

**New Hampshire's
State Advisory Committee
on the Education of Children with Disabilities
2012 – 2014 Reports**

[Note: This is a consolidated Report covering a 2-year period]



State Advisory Committee on the Education of Children with Disabilities
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Introduction

NH's State Advisory Committee (SAC) on the Education of Children with Disabilities

SAC is NH's State Advisory Panel, required by the Federal special education law, the Individuals with Disabilities Education Act (IDEA), Part B to advise the State Education Agency on the unmet needs of children with disabilities in the state.

The purpose, requirements for membership, terms, duties and meetings are detailed in NH's Chapter 186-C:3-b. The requirements in RSA 186-C:3-b are in compliance with the IDEA, while also reflecting and meeting the unique needs of NH's special education system and children with disabilities.

Status of Special Education in NH

The State Advisory Committee relies on data to inform its understanding of the current status of special education in New Hampshire, as well as to aid the SAC in its selection of priorities. Two documents that were used by SAC were the 7/2013 and 6/2014 IDEA Determination Letters and NH's State Performance Plan (SPP) and Annual Performance Reports (APR) for the time period covered by this report. Appendix C includes:

- Excerpts from NH's 7/2013 & 6/2014 IDEA Determination Letters; and
- Summary Information from NH's SPP/APR and the SPP/APR Response Tables.

The information from NH's SPP/APR sets targets for specific indicators (for example, graduation rates for students with disabilities), and provides empirical data to measure the progress of individual school districts and the state towards each of the established targets. Using this data, NH is able to identify areas that may need additional focus or the redirection of resources. NH is also able to compare our outcome data with that of other states, and to determine if individual school districts may either be utilizing best practices that should be considered for replication, or be struggling and require technical assistance or other response to address the area of concern.

Updated versions of these documents are provided for SAC members each year.

Purpose

The purpose of NH's State Advisory Committee on the Education of Children with Disabilities is covered in RSA 186-C:3-b, I:

I. In accordance with the provisions of 20 U.S.C. section 1412(a)(21) and 34 C.F.R. sections 300.167-300.169, there is established an advisory committee on the education of children/students with disabilities to advise the commissioner of education on issues relating to special education, and to promote communication and cooperation among individuals involved with students with disabilities. In addition, the committee shall review the federal financial participation and the level of state funding to determine their impact on the programs and delivery of services to children/students with disabilities.

Duties / Responsibilities

The duties of the SAC are listed in RSA 186-C:3-b,IV:

IV. The committee shall:

- (a) Advise the department of education regarding unmet needs within the state in the education of children/students with disabilities.
- (b) Provide an annual report to the governor and the state legislature on the status of education of students with disabilities in New Hampshire.
- (c) Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities.
- (d) Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under 20 U.S.C. section 1418 of the Individuals with Disabilities Education Act.
- (e) Advise the department of education in developing corrective action plans to address findings identified in federal monitoring reports.
- (f) Advise the department of education in developing and implementing policies relating to the coordination of services for children/students with disabilities.

Additionally, in accordance with the IDEA regulations, §300.513(d)(1), the SAC will receive transmittals of findings and decisions of due process hearings.

Membership

The composition of the SAC is detailed in RSA 186-C:3-b,II:

II. The committee shall be composed of individuals involved in, or concerned with, the education of children with disabilities. A majority of the committee membership shall be composed of individuals with disabilities or parents of children with disabilities. The committee membership shall be as follows:

- (a) Individuals with disabilities or parents of children with disabilities, appointed by the governor.
- (b) Two members of the house education committee, appointed by the speaker of the house.
- (c) Two members of the senate education committee, appointed by the president of the senate.
- (d) One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor.
- (e) One state education official, appointed by the governor.
- (f) One local educational official, who shall be an administrator, appointed by the governor.
- (g) Two teachers, one of whom shall be a special education teacher, appointed by the governor.
- (h) One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services, and appointed by the governor.
- (i) One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor.
- (j) One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor.
- (k) Two individuals with disabilities who may have received special education services, one of whom may be a high school student, appointed by the governor.
- (l) One administrator of a public special education program, appointed by the governor.
- (m) One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor.
- (n) One representative of a private school approved for special education, appointed by the governor.
- (o) One representative of a chartered public school, appointed by the governor.
- (p) One individual representing children with disabilities who are home-schooled, appointed by the governor.

- (q) One representative from the department of corrections, and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services, appointed by the governor.
 - (r) A state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, appointed by the governor.
 - (s) A representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services and appointed by the governor.
- III. (a) Committee members shall be appointed to staggered 2-year terms, and members may succeed themselves.
- (b) A chairperson shall be selected by a majority of the committee members on an annual basis.

Openings on the SAC occur each year as members terms expire of they are no longer able to serve. Individuals interested in being nominated for membership on the State Advisory Committee should contact the NH Department of Education or the Chairperson of the State Advisory Committee (see cover page for contact information). Prospective members should identify which legislatively mandated membership category they would like to fulfill. Interested persons who do not fit into one of the open membership categories may wish to work with one of the subcommittees as an ad hoc member.

All SAC meetings are open to the general public, and public comment is welcome and included as part of each meeting agenda. Each subcommittee decides the ways and degree in which they involve members of the general public in subcommittee meetings.

A complete listing of the members of the State Advisory Committee, along with their role or agency/organization represented, term and attendance, as well as any current open (vacant) positions may be found in Appendix A. Members of the SAC, with a few specified exceptions are appointed by the Governor.

SAC Leadership:

Each year, SAC members elect a Chair; the Chair then selects a Vice Chair and 2nd Vice Chair. Historically if a parent is elected Chair, he/she selects an educator to serve as Vice Chair and if an educator is Chair, a parent has served as Vice Chair.

For both years covered by this reporting period, Bonnie Dunham was elected as Chair.

For the 2012 – 2013 year, Bonnie selected Renea Sparks, special education administrator as Vice Chair, and Ray Dailey, a parent, as 2nd Vice Chair.

For the 2013 – 2014 year, Bonnie selected Maureen Tracey, special educator as Vice Chair, and Janet Reed, representing private programs, as 2nd Vice Chair.

Meetings and Organization

RSA 186-C:3-b,V describes the requirements for the frequency of State Advisory Committee meetings. The SAC appreciates the support provided by the NH Department of Education in accordance with RSA 186-C:3-B, VI:

V. The committee shall meet at least quarterly or as often as necessary to conduct its business.

VI. The department of education shall provide administrative support for the committee.

The schedule for meetings of the State Advisory Committee, as well as minutes for previous meetings, is posted on the NH Department of Education's website, on the dedicated SAC page: http://www.education.nh.gov/instruction/special_ed/sac.htm, and in House and Senate calendars, published during the legislative session. Information may also be obtained by contacting the NH Department of Education, Bureau of Special Education at (603) 271-3741.

All meetings are open to the general public, and unless otherwise noted, are held at the NH Department of Education, Londergan Hall, 101 Pleasant Street, Concord, NH. Every meeting includes opportunities for public comment at the beginning and end of the meeting. The SAC appreciates the input the general public provides by commenting on the committee's priorities and/or other issues they wish to bring to the committee's attention. In addition to speaking at a SAC meeting during the public comment segments of the agenda, interested persons may also provide written input to the SAC, either by letter or email. Telephone messages may be relayed through the Bureau of Special Education. The State Advisory Committee respectfully requests that persons wishing to comment publicly at a SAC meeting please follow the guidelines below:

- Be factual and objective; please do not mention a student and/or school staff by name;
- The SAC appreciates hearing about positive experiences, "success stories", and best practices, as well as concerns with the status of the education of children with disabilities, new or emerging needs, or situations that may warrant further consideration; and
- Limit comments to no more than five minutes. For issues needing more extensive discussion, requests may be made to add it to the agenda at a subsequent SAC meeting.
- Please note that the SAC is not able to intervene in situations having to do with individual students, but to the extent these issues may have broad implications for children with disabilities (even if limited to a specific age or disability group, geographic area, or topic), the SAC appreciates the public's assistance in making the SAC aware of the issue(s).

While the State Advisory Committee appreciates the support it receives from the NH DOE Bureau of Special Education staff, the SAC operates as an independent entity with its composition and responsibilities mandated by statute. Bureau staff is available to clarify the DOE's procedures; explain programs and/or initiatives; provide technical assistance, administrative support, statistical data, and other background information and documentation requested by the SAC.

Minutes are taken at each State Advisory Committee meeting; they are distributed in draft form by email to each SAC member and approved at the next meeting. Approved minutes are posted on the NH Department of Education's website on the designated SAC web page. Hard copies of the minutes are distributed at the next meeting, and are also available from the Bureau of Special Education upon request.

Each September the State Advisory Committee conducts an annual retreat, where the members identify the current needs, issues and priorities on which the SAC will focus during the year (see "Priorities" on page 9 for more information). The 2012 SAC retreat was held at the NH Higher Education Assistance Foundation, 4 Barrel Court, Concord, NH; and the 2013 retreat was held at Plymouth State College branch campus, 2 Pillsbury Street, Concord, NH.

In addition to the retreat, the SAC held regular meetings in October and November 2012; January, February, March, April, May (an abbreviated meeting), June, October and November 2013; and January, February, March, April, May and June 2014 to share information, discuss concerns, gather information on emerging topics, review committee reports, respond to the committee's identified priorities, as well as any new or emerging needs, and make recommendations for further action. The September 2014 SAC retreat will be held at the PSU campus, 2 Pillsbury Street in Concord. The public is welcome to attend.

Meeting agendas always include welcome and introductions of members and guests; review and approval of minutes from the prior meeting; public comment at the beginning and end of the meeting; announcements and correspondence to the SAC; current events; an update from the State Department of Education, Bureau of Special Education ("the Bureau"); old business and new business; reports from subcommittees and, unless a guest speaker has been scheduled, an opportunity for subcommittees to meet; and presentations by the Bureau or other invited guests, as requested by SAC members to assist the committee in the fulfillment of its responsibilities. A template for the regular SAC meetings and a summary of the meetings held during the time period covered by this report may be found in Appendix B.

The State Advisory Committee utilizes a structure that relies on subcommittees to study and report on specific issues identified by the SAC membership through a vote (secret ballot). Some subcommittees meet for a limited period of time, while others continue their work throughout the year or even into the next year. When a subcommittee's issue or work is determined to require more substantive attention, the entire SAC may focus on that topic for a given period of time, sometimes generating additional public input or conducting other activities to gather information/data or generate attention to the topic.

Priorities and subcommittees are generally formed at the September meeting, although to respond to a new or emerging need, subcommittees and/or priorities may be revised or identified, as needed. At the September retreat, SAC members generate a list of potential priorities. After members at the retreat discuss these issues, the members then narrow the list to 3 significant areas where they believe that NH is struggling, or where a need for improvement has been identified, either as a compliance issue from the US Department of Education's determination letter or other source, or that have been brought to the attention of the Bureau of Special Education or the SAC.

Based on the priorities identified at the annual retreat, subcommittees are formed. SAC members self-selected the subcommittee on which they wish to serve, based on their interests, expertise and concerns. Each SAC member is expected to serve on one subcommittee, with the exception of representatives from the House and Senate Education committees, who contribute substantial amounts of time in service to the State of NH as members of the General Court. Instead, all SAC members rely on information provided by our members from the General Court to inform their work on the subcommittees.

Subcommittees generally meet and report to the full State Advisory Committee at most meetings, with exceptions for when SAC has a guest speaker or other impending issue that requires an adjustment in the agenda. Subcommittees each choose a representative who “reports out” at the conclusion of their meeting, providing an opportunity for the full SAC to ask questions or offer ideas or resources. At the end of each year, subcommittees are asked to submit a written report of the status of the subcommittee’s work and recommendations.

When a subcommittee recommends the SAC take action, the action may take the form of:

- further study and research;
- discussion and analysis by the full committee;
- requests for additional data from the NH Department of Education or other state departments, agencies and/or organizations;
- solicitation of public comment (could be through a forum, survey or other format);
- public comment by the SAC on the issue; or
- written communication, which may include an inquiry, request or recommendations, to the State Board of Education or to the Commissioner of the NH Department of Education.

A subcommittee may also determine as a result of its work that they would like to change the focus or charge of their subcommittee to better address the current issues, needs or concerns related to the unmet needs of children with disabilities. This would be discussed by the full SAC before finalizing the decision.

In addition to priority-focused subcommittees, State Advisory Committee members serve as liaisons between the SAC and other advisory groups.

As needed, subcommittees also formed to work on gathering and reporting on legislative issues and to identify and recruit members to fill vacancies on the State Advisory Committee.

Members of the State Advisory Committee bring feedback, issues and concerns from the stakeholder groups they represent to the SAC. The committee is then able to discern if the issue is one that falls under the SAC’s purview, or if there may be another, more appropriate agency/organization to which the individual/group raising the issue may be referred. If the committee decides that the issue is relevant to SAC’s statutory responsibilities and the priorities that have been identified by the year, a follow-up plan is developed.

Priorities

The priorities that were selected for the 2012 - 2013 year and on which subcommittees were based were:

1. Failed Implementation of IEPs
2. Secondary Transition
3. Unmet Needs of Students, Particularly Students with Emotional/Behavioral Disabilities or Challenges

For the latter part of the year, much of the full SAC's attention was focused on the third priority, and included sponsoring/organizing a daylong awareness event, "Achieving School Success for Every Child: Recognizing Innovative Systems of Supports Day" for legislators and key stakeholder groups. This event, which was hosted by 9 members of the NH General Court, co-sponsored by 25 agencies and organizations dedicated to the education of children with disabilities, and attended by more than 111 individuals, was very successful, with many positive comments heard from participants, hosts and co-sponsors.

Additional issues that were identified as important, but that did not receive sufficient votes from SAC members to be one of the top 3 priorities were: parent and student empowerment; least restrictive environment; seclusion and restraint; state and local special education budgets; and charter schools and students with disabilities.

The priorities that were selected for the 2013 - 2014 year and on which subcommittees were based were:

1. Secondary Transition (continued from last year)
2. Special Education Finance/Funding
3. Unmet Needs of Students with Disabilities, including Students with Emotional/Behavioral Disabilities or Challenges, Incarcerated Students with Disabilities, and Students who are Subjected to Restraint/Seclusion (continued, with additional focus, from last year – this priority was developed by combining several issues that each received a number of votes from members and that seemed to be interrelated.)

Additional issues that were identified as important, but that did not receive sufficient votes from SAC members to be one of the top 3 priorities were: common core state standards; least restrictive environments including participation in extracurricular activities; charter schools; and the effectiveness of the state administrative complaint system. It was agreed to have the Bureau provide SAC with information about the complaint system as part of a Bureau update.

Activities / Accomplishments of the SAC

During the period covered by this report, the State Advisory Committee and its members:

- Increased the membership of the SAC, so that the committee is now nearly fully staffed.
- As a group developed meeting norms, which are included on the monthly SAC agenda.
- Increased public comment at SAC meetings, which provides the committee with valuable information about issues that impact the education of children with disabilities, as well as about successes and best practices.
- Were made aware of NH Department of Education, Bureau of Special Education's projects and initiatives. SAC members use that information to promote awareness of, and participation in, initiatives such as the parent involvement survey.
- After being made aware of the upcoming event, a number of SAC members participated in a "flash mob" to foster awareness of mental health issues.
- Supported two legislative bills: SB 396, relative to child restraint practices and SB 414, relative to Medicaid-funded services provided as part of a child's special education program.
- Made recommendations to the Commissioner of Education related to:
 - the Medicaid-to-Schools program and parental concerns with the language in the Medicaid rules that define duplicative services;
 - the Federal sequestration and its impact on state/local special education funding;
 - the NH DOE adopting and pursuing a goal that all NH schools implement, with fidelity, evidenced-based multi-tiered system of supports (MTSS) with systems data, and practices that encompass academic, social, emotional and positive behavioral components, as well as pursuing policy and funding opportunities related to statewide implementation of MTSS implemented (*); and
 - the NH DOE taking steps to reduce the likelihood of, and to respond to incidents where a child's IEP is not fully implemented (*) [****subcommittee recommendations, including supporting documentation, may be found beginning on page 12***].
- 3 SAC members participated in a stakeholder group hosted by the NH Association of Special Education Administrators and the NH Department of Education to review the evaluation conducted by Data Driven Enterprises of the state's program monitoring processes and assist the Bureau in developing a response to the recommendations. Additional information may be found in the summary of SAC meetings in Appendix B.
- The chair of SAC attended the 2012 and 2013 annual OSEP Leadership conferences, along with Santina Thibedeau and other staff from the NH Department of Education, Bureau of Special Education. The OSEP Leadership conference is a multi-day program with general sessions for the entire group, as well as separate workshops intended to meet the needs of parents/parent centers, state education agencies, special education administrators, and state advisory panels (NH's state advisory panel is the State Advisory Committee on the Education of Children with Disabilities).

- A very successful event held during this reporting period was the May 1, 2013 “*Achieving School Success for Every Child: Recognizing Innovative Systems of Supports*” day. This day was inspired when Dan Habib, spoke to SAC at one of our meetings about 2 of his films, “*Including Samuel*” and “*Who Cares About Kelsey*”. The second film aligned so well with the SAC’s identified priority issue of unmet needs of children with emotional/behavioral challenges and the benefits of PBIS and multi-tiered systems of support, that we asked Dan if he would be willing to take part in a larger, informational event for educators, legislators, and others who would benefit from learning more about the topic. Dan not only agreed, but also donated a copy of “*Who Cares About Kelsey*” to each member of SAC (who then shared their videos with the schools and groups to which they belong).

The “*Achieving School Success for Every Child: Recognizing Innovative Systems of Supports*” event, which was attended by more than 111 people, hosted by 9 of NH’s state Senators and Representatives and co-sponsored by 25 groups who share a commitment to children/youth with disabilities and the educators, programs, and organizations that support the education of children/youth with disabilities and their families, was publicly recognized by Governor Maggie Hassan when she issued a proclamation naming May 1, 2013, “*Achieving School Success for Every Child Day*”. Experts in the areas of multi-tiered systems of support and meeting the needs of children with emotional/behavioral challenges spoke at the beginning of the event, then the Chair of the House Education Committee welcomed everyone and the Chair of the Senate Committee on Health, Education and Human Services read the Governor’s proclamation. A high school student who has first-hand experience with mental health issues and two representatives from 2 model school programs also spoke during the introduction.

The all-day event which was emceed by Dan Habib, featured a showing of his “*Who Cares About Kelsey*” video, preceded by scheduled showings (about one every 45 minutes) of his mini-films which covered topics that included incarcerated youth, a young person who was involved in the juvenile justice system as a result of having suffered abuse/neglect, addiction and youth, and inclusive education. Each mini-film showing was followed by a question and answer period that included an opportunity for discussion and sharing of resources and experiences from attendees. Additionally, each of the 25 co-sponsors was given a table where they provided information about their programs and resources related to meeting the needs of children/youth with emotional/behavioral challenges. Donations from the co-sponsors funded the location of the event, as well as a luncheon for all attendees. With some assistance from SAC, Dan donated copies of “*Who Cares About Kelsey*” to all members of the House and Senate committees on Education and Human Services. Feedback from SAC members, co-sponsors and participants was very positive and seemed to energize a broad group of stakeholders to continue working to ensure that the needs, including educational needs, of children with emotional/behavioral needs are met using evidence-based best practices. At the end of the event, all of the remaining refreshments were donated to the Friendly Kitchen in Concord to help feed families in need.

Documents related to the “*Achieving School Success for Every Child*” Day and Event, including: Publicity, the Governor’s Proclamation for the Day, the Press Release, and a Summary of the Event may be found in Appendix D.

Subcommittee Reports/Recommendations

Report/Recommendations from the Subcommittee on the Unmet Needs of Children/Youth with Emotional/Behavioral Disabilities, Including Children with Mental Health Issues, Children Subjected to Restraint/Seclusion and Incarcerated Students with Disabilities

Beginning in their first year, the subcommittee asked how multi-tiered systems of support (MTSS), including positive behavioral interventions and support (PBIS) can be offered statewide, but not mandated. They identified three critical issues in schools; bullying, school violence, and academic achievement, and believe that MTSS and PBIS can address all three.

The subcommittee also raised concerns with the use by some schools of “seclusion rooms” where children with disabilities, most often students in younger grades, are placed in seclusion as a consequence for inappropriate behavior(s) or failure to comply.

The subcommittee provided the full SAC with information and links to resources and data on: restraint and seclusion, removal from school, including through suspension and expulsion, and best practices, including the use of PBIS and MTSS. One program, funded by a small grant, was a behavioral health child program working with area agencies, early supports and services, behavioral health, and juvenile justice. It was noted that Santina Thibedeau, administrator for the Bureau of special education was part of this committee. Two other programs that were highlighted were PBIS and Project Renew, which helps to prioritize services and uses the “3-tier” approach. Collaboration between like-minded programs, including Systems of Care, PBIS/ Project Renew, and Children’s Collaborative are important.

The subcommittee believes that NH children with disabilities would benefit from a legislative initiative to have MTSS in all schools. The use of MTSS, including PBIS, in schools has been shown to have a positive correlation to student achievement and enhanced school culture for all students.

The subcommittee identified community awareness, particularly awareness of policymakers and special education stakeholders, as a key component in gaining support for programs, policies and initiatives to meet the needs of children with emotional/behavioral disabilities, including students/ youth at risk.

Dan Habib, filmmaker whose work includes the award-winning videos “*Including Samuel*” and “*Who Cares About Kelsey*”, was invited to speak to the committee at the January 2013 SAC meeting. Dan gave SAC members copies of both films so they could view them prior to the meeting, then at the meeting, showed several of the mini-films that accompany his “*Who Cares About Kelsey*” video and facilitated a discussion among SAC members about the topics raised in the mini-films.

Based on the enthusiasm Dan’s presentation generated, the subcommittee sought and gained the support of the full SAC to host a public awareness event featuring “*Who Cares About Kelsey*” and the accompanying mini-films. Members of the other two SAC subcommittees joined the “Unmet Needs” subcommittee in agreeing (by unanimous vote at the February 2013 meeting) that the full SAC should focus on this event.

The event, “*Achieving School Success for Every Child: Recognizing Innovative Systems of Supports*”, was held on May 1, 2013 at St. Paul’s Church across the street from the NH Statehouse.

SAC members, Senator Nancy Stiles and Senator Molly Kelly offered to sponsor the event, and were joined by co-sponsors from the Senate: Jeff Woodburn and Lou D’Allesandro, and from the House of Representatives: Mary Gile, Cindy Rosenwald, Jim MacKay, Lisa DiMartino and Maryellen MacKay. SAC members were honored that the chairs of both the House and Senate committees responsible for education policy, and members of the general court representing both parties served as sponsors for the day.

SAC invited organizations and agencies whose mission aligns with the goals of the SAC, and with the “*Achieving School Success for Every Child: Recognizing Innovative Systems of Supports*” event to partner with the committee in making the day a success. SAC members provided home-made refreshments and organized the event, while partner agencies/organizations made a donation, which funded the remaining refreshments and costs related to renting the site. All partners also displayed materials and resources to increase attendees’ awareness of the issue of the unmet needs of students with emotional/behavioral disabilities and of the services/programs available to the students, their families and providers.

In addition to organizing the event and providing refreshments, SAC members provided support for Dan, guest speakers and attendees. They set up and organized the space and helped to generate discussions following each mini-film. Prior to the event, SAC members drafted the agenda for the day, developed a press release and other informational materials, and arranged for guest speakers.

The event included introductory and informational speakers, then showings of Dan Habib’s mini-clips, each followed by a discussion period facilitated by Dan and experts in the area of multi-tiered systems of support. The day ended with a showing of the full *Who Cares About Kelsey* video.

Additional information may be found in the section on Activities/ Accomplishments of the SAC (page 11) and in Appendix D.

In the second year covered by this report, the subcommittee continued their work, with a particular focus on expanding the use of MTSS.

The letter on the following page was sent to the Commissioner as a result of the work of the subcommittee on the unmet needs of children/youth with emotional/behavioral disabilities

Virginia Barry, PhD, Commissioner
Department of Education
101 Pleasant Street
Concord, NH 03301

Re: State Advisory Committee Recommendation on *Multi-Tiered System of Supports*

Dear Commissioner Barry:

The State Advisory Committee (SAC) on the Education of Children with Disabilities, a diverse 41-member committee, which has a federal and state statutory mandate to advise the Department on the unmet needs of students with disabilities, made the following recommendation at its March 2014 meeting.

The State Advisory Committee on the Education of Children with Disabilities recommends that the Commissioner of the NH Department of Education (NH DOE) adopt and pursue a goal that all NH schools implement, with fidelity, evidenced-based multi-tiered systems of supports with systems data, and practices which encompass academic, social, emotional and positive behavioral components. Examples include but are not limited to Positive Behavior Interventions and Supports (PBIS), Multi-Tiered System of Supports (MTSS) and Response to Intervention (RTI). We encourage the Commissioner of the NH DOE to pursue all policy and funding opportunities including federal and state grant and legislative opportunities.

All present voted in the affirmative, two abstained, and none voted in the negative.

While the proposal originated with the subcommittee focused on the needs of children with emotional/behavioral and mental health challenges, the MTSS/PBIS approach is of course one of universal design applicable to, and beneficial for, all students. We know the Department has been and is committed to these evidence-based and widely acclaimed practices. The thrust and intent behind this recommendation is to assure that MTSS becomes permanently embedded as part of the state/local educational infrastructure and scaled up to and within all schools in the state as opposed to being pilot based, reliant on federal or other episodic grants and therefore often fleeting.

We look forward to your response to the recommendation and would also invite you to attend one of the SAC meetings at your convenience to discuss the recommendation and your response and hopefully proposed actions steps. Additionally, the subcommittee and/or the chairs of both the full SAC and of the subcommittee whose work led to this recommendation would be happy to meet with you to discuss ideas or actions. Terry Stafford at the Bureau of Special Education provides clerical support to the SAC and could facilitate your contact with either or both of us.

Sincerely yours,

Bonnie Dunham, Chair

Richard Cohen, Subcommittee Chair

cc: Tom Raffio, Chairman of Board of Education
SAC members; Santina Thibedeau

Report/Recommendations from the Subcommittee on Secondary Transition

The subcommittee on *Secondary Transition* met over both years 2012-2013 and 2013-2014. They had developed questions, which they used to structure their work, and identified resources and best practices, which they added to during the time period covered by this report. Members of the subcommittee noted that they found the input and perspective of the student/youth members, Kestrel Cole-Mcree, John Jackson and Patrick and Jack Curtin, of the subcommittee to be invaluable.

Questions developed by the committee:

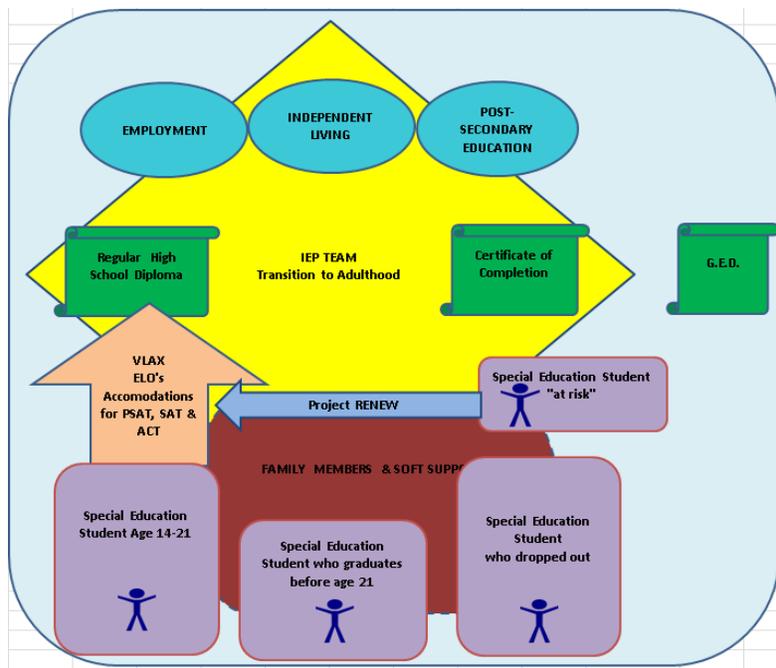
- Need for more comprehensive information – Where to obtain this information?
- Unknown Programs – What’s available and to who? How to access various programs?
- How is a transition plan developed; and how is the plan implemented?
- What strategies ensure that the plan is worded clearly so that it can be understood by everyone who will be providing services, as well as the student and his/her parent(s)?
- What does a “good” transition plan look like? What are some common factors in transition plans that are most effective?
- What are the roles and responsibilities of the different stakeholders?
- What are some ways to involve student in developing his/her transition plan?
- What can be done if the school district doesn’t create or implement the transition plan?
- When should various stakeholders, such as vocational rehabilitation and other adult service providers, be involved; who identifies them and invites them?
- Do students and parents generally understand the transition plans? How can this be assured?
- How does transition planning vary depending on a child’s specific disability (given that there may be different resources available to the student when he/she completes high school)?
- Where can the IEP team obtain baseline information to understand the student’s needs, strengths, etc.?
- How do you integrate Career and College Readiness Common Core into a transition plan?
- Where can teachers, students and families get information to help with transition planning (i.e. a resource list)?

The subcommittee identified some best practices from their research and personal experiences:

- It is beneficial for the student that the IEP team start discussing (informal planning) transition planning earlier than is required (before the child turns age 14)
- Transition plans need to be comprehensive and specific (individualized) for each person.
- Students, parents and other members of the IEP team need user-friendly information about secondary transition:
 - Timelines for when transition planning needs to happen; should include specific timelines for check-ins and updates/revisions as needed.
 - Resource lists of programs, services, etc. that is readily accessible to students, parents, educators and others.
 - Frequently asked questions (FAQs) that parents and their sons/daughters with a disability should ask during the transition planning process.

- Information about transition planning and transition requirements should be included in higher education teacher prep programs.
- School staff should assist the student and parents in understanding the transition plan.
- Team members should have a clear understanding of all of the agencies that could be involved in transition planning and providing transition services.
- There should be a specific “go to” person within the school district for each student’s transition plan who can support the student and assist him/her in understanding the process and plan, and who can serve as a resource for other members of the IEP team.

The subcommittee determined that knowledge of resources would be most helpful to students with disabilities, their parents and other IEP team members as they plan for the youth’s transition from high school. Subcommittee member Ellen Boudreau used the input provided by other subcommittee members and developed a first-draft of a transition flow chart that showed the various resources that could be used to make informed decisions as they participate in the transition planning process. Below is the first page of this draft chart. Subsequent pages provide greater depth for each category (e.g., the page on employment lists resources that may support a student in exploring and obtaining employment).



At the June 2014 SAC meeting, Ellen Boudreau reviewed the draft flow chart for the full State Advisory Committee and led the subcommittee in soliciting input from the SAC. A category for military service was suggested, as well as numerous specific resources. SAC Members were invited to email their suggestions to the subcommittee, which hopes to continue honing the chart next year, with assistance from the NH DOE, then developing, with the assistance of the full SAC, a list of dissemination strategies, which they hope will include the NH DOE website and websites from special education stakeholder groups. After the subcommittee asked if the NH DOE website has a student portal, the youth/student members of the subcommittee led a brainstorming session that included as potential mechanisms to disseminate the information in the chart: resource books that are formatted so as not to be overwhelming to student readers, a website or web page for youth, and most exciting, an “app” that would provide students and others with ready access to this information in a format with which they are most likely to be comfortable and familiar. This option, as well as other web-based options would allow users to drill down to the level of information that meets their needs, including descriptions of each resource, applicable contact information, and recommendations for additional relevant resources.

