

The following is an overview of the District Selection and Compliance and Improvement Monitoring Process, beginning with the 2015-2016 school year and ending with the 2019-2020 school year.

District Selection Process

The New Hampshire Department of Education (NHDOE), Bureau of Special Education (Bureau) solicited input from district and community stakeholders to assist in the development of the district selection process for the Special Education Compliance and Improvement Monitoring Process (CIM). This process utilizes a multi-data approach rather than a single measurement tool which aligns with the Office of Special Education Programs (OSEP) differentiated monitoring approach.

The Bureau divided districts into six cohort groups based on enrollment size with the intent of giving equal district representation to each cohort group. A district’s cohort group will be determined annually based on the October 1st count of the previous year.

The chart below demonstrates the groupings:

Cohort	Enrollment Size Based on District Fall Enrollment Oct. 1st
1	2,000+
2	1,200 – 1,999
3	550 – 1,199
4	370 – 549
5	135 – 369
6	0 – 134

The Bureau has created a District Selection Rubric (Appendix 2) to outline the data collection components and their point values. The point system is designed so that meeting compliance is assigned a low point value, whereas not meeting compliance is assigned a higher point value. From the District Determinations a point value will be assigned based on whether the district is meeting requirements, needs assistance, needs intervention or needs substantial intervention. Below are the indicators identified in the State Performance Plan (SPP) that will be assigned a point value:

Indicator	Description
4B	<p>Suspension/Expulsion: Whether or not a district had (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p> <p>☑ Points will be assigned based on a yes or no</p>
5A	<p>Education Environments: Percent of children with IEPs aged 6 through 21 served: Inside the regular class 80% or more of the day. (20 U.S.C.416(a)(3)(A))</p> <p>☑ Points will be assigned based on the annual targets within the SPP</p>

6A	<p>Preschool Environments: Percent of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program. (20 U.S.C.1416(a)(3)(A)) <input checked="" type="checkbox"/> Points will be assigned based on the annual targets within the SPP</p>
11	<p>Child Find: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. (20 U.S.C.1416(a)(3)(B)) <input checked="" type="checkbox"/> Points will be assigned based on a range of compliance</p>
12	<p>Early Childhood Transition: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. (20 U.S.C.1416(a)(3)(B)) <input checked="" type="checkbox"/> Points will be assigned based on a range of compliance</p>

The Bureau will also review the State special education complaints between July 1st and June 30th of the previous school year. If there are two or more special education complaints that have the same substantiated allegation, a point value will be assigned. In addition, if there is a substantiated allegation in a complaint that has not been verified as corrected within the federally mandated one year timeline, a point will be assigned.

The district receiving the highest point values in each enrollment cohort will be selected for special education compliance and improvement monitoring. Districts that have been monitored within the last five years will not be assigned point values and therefore, not considered for special education compliance and improvement monitoring. In the event of a tie within an enrollment cohort one of the districts will be chosen at random.

Compliance & Improvement Monitoring Process

The intent of the compliance monitoring is to improve student outcomes for students with IEPs by:

1. Ensuring districts understand and are implementing special education requirements in accordance with the *New Hampshire Rules for Education of Children with Disabilities, New Hampshire Statutes, and the Individuals with Disabilities Act (IDEA)*; and
2. Improving special education procedures, and practices.
3. Identifying and supporting correction of noncompliance, consistent with OSEP Memo 09-02.

Once districts are selected Bureau staff meet with each district’s administrative team to outline the CIM process (two stage process) and the expectations over the next school year. The selected district are offered trainings for their staff in the following special education areas: Written Prior Notice, Specially Designed Instruction, Writing Measurable Annual Goals, and Accommodations & Modifications.

The bureau provides to the selected districts training in Understanding the Special Education Process using the Bureau created NHDOE Individualized Education Program Compliance & Improvement

Monitoring Self-Assessment Data Collection Form based on district requirements of IDEA 2004, NH Statutes, and NH Standards for all staff. This form is used by the Bureau when we conduct our special education student file review at school on-sites.

The CIM process includes a Bureau review of each district's special education forms, special education procedures, district's procedural safeguards, a review of district personnel credentials with subject assignments as well as, a review of each district's special education programs at each of the schools during the onsite.

