with disabilities. The district is responsible for finding, identifying, and evaluating all children suspected to be children with disabilities using the special education process. The children without disabilities participating in the Richard's School Behavior Support Program have been denied access to the special education process.</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately refer the children without disabilities participating in the Richard's School Behavior Support Program to the IEP Team.</p> <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> <p>The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.</p> | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 3. Ed 1113.10(e)(3) | Class Size and Age Range |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that the Richard's School Behavior</p> | |

| Support Program included more than the maximum number of children for a self-contained classroom. | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately establish additional classrooms for the Richard's School Behavior Support Program to accommodate all special education placements and/or convene IEP Team meetings to make placement decisions that do not exceed the maximum number of children per classroom. | |
| A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days. | |
| The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit. | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 4. Ed 1113.11(b); Ed 321.11(a) | Facilities and Location; Special Education Space |
| Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that the space in the Richard's School Behavior Support Program was operated as a multi-purpose classroom rather than a classroom for a self-contained special education program. In addition to the special education self-contained program, the multi-purpose space was being used for regular education supplemental instruction, regular education accommodations for nondisabled students, and in-school suspension. | |
| Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately establish unique space for the Richard's School Behavior Support Program that does not include regular education instruction, accommodations and in-school suspension in the same space. | |
| A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days. | |
| The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit. | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 5. Ed 1109.04(b); Ed 1102.05(c); 34 CFR 300.39 | Copies of the IEP and Evidence of Implementation; Special Education |
| Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that the Richard's School Behavior Support Program did not provide specially designed instruction to address behavioral needs for children with disabilities placed in the program. | |
| Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately provide and document all special education and related services stated in the IEPs of children with disabilities placed in the Richard's School Behavior Support Program to meet the unique needs of the children. | |
| A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days. | |
| The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit. | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 6. Ed 1113.10(e)(1) | Class Size and Age Range |
| Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that children with disabilities placed in the Richard's School Behavior Support Program were spending less than 60 percent of their day in that setting. Also, the team reviewed the "Description of District Special Education Program," which stated "N/A." | |
| Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the Richard's School Behavior Support Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program. As a self-contained program, children with disabilities placed in the program would need more than 60 percent of | |

their day in that setting. IEP Teams must be convened to make placement decisions for the children with disabilities participating in the Richard's School Behavior Support Program less than 60 percent of their day.

The district must also consider requesting a change to the existing program from the NHDOE. The district must consider whether the program structure remains as a self-contained program or request a change for a resource room setting, which per Ed 1113.10(f)(1) would "serve children with disabilities for no more than 60 percent of the child's school day as an adjunct to assignment to regular educational programs." The district must inform the NHDOE of substantive program changes that may have a bearing on the special education program approval status.

A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|-----------------------------|-------------------------------------------------------------|
| 7. Ed 1126.07(c) | New Hampshire Special Education Information System (NHSEIS) |

Finding of Noncompliance: When the monitoring team was verifying the evidence of, the team reviewed NHSEIS data for the Richard's School Behavior Support Program. The utilized capacity for the program in NHSEIS on 12/29/2016 was zero.

Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately enter information into NHSEIS that accurately reflects the number of children with disabilities placed in the Richard's School Behavior Support Program.

A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| PROGRAM PROVIDER LOCATION <i>(as recorded in NHSEIS)</i> | GRADES | PROGRAM CAPACITY | PRIMARY DISABILITY | EDUCATIONAL ENVIRONMENT | TYPE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------|
| Building Language Acquisition & Sensory-Social Team (BLAST) Richards Elementary School 21 School St. Newport, NH 03773 Newport School District | Grades: K-5 | Self-contained programs must comply with Ed 1113.10 (e) Class Size and Age. | Autism Developmental Delay Intellectual Disability Multiple Disabilities Other Health Impairment Speech or Language Impairment | Self-contained | School Year |