Report/Recommendations from the Subcommittee on Special Education Financing/Funding

The subcommittee recognizes the significant impact of special education funding, and in particular the insufficiency of special education funding, has on the ability of school districts and the state to meet the needs of children with disabilities. As a first step in understanding special education funding and the barriers it poses for NH, school districts, families and students, the subcommittee generated a list of issues related to the topic:

- CAT AID –
 - It is seriously underfunded;
 - Funding uncertainties make it impossible for school districts to plan their budgets; and
 - School districts find the process to be time-consuming
- Meeting the needs of children with disabilities who are homeless (requires additional costs)
- Providing FAPE to students with disabilities enrolled in chartered public schools
 - SAC would like to be included in any work group/committee considering this issue
- Differences in how grants are allocated (i.e. Medicaid vs. McKinney-Vento)
- Medicaid-to-Schools funding
 - After SAC requested that the Commissioner of the NH Department of Education work with the Commissioner of the NH Department of Education to clarify some language in the Medicaid rules that parents of children with disabilities, advocates and others found to be confusing, and that would discourage parents from allowing their school district to use their child's Medicaid to help pay for medically-necessary services the child received as part of their special education program, SAC was pleased that, with input from both Departments and stakeholder groups, the legislature was very responsive in addressing this concern.
- The stigma experienced by families of children with disabilities (especially during municipal budget or school district budget meetings) because of the cost of special education and the lack of awareness of the funding sources that support special education
 - We found that this issue is intensified because of the funding and reimbursement processes. Funds spent by communities to support special education are obvious, but the taxpayer may believe that it is a one-way street. They know that funds are spent, but generally not aware that some of those funds are reimbursed. It is problematic that when special education funds are reimbursed to the city/town by Medicaid or some of the other sources, those funds do not go into the school budget, but are diverted to the municipal budget. The subcommittee believes that a solution may involve statutory changes in how reimbursements are made, or requiring that reimbursements be clearly outlined when the school budget is published.
- Out-of-district funding / Rate setting, including questions with the way rates are set by the NH DOE and problems that arise if there are changes mid-year
- The subcommittee noted the importance of any attempts to “fix” special education funding concerns being cognizant of potential unintended consequences and felt that this could best be accomplished by including SAC/stakeholder groups in the planning
- Special education funding in the context of all education funding and disparities between communities. In some school districts there are higher percentages of students with very extensive needs. These districts, particularly those that are small and with fewer funding resources, tend to also have higher rates of staff turnover (staff tend to transfer to districts where they have the demands/ stress is less and the compensation greater).

While the subcommittee believes that they need more time to fully consider this issue, the following are some preliminary recommendations:

- Gather information on funding facts, resources, data (the subcommittee has begun this)
- Provide user-friendly/easily understood information tailored to various stakeholder groups (school districts/boards, community members, etc.). The subcommittee has identified a document that may serve as a starting point for this effort. It is important that this information be clear, comprehensive and able to make this complex subject accessible to various groups. This information should be made available through the NH DOE website, school districts, brochure/print materials, and other venues, including utilizing stakeholder groups for outreach.
- Ensure that information presented includes the costs of not meeting the needs of students with disabilities (including benefits of early education, reducing the number of drop-outs, and rates for graduates/non-graduates for employment, reliance on social services, incarceration, etc.)
 - Success stories can help demonstrate the impact of special education services, showing the return on a school district's/community's investment
- Given the known individual, societal and financial benefits of early intervention (family-centered early supports and services), help parents be aware of and comfortable with accessing the special education process. This is particularly important for parents who experience their own barriers to accessing this information (e.g. parents with a disability, with limited English proficiency, parents from lower socio-economic backgrounds, parents who did not graduate from high school and/or college, and parents from the most rural or isolated areas of NH).
- Providing parents, whose children are or may become eligible for Medicaid, with user-friendly information about the benefits (and lack of risks) involved in allowing school districts to utilize their child's Medicaid to help fund the special education services their child receives.
 - On a related issue, parents and school districts find the amount of time to be very frustrating and excessive to obtain medically-necessary technology/devices that also are a necessary component of a child's special education program through Medicaid (school districts report that there are too many "hoops" to jump through).
- Have people from the NH Bureau of Special Education speak about funding sources, cost containment and cost recovery to the groups that would benefit from this information.
- Consider suggesting legislation to:
 - increase funding for special education and/or to distribute funding equitably;
 - meet the disparate needs of smaller and high-need school districts, including those with the highest percentages of children with intensive special education needs;
 - make the link between the funds spent by a community to provide special education and related services and the funds reimbursed by Federal and State sources, including Medicaid-to-Schools, CAT aid, court-ordered placements, etc., obvious to the people paying for these services (i.e. through the school budget process); and
 - address any barriers that prevent RSA 198, which includes a provision for interest-free bridge loans for school districts that have students with IEPs that are very costly to implement, from fulfilling its intended purpose.
- Continue encouraging the full-funding of IDEA to the level originally promised.

Report/Recommendations from the Subcommittee on the Failed Implementation of IEPs

The subcommittee identified that a barrier to understanding the issue and its prevalence is the lack of data specifically related to occurrences when IEPs are not implemented. This is further complicated by the fact that parents are often not aware that their child's IEP is not being fully implemented, or become aware only after a time period when the child has not received services has passed. This leads to frustration and mistrust by families. The subcommittee also identified that students with complicated social or family situations are less likely to have parents who can help to monitor the implementation of their child's IEP. Ensuring that parents have knowledge of and access to training opportunities is one way to ameliorate this barrier.

The following letter and supporting documentation was sent to the Commissioner as a result of the work of the subcommittee on the failed implementation of IEPs

July 18, 2014

Commissioner Virginia M. Barry
NH Department of Education
101 Pleasant St.
Concord, NH 03301-3860

Dear Commissioner Barry,

On behalf of the NH State Advisory Committee (SAC) on the Education of Children with Disabilities, I am pleased to submit to you the enclosed recommendations by the Committee. They are intended to help address issues that the Committee has discussed regarding implementing IEP services in NH public schools. By implementing these recommendations, we believe the Department will better meet the needs of NH students with disabilities.

Sincerely,

Bonnie Dunham, Chair
NH State Advisory Committee on the Education of Children with Disabilities

Enc. – Recommendations, Copenhaver letter, Proposed Recommendations from HB661 Report

**RECOMMENDATIONS BY THE NH
STATE ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN WITH DISABILITIES
REGARDING
MEASURES TO PREVENT AND ADDRESS
FAILURES OF SCHOOL DISTRICTS TO IMPLEMENT IEP SERVICES**

ACCEPTED BY SAC AT ITS MEETING ON 4/2/2014

In 2012-2103, NH's State Advisory Committee (SAC) on the Education of Children with Disabilities identified "failure to fully implement IEPs" as one of our priority issues. The SAC is a statutorily mandated committee made up of parents of children/youth with disabilities, individuals/ students with disabilities, educators, school and special education administrators, policymakers, and representatives from various state educational, human service, and advocacy agencies and organizations involved in the education of children with disabilities. A number of SAC members brought up this issue based on their own experiences and their observations and input from other parents with whom they had interactions. Concerns had been raised about what happens when a child does not receive all of the services in his/her IEP; how to know, when such an incident is identified, whether it is a singular occurrence or a systemic issue; and what resources and/or strategies might reduce the incidence of IEPs not being fully implemented. Anecdotal input indicated that there are problems of this nature in regions across the state. Recognizing that this is a complex issue, it was assigned for consideration to a dedicated SAC subcommittee. Based on the work of this subcommittee, the SAC is making the following recommendations to the Commissioner of the NH Department of Education, Virginia Barry.

SAC believes the following recommendations have the potential for helping to address some significant unmet needs of NH students with disabilities. Recognizing the limited resources of the state and local school districts, we anticipate that these recommendations could be implemented within the structure of the existing systems. Although it would be helpful to have more than anecdotal evidence about the extent to which services in students' IEPs are not implemented, we are not at this time recommending that performance in this regard be better quantified or included in the State's special education routine monitoring and data collection systems. We are recommending some limited monitoring by the State only when a complaint filed through the State's formal complaint process results in a finding that services in a child's IEP were not provided or services were not fully implemented. SAC's recommendations specifically focus on the failure to implement IEP *services* as opposed to educational accommodations that are also included in IEPs. While SAC understands there may be issues related to other aspects of student IEPs, such as the provision of accommodations and students' achieving the goals in their IEPs, the scope of the SAC subcommittee's work was limited to considering the failure to implement *services* that are included in a child's IEP.

Please note that these recommendations are being made in an effort to help improve outcomes. SAC wishes to express our high regard for the NH Department of Education, Bureau of Special Education and our appreciation for the Bureau's efficiency in and devotion to their mission of improving educational outcomes for children and youth with disabilities.

Recommendations:

1. SAC supports the development of **contracts**—statewide, in regional collaboratives, and/or in individual school districts—for deploying temporary professional personnel responsible for delivering IEP services when there are position vacancies that cannot be immediately filled due to well-recognized personnel shortages in their professions. SAC recommends that:
 - a. the NH DOE establish, by **March 1, 2015** resources and guidance for school districts that will facilitate the development of these contracts.
 - b. this guidance be put in the form of a memorandum from the Special Education Bureau Director or Commissioner of Education to all local education agencies, including school district and special education administrators.
2. To address long-term, systemic professional personnel shortages, the SAC urges the NH DOE to implement the **personnel shortage recommendations** in the 2011 HB 661 Commission report. A copy of the recommendations is attached. The SAC recommends that, by **October 1, 2014**, the NH DOE has an action plan that identifies steps already taken and specifies timelines, persons responsible, resources, and activities for implementing the recommendations as they pertain to professional personnel shortages reported in special education programs in NH.

3. SAC recommends that the NH DOE Special Education **website** include a page (or a link to another website) that provides guidance to IEP teams in NH to help them ensure the following:

- IEPs are fully implemented on a timely basis
- Parents/legal guardians are informed/kept current about any IEP services that the student has/has not received
- When issues arise that impede the implementation of a child's IEP services, the child's parent(s) are informed and given the opportunity to be involved in resolving the problems / barriers that are causing these issues
- School districts understand and have access to resources for implementing strategies that address staff shortages and other challenges that impede the implementation of students' IEP services, including contracts for temporary professional personnel as described in Recommendation 1 above.

"It is far more effective to engage in preventative problem-solving than to address problems after they develop" (p.149). Theories of conflict interaction suggest that once a problem arises, parties are likely to act defensively, thus setting up a dynamic of competition, not cooperation.

<http://www.directionservice.org/cadre/pdf/Encourag>

SAC recommends that this online guidance be developed by DOE staff by **December 31, 2014** in collaboration with, or with input from SAC, along with other stakeholders including the Parent Information Center, NH Association of Special Education Administrators, Disabilities Rights Center and NH School Administrators' Association. The guidance will be easily accessible by parents and other IEP team members, and it will be in the form of tips or FAQs (Frequently Asked Questions) that are practical and simple to understand. The SAC recommends that the guidance incorporate already-available resources such as a link to the website for the National Center on Dispute Resolution in Special Education (CADRE) The following are a few examples of tips that could be included:

- For students who experience significant communication impairments or who are nonverbal, the team develops a daily communication log that includes a checklist of the IEP services that the student receives during the school day.
- A description of the circumstances under which missed IEP services must be made up. The attached "Copenhaver" letter of March 2008 outlines these circumstances in sufficient detail.
- A sample protocol for local educational agencies to follow in the event that an IEP service is not implemented because of a personnel vacancy. The sample protocol might include sample communications with families that promote transparency and family input in developing timely solutions for any interruption in implementing IEP services. These solutions might include
 - employing or contracting with temporary staff, and a fast-track recruitment plan that, for example, may pursue several sources of staff recruits simultaneously
 - options for making up missed IEP services as soon as possible and/or increasing their frequency once the vacancy is filled
 - partnering with, or utilizing services from community-based agencies, organizations and facilities, including area agencies, local hospitals, professional organizations and collaboratives
 - reimbursing families for replacement IEP services obtained in the private sector

4. SAC recommends that the NH DOE develop or highlight procedures as part of their monitoring responsibilities to ensure that when, through **the special education complaint process**, there is a determination that one or more service included in a student's IEP has not been fully provided:

- a. There is an immediate inquiry to determine whether the failure to provide the service(s) was systemic in nature (not isolated to that one student)
- b. Corrective action is taken in each case (the original complaint filed and any additional situations discovered through the complaint investigation) in which it is found that a child's IEP was not fully implemented. Consideration will be given to whether compensatory services are warranted.
- c. The determination that there was a systemic failure to implement IEPs shall result in (a) technical assistance from the NH Department of Education to address the causal factors that led to the IEPs not being implemented and/or (b) increased program support/monitoring of the school district's special education program by the Department, until the issues have been resolved.

Dated March 11, 2008

Dr. John Copenhaver
Director
Mountain Plains Regional Resource Center Utah State
University
1780 North Research Parkway, Suite 112 Logan, Utah
84341

Dear Dr. Copenhaver:

This letter is in response to your electronic mail (email) correspondence dated December 5, 2007, in which you ask whether the guidance provided in an April 10, 1995 letter to Ms. Kathy Balkman (attached) regarding making available a free appropriate public education (FAPE) to children with disabilities remains the Department's position.

Upon review of this letter, with the caveat that, of course, the citations would change pursuant to the 2004 Amendments to the Individuals with Disabilities Education Act (IDEA), the responses to the scenarios presented in this letter remain consistent with IDEA and continue to reflect the Department's position.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

If you have additional questions, please do not hesitate to contact Dr. Deborah Morrow, of my staff, at 202-245-7456.

Sincerely,

/s/

William W. Knudsen
Acting Director
Office of Special Education
Programs

Dated April 10, 1995

Ms. Kathy Balkman
Director
Special Education Services
Greenwood Public Schools
44 East Gary
Greenwood, Arkansas 72936

Dear Ms Balkman:

This is in response to your letter of December 16, 1994 in which you request clarification regarding the district's responsibility to provide special education services as specified in Individualized Education Programs (IEPs). Part B of the Individuals with Disabilities Education Act (Part B) requires each local educational agency (LEA), along with the State educational agency (SEA), to ensure that a free appropriate public education (FAPE) is made available to all children with disabilities within the school district. As you know, development and implementation of the IEP in accordance with Federal regulations in 34 CFR 55300.340-300.350 is essential to fulfilling the requirements concerning FAPE. In particular, 34 CFR 5300.346(a) states that the IEP for each child must include, among other components, a statement of the specific special education and related services to be provided to the child, the projected dates for initiation of the services, and the anticipated duration of the services.

Your letter presents 4 scenarios and asks about the extent of a school district's responsibility to provide FAPE to students in those situations. A school district's responsibility in the four situations you addressed is to ensure that FAPE is made available in accordance with the IEP. In general, however, decisions regarding the school district's responsibility would be determined on a case-by-case basis in consideration of the facts specific to each case.

Specifically, you presented the following scenarios:

1. The student is ill, not present at school.
2. The student does not attend school because of a field trip or other school related activities.
3. The student does not attend school due to family or parent initiated activities.
4. School personnel such as physical therapists or occupational therapists are attending professional conferences or other school related activities.

Scenarios nos. 1 and 3 appear to describe situations where the student is absent from school because of the family's or physician's decision that the student not attend school. In the situations presented by these scenarios, the general rule is that if the school district makes IEP services available to the student at the normally scheduled time, the school district is not obligated to make other arrangements to provide services if the disabled student is absent from school at that time for reasons other than his or her participation in school-sponsored activities. However, Scenario No. 1 could also describe a situation where a student is absent from school for a prolonged period of time, or there is a pattern of repeated short-term absences from school, for reasons associated with the student's disability. In either of these situations, it may be appropriate for school officials to conduct a meeting to review the student's current IEP to determine if it is necessary to modify the student's current program or placement.

Scenarios Nos. 2 and 4 appear to describe situations where the student cannot receive the services in his or her IEP due to reasons associated with participation in school-sponsored activities or the unavailability of needed personnel. In those instances where a disabled student does not attend school in order to participate in school-related activities such as field trips (Scenario No. 2), the school district generally will be responsible for making alternative arrangements for providing IEP services. If participation in the school activity is mandatory, the school district must arrange to provide the services specified in the student's IEP so that the student can receive the IEP services and participate in other required school activities. Similarly, the provision of special education services should not operate to preclude disabled students from participating in optional, school-related programs or activities in which nondisabled students regularly take part. (See 34 CFR §300.306 which requires that disabled students be afforded an equal opportunity to participate in nonacademic or extracurricular activities).

Scenario No. 4 could describe a situation where the unavailability of school personnel means that IEP services are not made available at the regularly scheduled time. If this is so, the school district would be required to make other arrangements to provide the services at that time or reschedule the required IEP services in order to meet its responsibility of providing FAPE to that student in accordance with his or her IEP.

Page 3 - Ms. Kathy, Balkman,

I trust that this information is helpful in confirming your previous discussions with Dr. Kienas concerning these same issues. If this Office can be of further assistance, please let me know, or feel free to contact Dr. Kienas at (202) 205-9057.

Sincerely,

/s/

Thomas Hehir
Director
Office of Special Education
Programs

Enclosure

cc: Dr. Diane Sydoriak

Personnel Shortage Recommendations from HB 661 Report

1. Encourage LEAs and regional providers to support future educators and related services providers through mentoring, internships, and collegial forums during their training programs, and provide financial support for existing staff to enroll in programs within critical shortage/low incidence/high need areas.
2. Recruit undergraduates to go into low incidence professions, let them know about financial aid/scholarship options, and provide opportunities for employment with an LEA or regional service provider after they graduate if they agree to work in the state for four years.
3. Provide induction support (like the "Clinical Fellowship Year" for speech-language pathologists) to new graduates
4. Link college students with internship or practicum sites.
5. Providers within The Technical Assistance and Professional Development Network (see description of The Network in the following section of this report) will guest-lecture/coteach in college classes.
6. The Network, together with its partner LEAs and regional service providers, will hold recruitment fairs at UNH and other institutions of higher education to encourage new graduates to work in NH.
7. Investigate formal partnerships among the state's institutions of higher education that will increase the pool of specialists working with low incidence/highly challenging need populations in NH.
8. Revise as necessary ED 500 and ED 600 to (a) assure that personnel standards for initial certification, for re-certification, and for certification through alternative means are appropriate to the needs of students with LID/HCN; and (b) to assure that those standards are aligned with the best practices recommended in this report and applicable national professional standards, especially with respect to dispositions, knowledge, and skills in the following areas:
 - a. Universal design for learning
 - b. The needs of students with autism spectrum disorders
 - c. Assistive technology
 - d. Augmentative and alternative communication
 - e. Positive Behavior Supports and Interventions, Response to Intervention, and other effective instructional and support practices
 - f. Secondary transition to inclusive community settings and typical adult roles
9. Recommend changes to higher education curriculum based on new personnel standards.
10. Establish a specialization in Augmentative and Alternative Communication for Speech-Language Pathologists to be administered by the NH Allied Health Board, based on guidelines from the ASLHA and the National Joint Committee for the Communication Needs of Persons with Severe Disabilities.
11. Establish a state license for Assistive Technology Specialists to be administered by the NH Allied Health Board, based on standards developed by the Rehabilitation Engineering and Assistive Technology Society of North America and the Council for Exceptional Children.
12. Establish an Associate's degree program in LID within the NH Community College System or other NH institutions of higher education as appropriate.
13. Enhance existing or create new articulations agreements among institutions of higher education to support a career ladder for professionals who provide services to and educate children with LID/HCN ages birth through age 21.
14. Revise as necessary RSA 190 to add to the membership of the Council for Teacher Education a higher education faculty member who specializes in one or more areas related to students with LID/HCN.
15. Re-establish the Consortium of Postsecondary Special Educators (COPSE) to serve as a clearinghouse of emerging research-based Best Practices.
16. NH Institutions of Higher Education, in cooperation with the DOE, shall implement a comprehensive marketing effort to increase awareness of reduced or free tuition scholarships and loan forgiveness programs in personnel preparation programs leading to certification or licensure in professions related to students with LID/HCN.
17. NH personnel preparation programs related to students with LID/HCN shall utilize distance learning and other delivery models to make those programs available to individuals from all geographic areas of the state.

Appendix A:

Membership, Roles and Attendance

A Copy of a Welcome Letter Sent to New Members

A Draft “Getting to Know the State Advisory Committee” Fact Sheet

Member and Membership Category	Member Was in Attendance for the Meetings Held in the Months Specified Below:																			
	Year 1: 2012 – 2013 (months listed below)										Year 2: 2013 – 2014 (months listed below)									
	9	10	11	12	1	2	3	4	5	6	9	10	11	12	1	2	3	4	5	6
Rep. Beth Arsenaault House Education Committee (vacant in 1 st year)																				
Representative Rick Ladd House Education Committee (vacant in 1 st year)											X									
Sen. Molly Kelley , Senate Education Committee												X								
Sen. Nancy Stiles , Senate Education Committee						X									X	X	X			
Bonnie Dunham, Chair Parent Information Center	X	X	X	X	X	X		X	X		X	X	X	X	X	X		X	X	X
Richard (Dick) Cohen Disabilities Rights Center				X		X	X	X	X	X	X	X	X	X	X	X	X	X		
Carol Conforti-Adams vocational, community or business org. concerned with the provision of transition services to students with disabilities(term began 5/13)									X	X				X				X	X	X
Joan Holleran State Education Official		X		X		X			X		X	X		X	X	X			X	X
Kerri-Lynn Kimner Special Education Teacher	X	X		X	X	X	X		X	X	X	X			X	X	X			X
Lynn Clough , Special Ed. Teacher (term began 3/14)																	X		X	X
Heather Worthen , LEA official who is an administrator (term began 9/13)											X	X								
Renee Sparks , Administrator of a public special education program (resigned 10/13)		X		X	X	X	X	X	X	X	X	X								
Jean Parsons , Administrator of a public special education program (term began 4/14)																		X	X	X
Michelle Rosado , DHHS, inv. in the financing or delivery of special education or related svcs. to children with disabilities	X	X		X					X	X				X	X	X	X	X		X
Janet Reed , private special education approved school	X	X	X	X	X		X	X	X		X	X	X		X	X	X		X	X
Eileen Liponis , representative of a public charter school	X			X		X														
Catherine Meister , DHHS, responsible for foster care	X	X	X			X	X	X	X			X	X	X	X	X	X	X	X	X
Lynda Thistle-Elliott , SEA official responsible for activities under the McKinney-Vento Homeless Assistance Act		X	X				X		X			X	X			X		X		X

Membership Status: As of June 15, 2014, SAC has 39 members (including 4 legislative members), plus 1 member who is on leave. The current membership meets the statutory requirement that a simple majority of members be individuals with disabilities or parents of children/students with disabilities. At this point, SAC has only one vacancy: a representative from the state juvenile agency. Additional parent(s) would help to ensure that SAC continues to meet the statutory requirement.

We wish to recognize SAC members whose terms have ended or who have moved on during this reporting period, for their service: Bob Blodgett, Kim Carpinone, Raymond Dailey, Stacey Dailey, Jenifer Evans, Rebecca Ladd, Gilbert Oriol & Renee Sparks; as well as Jeanne Saunders, special education administrator and SAC nominee.

We also want to give special recognition to Candace and Kestrel Cole-McCrea and Mike Pinard who had perfect attendance for 1 year during this reporting period. SAC members with 90% attendance for at least 1 of the 2 years of this reporting period are: Bonnie Dunham, Sue Marcotte-Jenkins, Catherine Meister, and Maureen Tracey.

Guests attending SAC meetings:

- Santina Thibedeau, Bureau of Special Education (September, October, November & December 2012; January, February, March, May, June, September, November & December 2013; January, February, March & May 2014)
- Samantha Brend, Vista volunteer with the NH DOE's Office of Homeless Education (November)
- Bridget Brown, Bureau of Special Education (May & December 2013; January, March & April 2014)
- McKenzie Harrington-Bacote, Bureau of Special Education (September 2013)
- Mary Lane, Bureau of Special Education (May & September 2013)
- Ruth Littlefield, Bureau of Special Education (November 2012; April & May 2013; September & May 2014)
- Diana Petschauer, NH Department of Education, NH AIM (February 2014)
- Mary Steady, Bureau of Special Education (September 2013 & June 2014)
- Ralph Tilton, Bureau of Special Education (November 2013)
- Stacey Welch, Bureau of Special Education (February 2014)
- Samantha Ahern from Souhegan HS, volunteer at the Awareness Event hosted by SAC (May 2013)
- Caroline Blasko, parent (January & June 2014)
- Zita Bodonyi (January 2014)
- David Boudreau, student (March 2013 & January 2014)
- Gary Carpenter, prospective SAC member (March 2014)
- Lynn Clough, prospective member (February & April 2014)

- Heidi Cloutier, prospective SAC member (November & December 2013)
- Barbara Cohen, professional development educator (February 2013)
- Carol Conforti-Adams, prospective SAC member (October 2012)
- Jack Curtin, prospective SAC member (February & April 2013)
- Jennifer Fischer, prospective SAC member (February & March 2014 – regretted that she was unable to join SAC)
- Tom Grinley, NH Dept. of Health and Human Services/Parent (September, October & November 2013; April, May & June 2014)
- Dan Habib, filmmaker in residence at the IOD, UCED, UNH (January & May 2013)
- Amy Kramer, special educator, Manchester (December 2012)
- Christine Lachance, Easter Seals (September 2013)
- Tamara Le, prospective SAC member (November 2013)
- Trisha Lynn, representing Daniel Tanguay, NHSP (December 2012)
- Michael Maroni, former SAC member & special education administrator (October 2012)
- Mike McGeehan, NH Department of Health and Human Services (November 2013)
- Eileen Mullen, Fostering Connections Program (November 2013)
- Maryellen Pantazis, prospective SAC member (September 2013)
- Alan Pardy, NH Association of Special Education Administrators (Nov. 2012; Sept. & Dec. 2013; Jan., Feb. & March 2014)
- Jean Parsons, prospective SAC member (March 2014)
- Denise Maher, prospective SAC member (November 2012)
- Daniel Ward, prospective SAC member (November 2012)
- Lauren Tracey, student from Merrimack, volunteer at the Awareness Event hosted by SAC (May 2013)
- Owen Tracey, student from Merrimack, volunteer at the Awareness Event hosted by SAC (May 2013)
- Members of ABLE NH (many also parents of children with disabilities) – Jeanne Haase, Lou Primmer, Tamara Lee, David Ouellette, Shawn Bertrand, Jennifer Bertrand, Jenn Pineo, Wendy Stuart, Karen Blake, Millissa Peterson, Jonathan Peterson, Josh Pelez, Rosa Deceream, Deborah Opramolla, Melissa Hilton, Thomas Grinley, Kristen McGraw, Deb Scheetz, Roberta Gallant, Issac Peterson, Erika Downie, Kirsten Murphy and Katie Epstein (April 2013)

Welcome Letter From the State Advisory Committee For Children with Disabilities

Advising the Governor and Legislature;

Per RSA 186-C:3-b

(SAC)

Dear _____,

As Chair of the NH State Advisory Committee (SAC) for the Education of Children/ Students with Disabilities, I want to welcome you to the State Advisory Committee for Students/Children with Disabilities. We are always glad when a new member joins, as we find that new members bring new points of view and backgrounds to our committee.

I understand that as a new member it can take a little bit of time to get acclimated and feel completely at ease at SAC meetings. I hope that this packet of material, and the SAC new member orientation (offered to all new members); will help make your entrance onto the committee a smooth and positive experience.

SAC meetings are currently held on the first Wednesday of each month during the school year, from 4:30 to 7:00 pm, at the Department of Education, in room 15. If the date or location of a meeting changes, members will be notified by email, sent by Terry Stafford. The “snow day” policy is to cancel the SAC meeting if the Concord school district has cancelled school or if they have cancelled evening activities. During the winter months, SAC schedules “snow days”, generally for the following Wednesday so that the monthly meeting can still be held. Any of SAC’s meeting policies, or meeting times may be modified by vote by the committee.

All SAC members serve on a subcommittee, which meets as part of our monthly meetings. Occasionally the SAC or a subcommittee may decide to hold a meeting or forum outside of the regularly scheduled meeting, in which case we understand if a member is unable to attend. Subcommittees focus on topics or priorities identified by the SAC membership. Members are encouraged to join a subcommittee based on their interests and experiences. SAC members often report that they find the discussions at SAC and subcommittee meetings to be very interesting and relevant to their personal or work experiences. We look forward to having you join us.

Again, WELCOME to SAC!

Bonnie A. Dunham, Chair

State Advisory Committee on the Education of Children/Students with Disabilities

Contact: bdunham@picnh.org

~ Draft Fact Sheet ~ Getting to Know

New Hampshire's State Advisory Committee on the Education of Children/Students with Disabilities



Who is the State Advisory Committee (SAC)?

The State Advisory Committee on the Education of Children/Students with Disabilities is a group of stakeholders who play an essential role, assisting the NH Department of Education by advising them about the unmet needs of children with disabilities. The SAC also promotes communication and cooperation among individuals involved with students with disabilities.

SAC is comprised of at least 50% parents of children with disabilities and individuals with disabilities (including students who are, or who have, received special education). Other members include educators, school administrators, legislators and representatives of agencies and organizations that support the education of NH children with disabilities. A complete list of members may be found on the SAC's page on the NH Department of Education's website at: http://www.education.nh.gov/instruction/special_ed/sac.htm.

Why does NH have a State Advisory Committee?

The Federal special education law, the Individuals with Disabilities Education Act requires every state to have a State Advisory Panel to advise the State Department of Education on the unmet needs of children with disabilities.

What are the State Advisory Committee's responsibilities?

SAC's responsibilities include:

- Advise the NH Department of Education (DOE) regarding the unmet needs of children with disabilities within NH;
- Provide an annual report to the Governor and the State Legislature on the status of education of students with disabilities in NH;
- Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities;
- Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under the Individuals with Disabilities Education Act (IDEA);
- Advise the DOE in developing corrective action plans to address findings identified in federal monitoring reports;
- Advise the DOE in developing and implementing policies relating to the coordination of services for children/students with disabilities;
- Advise the DOE on the education of eligible incarcerated adult students with disabilities; and
- Reviewing the federal financial participation and the level of state funding to determine their impact on the programs and delivery of services to children/students with disabilities throughout the state.

How can I learn more about the SAC?

Additional information about the State Advisory Committee, including a schedule of upcoming meetings and minutes from previous meetings may be found on the SAC's page on the NH Department of Education's website at: http://www.education.nh.gov/instruction/special_ed/sac.htm. Email inquiries may be made to the SAC chair at: SAC_Chair@doe.nh.gov. Individuals without email access may call the NH Department of Education's Special Education Bureau at (603) 271-3741 to relay a message to the SAC chair. All meetings are open to the public and include opportunities for public comment.

Appendix B:
Template for Meeting Agenda
and
Summary of SAC Meetings Held During this Reporting Period

State Advisory Committee (SAC) For the Education of Children with Disabilities

Advising the NH Department of Education per RSA 186-C:3-b

[Date] – 4:30pm to 7:00 pm – NH Department of Education, Room 15

AGENDA

4:30 – Welcome and Introductions
Approval of minutes

4:45 – Public Comment

5:00 – Updates on Legislation and from SAC Liaisons
Correspondence
Announcements
Current Events

5:30 – Bureau Update

6:15 – Subcommittees Meet & Report Back

- Secondary Transitions
- Under-identification / unmet needs of children with mental health or emotional/behavioral disabilities
- Failed implementation of IEPs

6:45 – Old Business
New Business
Emerging Issues

6:55 – Public Comment

7:00 – Adjourn – *next meeting [Date & Time]*

Meeting Norms

- Avoid acronyms (e.g. explain agency roles and responsibilities)
- No sidebar conversations
- All members should feel comfortable to ask questions
- Respect group time (keep meetings to 2½ hours)
- Be mindful of others' communication needs
- Be “present”. Stay on topic, be respectful of others
- Protect agenda time for subcommittee work
- Allow for processing time before asking members to make decisions (check in)
- Be welcoming of all public participation
- Focus group efforts on SAC responsibilities

The State Advisory Committee's responsibilities include the following.

- Advise the New Hampshire Department of Education regarding unmet needs within the state related to the education of children/students with disabilities.
- Provide an annual report to the Governor and the State Legislature on the status of education of children with disabilities in New Hampshire.
- Comment publicly on the state plan and rules and regulations proposed for issuance by the state regarding the education of children with disabilities.
- Assist the state in developing and reporting such information and evaluations as may assist the US Secretary of Education in the performance of responsibilities under Section 618 of the Individuals with Disabilities Act.
- Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports.
- Advise the Department of Education in developing and implementing policies relating to the coordination of services for children/students with disabilities.
- Advise the Department of Education on the education of eligible children with disabilities who have been convicted as adults and incarcerated in adult prisons.

Summary of SAC Meetings Held During this Reporting Period

Every SAC meeting began with a welcome, introductions and approval of minutes.

Public comment was held at the beginning and end of each meeting. A summary of the public comment received at each meeting –

September 2012

- Candace Cole McCrae, SAC member, announced that her son and fellow SAC member Kestrel Cole-McCrae has advanced to Flight Commander with the Civil Air Patrol. Congratulations!
- Eileen Liponis, Director of the NH Chartered Public Schools Association and SAC member, spoke of problems regarding children with disabilities in Charter Schools (i.e. parents being talked out of having an IEP for their child, etc.). The group made several suggestions, including giving teachers at Charter Schools some talking points or training (Candace suggested PIC as a resource). Santina explained the status of Charter Schools (they are public schools) and that the district where a child with disabilities resides is responsible for providing / arranging for the child's special education services (SB 300).

