

**NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
SPECIAL EDUCATION
PROGRAM APPROVAL VISITATION
IEP REVIEW COMPLIANCE REVIEW**

**PITTSFIELD SCHOOL DISTRICT
FOCUSED MONITORING IEP COMPLIANCE
REVIEW SUMMARY REPORT
2012-2013**

**John Freeman, Superintendent
Lois-Jean Stevens, Director of Special Education**

Chairpersons of Visiting Team
Colleen Bovi and Joseph Miller
Education Consultants

IEP Review Visit Conducted on October 22, 24, 25, 2012
Desk Audit Reviews Conducted on October 22, 24, 25, 2012

Report Date: March 22, 2013
Revised Report Date: April 30, 2013

IEP Compliance Review Team Members:

II. Visiting Team Members

Colleen Bovi
Maryclare Heffernan
Joseph Miller

II. Building Team Members:

Sarah Allen, Teacher
Anne Banks, 9-10 Case Manager
Sheila Bartlett, Grade 4 Case Manager
Leslie Bergevin, Guidance Director
Jessica Bickford, Special Education Case Manager
Alexandra Briggs, PMHS Social Studies Teacher
Jamie Bowes, Special Education Teacher
Susan Bradley, Preschool Coordinator
Shannon DeRosa, Grade 1 Teacher
Ronda Fernald, 11-12 Case Manager
Danielle Harvey, District Math Coach
Alissa Heppler, Regular Education Teacher
Jean Howard, 3rd Grade Case Manager
Kerry Hughes, K-1 Case Manager
Carin Kilar, Grade 3 Teacher
Doug Kilmister, Principal
Vicky King, Speech/Language Assistant
Karen McCue, Classroom Teacher
Tina Nevins, Speech/Language Assistant
Melissa Pazdon, School Psychologist
Caitlin Potter, OT
Lois-Jean Stevens, Director of Student Services
Paul Strickhart, PMHS Math Teacher
Becky Towle, 2nd Grade Case Manager
John Uhouse, Grade 2 Teacher
Sheila Ward, ELO Coordinator
Meghan Wilson, Grade 4 Teacher

III. NHDOE, Bureau of Special Education Representatives:

Deborah Krajcik
Linda Potter
Mary Steady

Introduction:

The compliance component of the NHDOE Focused Monitoring Process includes both an internal and external review of Special Education data directly linked to compliance with state and federal Special Education rules and regulations. The review is an in depth analysis of IEPs with the participation of district IEP teams. This is intended to be a job-embedded professional development opportunity as well as a compliance review. In addition, there is a concurrent review of additional IEPs by NHDOE Special Education Bureau staff referred to as a “desk audit”. In order to assure consistency from district to district regarding the total number of IEPs reviewed, the NHDOE Special Education Bureau has determined that a total of eight (8) IEPs will be reviewed per school (unless the size of the school dictates a different number). Data gathered through the various compliance activities is reported back to the school’s Achievement Team, as well as the NHDOE, Bureau of Special Education. This is for the purpose of informing both the district and the NHDOE of the status of the district’s Special Education compliance with required special education processes, as well as the review of data related to programming, progress monitoring of students with disabilities, and alignment of Special Education programming with the curriculum, instruction and assessment systems within the school district.

Data Collection Activities:

As part of the NHDOE Focused Monitoring Process a Special Education compliance review was conducted in the Pittsfield School District. Listed below is the data that was reviewed as part of the compliance review, all of which are summarized in this report.

- Review of randomly selected IEPs.
- Review of LEA Focused Monitoring Compliance Application including:
 - Special Education Policy and Procedures
 - Special Education staff qualifications
 - Program descriptions
- Review of all district Special Education programming.
- Review of Out of District Files.
- When appropriate, review of student records for students with disabilities who are attending Charter Schools.
- Review of requests for approval of new programs, and/or changes to existing programs.

SUMMARY OF FINDINGS:

As part of the compliance component of Focused Monitoring, the NHDOE worked in collaboration with the Pittsfield School District to conduct reviews of student IEPs. The IEP Review Process has been designed by the NHDOE to assist teams in examining the IEP for educational benefit, as well as determine compliance with state and federal Special Education rules and regulations. The review is based on the fact that the IEP is the foundation of the Special Education process.

As required by the IEP review process, general and special educators in the Pittsfield School District were provided with a collaborative opportunity to review 8 IEPs. NHDOE Special

Education Bureau conducted a desk audit of 16 IEPs that were randomly selected to determine if the documents included the following information:

- Appropriate procedures to determine eligibility for special education identification
- Student's present level of performance.
- Measurable annual goals related to specific student needs.
- Instructional strategies, interventions, and supports identified and implemented to support progress toward measurable goals.
- Assessment (formative and summative) information gathered to develop annual goals and to measure progress toward annual goals.
- Accommodations and/or modifications determined to support student access to the general curriculum instruction and assessment.
- Evidence of progress toward key IEP goals and the documented evidence of student gains over a three year period.
- Transition plans that have measurable postsecondary goals (for youth aged 16 and above as required by Indicator 13).
- Evidence of required documentation for preschool programming (for children ages 3-5).