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Ed 1113.10(e)(1) | Class Size and Age Range |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that eight out of ten children with disabilities placed in the Richard’s School BLAST Program were in the regular education environment for the majority of the school day. The district’s program description included the term, “semi-self contained program.” The term does not exist in IDEA or the NH Rules for the Education of Children with Disabilities.</p> | |
| <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the BLAST Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program. As a self-contained program, children with disabilities placed in the program would need more than 60 percent of their day in that setting. IEP Teams must be convened to make placement decisions for the eight children with disabilities participating in the BLAST Program less than 60 percent of their day.</p> | |
| <p>The district must also consider requesting a change to the existing program from the NHDOE. The district must consider whether the program structure remains as a self-contained program or request a change for a resource room setting, which per Ed 1113.10(f)(1) would “serve children with disabilities for no more than 60 percent of the child’s school day as an adjunct to assignment to regular educational programs.” The district must inform the NHDOE of substantive program changes that may have a bearing on the special education program approval status.</p> | |
| <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> | |
| <p>The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.</p> | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 9. 34 CFR 300.107(a), (b); 34 CFR 300.108(a)-(d); 34 CFR 300.110; 34 CFR 300.320(a)(4); 300.117; 34 CFR 300.114(a); Ed 1113.02(c), (f); Ed 1113.03(c) | Required IEP Compliance; Programming in Appropriate Learning Environments; Establishment of Education Programs for Children with Disabilities |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that two out of ten children with disabilities placed in the Richard’s School BLAST Program were in the program for the entire school day. The only means of instruction was through a computerized software program intended for applied behavior analysis. The district’s program description stated that “Academic curricula materials include Foundations, Read Naturally, Touch Math, and the FUCHS. All staff working in the BLAST Program receive various training through the year to help them improve their skills in teaching students with Autism Spectrum Disorder (CPR and First Aid, ACE Training, Applied Behavior Analysis Strategies, Communication, Behavior Intervention Strategies).” Per teacher interview, the students only work with the ACE program (Per acenecc.org: “ABA-based program for individuals on the autism spectrum...more than 2000 skill-based lesson plans/programs). The students do not have access to both the core academic curriculum and other academic curriculum.</p> | |
| <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the BLAST Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program with regards to involvement and progress in the general education curriculum and participation with other children with disabilities and nondisabled children in extracurricular and other nonacademic activities.</p> | |
| <p>IEP Teams must be convened to make placement decisions for the two children with disabilities participating in the BLAST Program for the entire day.</p> | |
| <p>The district must also consider requesting a change to the existing program from the NHDOE. The district must inform the NHDOE of substantive program changes that may have a bearing on the special education program approval status.</p> | |
| <p>A statement from the special education director that describes how the district is meeting compliance for this</p> | |

requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| <u>PROGRAM PROVIDER LOCATION</u> <i>(as recorded in NHSEIS)</i> | <u>GRADES</u> | <u>PROGRAM CAPACITY</u> | <u>PRIMARY DISABILITY</u> | <u>EDUCATIONAL ENVIRONMENT</u> | <u>TYPE</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------|
| Behavior Support Newport Middle School 245 N Main St. Newport, NH 03773 Newport School District | Grades: 6-8 | Self-contained programs must comply with Ed 1113.10 (e) Class Size and Age. | Emotional Disturbance Other Health Impairment Specific Learning Disability Speech or Language Impairment | Self-contained | School Year |

| <u>COMPLIANCE CITATIONS</u> | <u>AREA OF COMPLIANCE</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 10. Ed 1126.02(b)(4), (5) | Criteria for Approval of Public and Non-Public Programs |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team’s observation did not coincide with the program description. High school students were receiving related services in the program, which is approved for grades 6-8. The program is approved as a self-contained program with no evidence of it being operated as such. The district’s description of the program stated that “The Bridge Academic Success Program is an extension of the Newport Middle School,” and “Students are guided to participate in the development of their own education.”</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the Newport Middle School Behavior Support Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program.</p> <p>The district must also consider requesting a change to the existing program from the NHDOE. The district must inform the NHDOE of substantive program changes that may have a bearing on the special education program approval status.</p> <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> <p>The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.</p> | |
| <u>COMPLIANCE CITATIONS</u> | <u>AREA OF COMPLIANCE</u> |
| 11. Ed 1126.07(c) | New Hampshire Special Education Information System (NHSEIS) |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance, the team reviewed NHSEIS data for the Newport Middle School Behavior Support Program. The utilized capacity for the program in NHSEIS on 12/29/2016 was zero.</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately enter information into NHSEIS that accurately reflects the number of children with disabilities placed in the Newport Middle School Behavior Support Program.</p> <p>A statement from the special education director that describes how the district is meeting compliance for this</p> | |

requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| <u>PROGRAM PROVIDER LOCATION</u> <i>(as recorded in NHSEIS)</i> | <u>GRADES</u> | <u>PROGRAM CAPACITY</u> | <u>PRIMARY DISABILITY</u> | <u>EDUCATIONAL ENVIRONMENT</u> | <u>TYPE</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------|--------------------|
| Community Based Work Experience And Transition Program Newport Middle High School,HS 245 N Main St. Newport, NH 03773 Newport School District | Grades: 9-12 | Self-contained programs must comply with Ed 1113.10 (e) Class Size and Age. | Emotional Disturbance Intellectual Disability Specific Learning Disability | Self-contained | School Year |