February 2013

- A parent (she did not wish to share her name) shared her concerns about her school district

April 2013

- Several members of ABLE-NH (Advocates Building Lasting Equality) provided their experiences with restraint and seclusion and their own children. They requested that SAC look at restraint and seclusion as a priority issue for the following year.
- In accompanying letters, parents wrote about their concerns with their children being subjected to restraint/seclusion –

– Expressing their understanding of the complexity of the issue –

- “While I understand staff was trying to keep [our child] safe...”
- “The status quo is not working and schools struggle with this nationally.”

– Of wanting to address their child's underlying behaviors (which their child may not be able to express on his/her own) –

- “[My child's] behaviors are not the problem. They are a symptom of the problem. Her complex communication challenges are the problem ...”
- “My [child's] behaviors were communicating something, and that was the key to helping him ... and the school was interested in extinguishing the behaviors.”

– *Emphasizing the need for parents to be notified right away* –

- [Following a restraint incident] “we didn’t receive a call until after 2 pm the following day and were therefore unable to address [our child’s]] emotional and possible medical needs the day of the crisis. Parents cannot & should not have to wait up to 24 hours to be notified. . . . It’s important that schools provide timely and transparent communication from the adults who work with kids like [my child] to relay important information. Parents depend on it when their child cannot communicate clearly.”
- “We found out via neighbors and substitute teachers about [my child’s] meltdowns, instead of the professionals in charge, whom we asked specifically.”

Excerpts from recommendations to the SAC (April 3, 2013) by 2 ABLE NH chapters:

- “To recommend a new law and/or regulations regarding ‘seclusion’.” “To recommend clarification regarding what is meant by ‘serious injury’ and ‘serious imminent physical harm’ and provide examples of when and when not to use restraint to ensure it is only used in absolute cases of emergency.”
- “Restraint and Seclusion practices only to be used in extreme emergencies and not used as behavioral interventions in IEPs”
- “To recommend a more comprehensive reporting system for all incidents of restraint and seclusion, and in cases of multiple incidents, to trigger an automatic and thorough independent review process that includes the child’s parent(s) or a child representative.”
- “Parents should be verbally notified immediately following each instance (just like a medical emergency) in which restraint or seclusion is used with their child” “[change] RSA 126-U to say ‘within an hour’ instead of up to 24 hours’.”
- “The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual should trigger a review.”
- “Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as utilizing the IOD, Gentle Teaching methods, and other positive strategies . . . to effectively address the underlying problem and to allow a child to communicate their needs to the fullest extent possible before SAR is used.”
- “To recommend requirements for regular training on appropriate use of effective alternatives to restraint and seclusion, as well as training to effectively address underlying problem(s)”

December 2013

- Carol Conforti-Adams brought up an issue regarding health confidentiality.
- Joan Holleran and Renea Sparks spoke to the hard job that special education directors have and how well they do it. Joan also praised school districts based on how few complaints the NH DOE receives. Several parent members of SAC suggested that parents may be afraid to file a complaint for fear of retaliation.

January 2014

- Alan Pardy reported on an issue with a potential impact on the Medicaid to Schools Reimbursement Program. Alan discussed concerns that have been raised with the definition of “duplicative services” in the Medicaid rules, specifically the potential for misunderstanding the meanings of two phrases, “same functionality” and “same period of time” in that definition. Alan questioned how this might impact families whose children receive Medicaid-funded services at both home and school, and whether families’ concerns may lead them to revoke their consent for their school districts to utilize their child’s Medicaid, which provides school districts with \$20 million per year to help pay for medically necessary related services for eligible children with disabilities. NHASEA will be writing a letter to the Commissioner of the NH Department of Education asking her to work with the Commissioner of the NH Department of Health and Human Services to issue a joint memorandum clarifying the issue. Alan asked SAC if we would also write a letter to the Commissioner.

March 2014

- Jennifer Bertrand (parent who is affiliated with ABLE NH) has been working with Mike Skibee at the DRC. She reviewed the Senate Bill 396 and the use of restraints in schools. She asked if SAC could make a recommendation or provide testimony at the next hearing. She also encouraged SAC members to contact their Senators.
- There was also discussion on changes that had been made to on the NH Department of Safety law regarding private special education schools where any staff members who transport students have to be certified with bus certified transports. Equipment also needs to be up to bus level code. A concern was raised with how this will affect programming at the schools, as well as with the financial and staffing implications.

Legislative Update – Each meeting included an update of relevant pending legislation and items of interest to the committee from upcoming meetings of the State Board of Education.

House or Senate representatives to SAC are always invited to share information about upcoming bills/activities with the SAC. The committee was pleased that Senators Nancy Stiles and Molly Kelly, and Representative Rick Ladd were able to attend several SAC meetings.

A handout, which includes for each bill that may impact special education, the bill number, title, sponsor(s) and analysis from the NH General Court’s website, as well as dates and locations for upcoming public hearings, work group meetings, executive sessions, or full House or Senate sessions is distributed monthly. The monthly report also included the names of members of the House and Senate Education, Health and Human Services, and Finance committees.

For the benefit of SAC members, Santina Thibedeau gave an overview of how to submit comments either verbally or in writing, and cautioned that unless sanctioned by a vote of SAC, members may only speak as individuals and not as representatives of SAC. Bonnie Dunham shared a user-friendly resource from the Parent Information Center, “*Golden Rules for Dealing with Elected Officials*” (see Appendix C). A summary of the legislation followed by the SAC during this reporting period, including the outcome or status of key bills is included in Appendix C.

SAC provides public comment on rules and actively followed changes that were made to NH's special education rules, and to the minimum standards for education. One component of the minimum standards had a direct impact on the ability of students with disabilities to enroll in career and technical education programs, and to receive necessary supports, accommodations and modifications. SAC members were provided with information to share with their stakeholder groups to increase public awareness and participation in problem-solving related to this issue.

Although SAC members were very interested in many of the bills heard during this reporting period, including bills related to special education funding, restraint and seclusion, and monitoring, SAC performs an advisory role and only rarely, and only with an affirmative vote by the SAC membership at a meeting, provides testimony on a bill.

During the 2013-2014 year, SAC voted to support only two bills as a body:

- SB 396, relative to child restraint practices – At the April 2, 2014 meeting, SAC members voted (with 4 abstentions) to support the bill.
- SB 414, relative to Medicaid-funded services provided as part of a child's special education program – Even before this bill was filed, SAC voted to take action in response to concerns heard from parents and school administrators about changes in the Medicaid Rules that might make parents reluctant to allow their school district to utilize their child's Medicaid to help fund eligible medical services the child receives as part of his/her special education program. At the January 8, 2014 meeting, SAC members present unanimously voted to make the following request to the Commissioner of the NH Department of Education:

The State Advisory Committee (SAC) on the Education of Children/Students with Disabilities requests that the Commissioner of the NH Department of Education work with the Commissioner of the NH Department of Health and Human Service to clarify the language in He-W530.05 (b)(25) by issuing a joint memorandum to confirm the two Departments' continuing commitment to maintaining the integrity of the Medicaid-to-Schools program by stating that a child's receipt of Medicaid-to-Schools funded services (which by definition are medically necessary services to enable a child to receive a Free Appropriate Public Education) do not impede the child's ability to receive Medicaid-funded services outside of school (which also must be medically necessary). The SAC requests that this joint memorandum be issued as quickly as possible.

Emerging Issues – SAC reserves a place on our regular meeting agenda to discuss any new or emerging issues. The following issue was raised during this segment of the SAC agenda:

February 2013

- The issue of security in schools and the increased police presence in schools was raised. It may be incorporated into the work of the unmet needs of students with emotional and behavioral needs subcommittee.

April 3, 2013

- Daniel Ward reviewed the difficulties school districts and the Department of Corrections experience in working with / meeting the needs of incarcerated students who are eligible for special education. SAC members agreed that this is an important issue that warrants further consideration.

April 2, 2014

- Janet Reed provided information to SAC on the new safety transportation law requiring school vans to have same regulation codes as school buses. This new law went into effect on October 1st. The cost affects the private provider. A meeting is being planned on May 23rd of private providers, Department of Education, Department of Safety, with an Attorney to address the issues. Clarification is needed around special education catastrophic aid and special transportation.

SAC did not have a prior position on this. It is discrimination to endorse schools for special education and schools not to endorse for special education. It increases taxes for taxpayers for reimbursement. There is also a new point that parents cannot transport if they are receiving reimbursement. Emergencies are exempt and are allowed. SAC members voted to provide the following input to the NH DOE:

To advise the Department of Education (DOE) that the SAC opposes the changes in Transportation requirements imposed by RSA 259:96A Administrative Rule 1302.7 and ask the DOE to share our concerns and our position. These are discriminatory towards students with disabilities, requiring additional rules for students with disabilities that are not required for typical students in private schools, and substantially limit opportunities for students with disabilities and impose an unanticipated extra cost to private providers of special education which must be funded by the taxpayers of the school districts who tuition students with special needs to private special education programs.

Note: At the June 4, 2014 SAC meeting, Janet Reed updated SAC on the transportation requirements imposed by RSA 259:96A Administrative Rule 1302.7, and informed the committee that a meeting had been held on May 23rd with representatives from the Bureau of Special Education, attorneys representing the Department of Safety, Special Education Administrators. The group was advised that Commissioner Sweeney of the Department of Safety has created a technical advisory to clarify any confusion with the requirements. State Representative Laura Jones is looking at emergency rulemaking, in hope of finding a resolution. Janet Reed and Santina Thibedeau will keep apprised of what happens over the summer and provide an update in the fall.

June 4, 2014

- Candace Cole-McCrea raised the issue of incarcerated students with disabilities and requested that a guest speaker be scheduled to provide SAC with information on the issues, resources and needs, and if relevant, unmet needs related to this special population.

SAC Liaisons – SAC members represented the committee by serving as liaisons to two groups: the Interagency Coordinating Council and the NH Department of Education’s Indicator 8 Parent Survey Stakeholder group. These two groups have a direct relationship to the SAC’s responsibilities and/or priorities. The SAC liaison’s involvement facilitates the smooth and effective sharing of information between these groups and the SAC.

- The NH DOE Indicator 8 Parent Survey Stakeholder group – Raymond Dailey was the first SAC member to serve in this role. Raymond regularly brought information from Stakeholder group meetings to the full SAC to increase our awareness and to solicit input from the full SAC membership. Audrey Burke has now volunteered to represent SAC on this stakeholder group. The SAC liaison to the Indicator 8 Parent Survey Stakeholder group attends regular meetings of the Indicator 8 Parent Involvement workgroup meetings and provides updates at SAC meetings.
- The Interagency Coordinating Council (ICC) is the IDEA, Part C equivalent of SAC, providing advice and input to the NH Early Supports and Services (ESS, or early intervention) Lead Agency. Sue Marcotte-Jenkins has served as the SAC liaison to the ICC throughout this reporting period, reporting on relevant issues at SAC meetings. Sue shared with SAC in October 2012 that the ICC/ESS was working on developing a “family share” program that would involve parents paying for part of the expenses. Would be on a sliding scale and would not deny early supports and services to any children; and in April 3, 2013 that the ESS lead agency was in the process of revising their regulations. Sue also encourages SAC members to share information from the ICC and about the ESS system, particularly with issues related to the transition from Part C (ESS) to Part B (school-age special education) with parents of children who have, or may have, a qualifying disability, as well as to others who may have an interest in ESS.

Membership – Nominations & Resignations –

SAC asks potential candidates for SAC membership to attend one meeting to observe before deciding if they would like to join the SAC. At the next meeting, if the individual remains interested, the members present at the meeting vote to forward the nomination to the Governor’s office.

September 12, 2012:

- **Resignation** – Bob Blodgett resigned from SAC due to a job change and relocation.

October 3, 2012:

- **Resignation** – Stacey Dailey reluctantly resigned due to a conflict with her new job.
- **Nomination** – Ellen Boudreau introduced Denise Maher. She is a parent of a child with a disability. Denise is involved with many activities.

November 14, 2012

- **Recommendation** – Daniel Ward, Superintendent in Belknap Department of Correction has been recommended to fulfill the remaining term for Ross Cunningham who has resigned. Daniel introduced himself and spoke on how the County House of Corrections are building bridges into the community to provide educational services. Dan's recommendation was unanimously supported by SAC members present.
- **Nomination** – Patrick Curtin, a student at RSEC, son of Donna Curtin (a SAC member) was nominated and unanimously recommended by the members present.
- **Nomination** – Don Johnson, a student attending Concord schools, who is enrolled in NH leadership was nominated and recommended by members present, but later declined to be appointed.

February 6, 2013: Renee Sparks, vice chair, announced at the monthly meeting of the NH Association of Special Education Administrators that SAC is looking for several new members who are school administrators, special educators or parents.

- **Nomination** – Heather Worthen, LEA Administrator was nominated and unanimously recommended by the members present to serve as the LEA Administrator on the SAC
- **Nomination** – Jeanne Saunders, who is certified as a special education teacher was unanimously recommended by the members present to serve on the SAC
- **Recommendation** – Renee Sparks suggested Jennifer Fischer, a parent in her school district might be willing to serve representing parents of home-schooled children with disabilities (while Jennifer was interested, other commitments prevented her from serving).

Additionally, it was announced that Senator Molly Kelley and Senator Nancy Stiles have been reappointed by the Senate as representatives to SAC.

- **Nomination** — Carol Conforti-Adams, who is an individual with a disability, an adult education diploma teacher, and who has a business providing transition services would also like to serve on SAC. While Carol also works for the Governor's Commission on Disability, she would not be representing them on the SAC. The members present unanimously recommended her.

March 6, 2013:

- **Resignation** – Kim Carpinone submitted her resignation
- **Nomination** – Jack Curtin, a student with a disability was introduced. He is interested in serving on SAC, and was unanimously encouraged to do so by SAC members.

September 11, 2013:

- **Nomination** – Jeanne Saunders was nominated and unanimously recommended by the members present to represent a special education teacher
- **Nomination** – Maryellen Pantazis, special education director was nominated and unanimously recommended by the members present to represent a local education official for the McKinney-Vento Homeless Assistance Act

December 4, 2013:

- **Nomination** – Heidi Cloutier was nominated, and unanimously recommended by the members present to serve as representing the Institutes of Higher Education (IHE). Heidi is also a parent of a child with a disability.

April 2, 2014:

- **Nomination** – Jean Parsons, Director of Special Education in Newmarket, who is also an occupational therapist was nominated and unanimously recommended by the members present.
- **Nomination** – Lynn Clough, Special Education Teacher at NFI-Contoocook and respite provider was nominated and unanimously recommended by the members present.

May 7, 2014:

- **Nomination** – McKenzie Burke, a student with disabilities who attends RSEC Academy (Regional Services and Education Center) in Amherst, NH, and member of the Leadership team at RSEC was unanimously recommended by the members present.
- **Nomination** – Gary Carpenter, parent of two children with IEPs (one is homeschooled), and who works at Phoenix House as a CRC counselor in addiction, veterans PTSD, and mental health was nominated and unanimously recommended by the members present to represent individuals involved with home-schooled children with disabilities.

June 4, 2014

- **Nomination** – Tom Grinley, a parent who also works at DHHS and is a member of ABLE – NH was nominated and unanimously recommended by the members present to serve as a parent of a child with disabilities.

Announcements and Current Events: Each SAC meeting included a standing agenda item where SAC members, guests or any member of the general public could share information about current or upcoming events either at the meeting or through correspondence with SAC.

- At each meeting, SAC members, including representatives from the Institute on Disabilities/ UCED, UNH, Disabilities Rights Center, Parent Information Center, Department of Education's Bureau of Special Education, Bureau of Vocational Rehabilitation and other Bureaus and Divisions within the Department, NH Department of Health and Human Services, NH Association of Special Education Administrators, and other organizations with which SAC members or guests to SAC are shared information about upcoming workshops, conferences, events and resources.

Additional announcements and current events:

October 3, 2012 –

- Carol Conforti-Adams mentioned that DHHS will soon put out NHHelps.org. A registry for folks with functional needs.
- Bonnie Dunham and Santina Thibedeau discussed and provided a handout about the Webinar on Friday, October 5 – “Results Driven Accountability” (RDA).

November 14, 2012 –

- Maureen Tracey spoke on a NH Chronicle segment featuring Pinkerton Academy.

January 22, 2013 –

- Maureen Tracey spoke about the “*diamond method*”, a model multi-tiered system of support program developed in the Mastricola School in the Merrimack, NH School District. Maureen shared that the school district is having their “*diamond method*” patented. The program focuses on who needs more supports, more enrichment etc.

February 6, 2013 –

- SAC member and student, Patrick Curtin shared his good news of new employment as well as his other accomplishments over the past months, including starting his own business of website development, called “PRC and Company”. SAC congratulated both Patrick and his mom, Donna Curtin for her contribution to his success.

April 3, 2013 –

- Ellen Boudreau shared that Area Agencies are working with high school students in getting ready for employment. Ellen asked if the Department of Education would be participating, and offered to provide additional information to SAC.

May 1, 2013 –

- There will be a Children’s Mental Health Matters Rally t held on Thursday, May 9th at the State House plaza.
- Bonnie Dunham announced that the NH Family Support conference was being held the following week.

September 11, 2013 –

- The NH DD Council invited SAC members to attend their Special Education ad hoc committee meeting, which will focus on secondary transition on 9/26/13 at 9:00am.

October 2, 2013 –

- Bonnie Dunham announced that October is *Parent Involvement month*.
- The Developmental Disability council (DD Council) will survey parents about their experiences with secondary transition, specifically the good things that happened in their child’s transition. Joan Holleran suggested members email Terry Stafford (Terry.Stafford@doe.nh.gov) with any questions regarding the survey.

- NAMI is sponsoring a *Mental Health and Schools Conference* on October 11th; representatives from the Bureau of Special Education will be attending.

January 8, 2014 –

- Janet Reed announced that a group of students at her school, RSEC Academy, present to special education directors and others on what it is like to be a student who receives special education. Janet agreed to send SAC members a link to this group.

February 12, 2014 –

- Several news items were shared with SAC members:
 - Dick Cohen announced that there has been a settlement agreement reached in Federal court for \$40 - \$50 million to fund additional mental health services/ improve existing services and infrastructure. This is expected to result in a reduced reliance on / need for institutionalization.
 - Foster's Daily Democrat published two articles related to special education in NH: One was about minimum space requirements set by the NH DOE for classrooms. The second was about allowing retesting of students receiving special education.
 - Michelle Rosado mentioned an article in the Concord Monitor regarding a Bow Sports Program and unified sports.
 - A flyer from the NH Bureau of Vocational Rehabilitation about upcoming public input sessions was shared with SAC; members are encouraged to share it with other parties.

April 2, 2014 –

- Mary Ellen Pantazis announced that World Autism Awareness day is April 2nd. In honor of the day, people everywhere are being encouraged to light up their homes in blue. She was pleased to note that NH's Statehouse is planning to participate. In response to members' inquiries and a unanimous vote in support, SAC will ask the NH DOE to post information about next April's Autism Awareness Day and "Go Blue" campaign.
- Candace Cole McCrea talked about her experience with therapeutic puppeteering, and its use in helping children heal from a crisis situation. She plans to expand her project for children who do not speak. Candace would appreciate support and suggestions from SAC. Members were advised to send suggestions to either Candace or Terry Stafford.
- Audrey Burke announced that Dyslexia Awareness night is April 10th ~ 6:00pm at Nashua Community College. Audrey will forward the notice to SAC members.
- Dick Cohen announced that the Disabilities Rights Center has a pamphlet on their website about the rights of individuals involved in the Medicaid Managed Care system, including information about the system to resolve any grievances that may arise.

May 7, 2014 –

- Catherine Meister announced that May is National Foster Care month.
- Heidi Cloutier announced an upcoming conference: *School Culture, Climate and Positive Behavior Support* on August 20-21st at SERESC. She also announced a RENEW implementation training offered from UNH by a tier intervention specialist.

June 4, 2014

- Heidi Cloutier announced that the Institute on Disability has posted an alternative assessment reference document on their website
- SAC member Patrick Curtin has been accepted into the Institute on Disability's Leadership Series
- Bonnie Dunham provided information about "STOMP" ~ *Specialized Training of Military Parents* ~ a Federally funded Parent Training and Information Center to assist military families who have children with special education or health needs.

Report from the Bureau – At each meeting, Santina Thibedeau, Administrator of the Bureau of Special Education, or another representative from the NH DOE provided the State Advisory Committee with updates and information about key issues, new initiatives, rules or policy revisions, or on another topic requested by SAC:

September 12, 2012

- Santina Thibedeau explained the pending Federal "sequestration" and how it would impact special education in NH (it will mean across the board cuts by 8%); she informed the group that Congress should make further decisions about sequestration soon.
- Santina gave an overview of the State Performance Plan (SPP) and the Annual Performance Report (APR), explaining each indicator and how NH is currently performing for each, which was followed by a discussion on data-driven accountability, transitions (there is a grant through Keene State College that will have a portal for all to use).
- Santina discussed changes to the State Assessments. The new assessment is "Smarter Balance", a computer-based assessment that is expected to go statewide by 2015. Bandwidth is a big issue for schools. Some of the key discussion points related to the new assessment:
 - Test adjusts – shows growth.
 - Accessibility will be looked into – readability. Will need to reset baselines.
 - Alt: Learning progression. Video-taped now.
- Santina gave a brief overview of the State's waiver for the Elementary and Secondary Education Act (ESEA), commonly referred to as the No Child Left Behind Act (NCLB). If approved, there will no longer be "Schools in need of Improvement" (SINI) or Districts in need of Improvement (DINI), instead there will be targeted assistance.
- Santina provided information on the reorganized system of technical assistance provided by the Bureau and a Teacher Effectiveness pilot through the State Improvement Grant (SIG).

October 3, 2012 –

- Santina gave an update on the state's NCLB waiver application. There was a teleconference on October 3; updates to follow (more information will be available on the NHDOE website's homepage). The plan is to have 3 Networks –
 1. Technical Assistance for state/district or regional levels
 2. Knowledge Level – Cloud based
 3. Innovation Network
- Santina also mentioned that there is a Listserve that people can sign up for to receive key messages from the Department.
- Santina and Joan Holleran discussed the VR's 2-week "ACES" program.
- Santina announced that the NH DOE was awarded a 5-year, 3.8 million dollar grant for Secondary Transitions, focusing on college/career readiness and transition goals to help increase learning opportunities, etc.

November 14, 2012 –

- Santina introduced Lynda Thistle Elliott and Samantha Brend (a vista volunteer) from the DOE, Office of Homeless Education. Samantha has designed a brochure on homeless education and the McKinney-Vento Act. This informative brochure is to aid the department and school districts with inquiries about costs of educating homeless students. The McKinney-Vento act protects children and youth with specific rights. They have the right to attend the district of origin and may be eligible to get transportation to school. Every school district in NH has at least one liaison (not funded). This information must be posted on the district's website for the public's awareness. Lynda also summarized the McKinney Vento process. Often questions are around the residence issue and the last enrolled school. "Homeless" does not define neglect. Homeless students can be receiving IEPs and also receive an educational surrogate parent. Data is collected by the DOE and DHHS. Districts are required to post information for parents to see.
- Ruth Littlefield of the Bureau reported on the recent FY'13 Memo #9 Preschool LRE Requirements and Data Reporting to OSEP. The memo provides clarity to districts about preschool students. The memo may be found on the NH DOE website.
- Candace Cole-McCrea suggested the DOE website offer information in different languages. The Bureau has the procedural safeguards in many languages on their website.

January 2, 2013 –

- Santina reported that the Bureau has been working on the NHALPS projects (Alternate Assessment). She also noted that the Augmentative Devices RFP went out. The Bureau would like to do regional trainings. Diana Petschauer (NHAIM) works with IOS devices – ipads, iphones, and bookshare. Sue Marcotte Jenkins suggested having training on insurance companies paying for the augmentative devices. This is allowable under "Connor's Law".

- The Bureau is working with school districts on the American Printing House (APH) counts and making sure students qualify. The state is awarded APH credits based on the number of blind and visually impaired students that New Hampshire has, in order to purchase materials and equipment for these students.
- The Bureau is currently working on the SPP/APR with OSEP's guidance.
- Dr. Lynda Thistle-Elliott, the state coordinator of homeless education has a film titled *Innocent, a story of homelessness in America*. If SAC would like to see the film, the Bureau can arrange for it to be shown at a SAC meeting.
- NH DOE, Division of Vocational Rehabilitation has started a new program. The program helps VR counselors and high school special education counselors understand the each other's roles.

February 6, 2013 –

- Santina Thibedeau spoke on the *Federal Sequestration*: On March 1st, it will be determined what the funding reductions will be. The Federal Office of Management and Budget will release the reductions in the 2013 budget, at that time. It is expected there will be \$2.4 million in cuts, 5.2% in special education monies. Santina noted that on February 7th, the National NEA is sponsoring a *National Call-In Day* to oppose cuts to federal public education funding. It was pointed out that the sequestration will affect other agencies, including the Parent Information Center and Disabilities Right Center.
- The Bureau of Special Education has explored what "college and career ready", means for students with disabilities. Diana Petschauer, of NHAIM presented Read and Write Gold Software program, at Southern NH University (SNHU). The audience included 160 educators. The Read and Write Gold vendor gave a free software membership CD to each district there. The software has an alternative technology center in it that does all sorts of things for the student. Any school can get additional copies at half the rate and comes with free training. Diana will be presenting on this program to SAC.

March 6, 2013 –

- Updates were provided on the meeting on the recommendations made in the Data Driven Enterprise report. The meeting was attended by representatives from SAC, as well as representatives from the Parent Information Center, Disability Rights Center, New Hampshire Association of Special Education Administrators and New Hampshire Department of Education. Data Driven Enterprises presented a 24-page report of their evaluation. There was good discussion from the group; their main focus was on the monitoring piece of all indicators. A copy of the report is available for SAC members interested in reviewing it. It was suggested to have a current presentation on the Indicators from the Bureau, possibly in May or June. There will be an additional evaluation in 2015.
- Santina Thibedeau gave an overview of the Federal Sequestration and what agencies might be affected by this. Office of Special Education Programs (OSEP), the Federal funding source for special education, is giving input to the Bureau of Special Education. There will be a 5 % reduction ~ \$2.2 million in cuts just for IDEA, Part B. The OSEP website includes a state by state reduction report that can be accessed at:

<http://www.ed.gov/blog/2013/02/sequestration-would-hurt-students-teachers-and-schools/>.

In NH, the cut would likely result in a reduction of staff (22 positions). According to Renea Sparks, the \$22 million equates to 27 positions per the Federal Government website. It was made clear that these cuts cannot result in services being cut to students with disabilities – districts are still obligated to provide services to students to ensure a free appropriate public education (FAPE). A complication is that districts have already worked out their budgets. There was discussion of how communities will suffer with these cuts; parent against parent, neighbor against neighbor. Today the House passed the sequestration bill through March 27. Once it goes to the Senate, maybe sequestration cuts would be minimized or eliminated. Santana commented that we do not yet know the full impact of the sequestration.

- Dick Cohen suggested that SAC compose a short letter on how the sequestration will impact students with disabilities, in addition to the budget cuts already; and send to Commissioner Barry at the NHDOE, Governor Hassan, and the NH congressional delegation.

April 3, 2013 –

- Ruth Littlefield, Bureau Consultant, provided the Bureau Update and announced that Commissioner Barry was appointed for a second term on March 20th.
- Ruth also provided an update on sequestration. It will be a 5% cut. Many entities, including Title 1 will be impacted. It was noted that the Second Start program has already been affected.

June 5, 2013 –

- Santana Thibedeau reported that the IDEA grants have gone out. There is a 5.2% reduction to school districts. A memo was sent to the districts explaining that the overall lump sum was reduced. Renea commented that the 5 cut will directly affect district staff cuts, so that services will be difficult to provide according to the students IEPs.
- The Bureau has undertaken a new state assessment initiative, called “*Smarter Balance*”. Smarter balance is a computer adaptive (web-based) test. Sixty Seven NH schools have been pilot test sites. Sample test questions are available at the Smarter Balance website: <http://www.smarterbalanced.org/pilot-test/> .
- The Bureau will be creating an “accommodation manual”. Stakeholder groups will be invited to participate in giving input to the manual. NH students have some familiarity with a computerized test. Santana noted that at this point there is no purchase needed for the district as it is funded by a large federal grant for 5 years. It was asked if a comparison will be done from the last assessment test. There will not be a comparison, as the common core will be measured by smarter balance. There is an overlap though, with NECAP/Smarter Balance, which has caused discussion among the districts, about all of the testing going on. The overlap is through 2015. Santana has a good presentation regarding the smarter balance assessment that she could share with SAC.
- OSEP has proposed new language around a *new Indicator 17* – a state systemic plan. Public comment is due in 2013.

September 11, 2013 –

- Bureau staff gave three presentations:
 - Mary Steady presented on: Next Steps NH: College, Career and Life Readiness
 - Ruth Littlefield presented on the SPP
 - McKenzie Harrington & Santina Thibedeau presented on the NH ESEA Flexibility Waiver
- Bonnie Dunham attended the Federal OSEP conference representing SAC, along with Bureau staff. Bonnie and Santina reported on the conference.
- Santina provided additional information about the “Smarter Balanced” assessment system. She also spoke about the changes to the rules regarding consent for schools to access Medicaid.

October 2, 2013 –

- Santina Thibedeau discussed another impact of the *Federal “shut down”*: The Next Steps grant funded by OSEP is on hold, Federal staff will not be responding to emails, and all federal websites are shut down. This means that the scheduled webinar has been cancelled.
- Santina was pleased to announce that she attended the graduation ceremony at the NH State Prison for Women in Goffstown, NH. A young woman graduated from the program called “Start” in the prison to help with hospitality services.

December 4, 2013 –

- Santina Thibedeau summarized the process that culminated in the Department receiving the monitoring report from Data Driven Enterprise (DDE) Report. She noted that the report may be found on the NH DOE website. The monitoring assessment will be done again in 2015 through an RFP, with a focus on how recommended improvements have been implemented.
- OSEP is now adding an Indicator 17. There is no additional money with indicator 17. The NH DOE will need to continue moving forward and will reorganize the SPP. The monitoring is done by the Bureau. Focus Monitoring is still conducted by SERESC. Six districts participated in a self-assessment, with positive feedback.
- Santina summarized the child count from 2000-2012. (Oct 1st of every year is the child count). The count is on students who are enrolled, including in the Houses of Correction and NH State Prisons. Santina was asked if the total enrollment could be provided for comparison purposes.
- Santina and Bridget Brown gave a PowerPoint presentation on state administrative complaints. There was discussion around the decline in numbers, including complaints that did not meet standards, or where no violations were found. Santina reviewed the new Informal Third Party Moderator option for persons interested in utilizing alternative dispute resolution to resolve disagreements between parents and their school district. Joan suggested that information be given out to new parents regarding this and in language they understand.

January 8, 2014 –

- Santina Thibedeau reviewed the “statewide census by disability chart” from 2000-2012 and noted that the number of students with disabilities has trended downwards, but the number of children with autism has increased. There was discussion on why this may be happening: It could be more PBIS (Positive Behavior Intervention and Supports) in schools, or students may be identified less frequently as Other Health Impaired (OHI). Response to intervention (RTI) and the decline in the overall school population were also mentioned. It was clarified that Charter school students fall under regular education/public school enrollment. The Annual Report to Congress on the Implementation of IDEA was recommended as a good tool to review data.
- Santina reported on what the Bureau is doing in next several months, including working with the Smarter Balance initiative and accommodations needed by students with disabilities. Teachers across the state are being trained to become familiar with the new accommodations. Smarter Balance will be implemented a year from this March 2014. It is hoped that accommodations will be endorsed and be able to be put in NHSEIS.

February 12, 2014 –

- Santina Thibedeau gave additional information on Smarter Balance, including on some of the various accommodations available to ensure access to students with disabilities. Santina will discuss IEP provisions through NHSEIS at the March meeting.
- NH is a recipient of grant funding through the SWIFT (SchoolWide Integrated Framework for Transformation) program, and SWIFT services have been awarded to selected school districts. The SWIFT Center is directed by Wayne Sailor at the University of Kansas and has a local presence at the Institute on Disabilities, UCED/UNH.
- Diana Petschauer, NH Department of Education gave a PowerPoint presentation that included an overview of assistive technology in NH, including NH AIM (Alternate Instructional Materials), NH Audiobooks, and Read and Write Gold. The PowerPoint presentation may be found on the NH DOE’s website under Special Education, and a copy is included in Appendix E of this report.