The intended outcome of the IEP Review Process is not only to ensure compliance, but to also develop a plan for improved communication and collaboration between general and special educators, parents and students in the development, implementation and monitoring of IEPs.

**BELOW IS THE SUMMARY OF DISTRICT LEVEL FINDINGS THAT RESULTED
FROM THE IEP REVIEW PROCESS CONDUCTED IN THE
Pittsfield School District:**

**Building/District Summary of IEP Review Process
Conclusions/Patterns Trends Identified Through IEP Review Process:**

- Was it possible to assess the degree to which IEPs were designed to provide educational benefit (access to, participation and progress in the general curriculum)?
 1. Lack of data in the IEP makes it difficult to assess educational benefit.
 2. Identified appropriate benchmarks; however, goals were not measurable and not linked to present levels of performance.
 3. Students receive more supports than the IEP represents.
 4. Some related services goals were developed in isolation and were not always linked to the identified needs of the student.
- How has this process informed future plans for improving the writing of student IEPs and ensuring the student's participation in the general education curriculum?
 1. Change in how annual goals are written.
 2. Related services will connect functional performance to academic needs.
 3. Specific evidence will be collected to track progress to implement appropriate curriculum.

4. Use data to develop understanding of student's learning profile (present levels of performance).
 5. Functional and academic performance data need to be updated to accurately reflect current levels.
 6. Will be clearer on functional needs.
 7. Need to focus on why there is a lack of progress toward achieving goals.
 8. More clearly articulate *when, how, and why* in making progress decisions.
 9. Review related service needs.
 10. Determine how and when progress is monitored.
 11. Create a system of feedback to include all service providers.
 12. Closer collaboration will yield greater clarity and aid in establishing progress.
- Describe how individual student performance information is conveyed from grade to grade/school to school:
 1. Information is transferred to receiving teachers before the new school year begins.
 2. A file review is completed at the beginning of each school year.
 - How will the district further explore the factors that have impacted poor scores for individual students on state assessments and in the general education curriculum?
 1. Increase progress monitoring, collaborate around the data and determine appropriate interventions.
 2. Review accommodations that would support the student.
 - Strengths and suggestions identified related to IEP development/progress monitoring and services:

Strengths:

1. Teams showed that they are student centered and are willing to review, reflect and refine the special education process.
2. There is a strong partnership between Early Supports and Services and the preschool program that ensures smooth transition and support from Part C to Part B.
3. There is strong parental engagement and involvement in the special education process.
4. Professional Learning Communities are established and provide for team collaboration.
5. Differentiated instruction is provided.
6. Transition planning for post-secondary options and support for high school students are comprehensive.
7. There is a collective responsibility for students and a dedication to including students with disabilities within general education.
8. Case managers have a strong focus on their students' respective programs.

Suggestions:

1. Make sure data collection is tied to curriculum and instruction.
2. More accurately reflect services provided in classroom.
3. Alignment of IEP goals to classroom curriculum.
4. Review eligibility criteria for LD and align with the district's LD Policy.
5. Review the system and structure around related service providers and team.
6. Define roles within special and general education to support greater communication relative to progress or lack of progress.
7. While building team members state differentiated instruction is a strength in the district, it is suggested that the administration continue to provide professional development to ensure that all staff are committed to this instructional practice from pre-kindergarten through grade 12.

District Wide Commendations:

1. The general and special education staff members who participated in the IEP Review Process were highly engaged in a collaborative and thoughtful manner.
2. There is commitment from teachers and administrators in analyzing the current school practices and participating in plans for improvements to narrow the gap between IEP students and their non-IEP peers.
3. The District Leadership Team is commended for their efforts to analyze and understand the district's student outcome results with a sense of urgency and thoughtful response to student learning needs

LEA Focused Monitoring Compliance Application:

As part of the Focused Monitoring data collection activities, the LEA Plan, which includes Special Education policies and procedures, was reviewed. In addition, personnel rosters were submitted to verify that staff providing services outlined in IEPs are qualified for the positions they hold. Also, program descriptions were reviewed and verified, along with follow up and review of any newly developed programs or changes to existing approved Special Education programs.

The LEA Plan, staff rosters, and program descriptions were all in order and meeting state requirements.

Out of District File Review:

Based on the review of 1 IEP for a child with disabilities placed out of district, there was 1 Finding of Noncompliance.

Students with Disabilities Attending Charter Schools:

There are no students attending Charter Schools.

Requests for Approval of New Programs and/or Changes to Existing Programs:

As part to the Focused Monitoring Compliance Component, the NHDOE reviews all requests for new programs in the district, and/or requests for changes to existing programs. There are no requests for any additions or changes.