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12. 34 CFR 300.43; Ed 1102.05(m); Ed 1126.02(b)(4), (5); Ed 1126.07(c); Ed 1113.10(e)(1) | Transition Services; Criteria for Approval of Public and Non-Public Programs; New Hampshire Special Education Information System (NHSEIS); Class Size and Age Range |
| <p>Finding of Noncompliance: Transition services are a set of coordinated activities for a child with a disability based on the individual child’s needs. A program that focuses on transition needs cannot be individualized. The NHDOE does not approve programs for transition services.</p> <p>Also, when the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team reviewed the “Description of District Special Education Program.” The document stated that, “Students with a Primary Disability of Autism also attend this program.” The Community Based Work Experience And Transition Program is not approved for the primary disability of autism. Also, the team observed that students in grades 6-12 participated in the program. The program is approved for grades 9-12. The utilized capacity for the program in NHSEIS on 12/29/2016 was zero. The district’s program description included the term, “semi-self contained program.” The term does not exist in IDEA or the NH Rules for the Education of Children with Disabilities.</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately close the Newport Middle High School, HS Community Based Work Experience And Transition Program.</p> <p>IEP Teams must be convened to make placement decisions for the children with disabilities participating in the program. IEPs must be amended to appropriately reflect the individual transition service needs of the children with disabilities who participated in the program.</p> <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> <p>The Newport School District must operate special education programs based on the structure approved by the NHDOE (not accept students who do not have a primary disability for which the program is approved or students outside the approved grade range), place children with disabilities in approved self-contained</p> | |

settings only when the IEP Team determines that the children require more than 60 percent of their day in that setting, and enter information into NHSEIS within 20 days of any action to accurately reflect the number of children with disabilities placed in special education programs.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| <u>PROGRAM PROVIDER LOCATION</u> <i>(as recorded in NHSEIS)</i> | <u>GRADES</u> | <u>PROGRAM CAPACITY</u> | <u>PRIMARY DISABILITY</u> | <u>EDUCATIONAL ENVIRONMENT</u> | <u>TYPE</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------|
| High School Ed Newport Middle High School,HS 245 N Main St. Newport, NH 03773 Newport School District | Grades: 9-12 | Self-contained programs must comply with Ed 1113.10 (e) Class Size and Age. | Emotional Disturbance Other Health Impairment Specific Learning Disability Speech or Language Impairment | Self-contained | School Year |

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
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| 13. Ed 1113.10(e)(1) | Class Size and Age Range |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team reviewed the district’s program description for the High School Ed Program, which stated that “The Academic Resource Center is a supported study hall.” The program may be operating more as a resource room. The district’s description of the High School Ed Program and the program visit correlate more with the R01 HS Support Center resource room program.</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the Newport Middle High School, HS High School Ed Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program.</p> <p>IEP Teams must be convened to make placement decisions for the children with disabilities participating in the program less than 60 percent of their day.</p> <p>The district must also consider requesting a change to the existing program from the NHDOE. The district must inform the NHDOE of substantive program changes that may have a bearing on the special education program approval status.</p> <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> <p>The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.</p> | |
| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
| 14. Ed 1113.11(b); Ed 321.11 | Facilities and Location; Special Education Space |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that the physical space of the Newport Middle High School, HS High School Ed Program had many desks and tables. The tables were stacked with boxes to near ceiling level.</p> <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the educational space of the Newport Middle High School, HS High School Ed Program to</p> | |

ensure that the unique requirements of the special education students placed in the program are met. Any deficiencies which may arise for fire, safety and/or health reasons and which could cause revocation of State Health and Fire licensure should be reported immediately to the New Hampshire Department of Education.

A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 15. 34 CFR 300.107(a), (b); 34 CFR 300.108(a)-(d); 34 CFR 300.110; 34 CFR 300.320(a)(4); 300.117; 34 CFR 300.114(a); Ed 1113.02(c), (f); Ed 1113.03(c) | Required IEP Compliance; Programming in Appropriate Learning Environments; Establishment of Education Programs for Children with Disabilities |

Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team reviewed the district’s program description for the High School Ed Program, which stated that “The Academic Resource Center is a supported study hall.” Two students participate in the program for the entire school day and do not have access to the general curriculum in both core academic and other academic curriculum.

Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the Newport Middle High School, HS High School Ed Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program with regards to involvement and progress in the general education curriculum and participation with other children with disabilities and nondisabled children in extracurricular and other nonacademic activities.

IEP Teams must be convened to make placement decisions for the two children with disabilities participating in the Newport Middle High School, HS High School Ed Program for the entire day.