March 5, 2014 –

- Santina Thibedeau reviewed all the types of monitoring that the Bureau does under the State Performance Plan (SPP). OSEP outlines eight components that we have to monitor in our SPP ~ policies/procedures; affective implementation, affective dispute resolution, integrated monitoring activities, improvement, correction, incentives and sanctions, and fiscal monitoring of graduation rates, drop-out rates, preschool outcomes, disproportionality, ethnicity, timeliness of evaluation, post school outcomes, and the number and outcomes of complaints and resolution sessions.
- The Bureau conducts trainings on Measurable Goals, understanding Written Prior Notice, Dispute Resolution, and Integrated Monitoring. Follow up is also done on all complaints and the Bureau tries to recognize and address any unmet needs.

April 2, 2014 –

- Bridget Brown from the NH DOE's Bureau of Special Education summarized the status of parental consent for the school district to utilize their child's Medicaid. Changes were made to NH's regulations after a change in the IDEA. NH's language was the result of the Bureau working gathering input from stakeholders.

May 7, 2014 –

- Santina Thibedeau commented that the Bureau of Special Education will be entering into rulemaking soon. Ruth Littlefield, from the Bureau, presented on the State Performance Plan (SPP). The SPP is comprised of performance indicators and is due February 2015. Some of the indicators have mandatory compliance targets (such as 100% timely initial evaluations) and some require targets to be set. When a target has been established for all children/youth in NH, the target for children with disabilities will be the same target. The Bureau will seek stakeholder input for indicators that require targets to be established once baseline data are determined.
- There is a new indicator in the SPP, which has been labelled as Indicator 17: State Systemic Improvement Plan (SSIP). This will be an ambitious yet achievable plan within the plan. The Bureau has conducted a preliminary data and infrastructure analysis and, based on research, current initiatives, and gaps identified through statewide input, has identified preschool special education as the area of focus. The Bureau will be looking for additional input as the data are further mined to determine desired outcomes and the theory of action to achieve the outcomes. There was a discussion with the group about the settings where preschool children with disabilities receive services (public vs. community based and self-contained vs. regular early childhood). It was noted that it is important that the program be a quality program and that in order for preschool children to engage in a quality environment, they need to receive the appropriate supports and services. SAC will consider inviting Ruth to join the SAC retreat to share more information on the SPP/SSIP.

June 4, 2014

- Mary Steady, Education consultant from the Bureau presented on *NH Communities for Children; Safe Schools and Healthy Students State Planning Grant*. This is a Federal grant for which Mary serves as project director. A copy of the PowerPoint presentation may be found in Appendix E.

Guest Speakers –

Staff of the NH Department of Education, Bureau of Special Education gave presentations on a variety of topics during the "Bureau Update" section of the SAC Agenda (see "Bureau Updates" in the "Summary of SAC meetings" section). In addition to updates from the Bureau and input from SAC members and members of the general public, SAC sometimes invites guests to provide additional information to the committee on identified priority topics or NH DOE initiatives, in response to new or emerging issues, or as a resource to the committee. During the period covered by this report, the following guest speakers presented to SAC:

- In January 2013, Dan Habib, filmmaker in residence at the IOD, UCED, UNH presented on the “*Who Cares About Kelsey*” project. “*Who Cares about Kelsey*” is a nationally recognized video, which has been shown at conferences and other venues all over the country, as well as on You Tube and NH Public TV. Dan presented 6 “mini” films in connection with the project. One of the videos featured young men who have been incarcerated, asking what contributed to their incarceration. Another film focused on the inclusive educational experience of a young child with significant disabilities and the impact it had on her, her classmates and teachers. The NH DOE played a key role in this project. Dan expressed an interest in working with SAC to expand the impact of these videos. He also graciously provided a free copy of “*Who Cares About Kelsey*” and the accompanying mini-films to any SAC member who did not already have a copy. Dan’s presentation was the impetus that led to SAC’s successful May 1, 2013, “Supporting the Success of Every Child” day.
- In November 2013, Eileen Mullen of the Fostering Connections Program and Mike McGeehan from NH DCYF gave a presentation to the SAC. Eileen Mullen explained the two components of the successful Fostering Connections program: education and adoption of foster children into families. She explained that data shows that foster children have lower educational outcomes, and the program’s approach of making provisions for children to be placed in proximity to their homes and schools and to better assuring that the children’s educational needs are met. Mike McGeehan from DCYF works with NH Bridges and is involved in helping child protection workers track foster children. It also pays claims to providers who are paying for children’s education. Mike explained the process they use, and some interface glitches that have impacted their efficiency. He has worked with Ralph Tilton in the Bureau of Special Education to work out the “Interface System”, which will require additional financial resources. A statutory change (RSA 193-E) would also be needed to implement this type of system. There are other states, such as Maryland, who have gone through this process that we can learn from. The interface would also be able to report back to the Federal government. Mike and Eileen agreed to provide additional information to the SAC as they proceed.

June 4, 2014

- Mary Steady, Education consultant from the Bureau presented on *NH Communities for Children; Safe Schools and Healthy Students State Planning Grant*. This is a Federal grant for which Mary serves as project director. A copy of the PowerPoint presentation may be found in Appendix E.

Several meetings involved discussions about the Data Driven Enterprises (DDE) evaluation and monitoring report of the NH Department of Education’s program monitoring process:

November 2012

- SAC member Dick Cohen of the Disabilities Rights Center (DRC) asked to have the Bureau of Special Education report out about the DDE Report. He expressed frustration at the timeline for developing a response to the report. A meeting has been planned among stakeholders to look at the issue.

December 2012

- It was announced that as a key stakeholder group, SAC had been invited to send representatives to a meeting to discuss the NH DOE's response to the DDE report. At the meeting, the NH DOE plans to review the top 12 recommendations in the DDE report and use input from stakeholders to consider and develop a response to each recommendation, as well as to the program approval and monitoring processes as a whole. SAC members agreed that the chair, Bonnie Dunham and vice chairs, Renea Sparks and Raymond Dailey would represent the committee at the meeting. The meeting also included 3 representatives from each of the following stakeholder groups: DRC, SERESC, Parent Information Center, the NH Association of Special Education Administrators, the NH School Administrators' Association, NH Superintendent's Association, and the NH Private Providers' Association, along with representatives from the NH Department of Education. Other SAC members, including Dick Cohen attended the meeting representing their organizations, but would not represent the SAC.

To prepare for this meeting, SAC members generated the questions they wished SAC's representatives to ask:

- What is the Special Education Bureau's planned response to address concerns raised in the report?
- Is there a timeline for implementing the activities planned by the Bureau?

Dick Cohen notified the SAC that legislation requiring another reevaluation, similar to the one conducted by DDE, in three years instead of the 10 years called for in the original legislation.

The Bureau will be looking at the top 12 recommendations. They want to get input from all stakeholders.

January 2013

- Bonnie Dunham gave an overview of the stakeholder group's preliminary meeting that was held last month to provide input to the NH DOE on the DDE report and its recommendations. There is a follow-up stakeholder meeting planned, at which additional information and recommendations will be provided. The common theme for the DDE meeting, one that seemed to have universal support among group members was, "what is in the best interest of the kids?" At this preliminary meeting it was noted that there were some inaccuracies or areas with incomplete (and potentially misleading) information in the report. Members of the stakeholder group were encouraged to please notify the DOE of any specific concerns they might have. The NH DOE notified the group that:
 - A draft of the top twelve recommendations will be done and sent out to the stakeholder group.
 - A timeline is also being developed to keep moving forward.

February 2013 –

- It was announced that the next meeting of the DDE Report stakeholder group would be March 5, 2013.

Additional information about the 2 stakeholder group meetings, including the Executive Summary of Program Evaluation by Data Driven Enterprises, with additional materials to accompany their 6/19/1012 presentation may be found in Appendix E.

Subcommittee Meetings and Outcomes

Unless scheduling constraints, such as a guest speaker, prevented it, subcommittees met as part of each SAC meeting. Each subcommittee provided the full State Advisory Committee with ongoing updates, including the opportunity to provide input, following each subcommittee meeting. Each subcommittee provided a summary of their work, including recommendations at the end of the period covered by this report. Their recommendations, including supporting documentation may be found beginning on page 12 of this report.

Appendix C

Summary information from NH's SPP/APR

and the

7/2013 and 6/2014 Determination Letters and Data Tables,

with Excerpts from the State's 7/2013 and 6/2014 IDEA Determination Letters

Summary information from NH's SPP/APR and the 7/2013 and 6/2014 Determination Letters and Data Tables

SPP/APR Indicator		Results from Response Table	
		2011 Data	2012 Data
1.	Percent of youth with IEPs graduating from high school with a regular diploma.	Target >80% Results 69.46%	Target ≥ 85% Results 70.2%
2.	Percent of youth with IEPs dropping out of high school.	Target <3.2% Results 0.85%	Target ≤ 2.5% Results 1.43%
3.A	Statewide assessments: Participation and performance of children with IEPs on statewide assessments: Percent of the districts meeting AYP for disability subgroup	Target >48% Results 20%	
3.A	Statewide assessments: Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP/ AMO targets for the disability subgroup.		Target - Baseline Results 92.45%
3.B	Statewide assessments: Participation and performance of children with IEPs on statewide assessments: Participation rate for children with IEPs on statewide assessments. (<u>For Reading</u>)	Target >97.25% Results 98%	Target ≥ 97.35% Results 98%
	Statewide assessments: Participation and performance of children with IEPs on statewide assessments: Participation rate for children with IEPs on statewide assessments. (<u>For Math</u>)	Target >97.25% Results 98%	Target ≥ 97.35% Results 98%
3.C	Statewide assessments: Participation and performance of children with IEPs on statewide assessments: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. (<u>For Reading</u>)	Target >71% Results 37%	Target ≥ 70.4% Results 38%
	Statewide assessments: Participation and performance of children with IEPs on statewide assessments: A. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. (<u>For Math</u>)	Target >70% Results 28%	Target ≥ 70.2% Results 28%
4.	Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.	Target < 2.75% Results 1.15%	Target ≤ 2.5 % Results 0%
	B. Percent of districts that have (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.	Target 0 % Results 1.15%	Target 0 % Results 0%
5.A	Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day;	Target >51% Results 73.73%	Target ≥ 53% Results 73.23%
5.B	Percent of children with IEPs aged 6 through 21 served: B. Inside the regular class less than 40% of the day; and	Target <16% Results 8.32%	Target ≤ 15% Results 8.01%
5.C	Percent of children with IEPs aged 6 through 21 served: C. In separate schools, residential facilities, or homebound/hospital placements.	Target < 2.75% Results 2.60%	Target ≤ 2.5% Results 2.48%
6.A	Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and	Target - Baseline Results 50.03%	Target ≥ 51% Results 47.88%
6.B	Percent of children aged 3 through 5 with IEPs attending a: B. Separate special education class, separate school or residential facility.	Target - Baseline Results 10.26%	Target ≥ 10% Results 17.50%

SPP/APR Indicator		Results from Response Table	
		2011 Data	2012 Data
7. For Summary Statement 1: Of those preschool children who entered or exited the preschool program below age expectations in each outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.			
7.A	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships);	Target \geq 67% Results 70%	Target \geq 68% Results 79.5%
7.B	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and	Target \geq 68% Results 73.3%	Target \geq 69% Results 78.9%
7.C	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: C. Use of appropriate behaviors to meet their needs.	Target \geq 69% Results 73.9%	Target \geq 70% Results 76.8%
7. For Summary Statement 2: The percent of preschool children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program.			
7.A	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships);	Target \geq 71.5% Results 67.2%	Target \geq 72% Results 61.1%
7.B	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and	Target \geq 53.7% Results 55.9%	Target \geq 54% Results 60.9%
7.C	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: C. Use of appropriate behaviors to meet their needs.	Target \geq 63.5% Results 58.8%	Target \geq 64% Results 63.2%
8.	Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Target \geq 36% Results 51%	Target \geq 37% Results 52%
9.	Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	Target 0% Results 0%	Target 0% Results 0%
10.	Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Target 0% Results 0%	Target 0% Results 0%
11.	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.	Target 100% Results 95%	Target 100% Results 96%
12.	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.	Target 100% Results 99%	Target 100% Results 97%
13.	Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Target 100% Results 94.2%	Target 100% Results 100%
14.A	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school.	Target $>$ 45.2% Results 40.3%	Target \geq 47.2% Results 47.4

SPP/APR Indicator		Results from Response Table	
		2011 Data	2012 Data
14.B	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: B. Enrolled in higher education or competitively employed within one year of leaving high school.	Target > 72.2% Results 62.7%	Target ≥ 74.5% Results 69.9
14.C	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	Target > 84.6% Results 79.7%	Target ≥ 86.6% Results 82.8
15.	General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.	Target 100% Results 93.65%	Target 100% Results 95.35%
18.	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	Of 3 held, 3 resulted in agreements	Of 1 held, none resulted in agreement
19.	Percent of mediations held that resulted in mediation agreements.	Target 75-85% Results 78.2%	Target 75-85% Results 71.4%
20.	State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.	Target 100% Results 100%	Target 100% Results 95.65%
Timeliness of State Complaint and Due Process Hearing Decisions (Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)			
Timely Resolution of State Complaints: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.		96%	100%
Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.		100%	100%

Excerpt from the NH Department of Education’s July 1, 2013 Determination Letter written by Melody Musgrove, Ed.D Director of the Office of Special Education Programs, US Department of Education – *“The U.S. Department of Education (Department) has determined that, under IDEA section 616(d)(2)(A)(i), New Hampshire meets the requirements of Part B of the IDEA. The Department’s determination is based on the totality of the State’s data and information, including the State’s FFY 2011 APR and revised SPP, other State-reported data, and other publicly available information.”*

Excerpt from the NH Department of Education’s June 23, 2014 Determination Letter written by Melody Musgrove, Ed.D Director of the Office of Special Education Programs, US Department of Education – *“The Department has determined that New Hampshire meets the requirements and purposes of Part B of the IDEA. This determination is based on the totality of the State’s data and information, including the Federal fiscal year (FFY) 2012 Annual Performance Plan (APR) and revised State Performance Plan (SPP), other State-reported data, and other publicly available information.”*

Appendix D

Documents Related to SAC's "*Supporting School Success for Every Child*" Day Event:

Publicity Flyer for the Event,

Governor's Proclamation for the Day,

Press Release, and

A Summary of the Event



The NH State Advisory Committee (SAC) on the Education of Students/Children with Disabilities

Cordially invites you to attend an exciting educational event

Achieving School Success for Every Child: Recognizing Innovative Systems of Supports

An Informational and Educational Opportunity for NH State Legislators

- What:** Screening of “Who Cares About Kelsey?” with additional mini-films and discussions
Featured Speakers – Filmmaker Dan Habib and Dr. JoAnne Malloy
- When:** May 1, 2013 from 12:00 noon – 4:30 pm
- Where:** St. Paul’s Church, Concord (21 Centre Street – next to the Statehouse)
- Plus:** Informational displays by *co-sponsors – agencies and organizations that are resources for children, families and policymakers
- Kickoff:** A press and legislator briefing at St. Paul’s Church to raise awareness of important educational and societal issues that impact **all** NH students

Please Join Us For All or Part of the Afternoon:

Noon	Press & Legislator Briefing at St. Paul’s Church
12:00 – 1:00	Enjoy Lunch with a brief introductory film, “ <i>Education Revolution at Somersworth High School</i> ”
1:00 – 3:00	Mini-Clips & Discussion: 1:00 – Thaysa (a young student with autism) - 14 minutes 1:30 – Marcel (a student with mental health issues) – 14 minutes 2:00 – Tariq (a young man with a history of addiction who is incarcerated) – 10 minutes 2:30 – Daniel (a student who has experienced abuse) – 10 minutes
3:00 – 4:15	Watch “ <i>Who Cares About Kelsey?</i> ” while enjoying popcorn & soda!

**Free
Lunch,
Snacks &
Beverages**

***Co-Sponsors:** Institute on Disability – Parent Information Center –Disabilities Rights Center – NH CEBIS – NAMI NH – Governor’s Commission on Disability – NH Brain Injury Association – RSEC Academy and the Private Providers Association – NH Association of School Psychologists – NH & Manchester Education Associations – NH Association of Special Education Administrators – Granite State Independent Living Center – Crotched Mountain Ready, Set, Connect Program –HEAR in NH – NH Association of Infant Mental Health – NH Council on Developmental Disabilities – ABLE NH – NH Department of Education, Bureau of Special Education, Bureau of Vocational Rehabilitation, and Homeless & Migrant Office – City Year NH – Granite State Federation of Families

**Featured Schools: Campbell High School (Litchfield)
James Mastricola Elementary School (Merrimack)**

Host Legislators Include:

- ◆ *Senator Nancy Stiles, Chair of the Senate Health, Education and Human Services Committee*
- ◆ *Representative Mary Gile, Chair of the House Education Committee*
- ◆ *Senator Lou D’Allesandro*
- ◆ *Representative Cindy Rosenwald*
- ◆ *Representative Mariellen MacKay*
- ◆ *Senator Jeff Woodburn*
- ◆ *Senator Molly Kelley*
- ◆ *Representative James MacKay*
- ◆ *Representative Lisa DiMartino*



State of New Hampshire
By Her Excellency
Margaret Wood Hassan, Governor

A Proclamation

Achieving School Success for Every Child Day

May 1, 2013

WHEREAS, The New Hampshire State Advisory Committee on the Education of Students with Disabilities has identified the unmet needs of children with emotional and behavioral disabilities as a priority issue; and

WHEREAS, Dan Habib's award-winning documentary film "*Who Cares About Kelsey?*" and accompanying mini-films document the lives of students with emotional and behavioral challenges, and shows innovative educational approaches that help these students to succeed – while improving the overall school culture and climate; and

WHEREAS "*Who Cares About Kelsey?*" sparks new conversations about an education revolution that is about empowering –not overpowering – our most emotionally and behaviorally challenged youth; and

WHEREAS, Children and Youth with emotional/behavioral disabilities have an increased risk of academic failure and dropout rates, incarceration, unemployment, and reliance on government services; and

WHEREAS, multi-tiered systems of supports have been proven to be a proactive evidence based best practice for ALL children, particularly children with emotional and behavioral disabilities; and

WHEREAS, The children of New Hampshire who will determine the economic and social future of the state rely on their families, schools, and the state to commit to utilizing these best practices and working together to help them achieve success;

NOW, THEREFORE, I, MARGARET WOOD HASSAN, GOVERNOR of the state of New Hampshire, do hereby proclaim May 1, 2013 as ACHIEVING SCHOOL SUCCESS FOR EVERY CHILD DAY in New Hampshire, and urge all citizens to recognize and encourage the use of positive and proven strategies for achieving success for all students.

Given this 1st day of May, in the year of Our Lord two thousand and thirteen and the independence of the United States of America



Governor's Signature

Margaret Wood Hassan

Governor

School-based approaches effective for children with disabilities and benefit all children, lawmakers learn

For Immediate Release - May 1, 2013

Contacts: Bonnie Dunham, Chairperson of Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC), 224-7005 Ext. 123

Maureen Tracey, Chairperson of SAC Subcommittee on Unmet Needs of Children with Emotional/Behavioral Needs, 228-2084 Ext. 18

Richard A. Cohen, Esq., Executive Director, Disabilities Rights Center, and member of the SAC (603) 228-0432

CONCORD - Dozens of lawmakers gathered today to learn more about effective programs in New Hampshire that help children facing emotional and behavioral challenges.

The event, *Achieving School Success for Every Child: Recognizing Innovative Systems of Supports*, was hosted by the Statewide Advisory Committee (SAC) and co-hosted and sponsored by multiple legislators and organizations seeking to educate lawmakers on proven practices in schools.

Positive school-wide approaches have been shown to be effective ways to address children's behavioral health needs and to improve the education environment for all students. These proven, evidence-based practices include Multi-Tiered System of Supports (MTSS) such as Positive Behavioral Interventions and Supports (PBIS) and Systems of Care.

Dan Habib, the award winning filmmaker of *Who Cares About Kelsey?*, led the discussion.

"Many schools still use 'zero tolerance' policies to try to control student behavior," he said. "But there is no research to support zero tolerance, 'three strikes you're out' or similar approaches. In fact, evidence shows that those approaches simply drive a lot of kids to drop out of school and into the juvenile justice system. Today is about sharing innovative educational approaches that help all kids find a path to graduation. Thankfully many schools in New Hampshire are using these approaches. But we hope today will be a catalyst to scale up approaches like PBIS or RENEW throughout the state."

John Fabrizio, Director of Special Services for Merrimack School District and former principal at James Masticola Elementary School, shared his experiences with PBIS in the Merrimack School District.

"From the beginning of implementation of PBIS, we saw disciplinary referrals go from 623 down to 101 over the past three years. Each referral takes an administrator from a half to three hours. We gained almost 1000 hours a year of personnel time to build curriculum and school community. Teachers were able to concentrate their energy on teaching. If you don't have consistent expectations, you spend a lot of time focusing on reactive discipline rather than proactive teaching of skills."

Merrimack School District has been implementing PBIS for the past several years in selected schools. Student behavioral expectations are clear and understood by all, including "the Big Three" – respect, responsibility, and safety. The emphasis is on positive expectations and supports. For example, at Masticola Elementary the "Gotcha" program catches students going above and beyond expectations and rewards them with a "thumbs up" sticker.

With the crisis in mental health today, schools cannot afford to gamble with our children's futures by using methods that are outdated or even harmful. Proven and effective school-wide approaches help all children and are cost effective. PBIS has been shown to keep children in school, increase graduation rates, and reduce school violence,

The New Hampshire Children's Behavioral Health Strategic Plan calls for legislative action to help implement and sustain multi-tiered systems of supports, such as PBIS, in schools in New Hampshire; and to develop a statewide system of care so that agencies will work together to serve children with emotional and behavioral needs.

Representative Mary Gile, Chair of the House Education Committee, was one of the main hosts of the event and read the proclamation that Governor Hassan signed today, declaring May 1 "Achieving School Success for Every Child Day in New Hampshire".

"New Hampshire has to work hard to make sure that all our children have access to a high quality education, the encouragement of parents, and the support of their children, especially those with special learning needs," she said.

Background information:

- New Hampshire Center for Effective Behavioral Interventions and Supports www.nhcebis.seresc.net
- OSEP Center on Positive Behavioral Interventions and Supports www.pbis.org
- The Bazelon Center for Mental Health Law: <http://bazelon.org/News-Publications/Press-Releases/3.28.13-Law-Enforcement-in-Schools.aspx>
- Who Cares About Kelsey? website <http://www.whocaresaboutkelsey.com/>



Representative Mary Gile read the Governor's proclamation declaring May 1 "Achieving School Success for Every Child Day in New Hampshire"



**The NH State Advisory Committee (SAC)
on the Education of Students/Children with Disabilities**

Is pleased to recognize the co-sponsors and supporters of –

Achieving School Success for Every Child: Recognizing Innovative Systems of Supports

An Informational and Educational Day for NH State Legislators

There were at least 111 participants who attended the event (the number is likely higher, as it is based on the people who signed the guest book)

9 Legislators were hosts: Senator Nancy Stiles, Senator Lou D'Allesandro, Senator Molly Kelley, Senator Jeff Woodburn, Representative Jim MacKay, Representative Mary Gile, Representative Cindy Rosenwald, Representative Lisa DiMartino and Representative Mariellen MacKay

The event's featured speaker/presenter was Dan Habib.

Copies of "Who Cares About Kelsey?" and the accompanying mini-films were given to the Senate Education, Health and Human Services committee, the House Education committee and the House Health and Human Services committee, as well as other committees requesting them. Event sponsorships produced a net [estimated] balance of \$281.17 to support film dissemination.

A Proclamation for the day was given by the Governor and read by Representative Mary Gile

The press conference/briefing was organized by Julia Freeman-Wolpert and Dick Cohen from the Disabilities Rights Center. Speakers included: Dan Habib, Howard Muscott, Joanne Malloy, John Fabrezo, Claudia Ferber, Representative Mary Gile and Senator Nancy Stiles

25 groups co-sponsored the event: State Advisory Committee on the Education of Children with Disabilities, ABLE NH, City Year NH, Crotched Mountain Ready Set Connect Program, Disabilities Rights Center, Governor's Commission on Disability, Granite State Federation of Families, Granite State Independent Living Center, HEAR in NH, Institute on Disability, Manchester Education Association (MEA), NAMI-NH, NH Association of Infant Mental Health, NH Association of School Psychologists, NH Association of Special Education Administrators, NH Brain Injury Association, NH CEBIS, NH Council on Developmental Disabilities, NH Department of Education Bureau of Special Education, NH Department of Education Bureau of Vocational Rehabilitation, NH Department of Education Office of Homeless and Migrant Education, NH Education Association (NHEA), NH Private Providers Association, Parent Information Center and RSEC Academy

Featured schools providing information on the benefits of Multi-Tiered Systems of Support were: James Masticola Elementary School (Merrimack and Campbell High School (Litchfield)

SAC members donated refreshments & other accouterments

Donations were also made by: Cinemagic in Merrimack, Walmart in Amherst and Shaws in Merrimack

Organizational support, particularly with set-up and registration, was provided by: Sylvia Abbott & Joni Dalessandro from PIC, Students from RSEC Academy, 2 of Maureen Tracey's children, and SAC members, particularly a student representative, John Jackson.

A Souhegan High School student provided volunteer assistance and informational materials.

Apologies to anyone who was inadvertently omitted from the list of volunteers and donors.

Appendix E

Documents Related to the Independent Evaluation of the NH Department of Education's Program Approval and Monitoring Procedures

- Excerpts from the Report by Data Driven Enterprises, including:
 - Executive Summary of their Program Evaluation; and
 - Recommendations
- NH Department of Education's Progress Report, Dated October 10, 2013
- NH Department of Education's Progress Report, Dated June 30, 2014

Excerpts from:

**Final Report on the
Request for Proposal for:
Independent Organization for Program
Evaluation and Quality Assurance**

May 31, 2012

Submitted to:
New Hampshire Department of Education
Bureau of Special Education
101 Pleasant Street
Concord, NH 03301

Submitted by:
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Executive Summary

Background

The proposal submitted by Data Driven Enterprises (DDE) and approved for funding by the New Hampshire Department of Education (NHDOE) Special Education Bureau specified that the evaluation should cover these questions:

1. What are the components of the NHDOE monitoring and program approval process?
2. Are performance and/or compliance data used in the monitoring and program approval process? If so, are they used in the process of selecting districts to monitor? Are they used to guide monitoring activities?
3. To what extent are monitoring instruments and the monitoring process capable of identifying compliance/noncompliance with the program requirements? To what extent are they capable of improving student results and outcomes? Does it emphasize those requirements most closely associated with student results/outcomes? Is the system capable of making systemic findings? Is the system capable of making substantive findings?
4. Are the findings made by monitoring reports clear? Is the evidence set forth in reports adequate to support the findings made? Are the reports released in a timely manner? Are systemic findings made? Are substantive findings made?
5. Do Corrective Action Plans (CAPs) set forth activities reasonably calculated to result in compliance? Are CAPs developed and approved in a timely manner? How is implementation of CAPs tracked? What process is used to verify the performance of corrective activities? Is the process adequate? What is the process of verifying that noncompliance has been corrected? Is the process adequate?
6. Are enforcement steps taken when necessary? If so, are those steps adequate to resolve the identified noncompliance in a timely and effective manner?
7. What is the Department's process for making annual determinations of public agencies responsible for delivering special education services? What standards are used? To what extent do the standards used comport with the requirements of the IDEA?
8. Do statewide data show changes over time on performance and compliance indicators? Is there evidence that indicates that the monitoring and program approval processes are having a positive effect on student results/outcomes and

on compliance with the program requirements? Does the state have an adequate system for verifying the accuracy of data?

9. Are staffing resources sufficient to implement a monitoring and program approval process capable of ensuring FAPE in the LRE and improved results/outcomes to NH students with disabilities?

10. What are the recommendations that should be given to the NDHOE given the findings?

This report answers these ten questions.

Evaluation Highlights

Positive Points:

- Performance data are used to select districts for Focused Monitoring.
- The monitoring processes related to some State Performance Plan Indicators (e.g., timeliness of initial assessments, timely Part C to Part B transition) are reliable, and the State's performance on these indicators has improved markedly over the last few years.
- School districts monitored through Focused Monitoring have generally positive feelings about the process and the results.
- The processes for verification of the correction of noncompliance identified through monitoring related to Indicators 11, 12 and 13 as described in the Annual Performance Report appear to be reliable.
- The state has improved since the 2004-05 school year at ensuring the correction of identified noncompliance within one year.
- The analysis of 2007-08 through 2010-11 proficiency data suggests that the Focused Monitoring system is fulfilling the first purpose of increasing achievement of students with disabilities. This same data suggests, however, that the second purpose of narrowing the achievement gap is not being differentially impacted by the focused monitoring system.
- Considered from the date of the monitoring report, the development of corrective action plans is timely.

Areas for Improvement:

- Neither performance nor compliance data are used in either the Focused Monitoring or Program Approval processes to the extent necessary for effective monitoring of the provision of a free, appropriate public education in the least restrictive environment.

- Findings of noncompliance rely almost exclusively on the results of file reviews unsupported by the results of other monitoring activities (interviews, observations, provider time logs, etc).
- Both the Focused Monitoring and the Program Approval processes are capable of identifying *some* noncompliance. However, due to serious deficiencies in the both the instruments used to collect information from files and the inconsistent application of those instruments by monitoring teams, the current system is not capable of making many important substantive findings of noncompliance.
- The monitoring processes currently used make no substantive findings that students were deprived of FAPE or were not placed in the LRE. The majority of findings made are procedural in nature.
- As the relevant documents were not made available to the evaluators, judgments could not be made regarding the adequacy of current processes for verifying the correction of noncompliance identified through the Focused Monitoring and Program Approval processes.
- The monitoring processes related to some State Performance Plan Indicators (e.g., suspension/expulsion, disproportionality) are weak with respect to actual practices.
- The LRE aspect of the monitoring processes is particularly weak.
- Although the analysis of 2007-08 through 2010-11 proficiency data suggests that the Focused Monitoring system is fulfilling the first purpose of increasing achievement of students with disabilities, this same data suggests that the second purpose of narrowing the achievement gap is not being differentially impacted by the focused monitoring system.
- The analysis of 2007-08 through 2010-11 placement data suggests that a majority of districts monitored through the Focused Monitoring system increased the percentage of students placed in the regular classroom between 2007-08 and 2010-11. However, a higher percentage of non-monitored districts increased the percentage of students placed in the regular classroom between 2007-08 and 2010-11.
- The state does not currently use performance indicators as part of its process of making determinations of local school districts.
- The evaluators cannot determine whether the total number of employees available for monitoring from the state and its vendor is adequate. It is reasonably clear that vendor staffing levels are sufficient to implement the Focused Monitoring and Program Approval processes as those processes are currently constituted, and that state general supervision and monitoring staffing is lacking. At the same time, however, it is clear from the results of this evaluation that there are significant flaws in monitoring processes, and that correction of these deficiencies is likely to require staffing adjustments.

Additional Points Raised

- Disadvantages of contracting out the Focused Monitoring and Program Approval monitoring processes are discussed, and specific concerns related to contracting with the current vendor are raised.
- The Focused Monitoring process is not listed as an improvement activity for appropriate indicators in the State Performance Plan.
- For the most part, random, rather than purposeful, samples of students are used in the Focused Monitoring and Program Approval processes.
- Monitoring reports are not consistently clear regarding the purpose of monitoring. The reports are not consistently clear regarding the actual statutory requirement violated, the specific basis for findings of noncompliance, and the exact actions needed to correct noncompliance.
- The monitoring reports include "suggestions" for improvement on issues subject to statutory requirements.
- Findings contained in monitoring reports are not always supported by adequate evidence.
- Monitoring reports are not always issued in a timely manner.
- The distinction in monitoring reports between systemic and individual findings is clear in some instances, but not in others.
- A number of concerns related to corrective actions for both individual and systemic findings of noncompliance, and the timeliness of corrective actions, are discussed and analyzed.
- The tracking and verification of the implementation of corrective actions is not always thorough and consistent.
- Based on the few enforcement documents available to the evaluators, it is unclear that the four factors state regulations require NHDOE to consider when selecting enforcement action were in fact considered and, if so, to what extent. In addition, concerns are noted regarding the steps taken in one circumstance in which correction of noncompliance was not achieved within one year.
- Concerns are raised regarding the accuracy of the state's placement data.

Recommendations are offered in Section X.