At least six weeks prior to the onsite, each selected district receives a list of students per school for school age children and a separate list for preschool children (if necessary) for files we will review during the onsite. The number of students on the list will vary depending on the number of special education students at each school. The student list will be representative of students from the different grades, gender, disability area, age, and program type. The school list may include students with IEPs attending Charter Schools, district placed out-of-state students, and Off-site/Alternative programs pursuant Ed 306.21 (if applicable). At the on-site monitoring visit, the New Hampshire Department of Education (NHDOE) Bureau of Special Education (Bureau) monitoring team will randomly pick all but two students from each list at each school to review. The Bureau's expectation is that the self-assessment will be completed prior to the on-site monitoring visit for all students selected at each school.

The monitoring team will consist of two to six NHDOE trained staff, including at least one special education administrator from another district who has been trained in the process by the NHDOE. District staff members are encouraged to be available as recommended by the special education director to assist the monitoring team should questions arise regarding the evidence provided.

The final step will be the report citing child specific findings of noncompliance as well as a summary of the review of the district's special education procedure, effective implementation of practices, personnel, and monitoring of special education process. The district will receive the written documentation within 60 days of the on-site monitoring visit. Thereupon, NHDOE staff will meet with district administration to answer questions about the report. Following the meeting with district administration, the NHDOE will issue the public report.

The report specifies the district corrective actions and provides specific timelines to address areas of noncompliance. Child specific findings of noncompliance must be corrected within 2 months of receipt of the written documentation of findings of noncompliance. NHDOE staff will return to the district 2 to 3 months from the issuance of the report to review evidence and verify correction of child specific incidences of noncompliance. Six to nine months from the written documentation of findings of noncompliance, NHDOE staff will again return to the district to conduct a second stage onsite to review new student files to ensure correct implementation of regulation is occurring for those areas where the district had non-compliance outlined in the compliance report. At least three weeks prior to this follow-up visit, the district will be notified of the number of files and student selection criteria for the district to select the new student files that will be reviewed for this second onsite.

The Compliance and Improvement Monitoring (CIM) process is divided into two stages so that all findings of noncompliance are corrected and verified within a year of the report.

The first stage includes:

- District selection and meetings with district administrative staff and the NHDOE

- District training provided by the Bureau regarding CIM process
- Student SASID numbers provided to the district
- The initial on-site visit
- Meeting with district administrative staff to review written documentation (report, appendices provided of findings by student as well as district wide)
- Report of findings of noncompliance posted on NHDOE website
- Technical assistance & trainings offered by the NHDOE

- **District correction of findings of noncompliance within the given timeframe, as prescribed in the report, district-wide (appendix 1) and student specific (appendix 2) which includes:**
 - IEP amendments to address any child specific areas of noncompliance (2 months)
 - Forms and related practices (3 months)
 - Training / Professional Development in areas on noncompliance (3 months)
 - Special education procedures, and personnel (6 months)
- Follow up visit from the NHDOE to verify corrective actions of noncompliance, beginning 2 to 3 months from the report
- Additional monthly follow up visits scheduled as necessary to verify evidence of correction for any outstanding findings of noncompliance

The second stage (the areas in which Corrective Actions Regarding the Implementation of Regulations were identified in the report & appendix 3) includes:

- District selection of new student files in accordance with the number of files and student selection criteria provided by NHDOE approximately 3 weeks prior to a scheduled NHDOE subsequent on-site visit
- The scheduled on-site visit to verify implementation of the regulations that were identified as noncompliant in the original report using the new files
- Technical Assistance offered by the NHDOE
- Follow up visit by the NHDOE to verify corrective action of noncompliance from the subsequent on-site visit
- Additional monthly follow up visits scheduled as necessary verify evidence of correction for any outstanding findings of noncompliance

Once a district has shown corrective action regarding the implementation of regulations a close out letter is sent to the district and no further action is needed. The district will remain out of the district selection list for the next five years.

Non-compliance Beyond one year and Enforcement

If a district, has not shown correction of all findings within one year from the written report, the Bureau will send a letter of concern to the district's Superintendent and cc'ed to the Special Education Director to come meet with the Bureau Administrator and the CIM Coordinating Consultant to discuss the remaining non-compliance and to develop a plan of action for correcting the remaining findings of non-compliance. Corrective action could include sanctions such as redirection of the district's IDEA federal funds to accomplish corrective actions.

For questions about this document contact Elizabeth Graichen at Elizabeth.Graichen@doe.nh.gov