The district must also consider requesting a change to the existing program from the NHDOE. The district must inform the NHDOE of substantive program changes that may have a bearing on the special education program approval status.

A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|-----------------------------|---------------------------|
| 16. Ed 1113.10(e)(2) | Class Size and Age Range |

Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team observed that three students were alone in the High School Ed Program. There must be a minimum of one qualified teacher for one to eight students in self-contained programs.

Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately staff the Newport Middle High School, HS High School Ed Program to ensure that the minimum teacher to student ratio for the self-contained program is met (One qualified teacher for one to 8 students; One qualified teacher and one qualified paraprofessional for 8 to 12 students or unless the needs presented by the severity of disabilities warrants the assignment of additional staff; or Two qualified teachers for 8 to 12 students).

A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.

The NHDOE will verify compliance through review of the district statement and a subsequent on-site

program visit.

| PROGRAM PROVIDER LOCATION <i>(as recorded in NHSEIS)</i> | GRADES | PROGRAM CAPACITY | PRIMARY DISABILITY | PRESCHOOL ENVIRONMENT | TYPE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------|
| Newport Community Preschool SAU# 43 Special Education, Preschool 21 School St. Newport, NH 03773 SAU# 43 Special Education Programs | Grades: Preschool | Approved early childhood special education programs must comply with Ed 1113.10 (d) Class Size and Age Range. | Autism Deaf-Blindness Deafness Developmental Delay Emotional Disturbance Hearing Impairment Intellectual Disability Multiple Disabilities Orthopedic Impairment Other Health Impairment Specific Learning Disability Speech or Language Impairment Traumatic Brain Injury Visual Impairment | Early Childhood Special Education Program | School Year |

| COMPLIANCE CITATIONS | AREA OF COMPLIANCE |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 17. Ed 1113.10(d)(1) | Class Size and Age Range |
| <p>Finding of Noncompliance: When the monitoring team was verifying the evidence of compliance (district program description, observation & interviews), the team reviewed the district’s program description for the Newport Community Preschool Program, which stated that “Each class has 50% of the children in the class who are peer models.” Early childhood special education programs include less than 50% children without disabilities.</p> | |
| <p>Corrective Action Regarding the Implementation of the Regulations: The Newport School District must immediately review the Newport Community Preschool Program structure to consider whether the program is meeting the identified needs of the children with disabilities participating in the program. An early childhood special education program shall be considered a special education program when it includes less than 50% children without disabilities. The district must determine whether the program is being run as a regular early childhood program or an early childhood special education program. In addition, the district must review the IEP for each child with a disability in the program and provide justification for removal from the regular education setting.</p> | |
| <p>A statement from the special education director that describes how the district is meeting compliance for this requirement must be provided to the NHDOE within 30 days.</p> | |
| <p>The NHDOE will verify compliance through review of the district statement and a subsequent on-site program visit.</p> | |

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

When determining compliance, the NHDOE reviews the currently agreed upon/signed IEP at the on-site monitoring visit. During the compliance review visit, there were **2 files** which could not be reviewed for sections sections E (#14-16), G (#26-32), H (#33-38), I (#39), J (#40-43), K (#44), L (#45-47), M (#48-55), N (#56), and O (#57-59), as there was no parent and/or LEA signature indicating consent/approval of the provisions of the IEP; therefore those areas in the parts to be reviewed for student files J & N were deemed out of compliance.

| 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) | 7 out of 7 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) | 6 out of 7 IEP files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year. For student J , 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 provide evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that 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.</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 review 3 new student files at Newport Middle School for updated data demonstrating compliance with this requirement.</p> | | |

| 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, 5 out of 7 IEP files demonstrated evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability. For students H & N , there was insufficient evidence demonstrating compliance with this requirement. |

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. | Ed 1108.01(b)(1) | <p>For determination of eligibility, 4 out of 7 IEP files demonstrated evidence that the composition of the IEP team also included a teacher certified in each area of suspected disability.</p> <p>For students G, H & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 5. | Ed 1108.01(b)(2) | <p>For determination of eligibility, 6 out of 7 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.</p> <p>For student N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 6. | 34 CFR 300.304(c)(1)(iv) Ed 1107.04(b) | <p>4 out of 7 IEP files demonstrated evidence that trained and knowledgeable personnel administered the assessment.</p> <p>For students B, D & H, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 7. | 34 CFR 300.306(c)(1)(i) Ed 1108.01(a) | <p>3 out of 7 IEP files demonstrated evidence that the team drew upon, carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.</p> <p>For students B, D, H & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that the composition of the IEP team to determine eligibility includes a group of qualified professionals and the parent of the child, a teacher certified in each area of suspected disability, and 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.</p> <p>Provide training to appropriate staff to include components that consist of information regarding having trained and knowledgeable personnel administering assessments and that the IEP team to determine eligibility draws upon carefully considered and documented information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background and adaptive behavior.</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 review 10 new student files (3 at Richard's Elementary School, 3 at Newport Middle School and 4 at Newport Middle High School) for updated data demonstrating compliance with this requirement.</p> | | |