Section X

Recommendations

Based on the investigation conducted over the past several months and conclusions offered related to the evaluation questions detailed above, the external evaluators offer the following recommendations as means of improving New Hampshire's special education monitoring procedures and practices.

During conversations with NHDOE staff members,³⁰⁶ SERESC Focused Monitoring and Program Approval staff, parent and advocacy groups (including the Disability Rights Center and the state's Parent Information Center), and the State Advisory Committee, the evaluators also solicited recommendations. Relevant recommendations from these parties are also noted separately within each of the subsections below.

A. Use of Data in Focused Monitoring and Program Approval

1. **Expand the use of data to guide the selection of districts for Focused Monitoring reviews.** In addition to achievement gap and size of the district, consider factors such as compliance history (prevalence/gravity of IDEA complaint decisions and due process hearing results) and performance on State Performance Plan indicators (especially 1, 2, 3C, and 5).
2. **Expand the use of data to guide Focused Monitoring and Program Approval methodologies in districts and facilities being visited.** Prior to visiting a district or private school, NHDOE and SERESC staff members should collaborate on a facilitated review and drill-down of all relevant special education data from the district or facility. The purpose of this pre-visit data review would be twofold: 1) to gain a thorough understanding of the district or facility strengths and apparent areas of difficulty, and 2) to develop specific compliance hypotheses (based on areas of poor performance) that will guide the review team's activities. Compliance hypotheses, which should vary according to each district and facility's unique data, should be developed in substantive areas most closely related to improving student outcomes with a particular emphasis on each student's receipt of FAPE in the LRE.
3. **Create purposeful samples of students for each compliance hypothesis.** The state's current practice of randomly selecting student files for review in both Focused Monitoring and Program Approval does not allow the best opportunity for identifying noncompliance. By selecting purposeful samples, the state would begin focusing its review activities on students who have the

³⁰⁶ Four of the eight NHDOE employees who were interviewed as part of the evaluation process offered recommendations, while the others declined to make any recommendations. One of the SEA staff members in the latter group commented, "Any concerns have been addressed. [The Focused Monitoring and Program Approval processes] are good and solid."

greatest likelihood of being affected by a district or facility's noncompliance. Multiple sets of district data, which are already collected by NHDOE, should be cross-referenced and disaggregated by student disability label, race/ethnicity, environment, and other criteria to identify these purposeful samples.

In addition to the evaluators' recommendations, see Display X-1 for additional recommendations made by others.

Display X-1. Subsection A Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- NHDOE: Increase the number of districts reviewed.
- NHDOE: Increase the use of data to guide reviews.
- SERESC: "The system of selection is probably flawed," but it is "in part, DOE-driven." NHDOE and SERESC need to work together to define priorities and work toward those goals.
- SERESC: Increase the sample sizes.
- Parent Group: Increase the number of districts site visits.
- Parent Group: Re-visit selection of the achievement gap as the State's Key Performance Indicator.
- SAC: Increase the number of FM reviews each year.
- SAC: Increase the amount of baseline data used in FM reviews.
- SAC: "Some districts go unmonitored, except for indicators, for years and years." Change that practice to include expanded, direct, and more frequent monitoring of districts not selected for Focused Monitoring on-site reviews.

B. Focused Monitoring and Program Approval Instruments and Methodology

1. **Ensure proper training in IDEA and state special education requirements prior to any individual's participation in Focused Monitoring or Program Approval.** Due to the various backgrounds of individuals currently participating in the Focused Monitoring and Program Approval processes, the state cannot be assured that each one is adequately prepared to properly conduct file review activities and other on-site activities. Evaluators observed confusion over certain requirements among review teams: proper training would help eliminate this confusion and ensure a greater likelihood of accurate, appropriate monitoring results.
2. **Eliminate "one-size-fits-all" compliance review documents.** As discussed in Subsection A, compliance hypotheses should guide the state's review activities for both Focused Monitoring and Program Approval. In keeping with this recommendation, the instruments used to for file reviews should be specific to the compliance hypotheses developed for each district and facility.

3. **Ensure that Focused Monitoring and Program Approval compliance review instruments accurately reflect federal and state requirements.** The general instruments currently in use contain some approximations of federal requirements, and some items do not reflect federal or state requirements. The former should be corrected, and the latter should be eliminated.
4. **Separate Focused Monitoring and Program Approval from other school improvement and/or accreditation activities.** In Focused Monitoring, activities that do not relate to the identification of noncompliance should not be included (i.e., Achievement Team data reviews, improvement planning, etc.). While these activities have positive aspects, the appropriate time for improvement planning within an IDEA Focused Monitoring context is *after* the state has alerted the district or facility to one or more findings of noncompliance. In Program Approval, the state's identification of noncompliance should be separated from private school accreditation activities.
5. **Increase the sample size for file reviews and case studies.** In order to ascertain a district or facility's compliance with IDEA requirements, one or two files per school is not adequate when many districts serve hundreds of students with disabilities. While it is rarely feasible to review every student's file, it is unlikely that systemic noncompliance can truly be identified using the limited samples of the current Focused Monitoring and Program Approval processes.
6. **Increase the amount of time allotted for compliance review activities.** By eliminating non-IDEA compliance components of the current Focused Monitoring and Program Approval processes, review teams would have additional time for appropriate reviews of student files, purposeful interviews with school staff, observations, and other focused activities to facilitate the identification of noncompliance. Even so, appropriate monitoring activities are likely to require more than the current one or two days in all but the smallest districts and private facilities.
7. **Employ additional strategies in the identification of noncompliance.** Rather than accepting verbal assurances and statements from district and facility staff during compliance reviews, the state should develop and implement a means of collecting information from school staff through a formal interview process. The interviews should not be the same for each staff member; in order to properly support a finding of noncompliance, they should be guided by file review results for individual students in each of the compliance hypotheses.
8. **Increase the involvement of NHD OE in the Focused Monitoring and Program Approval compliance reviews.** As observed by the evaluators, review teams are not always in agreement over how to interpret certain IDEA requirements or how to determine whether a certain set of facts connote noncompliance in a particular student's case. More NHD OE involvement would allow the SEA to guide compliance review activities and be correctly viewed as the final arbiter of compliance/noncompliance in the monitoring

context. This would also eliminate the practice of making findings of noncompliance based on the consensus of the review team.

In addition to the evaluators' recommendations, see Display X-2 for additional recommendations made by others.

Display X-2. Subsection B Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- SERESC: Focused Monitoring and Program Approval visits need to be more closely aligned. Teams also need to increase the intensity of the file reviews conducted at private schools.
- SERESC: Provide more technical assistance leading up to each Program Approval visit.
- SERESC: Review more districts using the Focused Monitoring process.
- SERESC: Include structured interviews in the Focused Monitoring and Program Approval processes.
- Parent Group: Shift the focus away from procedural compliance to more substantive issues.
- Parent Group: Increase the examination of standards related to improving educational results and functional outcomes.
- Parent Group: Shift the focus of on-site visits from reviewing a school district's policies to examining whether the policies are put into practice.
- Parent Group: When child-specific noncompliance is cited, NHDOE/SERESC should randomly sample other files in order to rule out systemic noncompliance.
- Parent Group: Increase NHDOE's involvement in the Focused Monitoring and Program Approval processes; "There is a perceived disconnect between DOE and [Focused Monitoring and Program Approval]."
- Parent Group: Increase the "rigor" of Focused Monitoring and Program Approval.
- Parent Group: increase the "substance" of Focused Monitoring; "de-emphasize procedural compliance."
- Parent Group: Expand the focus of Focused Monitoring and Program Approval visits from access, transition, and discipline to include child find, LRE and service delivery.
- SAC: Increase the involvement of students and parents in Focused Monitoring reviews.
- SAC: Increase the length of Focused Monitoring site visits.
- SAC: Improve the components of Focused Monitoring and Program Approval reviews; especially to include an increased emphasis on LRE.
- SAC: Refocus the reviews and corrective actions on substantive issues, rather than procedural compliance.

C. Focused Monitoring and Program Approval Reports and Corrective Action Plans

1. **Eliminate Achievement Team (in Focused Monitoring) and accreditation information (Program Approval) from IDEA compliance reporting.** If a

discussion of any set of facts is not related to IDEA compliance, it should not be included with compliance reports.

2. **Improve the clarity with which findings are reported.** Compliance reports for both Focused Monitoring and Program Approval should carefully delineate the following: 1) the specific data that prompted the NHD OE's decision to conduct a compliance review in the district or facility, 2) the specific areas of compliance reviewed, 3) specific results of file review activities (including specific areas of procedural compliance), 4) results of any additional activities used to validate or invalidate relevant file review results (such as interviews, observations, etc.), and 5) the state's determination regarding noncompliance in each area of review—including whether a finding is child-specific or systemic. Problematic practices that do not represent noncompliance can be addressed in the reports, but guidance concerning improvement of these problematic practices should be described as recommendations.
3. **Eliminate the practice of including "suggestions" related to IDEA compliance in Focused Monitoring and Program Approval reports** (such as conducting annual IEP meetings or developing IEP goals to address all areas of need). Review teams and those developing Focused Monitoring and Program Approval reports must be able to clearly distinguish between what is *required* and what is simply *recommended*. In areas in which some information indicates noncompliance and other information indicates compliance, the state must have decision rules in place to enable review teams to make compliance determinations accurately and consistently.
4. **Within each Corrective Action Plan, include an appropriate description of acceptable evidence of correction for each finding.** When corrective actions are developed, include a description of acceptable evidence. For example, for a child-specific finding concerning measurable annual goals, acceptable evidence might be noted as, "A copy of the student's revised IEP containing measurable annual goals and the corresponding Prior Written Notice form will be submitted to the NHD OE by the date specified."
5. **Eliminate use of the "Assurance Form" to address child-specific findings of noncompliance.** To appropriately verify correction, the NHD OE should review the student's updated IEP instead of merely accepting assurances of correction.
6. **Ensure that both prongs of OSEP's Memo 09-02 are satisfied when conducting activities to verify correction of noncompliance.** When conducting verification monitoring activities, the state must ensure that student samples include a representation of students for whom the noncompliance was originally identified *and* a sample of students who were not included in the original monitoring activities.
7. **Formalize the state's tracking and follow-up procedures for districts and facilities that are in Corrective Action Plans, and apply the procedures uniformly across the state.** The state should have a process for consistently

checking in with districts and facilities at particular intervals to monitor CAP implementation. If possible, the state should also review data during the corrective action timeframe to see if data related to the noncompliance demonstrate improvement.

8. For districts and facilities that are in danger of failing to correct noncompliance in a timely manner, establish a formal process allowing the state to intervene appropriately before the correction timeframe expires. If evidence indicates a problem with correction of any finding, the state must be able to address its concerns in a proactive manner.

In addition to the evaluators' recommendations, see Display X-3 for additional recommendations made by others.

Display X-3. Subsection C Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- Parent Group: Ensure there is a connection between corrective action plans and reduction of the achievement gap.
- Parent Group: Increase follow-up at the end of the two-year Focused Monitoring cycle in order to ensure sustained compliance and reduction of the achievement gap.
- Parent Group: Increase the amount of general oversight at NHDOE to ensure implementation of corrective action plans.
- Parent Group: Increase fiscal support to implement corrective actions and ensure sustained compliance.
- SAC: Implement changes to ensure sustained compliance. "It's always the same issues and the same corrective actions."

D. Enforcement Actions

1. Develop a set of decision rules used to determine appropriate enforcement actions based on the four criteria contained in state statute.²⁰⁷ The state and its constituents must be assured that enforcement actions are applied consistently and uniformly across districts and private facilities.
2. Develop and implement more meaningful enforcement actions for districts placed in the *Needs Substantial Intervention* determinations category and those failing to correct noncompliance within one year. Requiring that a district develop a "plan" cannot be viewed as an effective enforcement activity for a district placed in *Needs Substantial Intervention*. Likewise, merely offering—rather than requiring—technical assistance to districts and facilities that are unsuccessful in correcting findings is not appropriate. Suitable enforcement actions for districts in the lowest determinations category and

²⁰⁷ Ed 1125.02 (d); see also 186-C:5 (d).

those with outstanding noncompliance should contain state-mandated activities rather than allowing districts additional flexibility and self-direction.

In addition to the evaluators' recommendations, see Display X-4 for additional recommendations made by others.

Display X-4. Subsection D Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- Parent Group: Tie noncompliance to required NHDOE and/or SERESC training. "There is a lack of follow-up and professional development in curriculum, alignment, etc."
- Parent Group: Increase the consequences of uncorrected noncompliance in Focused Monitoring and Program Approval; improve both sanctions and incentives.

E. Annual LEA Determinations

1. **Use performance and compliance indicators from the State Performance Plan in making annual LEA determinations.** The use of performance indicators would further emphasize the importance of continuously improving student outcomes and serve as further motivation for both compliance and performance—especially when the receipt of a poor determination carries potentially significant sanctions.
2. **Solicit stakeholder input into the development of a formula by which LEA determinations will be made.** Extending an invitation to stakeholders to solicit input on determinations formula revisions would strengthen relationships between NHDOE and its stakeholders and allow interested parties to collaborate toward a common purpose.

F. Verifying Accuracy of LEA Data and Ensuring Effectiveness

1. **Develop a system for verifying the accuracy of the indicator data collected from districts.** For example, such a process could involve selecting a random sample of IEPs from a given district and comparing what is on the IEP to what is on the dataset submitted by the district to the state.
2. **Related to Recommendation 1, a special effort should take place to verify the accuracy of Indicator 5 data.** Given the large fluctuations in Indicator 5A and 5B data over time, selecting a random sample of IEPs and determining if what is reported on the IEP is accurate and what is reported in datasets submitted to the state is accurate.
3. **Examine the effectiveness of the FM process on the monitored districts.** As mentioned in Section VIII, the 2010-11 SERESC end-of-year report did not

analyze the impact the FM process had on student performance. This should be examined. The impact of the FM process on the achievement gap should also be examined, since this is the primary justification for choosing a district for monitoring. However, the impact of FM on other performance indicators such as 1, 2, 3C, and 5 should also be examined. Further, as mentioned above, compliance hypotheses should guide the state's monitoring efforts. For those compliance hypotheses that are confirmed, student performance data relating to these hypotheses should be examined to determine if improvement has been made. For example, if it is determined that a district is not providing FAPE to students in the regular classroom environment, a comparison of the proficiency rates of students before and after the Corrective Action Plan was implemented could be conducted to determine if student performance improved.

4. **Identify the "high-performing" focused monitored districts and determine why the FM process worked well for them.** For example, for those focused monitoring districts that have shown gains in student proficiency and a decrease in the achievement gap, what is it about the district and/or their experience with the FM process that allowed them to show such improvements in student performance. Then determine how this information can be used with other districts going through the FM process so that they too might experience positive student performance outcomes.

In addition to the evaluators' recommendations, see Display X-5 for additional recommendations made by others.

Display X-5. Subsection F Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- SERESC: There needs to be a core set of indicators to measure effectiveness – "I'm looking at this process and I'm thinking, 'why can't we get something in place by January and start?'"
- SERESC: Take a more longitudinal approach to data analysis. "Provide more time to sustain efforts."
- SERESC: "A more articulate data set is needed. [SERESC] is developing alternative indicators."
- Parent Group: Verify the reliability and validity of suspension/expulsion data used to determine compliance with Indicator 4 and LRE data used to determine compliance with Indicator 5.
- Parent Group: Increase steps taken to ensure the validity and reliability of student level data submitted to NHDOE and stored in NHSEIS.
- SAC: Increase the validity and reliability of data (especially suspension/expulsion) by ensuring universal understanding of compliance standards.

G. Staffing and Resources

1. **Increase review team members' effectiveness by developing mandatory IDEA pre-visit training.** While shadowing can be an effective follow-up training method for review team members, the state must develop an effective means of training these team members before they assist in any compliance review activities. The lens through which SEA staff and SEA contractors must view compliance-related activities is often different than a typical LEA staff member's lens. Without proper training, compliance reviews can be compromised from the outset.
2. **Reconsider the practice of contracting out the FM and PA processes in general, and reconsider contracting with SERESC.** With respect to the former, as noted in Section I of this report, one clear disadvantage of contracting out a state special education monitoring system is that directing funds outside an SEA prevents the SEA from developing its own internal capacity, a capacity that is then available for other purposes (such as technical assistance and monitoring Indicator compliance). With respect to the latter, as also noted in Section I of this report, contracting with SERESC creates a potential conflict with the state statute and a potential perception of bias among key stakeholders.
3. **Review state restrictions on filling vacancies in the Bureau, and pursue state funding in support of additional staff if warranted.**

In addition to the evaluators' recommendations, see Display X-6 for additional recommendations made by others.

Display X-6. Subsection G Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- NHDOE: Reduce the amount of multi-tasking required of SEA personnel.
- SERESC: "I think we've been asked to do some of the work that DOE should be doing...but otherwise it just wouldn't get done."
- SERESC: Hire consultants who are specifically assigned to certain indicator areas. SERESC: "I would like to see us monitor ourselves internally" to ensure that SERESC is doing things effectively.
- SERESC: Better communication among additional aspects of the Department's work (i.e., Standards and Assessment, information regarding the Common Core Standards).
- SERESC: "It's the relationships. It's between the agencies." Communication needs to be improved between the NHDOE and SERESC.
- Parent Group: Given the lack of progress in reducing the achievement gap, evaluate whether the contract with SERESC (\$1,499,904 biennium) constitutes an efficient use of resources.
- Parent Group: Evaluate whether NHDOE's contract with SERESC constitutes a conflict of interest [RSA 186-C:5, III(f)].

- Parent Group: Increase the number of NHDOE staff members dedicated to provide technical assistance.
- Parent Group: Decrease the involvement of volunteers in the FM and PA processes.
- SAC: Consider ending the "SERESC monopoly" the next time NHDOE contracts with an outside agency to conduct compliance reviews.
- SAC: Increase the independence of Focused Monitoring and Program Approval reviews. Teams consist of district personnel, SERESC employees (who tend to be retired school employees), and volunteers (who tend to be active school employees).
- SAC: Increase state funding for the Special Education Bureau by increasing the number of regular state-approved NHDOE positions.
- SAC: Address high rate of employee turnover within the NHDOE: "[The Bureau] has been devastated. [NHDOE employees are] doing the best they can.

Data Driven Enterprises Evaluation Recommendations

NHDOE Response

Progress Report, dated December 31, 2013

A. Use of Data in Focused Monitoring and Program Approval		
1. Expand the use of data to guide the selection of district for Focused Monitoring reviews.		
Date of Entry	Response	Status
Fall 2012	Districts are selected annually to participate in Focus Monitoring based on a review of each district's state assessment results. Districts are placed in a cohort group based on total student enrollment. Once the districts are selected in the cohort group, a review of each district's data is conducted to determine the district which has the largest gap based on the proficiency level for all students compared to students with disabilities.	Completed
December 2012	During the forum group held on December 20, 2012 a request was made of the NHDOE to consider expanding the selection process to include other areas. The NHDOE will convene a group of stakeholders in March 2013 to discuss expanding the selection process to include other areas for selection to participate in Focus Monitoring process.	The U.S. Department of Education's Office of Special Education Programs (OSEP) recently changed its approach to monitoring and supporting States with the goal of improving educational and functional outcomes for children with disabilities. To place a greater emphasis on monitoring for results, OSEP has added a new indicator (B-17) to the State Performance Plan (SPP) and Annual Performance Report (APR) that requires States to develop a State Systemic Improvement Plan (SSIP) focused on improving results for children with disabilities. The Bureau of Special Education will be submitting the first component of the SSIP beginning with the FFY 2013 SPP/APR due in February 2015.
February 2013	Prior to June 30, 2013 the NHDOE will convene a stakeholder group to consider the current use of the achievement gap as the Key Performance Indicator (KPI) and other factors, such as compliance history (prevalent/gravity of IDEA complaint decisions and due process hearing results) and performance on State Performance Plan Indicators (especially 1, 2, 3c and 5) to be utilized in the selection process to participate in Focused Monitoring.	There will be stakeholder input to develop the State Systemic Improvement Plan (SSIP). The Bureau of Special Education intends to convene stakeholders in the Spring of 2014.

2. Expand the use of data to guide Focused Monitoring and Program Approval methodologies in districts and facilities being visited.		
Date of Entry	Response	Status
Fall 2012	The NHDOE has addressed this for the 2012-2013 Focus Monitoring process. FM team leaders and districts are not only reviewing the achievement gap but also considering district data profiles and district determinations, as well as other district generated data such as district assessments, attendance, discipline, teacher staffing, etc. The district data profiles highlight district's compliance and performance on the fourteen indicators determined by the Office of Special Education Programs (OSEP) as outlined in the New Hampshire State Performance Plan.	The 2013-2014 Focused Monitoring Process continues to address this. FM team leaders and districts are not only reviewing the achievement gap plus district data profiles and district determinations but also district assessments, attendance, discipline, teacher staffing, etc. The district data profiles highlight district's compliance and performance on the indicators required by the Office of Special Education Programs (OSEP) as outlined in the New Hampshire State Performance Plan (SPP).
3. Create purposeful samples of students for each compliance hypothesis.		
Date of Entry	Response	Status
Fall 2012	The NHDOE has revised the IEP selection process to include a total of eight students per school. Eight students per school were selected to ensure that if each of the eight files reviewed had a child specific finding of noncompliance the district would be able to adhere to the federally mandated 45 days to correct the noncompliance. The process for the IEP review to determine compliance was revised for the 2012-2013 school year. The process for the IEP review to determine compliance has two review methods; the FM IEP review which involves participation of district staff, peer review and FM team member, as well as an onsite IEP file review for compliance which is done by the NHDOE and NHDOE representatives.	NHDOE has addressed this recommendation Completed
January 8, 2013	The NHDOE continues through the Focused Monitoring IEP Review Process to use a representative selection process that is purposeful. Specifically the NHDOE is intentionally insuring that the selection includes differing disabilities, grade levels, case managers, and gender/race/ethnicity. Equally important is that the IEPs selected are representative of students who have been in the district for at least two–three years in order to ensure that the district can provide a longitudinal review of student data.	NHDOE has addressed this recommendation Completed

B. Focused Monitoring and Program Approval Instruments and Methodology.

1. Ensure proper training in IDEA and state special education requirements prior to an individual's participation in Focused Monitoring or Program Approval.

Date of Entry	Response	Status
Fall 2012	The Focus Monitoring/Program Approval project has a project manager to organize and oversee all aspects of the project. The project manager communicates weekly by teleconference or in meeting on all program approval matters including but not limited to budget, maintenance of the onsite schedule, status of corrective actions activities, correction of child specific noncompliance, updating of new special education programs seeking approval, and state issued memos. The NHDOE staff member who coordinates the Focus Monitoring/Program Approval project meets monthly with the project manager and other team member to discuss the project and update the team on any new special education requirements.	NHDOE has addressed this recommendation Completed
November 2012	There is training for individuals who have applied and been selected to be a Focused Monitoring IEP Review Facilitator. The training discusses the key characteristics of a good facilitator as well as a round table discussion of problem solving solution for facilitators. The second half of the training consists of reviewing the focused Monitoring IEP Review-Data Collection form. The FM team discusses each component of the form.	Completed
January 8, 2013	The majority of the NHDOE Program Approval Team members are certified in the field of special education and are experienced teachers/related service providers and/or systems administrators. The general educators on the team are not charged with facilitating the IEP Reviews, nor are they responsible for conducting file reviews of any kind. Protocols for the NHDOE Program Approval Team members are in place, templates and documents are reviewed on a yearly basis to ensure accuracy and alignment to state and federal special education rules and regulations. To insure consistency among team members, all processes, protocol and documents are reviewed and discussed periodically. On occasion, there is cause for recruiting visiting team members who serve as IEP Review Facilitators. These individuals are recruited and selected by the NHDOE Program Approval Team, and provided with yearly training, as well as on-site training immediately prior to the Focused Monitoring IEP Reviews.	Completed The Bureau of Special Education is conducting special education compliance monitoring visits for the second year. The special education compliance monitoring is conducted by NHDOE staff.

2. Eliminate “one-size-fits-all” compliance review documents.		
Date of Entry	Response	Status
Fall 2012	IDEA does not mandate a compliance hypothesis for determining monitoring activities. However, the FM process is designed so that schools will develop compliance hypothesis regarding the performance of students with disabilities on the state assessment during the year- long processes. This includes a root cause analysis of performance on the state assessment.	NHDOE has addressed this recommendation Completed
3. Ensure that Focused Monitoring and Program Approval compliance review instruments accurately reflect federal and state requirements.		
Date of Entry	Response	Status
Fall 2012	NHDOE has revised our IEP review forms to include administrative rules and IDEA citations (federal and state regulations). NHDOE has clearly stated within the forms what is and is not a federal or state regulations question.	NHDOE has addressed this recommendation Completed
February 2013	NHDOE will review the forms and work towards the elimination of any items that cannot be cited back to a federal or state regulation for compliance review.	The Bureau of Special Education has created a self-assessment data collection form which districts are asked to complete prior to the special education compliance monitoring visit. The data collection identifies whether the compliance area is mandated by the Individuals with Disabilities Education Act (IDEA) and/or the New Hampshire Rules for the Education of Children with Disabilities.
4. Separate Focused Monitoring and Program Approval from other school improvement and/or accreditation activities.		
Date of Entry	Response	Status
January 8, 2013	The Focused Monitoring IEP Review Process is now intentionally scheduled and completed earlier in the school year; with additional onsite compliance reviews of IEPs completed by the NHDOE Bureau of Special Education staff. Findings and results of both these reviews are summarized and reported to the school district. Data from the Focused Monitoring IEP reviews are now contained in a stand-alone report, which has timelines and processes for reporting and providing evidence of corrective actions.	NHDOE has addressed this recommendation Completed

5. Increase the sample size for file reviews and case studies.		
Date of Entry	Response	Status
January 8, 2013	The number of IEPs to be reviewed in the Focused Monitoring process has been increased to a minimum of eight per school. There were no changes to the number of case studies conducted in private school settings.	NHDOE has addressed this recommendation Completed
amount of time allocated for compliance reviews and case studies.		
Date of Entry	Response	Status
January 8, 2013	Increased time has been allocated for compliance review activities. Additionally, the NHDOE FM and Program Approval Teams are responsible for the review of all special education policy/procedures/staff credentials and the data required in the submission of application materials. Such activities extend well beyond the two days that are spent reviewing IEPs. All of these activities, combined with extensive consultation with the Bureau of Special Education, are estimated to be a minimum of 8-10 days per District directed solely to the review of compliance.	NHDOE has addressed this recommendation Completed
Additional strategies in the identification of noncompliance.		
Date of Entry	Response	Status
Fall 2012	Through the IDEA requirements of general supervision, the NHDOE does employ a variety of strategies in the determination of noncompliance. The NHDOE employs onsite visits, file reviews, desk audits and investigations to determine noncompliance.	NHDOE has addressed this recommendation Completed
January 8, 2013	The protocol and process used by the NHDOE, Bureau of Special Education has always required submission of evidence when determining compliance, such as documentation in NHSEIS, evidence from onsite file reviews, district submission of desk audit data, review of policies and procedures, and interviews with staff based on specific areas of compliance. Furthermore, OSEP monitors the Bureau annually to ensure that these protocols and processes are sufficient to meet the requirements of IDEA.	NHDOE has addressed this recommendation Completed
Fall 2012	The NHDOE FM and Program Approval Teams have assured the NHDOE that they have always required submission of evidence when determining compliance.	NHDOE has addressed this recommendation Completed
February 2013	The NHDOE annually reviews and updates the processes for monitoring and identifying noncompliance in NH school districts based on new information from OSEP or NERRC. The FM Process is only one method the NHDOE uses to identify noncompliance. Numerous indicators, such as 11, 12 and 13 are monitored separately from the FM process. NHDOE is always looking at ways of streamlining its monitoring processes.	NHDOE has addressed this recommendation Completed

8. Increase the involvement of NHDOE in the Focused Monitoring and Program Approval compliance reviews.		
Date	Response	Status
Fall 2012	<ul style="list-style-type: none"> • The NHDOE guides the compliance review activities for the onsite visits and is the final arbitrator in the finding of non-compliance. • The NH Department of Education continues to be responsible for verification of correction of non-compliance and reporting to OSEP. • The NHDOE continues to take an active role in the FM and Program Approval onsites. The NHDOE Special Education Bureau staff has begun to conduct additional onsite IEP file reviews for compliance. • The NHDOE continues to assist in answering any questions and providing technical assistance regarding the implementation of IDEA and/or state regulations. • The NHDOE involvement allows the state to guide compliance review. 	NHDOE has addressed this recommendation Completed
C. Focused Monitoring and Program Approval Reports and Corrective Action Plans.		
1. Eliminate Achievement Team (in Focused Monitoring) and accreditation information (Program Approval) from IDEA compliance reporting.		
Date of Entry	Response	Status
January 8, 2013	As a result of the recommendation, the Focused Monitoring IEP Review Summary Report is a stand-alone document and is no longer incorporated into the Year End Focused Monitoring Report. Compliance activities are separate from Achievement Team Activities. IEP Review Summary reports no longer contain information related to “improvement activities”. The reporting is directed to findings of noncompliance and required corrective actions. While the Achievement Team is informed of the data collected during the IEP Review Process, there are two distinct reports generated.	NHDOE has addressed this recommendation Completed

2. Improve the clarity with which findings are reported.		
Date of Entry	Response	Status
Fall 2012	Based on the recommendation of DDE, the NHDOE’s FM compliance reports carefully delineate the following: 1) the specific areas of compliance reviewed, 2) the specific results of the compliance file review, and 3) the state’s determination regarding noncompliance in each area of review, including whether there is an individual instance of noncompliance and if the district is correcting implementing state and federal regulations. Improvement plans are addressed in a separate report.	NHDOE has addressed this recommendation Completed
3. Eliminate the practice of including “suggestions” related to IDEA compliance in Focused Monitoring and Program Approval reports.		
Date of Entry	Response	Status
Fall 2012	As a result of this recommendation, the NHDOE has eliminated the practice of including “suggestions” in the written findings of the noncompliance report.	NHDOE has addressed this recommendation Completed
4. Within each Corrective Action Plan, include an appropriate description of acceptable evidence of correction for each finding.		
Date of Entry	Response	Status
February 2013	Written findings of noncompliance made by the NHDOE, Bureau of Special Education include a description of what is required of the district in order to demonstrate timely correction of the noncompliance. Corrective action plans are required only in certain circumstances. They are used as part of the year-long Focused Monitoring process, which includes both school improvement as well as compliance. The bureau also uses corrective action plans as needed to organize and support districts with understanding the requirements for providing evidence of correction of noncompliance. Corrective action plans include timelines, required actions and necessary documentation to demonstrate correction. Each corrective action plan has built in action steps, timelines and responsibilities. Since Focused Monitoring is a year-long process, the FM Technical Assistance team works with districts to develop the district’s corrective action plan. The timelines in the plan detail what evidence is required for correction and federally mandated timelines are met. The NHDOE includes the description of acceptable evidence of correction of noncompliance in the written finding of noncompliance. This process is consistent with OSEP guidance (see the “FREQUENTLY ASKED QUESTIONS REGARDING IDENTIFICATION AND CORRECTION OF NONCOMPLIANCE AND REPORTING ON CORRECTION IN THE STATE PERFORMANCE PLAN (SPP)/ANNUAL PERFORMANCE	NHDOE has addressed this recommendation Completed

REPORT (APR) SEPTEMBER 3, 2008.”) In determining the steps that the district or facility must take to correct the noncompliance and to document such correction, the NHDOE considers a variety of factors, including: (1) whether the noncompliance was extensive or found in only a small percentage of files; (2) whether the noncompliance showed a denial of a basic right under IDEA (e.g., a long delay in initial evaluation beyond applicable timelines with a corresponding delay in the child’s receipt of FAPE, or a failure to provide any services in accordance with the IEP); and (3) whether the noncompliance represents an isolated incident in the district or facility, or reflects a long-standing failure to meet IDEA or NH State requirements. Thus, while the NHDOE may determine the specific nature of the required corrective action, the NHDOE ensures that any level of noncompliance is corrected as soon as possible, and in no case later than one year after the NHDOE's identification.