Building/District Summary of IEP Review, Out-of-District File and Charter School Review Process

	Focused Monitoring	NHDOE Desk Audit
Preschool	1	2
Elementary School	3	6
Middle School	1	5
High School	2	3
Charter School	0	0
Out-of-District	1	0
Total Number of IEPs Reviewed	8	16

FINDINGS OF NONCOMPLIANCE IDENTIFIED AS A RESULT OF THE NHDOE COMPLIANCE AND IEP REVIEW VISIT:

As a result of the 8 IEPs that were selected for the **Focused Monitoring IEP Review** on October 22, 24, 25, 2012, the following Findings of Noncompliance were identified:

Systemic Findings of Noncompliance

Systemic Findings of Non-compliance are defined as systemic deficiencies that have been identified through the IEP Review Process, which are in violation of state and federal special education rules and regulations. The NHDOE, Bureau of Special Education, requires that all Systemic Findings of Non-compliance be corrected as soon as possible, but no later than one year from the report date.

1. Ed 1103.01, 34 CFR 300.321 IEP Team

Finding: The district does not consistently have the appropriate team composition for determining eligibility and/or IEP development at IEP Meetings.

2. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(2)(i) Definition of individualized education program

Finding: IEPs reviewed lacked evidence of a statement of annual measurable goals.

3. Ed 1109.01 (a)(7) Elements of an Individualized Education Program; Benchmarks to measure progress toward achieving goals.

Finding: IEPs reviewed lacked benchmarks to measure progress toward achieving goals.

Child Specific Findings of Noncompliance

Please Note: *The NH Department of Education, Bureau of Special Education requires that Child Specific Findings of Noncompliance be addressed and resolved within 45 days of notification*

1. **Ed 1107.01(a) Evaluation; 34 CFR 300.304 (b)(2) Conduct of evaluation**
Finding: 1 IEP lacked a statement of how disability affects involvement and participation; using results of individual evaluations to determine academic, developmental and functional needs.
2. **Ed 1107.02(b) Evaluation Requirements for Children with Specific Learning Disabilities; 34 CFR 300.307 Specific Learning Disabilities**
Finding: 1 file lacked evidence that the determination of a Specific Learning Disability was based on the district's LD Evaluation policy.
3. **Ed 1108.01 Determination of Eligibility for Special Education; 34 CFR 300.306 Determination of Eligibility**
Finding: 3 IEP files lacked documentation that a group of qualified professionals and the parents determined that the child is a child with a disability.
4. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**
Finding: 7 IEPs lacked annual measurable goals.
5. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(5) Definition of individualized education program**
Finding: 3 IEPs lacked statement of the extent to which the student will not participate with Nondisabled peers.
6. **Ed 1109.01 (a)(6) Elements of an Individualized Education Program**
Finding: 4 IEPs lacked short-term objectives or benchmarks to measure progress toward achieving goals
7. **Ed 1111.02 (a) Placement Decisions; 34 CFR 300.116 (b)(1) Placements**
Finding: 1 IEP lacked documentation that the IEP team determined LRE at least annually

As a result of the 16 IEPs that were selected for the **NHDOE Desk Audit IEP Review** on October 22, 24, 25, 2012 the following Findings of Noncompliance were identified:

Systemic Findings of Noncompliance

Systemic Findings of Non-compliance are defined as systemic deficiencies that have been identified through the IEP Review Process, which are in violation of state and federal special education rules and regulations. The NHDOE, Bureau of Special Education, requires that all Systemic Findings of Non-compliance be corrected as soon as possible, but no later than one year from the report date.

1. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(2)(i) Definition of individualized education program**

Finding: IEPs reviewed lacked evidence of a statement of annual measurable goals.

Child Specific Findings of Noncompliance

Please Note: *The NH Department of Education, Bureau of Special Education requires that Child Specific Findings of Noncompliance be addressed and resolved within 45 days of notification.*

1. **Ed 1107.01 (a) Evaluation; 34 CFR 300.304 (c)(4) Evaluation procedures**
Finding: 3 IEPs lacked evidence that the child was assessed in all areas related to the suspected disability.
2. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(1)(i) Definition of individualized education program**
Finding: 3 IEPs lacked evidence of a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum.
3. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(2)(i) Definition of individualized education program**
Finding: 14 IEPs lacked evidence of a statement of annual measurable goals.
4. **Ed 1109.01 (a)(10) Elements of an Individualized Education Program**
Finding: 1 IEP lacked 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.
5. **Ed 1109.01 (a)(9) Elements of an Individualized Education Program; 32 CFR 300.320 (a)(3)(i) Definition of individualized education program**
Finding: 2 IEPs lacked evidence of a statement of how the child's progress toward meeting the annual goals will be measured.
6. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(4) Definition of individualized education program**
Finding: 1 IEP lacked evidence of a statement of the special education and related services and supplementary aids and services.
7. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(5) Definition of individualized education program**
Finding: 3 IEPs lacked evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.