| 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) | 4 out of 7 IEP files demonstrated evidence that the written prior notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency. For students G, K & N , there was insufficient evidence demonstrating compliance with this requirement. |
| 9. | 34 CFR 300.503(b)(2) Ed 1120.03(b) | 1 out of 7 IEP files demonstrated evidence that the written prior notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action. For students C, D, G, H, K & N , there was insufficient evidence demonstrating compliance with this requirement. |
| 10. | 34 CFR 300.503(b)(3) Ed 1120.03(b) | 1 out of 7 IEP files demonstrated evidence that the written prior notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. For students B, D, G, H, K & N , there was insufficient evidence demonstrating compliance with this requirement. |
| 11. | 34 CFR 300.503(b)(6) Ed 1120.03(b) | 1 out of 7 IEP files demonstrated evidence that the written prior notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected. For students B, D, G, H, K & N , there was insufficient evidence demonstrating compliance with this requirement. |
| 12. | 34 CFR 300.503(b)(7) Ed 1120.03(b) | 2 out of 7 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 students D, G, H, K & N , there was insufficient evidence demonstrating compliance with this requirement. |
| 13. | 34 CFR 300.503(c)(1)(ii) Ed 1120.03(b) | 6 out of 7 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. For student N , there was insufficient evidence demonstrating compliance with this requirement. |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to staff on completing the written prior notice for determination of eligibility in order for staff to appropriately document each component of a written prior notice.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.</p> | | |
| <p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 11 new student files (3 at Richard's Elementary School, 4 at Newport Middle School, and 4 at Newport Middle 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) | <p>6 out of 7 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.</p> <p>For student N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 15. | Ed 1109.04(a) | <p>2 out of 7 IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.</p> <p>For students D, G, H, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 16. | 34 CFR 300.323(c)(1) Ed 1109.03(a) | For an initial IEP, 0 out of 0 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>(Seven student files were not of students with initial IEPs.)</i> |
| 17. | Ed 1109.03(d) | <p>5 out of 7 IEP files demonstrated evidence that the IEP was reviewed periodically but not less than annually. <i>(No student files were of students with initial IEPs.)</i></p> <p>For student D & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 18. | 34 CFR 300.323(a) Ed 1109.03(1) | 7 out of 7 IEP files demonstrated evidence that an IEP was in place at the beginning of the school year. |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must show evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP and evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> | | |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that the signature of the parent or, where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP is obtained and that copies of IEPs are provided to each teacher and service provider listed as having responsibilities for implementing the IEP. Trainings will also need to ensure that IEPs are reviewed 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 review 7 new student files (2 at Richard's Elementary School, 2 at Newport Middle School, and 3 at Newport Middle High School) for updated data demonstrating compliance with this requirement.</p> | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.321(a) Ed 1103.01 | | F. IEP Team; Participants in the Special Education Process |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 19. | 34 CFR 300.321(a)(1) Ed 1103.01(a) | 6 out of 7 IEP files demonstrated evidence that the IEP Team included the parents of the child. For student H , there was insufficient evidence demonstrating compliance with this requirement. |
| 20. | 34 CFR 300.321(a)(2) Ed 1103.01(a) | 6 out of 7 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child. For student D , there was insufficient evidence demonstrating compliance with this requirement. |
| 21. | 34 CFR 300.321(a)(3) Ed 1103.01(a) | 7 out of 7 IEP files demonstrated evidence that the IEP Team included at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child. |
| 22. | 34 CFR 300.321(a)(4) Ed 1103.01(a) | 5 out of 7 IEP files demonstrated evidence that the IEP Team included an LEA representative. For students B & H , there was insufficient evidence demonstrating compliance with this requirement. |
| 23. | 34 CFR 300.321(a)(5) Ed 1103.01(a) | 7 out of 7 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, 1 out of 2 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education program being considered. <i>(Five student files were of students for whom vocational education/CTE was not considered.)</i> For student N , there was insufficient evidence demonstrating compliance with this requirement. |
| 25. | Ed 1103.02(a) | 4 out of 7 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. For students D, H & N , there was insufficient evidence demonstrating compliance with this requirement. |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide trainings to appropriate staff for ensuring that the IEP team included the parent(s), at least one regular education teacher, an LEA representative, and an individual knowledgeable about the vocational programs being considered.</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>Provide trainings to appropriate staff for ensuring that at least a 10 day notice is given to the parent before an IEP meeting, which includes the purpose, time, location and identification of the participants, and when not possible, that staff follow through with obtaining the written consent of the parent that the notice requirement is waived.</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> | | |