1. Clear expectations of the required actions and necessary documentation for demonstration of correction of noncompliance including:

- *Identification by the district of possible root cause(s) of the noncompliance;*
- *Changes to any policies, procedures or practices that contributed to the noncompliance;*
- *For any noncompliance concerning a child-specific requirement, evidence that the district has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district;*
- *For timeline requirements, the district must provide evidence that the required action has been completed, though late; and*
- *Updated data, collected after the identification of noncompliance that demonstrate that the district is correctly implementing the specific requirement. Provide the district with the specific timeline for them to demonstrate correction of the noncompliance. This must allow the NHDOE to verify correction as soon as possible but in no case later than one year from the date of the written finding(s). Emphasis on as soon as possible; set the State established deadline as earlier as is reasonable and keep going until corrected. If data are not submitted within NHDOE required timelines there may be additional enforcement actions, and it will be considered as part of determination of the district’s implementation of IDEA.*

	<ul style="list-style-type: none"> • Any enforcement actions taken as a result of the noncompliance. This may vary depending on the severity and frequency of the noncompliance. • Reporting requirements specifying if periodic data reports are required or just one report to demonstrate that the noncompliance is corrected. Also, indicate if data are to be submitted to the NHDOE, can be collected through other sources (such as NHSEIS) or if there will be an onsite file review. 	
5. Eliminate use of the “Assurance Form: to address child-specific findings of noncompliance.		
Date of Entry	Response	Status
Fall 2012	Based on DDE’s recommendation, the NHDOE has eliminated the use of the assurance forms for child specific noncompliance that were previously used in the focused monitoring process. The NHDOE ensures that both prongs of OSEPs memo 09-02 are being addressed. The NHDOE reports on both prongs annually in the APR, including findings not related to specific APR indicators, such as measurable annual goals and personnel. The NH DOE is monitored by OSEP on this issue.	NHDOE has addressed this recommendation Completed
6. Ensure that both prongs of OSEP’s Memo 09-02 are satisfied when conducting activities to verify correction of noncompliance.		
Date of Entry	Response	Status
February 2013	The NHDOE verifies that each district and facility (nonpublic special education program) with a written finding of noncompliance (1) is correctly implementing the specific regulatory requirements, (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring, State data system or desk audit; and (2) has corrected each individual case of noncompliance or in the case of a timeline-specific requirement, completed the required action, although late, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02. Each finding of noncompliance is required to be verified by the bureau as corrected as soon as possible but in no case greater than one year from the date of the finding. Districts and/or facilities that demonstrate correction noncompliance (for each individual instance of noncompliance and through updated data) within the NHDOE established timelines are verified as corrected without further enforcement action. The NHDOE takes additional enforcement action as needed when districts or facilities are not able to demonstrate correction of noncompliance within timelines.	NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation Completed

	<p>FFY 2011 APR Indicator 15 (due February 15, 2013):For the 189 findings identified in 2010-2011, the NHDOE used the following process to verify correction as soon as possible but no later than one year from identification. The State verified the correction of the noncompliance either through on-site visit and file review and/or through a NHDOE desk audit monitoring review of district-submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure that the LEA had corrected each individual case of noncompliance, unless the child was no longer in the jurisdiction of the LEA. Specifically, the NHDOE reviewed files for correction or required LEAs to submit data demonstrating individual correction.</p> <p>In addition, the NHDOE verified that the LEA was correctly implementing the specific regulatory requirements related to the findings through the review of subsequent data demonstrating 100% compliance. The verification was accomplished through an on-site monitoring visit with a review of a representative selection of student files, policies and procedures and other evidence to ensure that the LEA is implementing the specific regulatory requirements. The NHDOE file review includes a representative selection of student files to ensure confidence that the LEA has implemented the regulations with 100% compliance. In responding to indicators 4B, 11, 12 and 13 in the FFY 2011 APR, the NHDOE reported on the correction of noncompliance as described in the NH Part B FFY 2010 SPP/APR Response Table.</p> <p>The findings reported in this indicator reflect all noncompliance identified through monitoring, data collections, and dispute resolution. Written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.</p> <p>In addition, details regarding the verification of correction of noncompliance for specific indicators are described below.</p>	
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FFY 2011 APR Indicator 4B: For each of the 2 districts that had significant discrepancies by race or ethnicity in the rates of suspensions and expulsions, the NHDOE conducted an on-site visit to review the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with IDEA. The NHDOE conducted the review required by 34 CFR §300.170(b) by permitting the districts to provide data and information to the NHDOE during the on-site visit based on the *New Hampshire Department of Education Indicator 4 Self-Assessment Checklist*. These on-site reviews occurred prior to the February 15, 2013 submission of the APR.

Based on these reviews, the NHDOE was able to determine that 2 of the 2 districts had areas of noncompliance with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Of these 2 districts, one district was determined to have policies and procedures in place to implement IDEA relative to this indicator however local practices regarding the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards contributed to the significant discrepancy. In order to effectively change these practices, the district has plans for systemic professional development and support for administration and staff in the high school regarding the appropriate implementation of the procedures, specifically with respect to students with IEPs who have challenging behaviors, including issues related to drug and alcohol abuse. The other district had a policy specific to manifestation determination that contributed to the significant discrepancy, which cascaded into issues regarding related procedures and practices. This district is working with the local administration and the school board to correct this policy and to develop the appropriate procedures related to this policy. Once this is done, training will be provided for staff around appropriate practices. Written findings of noncompliance, consistent with OSEP Memo 09-02, were made based on these data. The NHDOE will report on the correction of noncompliance as required in the next APR.

	<p>FFY 2011 APR Indicator 9: 0% of districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>FFY 2011 APR Indicator 10: 0% of districts had disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.</p> <p>No districts were identified with overrepresentation with the measurement for Indicator 9 or Indicator 10. If any districts had been determined to have overrepresentation in the identification of students with disabilities (or in the specific subgroups), the NHDOE would have utilized the following monitoring process to determine whether the disproportionate representation was the result of inappropriate identification. The NHDOE would examine the districts' child find, evaluation, eligibility and other related policies, procedures and practices to ensure an equitable consideration for special education and related services for all racial and ethnic groups and that those eligibility determinations were conducted appropriately. For each district with overrepresentation of identification, the State would have consulted with the local Director of Special Education regarding the data and reviewed local policies, procedures and practices related to this indicator. In addition, the NHDOE would have reviewed the data for complaints and due process hearings for any issues regarding inappropriate identification that may have been found in either of these dispute resolution mechanisms.</p> <p>FFY 2011 APR Indicator 11: Timeliness of Initial Evaluations. In FFY 2010, the NHDOE made written findings of noncompliance relative to Indicator 11 based on FFY 2009 data. The level of compliance for FFY 2009 was 95%. In FFY 2010, the NHDOE made a finding for each individual instance of noncompliance. Written findings of noncompliance based on the FFY 2010 data were made in FFY 2011. For each finding, the NHDOE verified the correction of noncompliance, consistent with OSEP Memorandum 09-02, as follows:</p>	
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	<p>(1) The NHDOE verified that each district was correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process. During the correction period, the NHDOE reviewed local policies and procedures and supported districts with accurate data collection and entry in order to ensure districts were providing timely evaluations.</p> <p>(2) The NHDOE, through a data review of the desk audits submitted by districts and additional data as needed, verified that each district had completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child was no longer within the jurisdiction of the LEA. Therefore, the NHDOE has verified that, for each of these individual cases, the district had completed the required action, although late, unless the child was no longer within the jurisdiction of the LEA, prior to the identification of findings, as reported in the FFY 2010 APR.</p> <p>These findings reflect all noncompliance identified with this indicator through monitoring and data collections and written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.</p> <p>FFY 2011 APR Indicator 12: Timeliness of Transitions from Early Intervention to Preschool Special Education. For each finding, the NHDOE verified the correction of noncompliance, consistent with OSEP Memo 09-02, as follows:</p> <p>(1) The NHDOE verified that each district was correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process. During the correction period, SSECT reviewed local policies and procedures and supported districts with accurate data collection and entry in order to ensure districts were providing timely and quality transitions.</p>	
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(2) Prior to issuing written findings of noncompliance, the NHDOE, through a data review, verified that each district had developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA. Therefore, the NHDOE has verified that, for each of these individual cases, the district had completed the required action, although late, unless the child was no longer within the jurisdiction of the LEA, prior to the identification of findings, as reported in the FFY 2010 APR.

These findings reflect all noncompliance identified with this indicator through monitoring and data collections and written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.

FFY 2011 Indicator 13: Secondary Transitions. For each finding identified in FFY 2010, the NHDOE verified the correction of noncompliance, consistent with OSEP Memo 09-02, as follows:

(1) The NHDOE verified that 13 of the 14 districts with a finding of noncompliance were correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process and/or through an on-site file review.

(2) The NHDOE, through a desk audit data review, verified that each individual instance of noncompliance was corrected, unless the student was no longer within the jurisdiction of the LEA. The data that were reviewed included the individual student's updated and signed IEP and any other necessary documentation such as meeting invitations and age-appropriate transition assessments.

For the one district with ongoing noncompliance, the NHDOE has verified that each individual instance of noncompliance identified in 2010-2011 has been corrected. The NHDOE has taken additional enforcement actions with this district requiring monthly reporting to the NHDOE including updated evidence of implementation of the regulations of IDEA relative to this indicator and mandatory trainings. The NHDOE has redirected a portion of the district's federal funds to engage in specific actions to remedy the noncompliance.

7. Formalize the state’s tracking and follow-up procedures for districts and facilities that are in Corrective Action Plans, and apply the procedures uniformly across the state.

Date of Entry	Response	Status
February 2013	<p>The NHDOE Bureau of Special Education has in place and implements formalized tracking and follow-up procedures for districts and facilities (nonpublic special education programs) that have been issued a written finding of noncompliance. These procedures are implemented consistently across the state. When a finding of noncompliance is made in a nonpublic facility that includes an individual instance of noncompliance, the district of liability is also cited for that noncompliance.</p> <p>Written findings of noncompliance, based on guidance from OSEP, are generally made within 90 days of discovery. As required by OSEP, written findings of noncompliance include:</p> <ul style="list-style-type: none"> • <i>The State’s conclusion that the LEA is in noncompliance;</i> • <i>The citation of the applicable statute or regulation;</i> • <i>A description of the quantitative and/or qualitative data supporting the State’s conclusion that there is noncompliance (accounting for all instances of noncompliance and including the percentage or level of noncompliance). This should include both child-specific instances as well as noncompliance in the implementation of the regulations.</i> <p>Corrective actions plans are required only in certain circumstances. They are used as part of the year-long Focused Monitoring process, which includes both school improvement as well as compliance. The bureau also uses corrective action plans as needed to organize and support districts with understanding the requirements for providing evidence of correction of noncompliance. This includes timelines, required actions and necessary documentation to demonstrate correction. Each corrective action plan has built in action steps, timelines and responsibilities.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

The NHDOE verifies that each district and facility (nonpublic special education program) with a written finding of noncompliance (1) is correctly implementing the specific regulatory requirements, (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring, State data system or desk audit; and (2) has corrected each individual case of noncompliance or in the case of a timeline-specific requirement, completed the required action, although late, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02. Each finding of noncompliance is required to be verified by the bureau as corrected as soon as possible but in no case greater than one year from the date of the finding. Districts and/or facilities that demonstrate correction noncompliance (for each individual instance of noncompliance and through updated data) within the NHDOE established timelines are verified as corrected without further enforcement action. The NHDOE takes additional enforcement action as needed when districts or facilities are not able to demonstrate correction of noncompliance within timelines.

For example, in Indicator 15 of the FFY 2011 APR, due February 15, 2013, the bureau explains:

For the 189 findings identified in 2010-2011, the NHDOE used the following process to verify correction as soon as possible but no later than one year from identification. The State verified the correction of the noncompliance either through on-site visit and file review and/or through a NHDOE desk audit monitoring review of district-submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure that the LEA had corrected each individual case of noncompliance, unless the child was no longer in the jurisdiction of the LEA. Specifically, the NHDOE reviewed files for correction or required LEAs to submit data demonstrating individual correction.

In addition, the NHDOE verified that the LEA was correctly implementing the specific regulatory requirements related to the findings through the review of subsequent data demonstrating 100% compliance. The verification was accomplished through an on-site monitoring visit with a review of a representative selection of student files, policies and procedures and other evidence to ensure that the LEA is implementing the specific regulatory requirements. The NHDOE file review includes a representative selection of student files to ensure confidence that the LEA has implemented the regulations with 100% compliance. In responding to indicators 3B, 11, 12 and 13 in the FFY 2011 APR, the NHDOE reported on the correction of noncompliance as described in the NH Part B FFY 2010 SPP/APR Response Table.

	Number of Findings of Noncompliance Identified	Number of findings of noncompliance for which correction was verified no later than one year from identification	Percentage of Compliance	Number of Findings Subsequently verified as corrected (beyond one year from identification)	
	168	167	99.40%	1 of 1 100%	
	268	259	96.94%	9 of 9 100%	
	189	177	93.65%	11 of 12 92%	
<p>The review of Indicator 15 data for last 3 years demonstrates a high level of timely correction of noncompliance as well as subsequent correction for noncompliance that is not timely corrected. There is one remaining finding of noncompliance that has not been subsequently corrected prior to the submission of this APR. This finding was for Indicator 13: Secondary Transition. The bureau has taken additional enforcement actions, including mandatory technical assistance, monthly reporting and the redirection of funds to address the root cause of the noncompliance.</p> <p>Each year OSEP makes a determination of the implementation of the requirements of IDEA for each state. The determination is based on the totality of the State's data and information including the State's FFY APR and revised State Performance Plan, other State-reported data, and other publicly available information. For the last three years in the letters which establish this determination, OSEP has noted New Hampshire has a high level of performance. These letters from OSEP confirm that NH reported valid and reliable data for all indicators and has a high level of compliance with Indicator 15, among other indicators. The NHDOE Bureau of Special Education will continue to follow the established process for tracking and following up on noncompliance, consistent with OSEP guidance.</p>					

	<p>As required by the Individuals with Disabilities Education Act (IDEA), 34 CFR section 300.600, the NHDOE makes determinations annually on the performance of each public school district regarding the implementation of IDEA. These determinations are made in consideration of information obtained through the NHDOE general supervision system (such as on-site monitoring visits, desk audits and other public information made available) including any audit findings and whether the data submitted by the local district is valid, reliable, and timely. Based upon this information, the NHDOE determines whether the district:</p> <ul style="list-style-type: none"> • meets the requirements and purposes of the IDEA; • needs assistance in implementing the requirements of the IDEA; • needs intervention in implementing the requirements of the IDEA; or • needs substantial intervention in implementing the requirements of the IDEA. (300.603) 	
<p>8. For districts and facilities that are in danger of failing to correct noncompliance in a timely manner, establish a formal process allowing the state to intervene appropriately before the correction timeframe expires.</p>		
Date of Entry	Response	Status
February 2013	<p>Written findings of noncompliance made by the NHDOE, Bureau of Special Education include a description of what is required of the district in order to demonstrate timely correction of the noncompliance. The NHDOE provides the district with the specific timeline for them to demonstrate correction of the noncompliance. This timeline is based on the actual area of compliance and may be comprised of multiple steps. For example, if a School Board needs to adopt a revised policy in order to address an area of noncompliance, the NHDOE might require the district to complete the policy review and development of proposed revisions within one timeline with evidence that the policy is on the docket for the School Board meeting the following month. Once the policy has been adopted, the NHDOE verifies if the noncompliance has been corrected. Timelines established by the NHDOE for correction allow the NHDOE to verify correction as soon as possible but in no case later than one year from the date of the written finding(s). The NHDOE timelines are based on the earliest possible date for correction which allows for additional opportunities for the district or facility to provide evidence of correction and for the NHDOE to take additional enforcement actions if needed to ensure timely correction. The timeliness of corrections is reported in the APR Indicator 15. Timeliness of correction of noncompliance is considered as part of annual determination of the district's implementation of IDEA (see #7. above). Reporting requirements specifying if periodic data reports are required or just one report to demonstrate that the noncompliance is corrected.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

D. Enforcement Actions

1. Develop a set of decision rules used to determine appropriate enforcement actions based on the four criteria contained in state statute.

Date of Entry	Response	Status
February 2013	<p>Requirements related to monitoring, technical assistance, and enforcement are found in 34 CFR §§300.600 through 300.609 and include: (1) the Secretary’s responsibility to establish and enforce particular procedures for monitoring, technical assistance, and enforcement actions; and (2) the State’s responsibility to monitor including implementing, enforcing, and annually reporting on the performance of LEAs under the <i>IDEA</i> through a State performance plan (SPP) and annual performance reports (APRs) under that SPP. This is discussed in the OSEP document “Question and Answers on Monitoring, Technical Assistance and Enforcement”. As described in the Q&A: “Changes in the State’s responsibilities include the requirements to: (1) submit an SPP to the Secretary that includes measurable and rigorous State-established targets for indicators established by the Secretary (34 CFR §300.601(a)); (2) monitor its LEAs under the priority areas related to the provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE), exercise of general supervision (including child find, effective monitoring, the use of resolution meetings, mediation and a system of transition services), and disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification (34 CFR §300.600(d)); (3) collect valid and reliable data to report annually to the Secretary on the State’s performance on the indicators in the SPP (34 CFR §300.601(b)); (4) report to the public on the performance of each of its LEAs on the targets in the SPP (34 CFR §300.602(b)(1)(i)(A)); and (5) carry out enforcement actions against those LEAs not meeting the requirements of Part B of the <i>IDEA</i> (34 CFR §§300.600(a) and 300.608)”.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: right;">Completed</p>

	<p>The NHDOE Bureau of Special Education carries out enforcement actions against those districts that do not meet the requirements of Part B of the <i>IDEA</i> (34 CFR §§300.600(a) and 300.608). Decision rules for determining the appropriate enforcement action for written findings of noncompliance are aligned with IDEA. The level of enforcement action is based on a variety of factors such as the severity and the frequency of the noncompliance.</p> <p>Enforcement actions: All enforcement actions are designed to correct the noncompliance. The level of enforcement action is based on the severity and frequency of the noncompliance. The NHDOE works with the district to determine the root cause of the noncompliance to maximize the effectiveness of the enforcement actions. All enforcement actions include specific timeframes and required evidence of correction. 1) The district is able to correct the noncompliance within a reasonable timeframe: no additional enforcement action required however TA may be recommended. 2) The district requires technical assistance in order to correct the noncompliance: the district may be able to select preferred TA or the NHDOE may mandate the TA. TA must occur within NHDOE specified timelines and must result in evidence of correction. 3) The NHDOE redirects the district IDEA funds to address the noncompliance. This occurs only after longstanding noncompliance with limited evidence of progress. This is generally a portion of the funds and rarely exceeds 10% of the allocation. 4) The NHDOE withholds the districts IDEA funds. This is used as a last resort when the district has longstanding and severe noncompliance. The NHDOE would use funds that were withheld to ensure the correction of the noncompliance.</p>	
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2. Develop and implement more meaningful enforcement actions for districts placed in the Needs Substantial Intervention determinations category and those failing to correct noncompliance within one year.

Date of Entry	Response	Status
February 2013	<p>When the NHDOE, through monitoring activities, determines that a district has a finding of noncompliance or is in need of substantial intervention, a staff member of the NHDOE, Bureau of Special Education is appointed to monitor the execution of the orders of compliance and to oversee the provision of the substantial intervention with the implementation of the regulations of IDEA.</p> <p>Needs Substantial Intervention: If the NHDOE determines, at any time, that the district needs substantial intervention, the NHDOE shall take one or more of the following enforcement actions, consistent with section 616(e)(3) and provide an opportunity for a hearing (ED 1125.03):</p> <ul style="list-style-type: none"> ○ Recover funds. ○ Withhold any further payments to the district. ○ Refer the case to the Office of the Attorney General. ○ Refer the matter for appropriate enforcement action <p>The NHDOE works with the district to develop a corrective action plan to address the identified areas of concern. The plan includes timelines and people responsible for the actions within the plan. The plan will include any identified root causes that may be impacting the district’s ability to implement the regulations of IDEA. The district must provide the NHDOE with periodic progress reports once the plan is approved, including updates on potential root causes that impact the district progress. If the district does not comply with this enforcement action and does not demonstrate progress in a timely manner, the NHDOE will take additional enforcement actions, such as the redirection of IDEA funds. Because the determination that a district is in need of substantial intervention regarding the implementation of IDEA may be based in part or in whole on previously identified areas of noncompliance, this plan will need to acknowledge noncompliance that has already been corrected and coordinate any corrective actions that are</p> <p>District Failure to Correct Noncompliance within One Year</p> <p>Indicator 15 monitors that the general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. See information on enforcement actions above.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

E. Annual LEA Determinations

1. Use performance and compliance indicators from the State Performance Plan in making annual LEA determinations.

Date of Entry	Response	Status
February 2013	<p>The NHDOE complies with OSEP requirements regarding the use of compliance indicators for making annual LEA determinations. The NHDOE plans to align the use of performance indicators for making determinations with the direction from OSEP regarding Results- Driven Accountability. OSEP is currently re-thinking its accountability system in order to shift the balance from a system-focused primarily on compliance to one that puts more emphasis on results. The NHDOE is cautious about over-burdening districts with requirements that exceed IDEA. The NHDOE has initially established a system that ensures compliance prior to looking at performance.</p> <p>Currently, in making our determination for each district, the NHDOE considers the totality of the information we have about each district. This includes the district performance on the factors.</p> <p>State Performance Plan Indicator 4B: The district does not have 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. Data were timely and accurate. State Performance Plan Indicator 9: The district does not have a disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification. Data were timely and accurate.</p> <p>State Performance Plan Indicator 10: The district does not have a disproportionate representation, by disability category, of racial and ethnic groups in specific disability categories that is a result of inappropriate identification. Data were timely and accurate.</p> <p>State Performance Plan Indicator 11: Initial evaluations for special education are completed within state established timelines. Data were timely and accurate.</p> <p>State Performance Plan Indicator 12: Children referred from Family-Centered Early Supports & Services to special education have a determination of eligibility prior to the third birthday. Children who were found eligible have an IEP developed and implemented (signed by the parent) on or before the third birthday. Data were timely and accurate.</p> <p>State Performance Plan Indicator 13: The district met the requirements for compliance with effective transition for students aged 16 and above. Data were timely, accurate and reliable.</p> <p>State Performance Plan Indicator 15: General Supervision findings of noncompliance identified in 2009-2010 through monitoring, complaints and due process hearings are corrected within required timelines.</p>	NHDOE has addressed this recommendation Completed

	<p>State Performance Plan Indicator 7: Preschool special education child progress data were timely and accurate.</p> <p>Coordinated Early Intervening Services (CEIS): Federal Table 8. Data were timely and accurate.</p> <p>Audit: Audit findings regarding special education funds are corrected within timelines.</p> <p>IDEA Grant Management: The district completes reporting for IDEA funds within timelines. All grants must be closed within 90 days of the project end date.</p> <p>Maintenance of Effort (MOE): Data were timely and accurate.</p> <p>IDEA Grant Management: Federal Assurances are submitted as required in the online grant system. The criteria may change from year to year based on the federal requirements and State data.</p>	
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2. Solicit stakeholder input into the development of a formula by which LEA determinations will be made.

Date of Entry	Response	Status
February 2013	When the OSEP Results-Driven Accountability is in place, the NHDOE will solicit stakeholder input regarding the determination process.	NHDOE will be bringing a team to the Northeast Regional Resource Center (NERRC) State Systemic Improvement Plan (SSIP) Meeting in Springfield, MA on March 19 – March 20, 2014. This meeting will take the State Department of Education from “where they are” and provide the States with State Team planning time as well as opportunities for cross-State sharing and consultation with national experts. The objective of the meeting is to have State Teams ready to develop their State Systemic Improvement Plan (SSIP) for the FFY 2013 SPP/APR due in February 2015.

F. Verifying Accuracy of LEA Data and Ensuring Effectiveness

1. Develop a system for verifying the accuracy of the indicator data collected from districts.

Date of Entry	Response	Status
February 2013	<p>NHSEIS has accuracy verification built into it. The Bureau continues to work with NHSEIS stakeholders and to provide training and technical assistance to districts in order to ensure that local district staff enters data correctly.</p> <p><i>Submission of SPP/APR Data</i></p> <p>The NHDOE ensured that data submitted in the SPP/APR are valid and reliable through a variety of means. Data tied to the 618 data reporting requirements have data quality checks built into the data collection process. Data collected through a desk audit monitoring process and statewide surveys are reviewed by the NHDOE and verified through cross-checks for data accuracy and completeness. The NHDOE verifies the timely correction of noncompliance, consistent with OSEP memo 09-02, through a review of a representative selection of students, policies and procedures and other evidence as needed to ensure that the LEA is implementing the specific regulatory requirements.</p> <p><i>Submission of 618 data (Federal Tables)</i></p> <p>The NHDOE used different databases for the collection of the 618 data for the federal tables and submitted through EDFacts. Table 1, 3, 4, and 5 are generated using information from the New Hampshire Special Education Information System (NHSEIS). Table 2 was generated using information from the NHDOE Bureau of Special Education through a survey sent to all districts and signed by the appointing authority. Table 6 was generated using information from the NHDOE Bureau of Accountability, Table 7 was generated using the database from the NHDOE Office of Legislation and Hearing and Bureau of Special Education, Complaint Officer, and Table 8 was generated using the data collected through a desk audit process by the Bureau of Special Education.</p> <p>NHSEIS was designed as a data collection instrument which ensures through its business rules that data entered into the system were valid and reliable. NHSEIS provides error message with explanation when data are entered that are incorrect giving districts an opportunity to reenter correct data. The NHDOE offered continuous technical assistance and training to districts including monthly forums, on-site training and phone/e-mail support as well as a training manual. NHDOE staff members were available to assist districts on a daily basis with NHSEIS.</p> <p>The NHDOE worked with EDFacts to verify and agree with Part B Report that all report and error messages that were sent to the NHDOE had been submitted and responded in a timely and accurate data for FFY 2012.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

2. Related to Recommendation 1, a special effort should take place to verify the accuracy of Indicator 5 data.

Date of Entry	Response	Status
February 2013	<p>NHSEIS has accuracy verification built into it. The Bureau continues to work with NHSEIS stakeholders and to provide training and technical assistance to districts in order to ensure that local district staff enter data correctly.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation Completed</p>
2012	<p>Bureau of Special Education resubmitted data through EDEN for table 3 because the calculation for table 3 did not include the amount of time student removed from related services. We did this in conjunction with OSEP funded DAC (3 year project). Data reported in the federal Annual IDEA Data Report, <i>Table 1 Report of Children with Disabilities receiving Special Education under Part B of the Individuals with Disabilities Education Act</i> and <i>Table 3 Part Individuals with Disabilities Education Act Implementation of FAPE Requirements</i> were used for this indicator. The NHDOE based the numbers for the calculation of this indicator on the data entered by districts into the special education statewide data system (NHSEIS): 26,264 children with IEPs ages 6-21 with data points in NHSEIS on 10/1/2011. As in the past, the NHDOE has not included the non-duplicated counts for youth in correctional facilities and children parentally placed in private schools in the reported data for this indicator.</p> <p>These figures reflect data submitted through EDEN by the NHDOE for Table 3 for October 1, 2011 and are consistent with the 618 data reported by the NHDOE.</p> <p>The NHDOE used a number of district entered data points from NHSEIS to calculate the amount of time a student was in the regular class (part A. and part B. of the measurement). The data points include the type of service, the setting in which the service was to be provided, the length of time for the service and length of the school day for the student. The NHDOE calculated the amount of time the child was inside the regular class by taking the length of the school day less the time the child was in a special education setting. In other words, if the length of the school day for a child was 6 hours and the child had 1 hour of services in a special education setting, the child was considered to be in the regular class for 5 hours a day or 83.33% of the time. The NHDOE included students enrolled in public academies and joint management agreement (JMA) schools in the same manner as students enrolled in public schools.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation Completed</p>

	<p>The NHDOE data analysis to determine the amount of time the child was in special education settings did not include time when a child was receiving transportation, in a regular education class, or overlapping services. When the NHDOE calculated the data, if the length of school day for the child did not correspond with the total hours of services identified in the IEP, the NHDOE used the length of school day for the school the child was attending. The length of school day for the school was entered by the district in the reference site in NHSEIS.</p>	
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3. Examine the effectiveness of the Focused Monitoring process on the monitored districts.

Date of Entry	Response	Status
<p>January 8, 2013</p>	<p>As a result of this recommendation, the NHDOE Program Approval Team has developed and is piloting a new tool, Program Approval Focused Monitoring Indicators, which is currently being used with the 2012-2013 Focused Monitoring school districts. The data collection tool is designed specifically to determine whether or not the Focused Monitoring process is resulting in the desired outcomes of increased student achievement. The use of the tool provides a deeper level of information about whether the focused monitoring action plan has been implemented as intended and the overall program effectiveness. The key results areas were identified based on research on school improvement and references to the literature used to identify and support the importance of each key result area are included in the document. (A similar tool will be developed for out-of-district private providers.)</p>	<p>Ongoing</p>
	<p>Existing longitudinal achievement data collected from the Focused Monitoring Districts reflect improved proficiency rates for all students with disabilities as compared to non-monitored districts. Because the Focused Monitoring Process has been designed to be a systemic school improvement model, the impact has been improved results for all other learners as well; consequently the achievement gap has not always been affected.</p>	

4. Identify the “high –performing” focused monitored districts and determine why the Focused Monitoring process worked well for them.

Date of Entry	Response	Status
	<p>For new districts who are selected to participate in the FM process the NHDOE brings back past districts who have already participated in the FM process to highlight their successes and challenges in narrowing the achievement gap. NHDOE will explore other avenues for highlighting their successes.</p>	<p>NHDOE has addressed this recommendation Completed</p>

G. Staffing and Resources		
1. Increase review team members' effectiveness by developing mandatory IDEA pre-visit training.		
Date of Entry	Response	Status
December 2012	On December 20, 2012, the FM Project Coordinator indicated that SERESC did provide their staff with additional IDEA training over the summer. As the Project Coordinator of the FM and Program Approval team indicated during the forum, the staff received additional training.	NHDOE has addressed this recommendation Completed
January 8, 2013	The NHDOE Program Approval Team has refined all training tools and provided visiting IEP Review Facilitators additional professional development. Refresher trainings have been designed and are provided immediately prior to the FM IEP Reviews. All IEP Review Facilitators are provided with a copy of the NH Rules in addition to training packets/resources.	NHDOE has addressed this recommendation Completed
2. Reconsider the practice of contracting out the Focused Monitoring and Program Approval processes in general, and reconsider contracting with SERESC.		
Date of Entry	Response	Status
Fall 2012	<p>The NHDOE does not have the staff to perform the responsibilities in the Focused Monitoring and Program Approval process. The state of NH provides \$0 in support of Bureau personnel. All Bureau staff are federally funded. Based on the lack of Bureau staff, the NHDOE issued a Request for Proposal for Focused Monitoring and Program Approval. A contract went through Governor and Council in July of 2012. The contract is from July 2012 to June 2015.</p> <p>The NHDOE is reviewing the overall process for conducting Focused Monitoring and Program Approval as part of our review of our general supervision responsibilities, including the potential conflict of contracting out certain responsibilities.</p>	The NHDOE has assumed the responsibility for the special education compliance monitoring of districts. The NHDOE assumed this responsibility during the 2012-2013 school year and will continue the special education compliance monitoring of districts.

December 2012	During the forum group held on December 20, 2012 a request was made of the NHDOE to have discussions to possibly redesign the NH monitoring process to ensure it addresses both Federal and State statues emphasizing monitoring and looking at results. OSEP currently only makes determinations based on compliance but they are working on defining a results-driven accountability for states. When the OSEP Results-Driven Accountability is in place, the NHDOE will solicit stakeholder input regarding the determination process and possibly redesigning the monitoring process.	<p>The U.S. Department of Education’s Office of Special Education Programs (OSEP) recently changed its approach to monitoring and supporting States with the goal of improving educational and functional outcomes for children with disabilities. To place a greater emphasis on monitoring for results, OSEP has added a new indicator (B-17) to the State Performance Plan (SPP) and Annual Performance Report (APR) that requires States to develop a State Systemic Improvement Plan (SSIP) focused on improving results for children with disabilities. The Bureau of Special Education will be submitting the first component of the SSIP beginning with the FFY 2013 SPP/APR due in February 2015.</p> <p>NHDOE will be bringing a team to the Northeast Regional Resource Center (NERRC) State Systemic Improvement Plan (SSIP) Meeting in Springfield, MA on March 19 – March 20, 2014. This meeting will take the State Department of Education from “where they are” and provide the States with State Team planning time as well as opportunities for cross-State sharing and consultation with national experts.</p>
3. Review state restrictions on filling vacancies in the Bureau, and pursue state funding support of additional staff if warranted.		
Date of Entry	Response	Status
Fall 2012	The NHDOE has requested additional education consultants for Fiscal Years 2014 and 2015 budgets. As part of the budget process, these positions are requested under the Change Budgets using federal funds, which may or may not be approved by the legislature. No new positions were requested with additional State funds. All current vacancies are in the process of being filled. These vacancies do not include education consultant positions. In the past five years the NH legislature has only approved the addition of one education consultant position using federal funds.	Completed/Ongoing

Data Driven Enterprises Evaluation Recommendations

NHDOE Response

Progress Report, dated June 30, 2014

A. Use of Data in Focused Monitoring and Program Approval		
1. Expand the use of data to guide the selection of district for Focused Monitoring reviews.		
Date of Entry	Response	Status
Fall 2012	Districts are selected annually to participate in Focus Monitoring based on a review of each district's State assessment results. Districts are placed in a cohort group based on total student enrollment. Once the districts are selected in the cohort group, a review of each district's data is conducted to determine the district which has the largest gap	Completed
December 2012	During the forum group held on December 20, 2012 a request was made of the NHDOE to consider expanding the selection process to include other areas. The NHDOE will convene a group of stakeholders in March 2013 to discuss expanding the selection process to include other areas for selection to participate in Focus Monitoring process.	<p>The U.S. Department of Education's Office of Special Education Programs (OSEP) recently changed its approach to monitoring and supporting States with the goal of improving educational and functional outcomes for children with disabilities. To place a greater emphasis on monitoring for results, OSEP has added a new indicator (B-17) to the State Performance Plan (SPP) and Annual Performance Report (APR) that requires States to develop a State Systemic Improvement Plan (SSIP) focused on improving results for children with disabilities. The Bureau of Special Education will be submitting the first component of the SSIP beginning with the FFY 2013 SPP/APR due in February 2015.</p> <p>June 30, 2014- The Bureau of Special Education is preparing for the submission of the FFY 2013 SPP/APR due in February 2015.</p>
February 2013	Prior to June 30, 2013 the NHDOE will convene a stakeholder group to consider the current use of the achievement gap as the Key Performance Indicator (KPI) and other factors, such as compliance history (prevalent/gravity of IDEA complaint decisions and due process hearing results) and performance on State Performance Plan Indicators (especially 1, 2, 3c and 5) to be utilized in the selection process to participate in Focused Monitoring.	<p>There will be stakeholder input to develop the State Systemic Improvement Plan (SSIP). The Bureau of Special Education intends to convene stakeholders in the Spring of 2014.</p> <p>June 30, 2014 - The Northeast Regional Resource Center (NERRC) collaborated with the Office of Special Education Program (OSEP) to sponsor the State Systemic Improvement Plan (SSIP) regional meeting on March 19th and 20th.</p>

		<p>NH's State Director of Special Education was a member of the planning team for this meeting. NH's Bureau of Special Education staff, Parent Information Center (PIC) staff and a representative from a district also participated in this two day conference.</p> <p>As part of the identification of the focus area for the State Systemic Improvement Plan (SSIP) of the State Performance Plan (SPP), the Bureau of Special Education conducted a data and infrastructure analysis. Based on current research around improving educational outcomes, a Governor Association briefing on early literacy, the NH Comprehensive Strategic Plan for Early Childhood (developed with broad stakeholder input) and data from the past several years, the Bureau has determined that preschool special education will be the broad area of focus for the SSIP.</p> <p>The Bureau of Special Education presented to the State Advisory Committee (SAC) during the December and May meetings. Ruth Littlefield will also be seeking input from SAC during the September retreat regarding the identification of the State Identified Measurable Result (SIMR) for the State Systemic Improvement Plan (SSIP).</p> <p>The Bureau of Special Education presented preliminary data to the NH Interagency Coordinating Council (ICC) for the State Identified Measurable Result (SIMR) on June 6, 2014 and will continue to seek input from that group moving forward. Information on the SSIP and SIMR were shared with Spark-NH (the NH State Early Childhood Advisory Council) on June 26, 2014.</p>
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2. Expand the use of data to guide Focused Monitoring and Program Approval methodologies in districts and facilities being visited.

Date of Entry	Response	Status
Fall 2012	<p>The NHDOE has addressed this for the 2012-2013 Focused Monitoring process. FM team leaders and districts are not only reviewing the achievement gap but also considering district data profiles and district determinations, as well as other district generated data such as district assessments, attendance, discipline, teacher staffing, etc. The district data profiles highlight district's compliance and performance on the fourteen indicators determined by the Office of Special Education Programs (OSEP) as outlined in the New Hampshire State Performance Plan.</p>	<p>The 2013-2014 Focused Monitoring Process continues to address this. FM team leaders and districts are not only reviewing the achievement gap plus district data profiles and district determinations but also district assessments, attendance, discipline, teacher staffing, etc. The district data profiles highlight district's compliance and performance on the indicators required by the Office of Special Education Programs (OSEP) as outlined in the New Hampshire State Performance Plan (SPP).</p> <p>June 30, 2014- The contract with Focused Monitoring will terminate on June 30, 2015. The Bureau of Special Education is investigating how to fiscally support the efforts of the SSIP.</p> <p>The Bureau of Special Education monitors all districts in the State through a variety of mechanisms as part of the State Performance Plan (SPP), including both compliance and performance monitoring. This data is published annually on the Department's website and compare district performance to targets as well as to the overall State performance.</p> <p>New Hampshire was one of two States selected to partner with the OSEP-funded Early Childhood TA Center (ECTAC) to receive intensive TA over two years regarding the implementation, scale-up and sustainability of evidenced-based practices for improving outcomes for infants, toddlers and preschool children with or at risk for delays or disabilities and their families. Cross-sector support was garnered for this initiative and ongoing input from a broad range of stakeholders is built into this process. This initiative has a strong data and evaluation component.</p>

3. Create purposeful samples of students for each compliance hypothesis.		
Date of Entry	Response	Status
Fall 2012	The NHDOE has revised the IEP selection process to include a total of eight students per school. Eight students per school were selected to ensure that if each of the eight files reviewed had a child specific finding of noncompliance the district would be able to adhere to the federally mandated 45 days to correct the noncompliance. The process for the IEP review to determine compliance was revised for the 2012-2013 school year. The process for the IEP review to determine compliance has two review methods; the FM IEP review which involves participation of district staff, peer review and FM team member, as well as an onsite IEP file review for compliance which is done by the NHDOE and NHDOE representatives.	NHDOE has addressed this recommendation Completed
January 8, 2013	The NHDOE continues through the Focused Monitoring IEP Review Process to use a representative selection process that is purposeful. Specifically the NHDOE is intentionally insuring that the selection includes differing disabilities, grade levels, case managers, and gender/race/ethnicity. Equally important is that the IEPs selected are representative of students who have been in the district for at least two–three years in order to ensure that the district can provide a longitudinal review of student data.	NHDOE has addressed this recommendation Completed
B. Focused Monitoring and Program Approval Instruments and Methodology.		
1. Ensure proper training in IDEA and State special education requirements prior to an individual's participation in Focused Monitoring or Program Approval.		
Fall 2012	The Focused Monitoring/Program Approval project has a project manager to organize and oversee all aspects of the project. The project manager communicates weekly by teleconference or in meetings on all program approval matters including but not limited to budget, maintenance of the onsite schedule, status of corrective actions activities, correction of child specific noncompliance, updating of new special education programs seeking approval, and State issued memos. The NHDOE staff member who coordinates the Focused Monitoring/Program Approval project meets monthly with the project manager and other team member to discuss the project and update the team on any new special education requirements.	NHDOE has addressed this recommendation Completed
November 2012	There is training for individuals who have applied and been selected to be a Focused Monitoring IEP Review Facilitator. The training discusses the key characteristics of a good facilitator as well as a round table discussion of problem solving solution for facilitators. The second half of the training consists of reviewing the Focused Monitoring IEP Review-Data Collection form. The FM team discusses each component of the form.	Completed

January 8, 2013	The majority of the NHDOE Program Approval Team members are certified in the field of special education and are experienced teachers/related service providers and/or systems administrators. The general educators on the team are not charged with facilitating the IEP Reviews, nor are they responsible for conducting file reviews of any kind. Protocols for the NHDOE Program Approval Team members are in place, templates and documents are reviewed on a yearly basis to ensure accuracy and alignment to State and federal special education rules and regulations. To insure consistency among team members, all processes, protocol and documents are reviewed and discussed periodically. On occasion, there is cause for recruiting visiting team members who serve as IEP Review Facilitators. These individuals are recruited and selected by the NHDOE Program Approval Team, and provided with yearly training, as well as on-site training immediately prior to the Focused Monitoring IEP Reviews.	<p style="text-align: center;">Completed</p> The Bureau of Special Education is conducting special education compliance monitoring visits for the second year. The special education compliance monitoring is conducted by NHDOE staff.
2. Eliminate “one-size-fits-all” compliance review documents.		
Date of Entry	Response	Status
Fall 2012	IDEA does not mandate a compliance hypothesis for determining monitoring activities. However, the FM process is designed so that schools will develop compliance hypothesis regarding the performance of students with disabilities on the State assessment during the year- long processes. This includes a root cause analysis of performance on the State assessment.	NHDOE has addressed this recommendation <p style="text-align: center;">Completed</p>
3. Ensure that Focused Monitoring and Program Approval compliance review instruments accurately reflect federal and State requirements.		
Date of Entry	Response	Status
Fall 2012	NHDOE has revised our IEP review forms to include administrative rules and IDEA citations (federal and State regulations). NHDOE has clearly stated within the forms what is and is not a federal or State regulations question.	NHDOE has addressed this recommendation <p style="text-align: center;">Completed</p>

February 2013	NHDOE will review the forms and work towards the elimination of any items that cannot be cited back to a federal or State regulation for compliance review.	<p>The Bureau of Special Education has created a self-assessment data collection form which districts are asked to complete prior to the special education compliance monitoring visit. The data collection identifies whether the compliance area is mandated by the Individuals with Disabilities Education Act (IDEA) and/or the New Hampshire Rules for the Education of Children with Disabilities.</p> <p>June 30, 2014- The Bureau of Special Education has revised the self-assessment data collection form with feedback from the districts. For the 2014-2015 school year, the Bureau of Special Education is requiring all district forms regarding the special education process to be provided to the Bureau of Special Education prior to the onsite monitoring visit.</p>
		<p>The Special Education Compliance Monitoring Review Report contains the following components:</p> <ul style="list-style-type: none"> • Overview of the Special Education Monitoring Process • Policies, Procedures and Effective Implementation <ul style="list-style-type: none"> ○ Effective Implementation of Practices • Recommendations to address problematic practices that do not represent noncompliance • Special Education Personnel • Monitoring Special Education Process • Compliance Summary for the district • Findings of Noncompliance <p>The 2014-2015 report will also include an appendix with the district's approved special education instructional programs.</p>

4. Separate Focused Monitoring and Program Approval from other school improvement and/or accreditation activities.		
Date of Entry	Response	Status
January 8, 2013	The Focused Monitoring IEP Review Process is now intentionally scheduled and completed earlier in the school year; with additional onsite compliance reviews of IEPs completed by the NHDOE Bureau of Special Education staff. Findings and results of both these reviews are summarized and reported to the school district. Data from the Focused Monitoring IEP reviews are now contained in a stand-alone report, which has timelines and processes for reporting and providing evidence of corrective actions.	NHDOE has addressed this recommendation Completed
5. Increase the sample size for file reviews and case studies.		
Date of Entry	Response	Status
January 8, 2013	The number of IEPs to be reviewed in the Focused Monitoring process has been increased to a minimum of eight per school. There were no changes to the number of case studies conducted in private school settings.	NHDOE has addressed this recommendation Completed
6. Increase the amount of time allocated for compliance reviews and case studies.		
Date of Entry	Response	Status
January 8, 2013	Increased time has been allocated for compliance review activities. Additionally, the NHDOE FM and Program Approval Teams are responsible for the review of all special education policy/procedures/staff credentials and the data required in the submission of application materials. Such activities extend well beyond the two days that are spent reviewing IEPs. All of these activities, combined with extensive consultation with the Bureau of Special Education, are estimated to be a minimum of 8-10 days per District directed solely to the review of compliance.	NHDOE has addressed this recommendation Completed
7. Employ additional strategies in the identification of noncompliance.		
Date of Entry	Response	Status
Fall 2012	Through the IDEA requirements of general supervision, the NHDOE does employ a variety of strategies in the determination of noncompliance. The NHDOE employs onsite visits, file reviews, desk audits and investigations to determine noncompliance.	NHDOE has addressed this recommendation Completed

January 8, 2013	The protocol and process used by the NHDOE, Bureau of Special Education has always required submission of evidence when determining compliance, such as documentation in NHSEIS, evidence from onsite file reviews, district submission of desk audit data, review of policies and procedures, and interviews with staff based on specific areas of compliance. Furthermore, OSEP monitors the Bureau annually to ensure that these protocols and processes are sufficient to meet the requirements of IDEA.	NHDOE has addressed this recommendation Completed
Fall 2012	The NHDOE FM and Program Approval Teams have assured the NHDOE that they have always required submission of evidence when determining compliance.	NHDOE has addressed this recommendation Completed
February 2013	The NHDOE annually reviews and updates the processes for monitoring and identifying noncompliance in NH school districts based on new information from OSEP or NERRC. The FM Process is only one method the NHDOE uses to identify noncompliance. Numerous indicators, such as 11, 12 and 13 are monitored separately from the FM process. NHDOE is always looking at ways of streamlining its monitoring processes.	NHDOE has addressed this recommendation Completed
8. Increase the involvement of NHDOE in the Focused Monitoring and Program Approval compliance reviews.		
Date	Response	Status
Fall 2012	<ul style="list-style-type: none"> • The NHDOE guides the compliance review activities for the onsite visits and is the final arbitrator in the finding of non-compliance. • The NH Department of Education continues to be responsible for verification of correction of non-compliance and reporting to OSEP. • The NHDOE continues to take an active role in the FM and Program Approval onsites. The NHDOE Special Education Bureau staff has begun to conduct additional onsite IEP file reviews for compliance. • The NHDOE continues to assist in answering any questions and providing technical assistance regarding the implementation of IDEA and/or State regulations. • The NHDOE involvement allows the State to guide compliance review. 	NHDOE has addressed this recommendation Completed

C. Focused Monitoring and Program Approval Reports and Corrective Action Plans.		
1. Eliminate Achievement Team (in Focused Monitoring) and accreditation information (Program Approval) from IDEA compliance reporting.		
Date of Entry	Response	Status
January 8, 2013	As a result of the recommendation, the Focused Monitoring IEP Review Summary Report is a stand-alone document and is no longer incorporated into the Year End Focused Monitoring Report. Compliance activities are separate from Achievement Team Activities. IEP Review Summary reports no longer contain information related to "improvement activities." The reporting is directed to findings of noncompliance and required corrective actions. While the Achievement Team is informed of the data collected during the IEP Review Process, there are two distinct reports generated.	NHDOE has addressed this recommendation Completed
2. Improve the clarity with which findings are reported.		
Date of Entry	Response	Status
Fall 2012	Based on the recommendation of DDE, the NHDOE's FM compliance reports carefully delineate the following: 1) the specific areas of compliance reviewed, 2) the specific results of the compliance file review, and 3) the State's determination regarding noncompliance in each area of review, including whether there is an individual instance of noncompliance and if the district is correcting implementing State and federal regulations. Improvement plans are addressed in a separate report.	NHDOE has addressed this recommendation Completed
3. Eliminate the practice of including "suggestions" related to IDEA compliance in Focused Monitoring and Program Approval reports.		
Date of Entry	Response	Status
Fall 2012	As a result of this recommendation, the NHDOE has eliminated the practice of including "suggestions" in the written findings of the noncompliance report.	NHDOE has addressed this recommendation Completed

4. Within each Corrective Action Plan, include an appropriate description of acceptable evidence of correction for each finding.

Date of Entry	Response	Status
February 2013	<p>Written findings of noncompliance made by the NHDOE, Bureau of Special Education include a description of what is required of the district in order to demonstrate timely correction of the noncompliance. Corrective action plans are required only in certain circumstances. They are used as part of the year-long Focused Monitoring process, which includes both school improvement as well as compliance. The Bureau also uses corrective action plans as needed to organize and support districts with understanding the requirements for providing evidence of correction of noncompliance. Corrective action plans include timelines, required actions and necessary documentation to demonstrate correction. Each corrective action plan has built in action steps, timelines and responsibilities. Since Focused Monitoring is a year-long process, the FM Technical Assistance team works with districts to develop the district’s corrective action plan. The timelines in the plan detail what evidence is required for correction and federally mandated timelines are met.</p> <p>The NHDOE includes the description of acceptable evidence of correction of noncompliance in the written finding of noncompliance. This process is consistent with OSEP guidance (see the “FREQUENTLY ASKED QUESTIONS REGARDING IDENTIFICATION AND CORRECTION OF NONCOMPLIANCE AND REPORTING ON CORRECTION IN THE STATE PERFORMANCE PLAN (SPP)/ANNUAL PERFORMANCE REPORT (APR) SEPTEMBER 3, 2008.”) In determining the steps that the district or facility must take to correct the noncompliance and to document such correction, the NHDOE considers a variety of factors, including: (1) whether the noncompliance was extensive or found in only a small percentage of files; (2) whether the noncompliance showed a denial of a basic right under IDEA (e.g., a long delay in initial evaluation beyond applicable timelines with a corresponding delay in the child’s receipt of FAPE, or a failure to provide any services in accordance with the IEP); and (3) whether the noncompliance represents an isolated incident in the district or facility, or reflects a long-standing failure to meet IDEA or NH State requirements. Thus, while the NHDOE may determine the specific nature of the required corrective action, the NHDOE ensures that any level of noncompliance is corrected as soon as possible, and in no case later than one year after the NHDOE's identification.</p>	NHDOE has addressed this recommendation Completed

	<p>1. Clear expectations of the required actions and necessary documentation for demonstration of correction of noncompliance including:</p> <ul style="list-style-type: none">• <i>Identification by the district of possible root cause(s) of the noncompliance;</i>• <i>Changes to any policies, procedures or practices that contributed to the noncompliance;</i>• <i>For any noncompliance concerning a child-specific requirement, evidence that the district has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district;</i>• <i>For timeline requirements, the district must provide evidence that the required action has been completed, though late; and</i>• <i>Updated data, collected after the identification of noncompliance that demonstrate that the district is correctly implementing the specific requirement.</i> <p><i>Provide the district with the specific timeline for them to demonstrate correction of the noncompliance. This must allow the NHDOE to verify correction as soon as possible but in no case later than one year from the date of the written finding(s). Emphasis on as soon as possible; set the State established deadline as earlier as is reasonable and keep going until corrected. If data are not submitted within NHDOE required timelines there may be additional enforcement actions, and it will be considered as part of determination of the district's implementation of IDEA.</i></p> <ul style="list-style-type: none">• <i>Any enforcement actions taken as a result of the noncompliance. This may vary depending on the severity and frequency of the noncompliance.</i>• <i>Reporting requirements specifying if periodic data reports are required or just one report to demonstrate that the noncompliance is corrected. Also, indicate if data are to be submitted to the NHDOE, can be collected through other sources (such as NHSEIS) or if there will be an onsite file review.</i>	
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5. Eliminate use of the “Assurance Form: to address child-specific findings of noncompliance.		
Date of Entry	Response	Status
Fall 2012	Based on DDE’s recommendation, the NHDOE has eliminated the use of the assurance forms for child specific noncompliance that were previously used in the focused monitoring process. The NHDOE ensures that both prongs of OSEPs Memorandum 09-02 are being addressed. The NHDOE reports on both prongs annually in the APR, including findings not related to specific APR indicators, such as measurable annual goals and personnel. The NH DOE is monitored by OSEP on this issue.	NHDOE has addressed this recommendation Completed
6. Ensure that both prongs of OSEP’s Memorandum 09-02 are satisfied when conducting activities to verify correction of noncompliance.		
Date of Entry	Response	Status
February 2013	<p>The NHDOE verifies that each district and facility (nonpublic special education program) with a written finding of noncompliance (1) is correctly implementing the specific regulatory requirements, (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring, State data system or desk audit; and (2) has corrected each individual case of noncompliance or in the case of a timeline-specific requirement, completed the required action, although late, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02. Each finding of noncompliance is required to be verified by the Bureau as corrected as soon as possible but in no case greater than one year from the date of the finding. Districts and/or facilities that demonstrate correction noncompliance (for each individual instance of noncompliance and through updated data) within the NHDOE established timelines are verified as corrected without further enforcement action. The NHDOE takes additional enforcement action as needed when districts or facilities are not able to demonstrate correction of noncompliance within timelines.</p> <p>FFY 2011 APR Indicator 15 (due February 15, 2013): For the 189 findings identified in 2010-2011, the NHDOE used the following process to verify correction as soon as possible but no later than one year from identification. The State verified the correction of the noncompliance either through on-site visit and file review and/or through a NHDOE desk audit monitoring review of district-submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure that the LEA had corrected each individual case of noncompliance, unless the child was no longer in the jurisdiction of the LEA. Specifically, the NHDOE reviewed files for correction or required LEAs to submit data demonstrating individual correction.</p>	NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation Completed

In addition, the NHDOE verified that the LEA was correctly implementing the specific regulatory requirements related to the findings through the review of subsequent data demonstrating 100% compliance. The verification was accomplished through an on-site monitoring visit with a review of a representative selection of student files, policies and procedures and other evidence to ensure that the LEA is implementing the specific regulatory requirements. The NHDOE file review includes a representative selection of student files to ensure confidence that the LEA has implemented the regulations with 100% compliance. In responding to indicators 4B, 11, 12 and 13 in the FFY 2011 APR, the NHDOE reported on the correction of noncompliance as described in the NH Part B FFY 2010 SPP/APR Response Table.

The findings reported in this indicator reflect all noncompliance identified through monitoring, data collections, and dispute resolution. Written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.

In addition, details regarding the verification of correction of noncompliance for specific indicators are described below.

FFY 2011 APR Indicator 4B: For each of the 2 districts that had significant discrepancies by race or ethnicity in the rates of suspensions and expulsions, the NHDOE conducted an on-site visit to review the district's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with IDEA. The NHDOE conducted the review required by 34 CFR §300.170(b) by permitting the districts to provide data and information to the NHDOE during the on-site visit based on the *New Hampshire Department of Education Indicator 4 Self-Assessment Checklist*. These on-site reviews occurred prior to the February 15, 2013 submission of the APR.

Based on these reviews, the NHDOE was able to determine that 2 of the 2 districts had areas of noncompliance with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Of these 2 districts, one district was determined to have policies and procedures in place to implement IDEA relative to this indicator, however; local practices regarding the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards contributed to the significant discrepancy. In order to effectively change these practices, the district has plans for systemic professional development and support for administration and staff in the high school regarding the appropriate implementation of the procedures, specifically with respect to students with IEPs who have challenging behaviors, including issues related to drug and alcohol abuse. The other district had a policy specific to manifestation determination that contributed to the significant discrepancy, which cascaded into issues regarding related procedures and practices. This district is working with the local administration and the school board to correct this policy and to develop the appropriate procedures related to this policy. Once this is done, training will be provided for staff around appropriate practices. Written findings of noncompliance, consistent with OSEP Memorandum 09-02, were made based on these data. The NHDOE will report on the correction of noncompliance as required in the next APR.

FFY 2011 APR Indicator 9: 0% of districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

FFY 2011 APR Indicator 10: 0% of districts had disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.

No districts were identified with overrepresentation with the measurement for Indicator 9 or Indicator 10. If any districts had been determined to have overrepresentation in the identification of students with disabilities (or in the specific subgroups), the NHDOE would have utilized the following monitoring process to determine whether the disproportionate representation was the result of inappropriate identification. The NHDOE would examine the districts' child find, evaluation, eligibility and other related policies, procedures and practices to ensure an equitable consideration for special education and related services for all racial and ethnic groups and that those eligibility determinations were conducted appropriately. For each district with overrepresentation of identification, the State would have consulted with the local Director of Special Education regarding the data and reviewed local policies, procedures and practices related to this indicator. In addition, the NHDOE would have reviewed the data for complaints and due process hearings for any issues regarding inappropriate identification that may have been found in either of these dispute resolution mechanisms.

FFY 2011 APR Indicator 11: Timeliness of Initial Evaluations. In FFY 2010, the NHDOE made written findings of noncompliance relative to Indicator 11 based on FFY 2009 data. The level of compliance for FFY 2009 was 95%. In FFY 2010, the NHDOE made a finding for each individual instance of noncompliance. Written findings of noncompliance based on the FFY 2010 data were made in FFY 2011.

For each finding, the NHDOE verified the correction of noncompliance, consistent with OSEP Memorandum 09-02, as follows:

(1) The NHDOE verified that each district was correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process. During the correction period, the NHDOE reviewed local policies and procedures and supported districts with accurate data collection and entry in order to ensure districts were providing timely evaluations.

(2) The NHDOE, through a data review of the desk audits submitted by districts and additional data as needed, verified that each district had completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child was no longer within the jurisdiction of the LEA. Therefore, the NHDOE has verified that, for each of these individual cases, the district had completed the required action, although late, unless the child was no longer within the jurisdiction of the LEA, prior to the identification of findings, as reported in the FFY 2010 APR.

These findings reflect all noncompliance identified with this indicator through monitoring and data collections and written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.

FFY 2011 APR Indicator 12: Timeliness of Transitions from Early Intervention to Preschool Special Education. For each finding, the NHDOE verified the correction of noncompliance, consistent with OSEP Memo 09-02, as follows:

(1) The NHDOE verified that each district was correctly implementing 34 CFR

§300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process. During the correction period, SSECT reviewed local policies and procedures and supported districts with accurate data collection and entry in order to ensure districts were providing timely and quality transitions.

(2) Prior to issuing written findings of noncompliance, the NHDOE, through a data review, verified that each district had developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child was no longer within the jurisdiction of the LEA. Therefore, the NHDOE has verified that, for each of these individual cases, the district had completed the required action, although late, unless the child was no longer within the jurisdiction of the LEA, prior to the identification of findings, as reported in the FFY 2010 APR.

These findings reflect all noncompliance identified with this indicator through monitoring and data collections and written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.

FFY 2011 Indicator 13: Secondary Transitions. For each finding identified in FFY 2010, the NHDOE verified the correction of noncompliance, consistent with OSEP Memo 09-02, as follows:

(1) The NHDOE verified that 13 of the 14 districts with a finding of noncompliance were correctly implementing 34 CFR §300.124(b), (i.e., achieved 100% compliance) based on a review of data subsequently collected through a desk audit monitoring process and/or through an on-site file review.

(2) The NHDOE, through a desk audit data review, verified that each individual instance of noncompliance was corrected, unless the student was no longer within the jurisdiction of the LEA. The data that were reviewed included the individual student's updated and signed IEP and any other necessary documentation such as meeting invitations and age-appropriate transition assessments.

	For the one district with ongoing noncompliance, the NHDOE has verified that each individual instance of noncompliance identified in 2010-2011 has been corrected. The NHDOE has taken additional enforcement actions with this district requiring monthly reporting to the NHDOE including updated evidence of implementation of the regulations of IDEA relative to this indicator and mandatory trainings. The NHDOE has redirected a portion of the district's federal funds to engage in specific actions to remedy the noncompliance.	
7. Formalize the State's tracking and follow-up procedures for districts and facilities that are in Corrective Action Plans, and apply the procedures uniformly across the State.		
Date of Entry	Response	Status
February 2013	<p>The NHDOE, Bureau of Special Education has in place and implements formalized tracking and follow-up procedures for districts and facilities (nonpublic special education programs) that have been issued a written finding of noncompliance. These procedures are implemented consistently across the State. When a finding of noncompliance is made in a nonpublic facility that includes an individual instance of noncompliance, the district of liability is also cited for that noncompliance.</p> <p>Written findings of noncompliance, based on guidance from OSEP, are generally made within 90 days of discovery. As required by OSEP, written findings of noncompliance include:</p> <ul style="list-style-type: none"> • <i>The State's conclusion that the LEA is in noncompliance;</i> • <i>The citation of the applicable statute or regulation;</i> • <i>A description of the quantitative and/or qualitative data supporting the State's conclusion that there is noncompliance (accounting for all instances of noncompliance and including the percentage or level of noncompliance). This should include both child-specific instances as well as noncompliance in the implementation of the regulations.</i> <p>Corrective actions plans are required only in certain circumstances. They are used as part of the year-long Focused Monitoring process, which includes both school improvement as well as compliance. The Bureau also uses corrective action plans as needed to organize and support districts with understanding the requirements for providing evidence of correction of noncompliance. This includes timelines, required actions and necessary documentation to demonstrate correction. Each corrective action plan has built in action steps, timelines and responsibilities.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

	<p>The NHDOE verifies that each district and facility (nonpublic special education program) with a written finding of noncompliance (1) is correctly implementing the specific regulatory requirements, (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring, State data system or desk audit; and (2) has corrected each individual case of noncompliance or in the case of a timeline-specific requirement, completed the required action, although late, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02. Each finding of noncompliance is required to be verified by the Bureau as corrected as soon as possible but in no case greater than one year from the date of the finding. Districts and/or facilities that demonstrate correction noncompliance (for each individual instance of noncompliance and through updated data) within the NHDOE established timelines are verified as corrected without further enforcement action. The NHDOE takes additional enforcement action as needed when districts or facilities are not able to demonstrate correction of noncompliance within timelines.</p> <p>For example, in Indicator 15 of the FFY 2011 APR, due February 15, 2013, the Bureau explains:</p> <p>For the 189 findings identified in 2010-2011, the NHDOE used the following process to verify correction as soon as possible but no later than one year from identification. The State verified the correction of the noncompliance either through on-site visit and file review and/or through a NHDOE desk audit monitoring review of district-submitted written documentation of the correction of the noncompliance. The NHDOE verified correction of noncompliance to ensure that the LEA had corrected each individual case of noncompliance, unless the child was no longer in the jurisdiction of the LEA. Specifically, the NHDOE reviewed files for correction or required LEAs to submit data demonstrating individual correction.</p>	
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	<p>In addition, the NHDOE verified that the LEA was correctly implementing the specific regulatory requirements related to the findings through the review of subsequent data demonstrating 100% compliance. The verification was accomplished through an on-site monitoring visit with a review of a representative selection of student files, policies and procedures and other evidence to ensure that the LEA is implementing the specific regulatory requirements. The NHDOE file review includes a representative selection of student files to ensure confidence that the LEA has implemented the regulations with 100% compliance. In responding to indicators 3B, 11, 12 and 13 in the FFY 2011 APR, the NHDOE reported on the correction of noncompliance as described in the NH Part B FFY 2010 SPP/APR Response Table.</p> <p>The findings reported in this indicator reflect all noncompliance identified through monitoring, data collections, and dispute resolution. Written findings were made consistent with OSEP Memorandum 09-02 that identified the LEAs where noncompliance occurred and their levels of noncompliance and included the regulatory citations. All noncompliant practices were addressed through root cause analyses and improvement activities. Policies and procedures were revised as necessary.</p> <p>General supervision components for monitoring and the identification of findings of noncompliance include a variety of mechanisms or processes including Focused Monitoring, onsite reviews and self-assessments (which may include file reviews or reviews of local policies, procedures and practices), data and desk audit reviews, and dispute resolutions (complaints and due process hearings).</p> <p>The US Department of Education, Office of Special Education (OSEP) monitors the NHDOE Bureau of Special Education’s timely correction of findings of noncompliance through Indicator 15 on the Annual Performance Report. Here are the data for the last 3 years:</p>	
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FFY Note: Findings are monitored based on correction in subsequent year	Number of Findings of Noncompliance Identified	Number of findings of noncompliance for which correction was verified no later than one year from identification	Percentage of Compliance	Number of Findings Subsequently verified as corrected (beyond one year from identification)
FFY 09 APR due 2/1/11	168	167	99.40%	1 of 1 100%
FFY 10 APR due 2/1/12	268	259	96.94%	9 of 9 100%
FFY 11 APR due 2/15/13	189	177	93.65%	11 of 12 92%

The review of Indicator 15 data for last 3 years demonstrates a high level of timely correction of noncompliance as well as subsequent correction for noncompliance that is not timely corrected. There is one remaining finding of noncompliance that has not been subsequently corrected prior to the submission of this APR. This finding was for Indicator 13: Secondary Transition. The Bureau has taken additional enforcement actions, including mandatory technical assistance, monthly reporting and the redirection of funds to address the root cause of the noncompliance.