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 6 new student files (2 at Richard’s Elementary School, 2 at Newport Middle School, and 2 at Newport Middle High School) for updated data demonstrating compliance with this requirement.

| 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) | <p>6 out of 7 IEPs demonstrated evidence of a statement of the child’s strengths.</p> <p>For student N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 27. | 34 CFR 300.324(a)(1)(iv) | <p>6 out of 7 IEPs demonstrated evidence of a statement of the child’s academic, developmental, and functional needs.</p> <p>For student N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 28. | 34 CFR 300.324(a)(1)(ii) | <p>6 out of 7 IEPs demonstrated evidence of a statement of the parent’s concerns for improving the student’s education in the IEP.</p> <p>For student N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 29. | 34 CFR 300.324(a)(1)(iii) | <p>2 out of 7 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.</p> <p>For students B, C, D, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 30. | 34 CFR 300.320(a)(1)(i) | <p>3 out of 6 IEPs demonstrated evidence of a statement in the IEP that describes how the child’s disability affects the student’s involvement and progress in the general education curriculum. <i>(One student file was of preschool age students.)</i></p> <p>For students D, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 31. | 34 CFR 300.320(a)(4)(ii) | <p>4 out of 7 IEPs demonstrated evidence of a statement that describes how the child’s disability affects non-academic areas.</p> <p>For students H, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 32. | 34 CFR 300.320(a)(1)(ii) | <p>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. <i>(Six student files were not of preschool age students.)</i></p> |

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence that the following is included in the IEP: a statement of the child’s strengths; a statement of the child’s academic, developmental, and functional needs; a statement of the parent’s concern’s for improving the student’s education in the IEP; the results of initial or most recent evaluations of the child; a statement in the IEP that describes how the child’s disability affects the student’s involvement and progress in the general education curriculum; and a statement that describes how the child’s disability affects non-academic areas.

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

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

Provide training to appropriate staff to include in student’s IEPs a statement of the child’s strengths; of the child’s academic, developmental, and functional needs; of the parent’s concern’s for improving the student’s education in the IEP; of the results of initial or most recent evaluations of the child; of how the child’s disability affects the student’s involvement and progress in the general education curriculum; and that describes how the child’s disability affects non-academic areas.

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

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 8 new student files (2 at Richard’s Elementary School, 2 at Newport Middle School, and 4 at Newport Middle High School) for updated data demonstrating compliance with this requirement.

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 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, 6 out of 7 IEPs demonstrated evidence that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior. For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 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>(Seven student files were not of students who demonstrated limited English proficiency.)</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 of the files reviewed.)</i> |

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| 36. | 34 CFR 300.324(a)(2)(iv) Ed 1109.03(h) | 6 out of 7 IEPs demonstrated evidence that the IEP Team considered the communication needs of the child. For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 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 of the files reviewed.)</i> |
| 38. | 34 CFR 300.324(a)(2)(v) Ed 1109.03(h) | 6 out of 7 IEPs demonstrated evidence that the IEP Team considered whether the child needed assistive technology devices and services. For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence that when a child's behavior impedes the child's learning or that of others, the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior; the IEP Team considered the communication needs of the child; and the IEP Team considered whether the child needed assistive technology devices and services.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that IEPs include the signature of the parent, or where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.</p> <p>Provide training to appropriate staff to address the IEP team's consideration of special factors when developing IEP's.</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 review 2 student files at Newport Middle School for updated data demonstrating compliance with this requirement.</p> | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| Ed 1109.01(a)(10) | | I. Courses of Study |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 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. <i>(Three student files were students aged 13 or younger who will not be turning 14 during the IEP period.)</i> For students J & M , there was insufficient evidence demonstrating compliance with this requirement. |

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence that for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, the IEP includes a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education.

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

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

Provide training to appropriate staff to ensure that for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, the IEP includes a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education.

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

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 6 new student files (3 Newport Middle School and 3 at Newport Middle High School) for updated data demonstrating compliance with this requirement.

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 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. | 34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1) | 1 out of 7 IEPs demonstrated evidence of a statement of measurable annual goals, including academic and functional goals as evidenced by questions 40(a), 40(b) & 40(c) on the self-assessment. For students E, F, I, J, L & M , there was insufficient evidence demonstrating compliance with this requirement. |
| 41. | 34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1) | 2 out of 7 IEPs demonstrated evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum. For students E, F, J, L & M , there was insufficient evidence demonstrating 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, 2 out of 7 IEPs demonstrated evidence that the measurable annual goals meet each of the child's other educational needs. For students A, F, J, L & M , there was insufficient evidence demonstrating compliance with this requirement. |
| 43. | Ed 1109.01(a)(6) | 5 out of 7 IEPs demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals. For students I & J , there was insufficient evidence demonstrating compliance with this requirement. |

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

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

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

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

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

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 12 new student files (4 at Richard’s Elementary School, 4 at Newport Middle School, and 4 at Newport Middle High School) for updated data demonstrating compliance with this requirement.

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 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) | <p>6 out of 7 IEPs demonstrated evidence that the IEP includes a statement of how the child’s progress toward meeting the annual goals shall be provided to the parents.</p> <p>For student J, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months of the date of this report, the district must amend the IEPs to a statement of how the child’s progress toward meeting the annual goals shall be provided to the parents.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> | | |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that IEPs include the signature of the parent, or where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.</p> <p>Provide training to appropriate staff to address that IEP’s include a statement of how the child’s progress toward meeting the annual goals shall be provided to the parents.</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 review 3 new student files at Newport Middle School for updated data demonstrating compliance with this requirement.</p> | | |

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| 34 CFR 300.323(d)(2)(ii) Ed 1102; Ed 1109.03(a) | | L. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 45. | 34 CFR 300.323(d)(2)(ii) Ed 1109.03(a) | <p>1 out of 7 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.</p> <p>For students E, F, I, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 46. | Ed 1102.01(b) | <p>If accommodations are included, 5 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.</p> <p>For students J & L, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 47. | Ed 1102.03(v) | <p>If modifications are included, 0 out of 1 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.</p> <p>For student J, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must show evidence that each teacher and service provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.</p> <p>As soon as possible but no later than 2 months from the date of the report, the district must convene the IEP teams to review the IEPs and show evidence that if accommodations are included in the IEP, they are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor and/or validity of the subject matter being taught or assessed, and if modifications are included in the IEP, they are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity or rigor or validity, of the subject matter being taught or assessed.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> | | |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that IEPs include the signature of the parent, or where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.</p> <p>Provide training to appropriate staff to ensure that each teacher and service provider has been informed of the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP, and to address that accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor and/or validity of the subject matter being taught or assessed, and modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor and validity, or, rigor or validity of the subject matter being taught or assessed.</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 review 9 new student files (2 at Richard's Elementary School, 4 at Newport Middle School, and 3 at Newport Middle High School) for updated data demonstrating compliance with this requirement.</p> | | |

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b) | | M. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 48(a). | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 2 out of 7 IEPs demonstrated evidence of a statement of special education. For students A, I, J, L & M , there was insufficient evidence demonstrating compliance with this requirement. |
| 48(b). | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 2 out of 3 IEPs demonstrated evidence of a statement of related services. <i>(Four student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i> For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 48(c). | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 0 out of 1 IEPs demonstrated evidence of a statement of supplementary aids and services. <i>(Six student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i> For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 48(d). | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 0 out of 1 IEPs demonstrated evidence of a statement of the program modifications. <i>(Six student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i> For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 48(e). | 34 CFR 300.320(a)(4) Ed 1109.01(a)(1) | 2 out of 3 IEPs demonstrated evidence of a statement of the supports for school personnel. <i>(Four student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i> For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 49. | 34 CFR 300.320(a)(7) Ed 1109.01(a)(1) | 6 out of 7 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. For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 50. | 34 CFR 300.320(a)(7) Ed 1109.01(a)(1) | 6 out of 7 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. For student J , there was insufficient evidence demonstrating compliance with this requirement. |

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| 51. | Ed 1109.04(b)(1) | <p>0 out of 7 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.</p> <p>For students A, E, F, I, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 52. | Ed 1109.04(b)(1) | <p>1 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided. <i>(Four student files were students for whom there were no related services in the IEP.)</i></p> <p>For students A & J, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 53. | Ed 1109.04(b)(2) | <p>0 out of 1 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(Six student files were students for whom there were no supplementary aids and services in the IEP.)</i></p> <p>For student J, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 54. | Ed 1109.04(b)(3) | <p>0 out of 1 IEP files demonstrated written evidence documenting implementation of the IEP with regards to program modifications made. <i>(Six student files were students for whom there were no program modifications in the IEP.)</i></p> <p>For student J, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 55. | Ed 1109.04(b)(3) | <p>1 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel. <i>(Four student files were students for whom there were no supports for personnel in the IEP.)</i></p> <p>For students J & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |

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

As soon as possible, but no later than 2 months from the date of this report, the district must convene the IEP teams to review the IEPs and provide evidence of a projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications described in the supports and services section.

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

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

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

Provide training to appropriate staff to ensure that the IEP includes applicable special education and related services, supplementary aids and services, program modifications and supports for school personnel. Additional training needs to include projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications described in the supports and services section.

Provide training to appropriate staff for ensuring that there is written evidence documenting implementation of the IEP with regards to all special education and related services provided, program modifications, and supports provided for school personnel implementing the IEP.

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

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 8 new student files (2 at Richard's Elementary School, 4 at Newport Middle School, and 2 at Newport Middle High School) for updated data demonstrating compliance with this requirement.

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 34 CFR 300.320(a)(5) Ed 1109.01(a)(1) | | N. Definition of Individualized Education Program (Justification for Non-Participation) |
| Self-Assessment Question Number & Regulatory Component | | Review Status |
| 56. | 34 CFR 300.320(a)(5) Ed 1109.01(a)(1) | 5 out of 7 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 students F & J , there was insufficient evidence demonstrating compliance with this requirement. |

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months of the date of this report, the district must amend the IEPs to include the explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.

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

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

Provide training to appropriate staff to address the explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.

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

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 6 new student files (3 at Richard's Elementary School and 3 at Newport Middle School) for updated data demonstrating compliance with this requirement.

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| 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 6 IEPs demonstrated evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments. <i>(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> For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 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, 0 out of 1 IEP file demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(Six student files were of students not taking an alternate assessment.)</i> For student J , there was insufficient evidence demonstrating compliance with this requirement. |
| 59. | 34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) | When the child is taking an alternate assessment, 0 out of 1 IEP file demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(Six student files were of students not taking an alternate assessment.)</i> For student J , 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 the IEP includes 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 or that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, the IEP includes a statement of why the child cannot participate in the regular assessment, and when the child is taking an alternate assessment, the IEP includes a statement describing why the particular alternate assessment selected is appropriate for the child.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that IEPs include the signature of the parent, or where appropriate, student, and a representative of the LEA indicating approval of the provisions of the IEP.</p> <p>Provide training to appropriate staff to address that the IEP includes 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. Training should also address that 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, the IEP includes a statement of why the child cannot participate in the regular assessment, and when the child is taking an alternate assessment, the IEP includes a statement describing why the particular alternate assessment selected is appropriate for the child.</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> | | |

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 3 new student files at Newport Middle School for updated data demonstrating compliance with this requirement.

| COMPLIANCE CITATIONS | | AREA OF COMPLIANCE |
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| 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) | <p>3 out of 7 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 students F, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 61. | 34 CFR 300.503(b)(2) Ed 1120.03(b) | <p>0 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.</p> <p>For students A, E, F, I, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 62. | 34 CFR 300.503(b)(3) Ed 1120.03(b) | <p>1 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.</p> <p>For students A, E, F, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 63. | 34 CFR 300.503(b)(6) Ed 1120.03(b) | <p>3 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.</p> <p>For students F, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 64. | 34 CFR 300.503(b)(7) Ed 1120.03(b) | <p>2 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.</p> <p>For students E, F, J, L & M, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 65. | 34 CFR 300.503(c)(1)(ii) Ed 1120.03(b) | <p>7 out of 7 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.

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

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 11 new student files (4 at Richard's Elementary School, 3 at Newport Middle School, and 4 at Newport Middle High School) for updated data demonstrating compliance with this requirement.

| 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>3 out of 7 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 students C, H, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 67. | 34 CFR 300.503(b)(2) Ed 1120.03(b) | <p>0 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action.</p> <p>For students B, C, D, G, H, K & N, 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 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.</p> <p>For students B, C, D, H, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 69. | 34 CFR 300.503(b)(6) Ed 1120.03(b) | <p>3 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.</p> <p>For students C, H, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 70. | 34 CFR 300.503(b)(7) Ed 1120.03(b) | <p>2 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal.</p> <p>For students C, D, H, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| 71. | 34 CFR 300.503(c)(1)(ii) Ed 1120.03(b) | <p>4 out of 7 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.</p> <p>For students C, K & N, there was insufficient evidence demonstrating compliance with this requirement.</p> |
| <p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to staff on completing the written prior notice for 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> | | |

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 11 new student files (4 at Richard's Elementary School, 3 at Newport Middle School, and 4 at Newport Middle High School) for updated data demonstrating compliance with this requirement.