	<p>Each year OSEP makes a determination of the implementation of the requirements of IDEA for each State. The determination is based on the totality of the State's data and information including the State's FFY APR and revised State Performance Plan, other State-reported data, and other publicly available information. For the last three years in the letters which establish this determination, OSEP has noted New Hampshire has a high level of performance. These letters from OSEP confirm that NH reported valid and reliable data for all indicators and has a high level of compliance with Indicator 15, among other indicators. The NHDOE, Bureau of Special Education will continue to follow the established process for tracking and following up on noncompliance, consistent with OSEP guidance.</p> <p>As required by the Individuals with Disabilities Education Act (IDEA), 34 CFR section 300.600, the NHDOE makes determinations annually on the performance of each public school district regarding the implementation of IDEA. These determinations are made in consideration of information obtained through the NHDOE general supervision system (such as on-site monitoring visits, desk audits and other public information made available) including any audit findings and whether the data submitted by the local district is valid, reliable, and timely. Based upon this information, the NHDOE determines whether the district:</p> <ul style="list-style-type: none">• meets the requirements and purposes of the IDEA;• needs assistance in implementing the requirements of the IDEA;• needs intervention in implementing the requirements of the IDEA; or• needs substantial intervention in implementing the requirements of the IDEA. (300.603)	
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8. For districts and facilities that are in danger of failing to correct noncompliance in a timely manner, establish a formal process allowing the State to intervene appropriately before the correction timeframe expires.

Date of Entry	Response	Status
February 2013	<p>Written findings of noncompliance made by the NHDOE, Bureau of Special Education include a description of what is required of the district in order to demonstrate timely correction of the noncompliance. The NHDOE provides the district with the specific timeline for them to demonstrate correction of the noncompliance. This timeline is based on the actual area of compliance and may be comprised of multiple steps. For example, if a School Board needs to adopt a revised policy in order to address an area of noncompliance, the NHDOE might require the district to complete the policy review and development of proposed revisions within one timeline with evidence that the policy is on the docket for the School Board meeting the following month. Once the policy has been adopted, the NHDOE verifies if the noncompliance has been corrected. Timelines established by the NHDOE for correction allow the NHDOE to verify correction as soon as possible but in no case later than one year from the date of the written finding(s). The NHDOE timelines are based on the earliest possible date for correction which allows for additional opportunities for the district or facility to provide evidence of correction and for the NHDOE to take additional enforcement actions if needed to ensure timely correction. The timeliness of corrections is reported in the APR Indicator 15. Timeliness of correction of noncompliance is considered as part of annual determination of the district's implementation of IDEA (see #7. above). Reporting requirements specifying if periodic data reports are required or just one report to demonstrate that the noncompliance is corrected.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

D. Enforcement Actions

1. Develop a set of decision rules used to determine appropriate enforcement actions based on the four criteria contained in State statute.

Date of Entry	Response	Status
February 2013	<p>Requirements related to monitoring, technical assistance, and enforcement are found in 34 CFR §§300.600 through 300.609 and include: (1) the Secretary’s responsibility to establish and enforce particular procedures for monitoring, technical assistance, and enforcement actions; and (2) the State’s responsibility to monitor including implementing, enforcing, and annually reporting on the performance of LEAs under the <i>IDEA</i> through a State Performance Plan (SPP) and Annual Performance Reports (APRs) under that SPP. This is discussed in the OSEP document “Question and Answers on Monitoring, Technical Assistance and Enforcement.” As described in the Q&A: “Changes in the State’s responsibilities include the requirements to: (1) submit an SPP to the Secretary that includes measurable and rigorous State-established targets for indicators established by the Secretary (34 CFR §300.601(a)); (2) monitor its LEAs under the priority areas related to the provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE), exercise of general supervision (including child find, effective monitoring, the use of resolution meetings, mediation and a system of transition services), and disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification (34 CFR §300.600(d)); (3) collect valid and reliable data to report annually to the Secretary on the State’s performance on the indicators in the SPP (34 CFR §300.601(b)); (4) report to the public on the performance of each of its LEAs on the targets in the SPP (34 CFR §300.602(b)(1)(i)(A)); and (5) carry out enforcement actions against those LEAs not meeting the requirements of Part B of the <i>IDEA</i> (34 CFR §§300.600(a) and 300.608)”.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: right;">Completed</p>

	<p>The NHDOE, Bureau of Special Education carries out enforcement actions against those districts that do not meet the requirements of Part B of the <i>IDEA</i> (34 CFR §§300.600(a) and 300.608). Decision rules for determining the appropriate enforcement action for written findings of noncompliance are aligned with IDEA. The level of enforcement action is based on a variety of factors such as the severity and the frequency of the noncompliance.</p> <p>Enforcement actions: All enforcement actions are designed to correct the noncompliance. The level of enforcement action is based on the severity and frequency of the noncompliance. The NHDOE works with the district to determine the root cause of the noncompliance to maximize the effectiveness of the enforcement actions. All enforcement actions include specific timeframes and required evidence of correction. 1) The district is able to correct the noncompliance within a reasonable timeframe: no additional enforcement action required however TA may be recommended. 2) The district requires technical assistance in order to correct the noncompliance: the district may be able to select preferred TA or the NHDOE may mandate the TA. TA must occur within NHDOE specified timelines and must result in evidence of correction. 3) The NHDOE redirects the district IDEA funds to address the noncompliance. This occurs only after longstanding noncompliance with limited evidence of progress. This is generally a portion of the funds and rarely exceeds 10% of the allocation. 4) The NHDOE withholds the districts IDEA funds. This is used as a last resort when the district has longstanding and severe noncompliance. The NHDOE would use funds that were withheld to ensure the correction of the noncompliance.</p>	
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2. Develop and implement more meaningful enforcement actions for districts placed in the Needs Substantial Intervention determinations category and those failing to correct noncompliance within one year.

Date of Entry	Response	Status
February 2013	<p>When the NHDOE, through monitoring activities, determines that a district has a finding of noncompliance or is in need of substantial intervention, a staff member of the NHDOE, Bureau of Special Education is appointed to monitor the execution of the orders of compliance and to oversee the provision of the substantial intervention with the implementation of the regulations of IDEA.</p> <p>Needs Substantial Intervention: If the NHDOE determines, at any time, that the district needs substantial intervention, the NHDOE shall take one or more of the following enforcement actions, consistent with section 616(e)(3) and provide an opportunity for a hearing (ED 1125.03):</p> <ul style="list-style-type: none"> ○ Recover funds. ○ Withhold any further payments to the district. ○ Refer the case to the Office of the Attorney General. ○ Refer the matter for appropriate enforcement action <p>The NHDOE works with the district to develop a corrective action plan to address the identified areas of concern. The plan includes timelines and people responsible for the actions within the plan. The plan will include any identified root causes that may be impacting the district’s ability to implement the regulations of IDEA. The district must provide the NHDOE with periodic progress reports once the plan is approved, including updates on potential root causes that impact the district progress. If the district does not comply with this enforcement action and does not demonstrate progress in a timely manner, the NHDOE will take additional enforcement actions, such as the redirection of IDEA funds. Because the determination that a district is in need of substantial intervention regarding the implementation of IDEA may be based in part or in whole on previously identified areas of noncompliance, this plan will need to acknowledge noncompliance that has already been corrected and coordinate any corrective actions that are</p> <p>District Failure to Correct Noncompliance within One Year Indicator 15 monitors that the general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. See information on enforcement actions above.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

E. Annual LEA Determinations

1. Use performance and compliance indicators from the State Performance Plan in making annual LEA determinations.

Date of Entry	Response	Status
February 2013	<p>The NHDOE complies with OSEP requirements regarding the use of compliance indicators for making annual LEA determinations. The NHDOE plans to align the use of performance indicators for making determinations with the direction from OSEP regarding Results- Driven Accountability. OSEP is currently re-thinking its accountability system in order to shift the balance from a system-focused primarily on compliance to one that puts more emphasis on results. The NHDOE is cautious about over-burdening districts with requirements that exceed IDEA. The NHDOE has initially established a system that ensures compliance prior to looking at performance.</p> <p>Currently, in making our determination for each district, the NHDOE considers the totality of the information we have about each district. This includes the district performance on the factors.</p> <p>State Performance Plan Indicator 4B: The district does not have 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. Data were timely and accurate.</p> <p>State Performance Plan Indicator 9: The district does not have a disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification. Data were timely and accurate.</p> <p>State Performance Plan Indicator 10: The district does not have a disproportionate representation, by disability category, of racial and ethnic groups in specific disability categories that is a result of inappropriate identification. Data were timely and accurate.</p>	NHDOE has addressed this recommendation Completed

	<p>State Performance Plan Indicator 11: Initial evaluations for special education are completed within State established timelines. Data were timely and accurate.</p> <p>State Performance Plan Indicator 12: Children referred from Family-Centered Early Supports & Services to special education have a determination of eligibility prior to the third birthday. Children who were found eligible have an IEP developed and implemented (signed by the parent) on or before the third birthday. Data were timely and accurate.</p> <p>State Performance Plan Indicator 13: The district met the requirements for compliance with effective transition for students aged 16 and above. Data were timely, accurate and reliable.</p> <p>State Performance Plan Indicator 15: General Supervision findings of noncompliance identified in 2009-2010 through monitoring, complaints and due process hearings are corrected within required timelines.</p> <p>State Performance Plan Indicator 7: Preschool special education child progress data were timely and accurate.</p> <p>Coordinated Early Intervening Services (CEIS): Federal Table 8. Data were timely and accurate.</p> <p>Audit: Audit findings regarding special education funds are corrected within timelines.</p> <p>IDEA Grant Management: The district completes reporting for IDEA funds within timelines. All grants must be closed within 90 days of the project end date.</p> <p>Maintenance of Effort (MOE): Data were timely and accurate.</p> <p>IDEA Grant Management: Federal Assurances are submitted as required in the online grant system.</p> <p>The criteria may change from year to year based on the federal requirements and State data.</p>	
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2. Solicit stakeholder input into the development of a formula by which LEA determinations will be made.

Date of Entry	Response	Status
February 2013	When the OSEP Results-Driven Accountability is in place, the NHDOE will solicit stakeholder input regarding the determination process.	<p>NHDOE will be bringing a team to the Northeast Regional Resource Center (NERRC) State Systemic Improvement Plan (SSIP) Meeting in Springfield, MA on March 19 – March 20, 2014. This meeting will take the State Department of Education from “where they NHDOE will be bringing a team to the Northeast Regional Resource Center (NERRC) State Systemic Improvement Plan (SSIP) Meeting in Springfield, MA on March 19 – March 20, 2014. This meeting will take the State Department of Education from “where they are” and provide the States with State Team planning time as well as opportunities for cross-State sharing and consultation with national experts. The objective of the meeting is to have State Teams ready to develop their State Systemic Improvement Plan (SSIP) for the FFY 2013 SPP/APR due in February 2015.</p> <p>June 30, 2014 - The Northeast Regional Resource Center (NERRC) collaborated with the Office of Special Education Program (OSEP) to sponsor the State Systemic Improvement Plan (SSIP) regional meeting on March 19th and 20th. NH’s State Director of Special Education was a member of the planning team for this meeting. NH’s Bureau of Special Education staff, Parent Information Center (PIC) staff and a representative from a district also participated in this two day conference.</p> <p>The Office of Special Education, USDOE, has engaged in a lengthy and comprehensive stakeholder process to implement a Results Driven Accountability component of the 2014 State Determination of Implementation of IDEA. Based on this comprehensive new process, NH was determined to meet requirements of IDEA. The Bureau of Special Education will share this new federal process with stakeholders to gain input on implications for adjusting the process currently employed as NHDOE makes determinations regarding district’s implementation of IDEA.</p>

F. Verifying Accuracy of LEA Data and Ensuring Effectiveness

1. Develop a system for verifying the accuracy of the indicator data collected from districts.

Date of Entry	Response	Status
February 2013	<p>NHSEIS has accuracy verification built into it.</p> <p>The Bureau continues to work with NHSEIS stakeholders and to provide training and technical assistance to districts in order to ensure that local district staff enters data correctly.</p> <p><i>Submission of SPP/APR Data</i></p> <p>The NHDOE ensured that data submitted in the SPP/APR are valid and reliable through a variety of means. Data tied to the 618 data reporting requirements have data quality checks built into the data collection process. Data collected through a desk audit monitoring process and statewide surveys are reviewed by the NHDOE and verified through cross-checks for data accuracy and completeness. The NHDOE verifies the timely correction of noncompliance, consistent with OSEP memorandum 09-02, through a review of a representative selection of students, policies and procedures and other evidence as needed to ensure that the LEA is implementing the specific regulatory requirements.</p> <p><i>Submission of 618 data (Federal Tables)</i></p> <p>The NHDOE used different databases for the collection of the 618 data for the federal tables and submitted through EDFacts. Table 1, 3, 4, and 5 are generated using information from the New Hampshire Special Education Information System (NHSEIS). Table 2 was generated using information from the NHDOE Bureau of Special Education through a survey sent to all districts and signed by the appointing authority. Table 6 was generated using information from the NHDOE Bureau of Accountability, Table 7 was generated using the database from the NHDOE Office of Legislation and Hearing and Bureau of Special Education, Complaint Officer, and Table 8 was generated using the data collected through a desk audit process by the Bureau of Special Education.</p> <p>NHSEIS was designed as a data collection instrument which ensures through its business rules that data entered into the system were valid and reliable. NHSEIS provides error message with explanation when data are entered that are incorrect giving districts an opportunity to reenter correct data. The NHDOE offered continuous technical assistance and training to districts including monthly forums, on-site training and phone/e-mail support as well as a training manual. NHDOE staff members were available to assist districts on a daily basis with NHSEIS.</p> <p>The NHDOE worked with EDFacts to verify and agree with Part B Report that all report and error messages that were sent to the NHDOE had been submitted and responded in a timely and accurate data for FFY 2012.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>

<p>February 2013</p>	<p>NHSEIS has accuracy verification built into it.</p> <p>The Bureau continues to work with NHSEIS stakeholders and to provide training and technical assistance to districts in order to ensure that local district staff enters data correctly.</p> <p><i>Submission of SPP/APR Data</i></p> <p>The NHDOE ensured that data submitted in the SPP/APR are valid and reliable through a variety of means. Data tied to the 618 data reporting requirements have data quality checks built into the data collection process. Data collected through a desk audit monitoring process and statewide surveys are reviewed by the NHDOE and verified through cross-checks for data accuracy and completeness. The NHDOE verifies the timely correction of noncompliance, consistent with OSEP memorandum 09-02, through a review of a representative selection of students, policies and procedures and other evidence as needed to ensure that the LEA is implementing the specific regulatory requirements.</p> <p><i>Submission of 618 data (Federal Tables)</i></p> <p>The NHDOE used different databases for the collection of the 618 data for the federal tables and submitted through EDFacts. Table 1, 3, 4, and 5 are generated using information from the New Hampshire Special Education Information System (NHSEIS). Table 2 was generated using information from the NHDOE Bureau of Special Education through a survey sent to all districts and signed by the appointing authority. Table 6 was generated using information from the NHDOE Bureau of Accountability, Table 7 was generated using the database from the NHDOE Office of Legislation and Hearing and Bureau of Special Education, Complaint Officer, and Table 8 was generated using the data collected through a desk audit process by the Bureau of Special Education.</p> <p>NHSEIS was designed as a data collection instrument which ensures through its business rules that data entered into the system were valid and reliable. NHSEIS provides error message with explanation when data are entered that are incorrect giving districts an opportunity to reenter correct data. The NHDOE offered continuous technical assistance and training to districts including monthly forums, on-site training and phone/e-mail support as well as a training manual. NHDOE staff members were available to assist districts on a daily basis with NHSEIS.</p> <p>The NHDOE worked with EDFacts to verify and agree with Part B Report that all report and error messages that were sent to the NHDOE had been submitted and responded in a timely and accurate data for FFY 2012.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation</p> <p style="text-align: center;">Completed</p>
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2. Related to Recommendation 1, a special effort should take place to verify the accuracy of Indicator 5 data.

Date of Entry	Response	Status
February 2013	<p>NHSEIS has accuracy verification built into it. The Bureau continues to work with NHSEIS stakeholders and to provide training and technical assistance to districts in order to ensure that local district staff enters data correctly.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation Completed</p>
2012	<p>The Bureau of Special Education resubmitted data through EDEN for table 3 because the calculation for table 3 did not include the amount of time student removed from related services. We did this in conjunction with OSEP funded DAC (3 year project).</p> <p>Data reported in the federal Annual IDEA Data Report, <i>Table 1 Report of Children with Disabilities receiving Special Education under Part B of the Individuals with Disabilities Education Act</i> and <i>Table 3 Part Individuals with Disabilities Education Act Implementation of FAPE Requirements</i> were used for this indicator. The NHDOE based the numbers for the calculation of this indicator on the data entered by districts into the special education statewide data system (NHSEIS): 26,264 children with IEPs ages 6-21 with data points in NHSEIS on 10/1/2011. As in the past, the NHDOE has not included the non-duplicated counts for youth in correctional facilities and children parentally placed in private schools in the reported data for this indicator.</p> <p>These figures reflect data submitted through EDEN by the NHDOE for Table 3 for October 1, 2011 and are consistent with the 618 data reported by the NHDOE. The NHDOE used a number of district entered data points from NHSEIS to calculate the amount of time a student was in the regular class (part A. and part B. of the measurement). The data points include the type of service, the setting in which the service was to be provided, the length of time for the service and length of the school day for the student. The NHDOE calculated the amount of time the child was inside the regular class by taking the length of the school day less the time the child was in a special education setting. In other words, if the length of the school day for a child was 6 hours and the child had 1 hour of services in a special education setting, the child was considered to be in the regular class for 5 hours a day or 83.33% of the time. The NHDOE included students enrolled in public academies and joint management agreement (JMA) schools in the same manner as students enrolled in public schools.</p>	<p>NHDOE was implementing these recommendations prior to the DDE report; NHDOE has addressed this recommendation Completed</p>

	<p>The NHDOE data analysis to determine the amount of time the child was in special education settings did not include time when a child was receiving transportation, in a regular education class, or overlapping services. When the NHDOE calculated the data, if the length of school day for the child did not correspond with the total hours of services identified in the IEP, the NHDOE used the length of school day for the school the child was attending. The length of school day for the school was entered by the district in the reference site in NHSEIS.</p>	
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3. Examine the effectiveness of the Focused Monitoring process on the monitored districts.

Date of Entry	Response	Status
<p>January 8, 2013</p>	<p>As a result of this recommendation, the NHDOE Program Approval Team has developed and is piloting a new tool, Program Approval Focused Monitoring Indicators, which is currently being used with the 2012-2013 Focused Monitoring school districts. The data collection tool is designed specifically to determine whether or not the Focused Monitoring process is resulting in the desired outcomes of increased student achievement. The use of the tool provides a deeper level of information about whether the focused monitoring action plan has been implemented as intended and the overall program effectiveness. The key results areas were identified based on research on school improvement and references to the literature used to identify and support the importance of each key result area are included in the document. (A similar tool will be developed for out-of-district private providers.)</p> <p>Existing longitudinal achievement data collected from the Focused Monitoring Districts reflect improved proficiency rates for all students with disabilities as compared to non-monitored districts. Because the Focused Monitoring Process has been designed to be a systemic school improvement model, the impact has been improved results for all other learners as well; consequently the achievement gap has not always been affected.</p>	<p>Ongoing</p> <p>June 30, 2014- For both 2012-2013 and 2013-2014 school years, the contractor has been providing services for the Focused Monitoring process. Whereas, the Bureau of Special of Education has been conducting the special education compliance monitoring process. With the contract ending June 30, 2015, the Bureau of Special Education will begin monitoring the approved private special education schools beginning July 1, 2015.</p>

4. Identify the “high –performing” focused monitored districts and determine why the Focused Monitoring process worked well for them.		
Date of Entry	Response	Status
	For new districts who are selected to participate in the FM process the NHDOE brings back past districts who have already participated in the FM process to highlight their successes and challenges in narrowing the achievement gap. NHDOE will explore other avenues for highlighting their successes.	NHDOE has addressed this recommendation Completed
G. Staffing and Resources		
1. Increase review team members’ effectiveness by developing mandatory IDEA pre-visit training.		
Date of Entry	Response	Status
December 2012	On December 20, 2012, the FM Project Coordinator indicated that SERESC did provide their staff with additional IDEA training over the summer. As the Project Coordinator of the FM and Program Approval team indicated during the forum, the staff received additional training.	NHDOE has addressed this recommendation Completed
January 8, 2013	The NHDOE Program Approval Team has refined all training tools and provided visiting IEP Review Facilitators additional professional development. Refresher trainings have been designed and are provided immediately prior to the FM IEP Reviews. All IEP Review Facilitators are provided with a copy of the NH Rules in addition to training packets/resources.	NHDOE has addressed this recommendation Completed
2. Reconsider the practice of contracting out the Focused Monitoring and Program Approval processes in general, and reconsider contracting with SERESC.		
Date of Entry	Response	Status
Fall 2012	<p>The NHDOE does not have the staff to perform the responsibilities in the Focused Monitoring and Program Approval process. The State of NH provides \$0 in support of Bureau personnel. All Bureau staff are federally funded. Based on the lack of Bureau staff, the NHDOE issued a Request for Proposal for Focused Monitoring and Program Approval. A contract went through Governor and Council in July of 2012. The contract is from July 2012 to June 2015.</p> <p>The NHDOE is reviewing the overall process for conducting Focused Monitoring and Program Approval as part of our review of our general supervision responsibilities, including the potential conflict of contracting out certain responsibilities.</p>	<p>The NHDOE has assumed the responsibility for the special education compliance monitoring of districts. The NHDOE assumed this responsibility during the 2012- 2013 school year and will continue the special education compliance monitoring of districts.</p> <p>June 30, 2014- A program specialist has been hired in May of 2014 to assist with the responsibilities of the special education compliance monitoring process.</p>

December 2012	During the forum group held on December 20, 2012 a request was made of the NHDOE to have discussions to possibly redesign the NH monitoring process to ensure it addresses both Federal and State statues emphasizing monitoring and looking at results. OSEP currently only makes determinations based on compliance but they are working on defining a results-driven accountability for States. When the OSEP Results-Driven Accountability is in place, the NHDOE will solicit stakeholder input regarding the determination process and possibly redesigning the monitoring process.	The U.S. Department of Education’s Office of Special Education Programs (OSEP) recently changed its approach to monitoring and supporting States with the goal of improving educational and functional outcomes for children with disabilities. To place a greater emphasis on monitoring for results, OSEP has added a new indicator (B-17) to the State Performance Plan (SPP) and Annual Performance Report (APR) that requires States to develop a State Systemic Improvement Plan (SSIP) focused on improving results for children with disabilities. The Bureau of Special Education will be submitting the first component of the SSIP beginning with the FFY 2013 SPP/APR due in February 2015. NHDOE will be bringing a team to the Northeast Regional Resource Center (NERRC) State Systemic Improvement Plan (SSIP) Meeting in Springfield, MA on March 19 – March 20, 2014. This meeting will take the State Department of Education from “where they are” and provide the States with State Team planning time as well as opportunities for cross-State sharing and consultation with national experts. The objective of the meeting is to have State Teams ready to develop their State Systemic Improvement Plan (SSIP) for the FFY 2013 SPP/APR due in February 2015.
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3. Review state restrictions on filling vacancies in the Bureau, and pursue state funding support of additional staff if warranted.

Date of Entry	Response	Status
Fall 2012	The NHDOE has requested additional education consultants for Fiscal Years 2014 and 2015 budgets. As part of the budget process, these positions are requested under the Change Budgets using federal funds, which may or may not be approved by the legislature. No new positions were requested with additional State funds. All current vacancies are in the process of being filled. These vacancies do not include education consultant positions. In the past five years the NH legislature has only approved the addition of one education consultant position using federal funds.	Completed/Ongoing

Appendix E

Handouts and Supplemental Materials

- Status of Key Special Education-Related Bills Introduced in the 2012-2013 and 2013-2014 Legislative Sessions
- Handout – “Golden Rules for Advocates when Dealing with Elected Officials” by the Parent Information Center
- Copies of PowerPoint Presentations Given at SAC Meetings

SAC monitors key legislation that may impact the education of children with disabilities. Below are status updates from each year of the time period covered by this report.

Status of Key Special Education-Related Bills Introduced in the 2012-2013 Legislative Session

Bills Signed by the Governor

SB 27	relative to monitoring by the department of education of programs for children with disabilities and relative to the calculation of school building aid grants
SB 40-FN-L	relative to distribution of education funds for fiscal year 2013
SB 48	relative to school performance and accountability
HB180	relative to the definitions of "student athlete" and "student sports" for the management of concussion and head injury
HB 260-FN	relative to the children in need of services (CHINS) program, relative to court-ordered placements in shelter care facilities and at the youth development center and requiring a report on the uses of the Sununu Youth Services Center
HB 418	establishing a committee to study a program to address children in need
HB 433	relative to procedures for juvenile delinquency petitions filed by a school district or school official
HB 602	establishing a committee to study general court policies and procedures relative to persons with disabilities

Bills Voted ITL

CACR 3	Providing that parents have the natural right to control the health, education, and welfare of their children
CACR 6	Relating to education. Providing that the legislature shall have the power to authorize schools
CACR 7	Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education
SB 23	directing the [SAU] unit legislative oversight committee to study the consolidation of [SAUs]
SB 113-L	relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility
SB 158-FN	relative to habitual truancy
HB 223	relative to access to school-approved means of communication by recognized youth organizations
HB 300	requiring postsecondary education institutions to compile and submit reports on remedial education courses
HB 317-FN	relative to verification of school district membership data
HB 321-FN-L	requiring proficiency on the statewide assessment for high school graduation
HB 322-FN-L	requiring proficiency on the statewide assessment for advancement to grades 4 and 8
HB 358-FN-A	relative to the children in need of services program and making an appropriation therefor
HB 384	requiring parental consent prior to a mental health examination in public schools
HB 405	establishing a committee to study issues related to children and families
HB 479	relative to the creation and division of school districts
HB 553	establishing New Hampshire Anti-Bullying Day
HB 609	relative to possession of a firearm on school property
HB 631-FN-L	requiring school boards to establish a policy allowing parents to send their children to an out-of-district school
HB 680	relative to attending a public school or public academy outside of the school district in which the pupil resides

Bills that Died Due to Non-concurrence

SB 129	relative to court-ordered placements in shelter care facilities and at the Sununu Youth Services Center
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Bills that "Died on the Table"

HB 344-FN-L	relative to aid to school districts for the cost of special education
HB 370-FN	repealing the education tax credit program

Bills Retained

SB 82	establishing a commission to identify strategies needed for developing and implementing a competency-based public education system
HB 494	relative to the administration of glucagon injections for pupils
HB 533	relative to the mathematics requirement for high school graduation
HB 649	relative to earned time credits for certain prisoners participating in educational and rehabilitative programming

Status of Key Special Education-Related Bills Introduced in the 2013-3014 Legislative Session

Bills Signed by the Governor

- SB 298 establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury
- HB 1113 requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury
- HB 1174 establishing a committee to study the payment of subminimum wages to persons with disabilities
- HB 1587 relative to the collection and disclosure of pupil data

Bills Passed [Note: These bills were passed by both Houses, but as of 6/27 had not yet been signed by the Governor]

- SB 193-FN relative to dental therapists and access to oral health care
- SB 270 establishing a commission to study mental health implementation in New Hampshire (New title)
- SB 343 relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee
- SB 396 relative to child restraint practices
- SB 414 relative to Medicaid-funded services provided as part of a child's special education program
- HB 533 relative to the mathematics requirement for high school graduation
- HB 649 relative to earned time credits for certain prisoners participating in educational and rehabilitative programming
- HB 1128 establishing a committee to study issues related to students receiving special education services while attending a chartered public school
- HB 1238 relative to access to assessment materials
- HB 1534 establishing a commission to study fiscal discrepancies between public school districts
- HB 1624 modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights

Bills Voted ITL

- SB 82 establishing a commission to identify strategies needed for developing and implementing a competency-based public education system
- SB 402 relative to insurance coverage for pediatric vision screenings
- HB 494 relative to the administration of glucagon injections for pupils
- HB 1105 relative to aid to school districts for costs of special education
- HB 1206 relative to juvenile placement in shelter care facilities at the youth development center
- HB 1208 relative to the number of first-year college students from NH High Schools required to take remedial classes
- HB 1211 relative to the use of force by persons with special responsibilities
- HB 1239 relative to the implementation of new educational standards
- HB 1247 requiring the department of education to share costs of implementing statewide online assessment technology requirements
- HB 1252 establishing a committee to study and propose a recodification of the education laws in RSA title 15
- HB 1397 establishing a committee to study whether the department of education is operating within its statutory authority
- HB 1445 relative to providing an education plan for certain students upon request of a parent or guardian
- HB 1469 requiring each school district to establish a special education parent advisory council
- HB 1480 relative to objections to proposed agency administrative rules by standing committees of the general court
- HB 1508 terminating state participation in the common core educational standards
- HB 1588 requiring suicide prevention education in schools

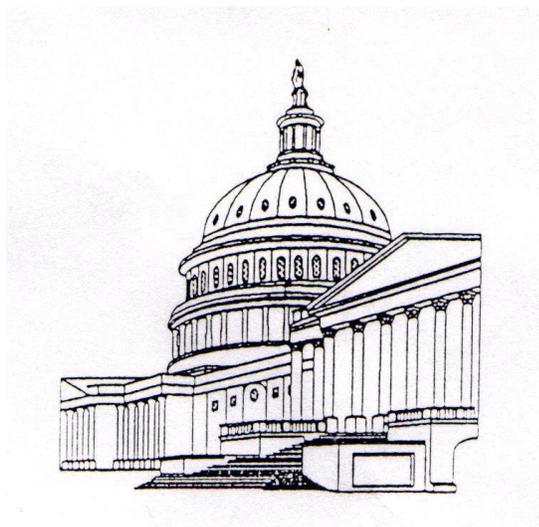
Bills Sent to Interim Study

- HB 1262 relative to student assessment data privacy
- HB 1432 delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools
- HB 1463 relative to the definitions of "priority school" and "focus school"
- HB 1496 relative to the objectivity and validity of student assessment materials

Bills Laid on the Table

- HB 525 raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age

**GOLDEN RULES FOR
ADVOCATES
WHEN DEALING
WITH ELECTED OFFICIALS**



Parent Information Center on Special Education

54 Old Suncook Road
Concord, NH 03301
(603) 224-7005 V/TDD
(800) 232-0986 (NH only)
(800) 947-7005 (NH only)
(603) 224-4365 (FAX)
www.nhspecialled.org

Participation in government is everybody's responsibility. In order to be the most effective advocate in issues that are important to you, there are certain "Golden Rules" to follow:

1. Be well-informed. You can find out about bills (what they say, their sponsors, when hearings are scheduled), your legislators (who they are, what bills they sponsored, how to contact them), and more at <http://www.gencourt.state.nh.us/>.
2. Don't look down on government and politics. They may be faulty, but so are other professions. A disdainful attitude is an expensive luxury these days. Whatever affects your business is your business even if it is politics.
3. Be understanding. Put yourself in the legislator's place. Try to understand the legislator's problem, outlook and aims. Then you are more likely to persuade the legislator to do the same in understanding yours. Remember, we must have people who are willing to commit themselves to public service positions.
4. Consider yourself an additional source of information. Legislators have limited time, staff, and interest on any issue. They can't be as informed as they might like on all issues, or the ones that concern you. You can fill the information gap.
5. Be thoughtful. Commend the right things public officials do. That's the way you like to be treated. Public officials will tell you that they get dozens of letters asking them to do something, but very few thanking them for what they have done.
6. Make the legislator aware of any personal connection you may have. No matter how insignificant you feel it is, if you have friends, relatives, and/or colleagues in common: LET THEM KNOW.
7. Don't be afraid to admit you don't know something. If a legislator wants information you don't have or asks you something you don't know, tell them, and, then, offer to get the information they are looking for. BE SURE TO FOLLOW THROUGH.
8. Be specific about what you are asking for. If you want a vote, information, answers to a question whatever it is make sure you ask for it directly, and get an answer.
9. Don't be a busybody. You don't like to be scolded, pestered or preached to. Neither do public officials. Don't "burn any bridges." It is easy to get very emotional over issues you feel strongly about. That's fine, but be sure that no matter what happens, you leave on good terms so that you can go back to the legislator again. Remember, your strongest opponent on one issue may be your strongest ally on another.
10. REMEMBER, YOU ARE THE BOSS! Your tax money pays legislators' expenses, the paper they write on, and the phone they call you on. You are the employer and they are the employee. You should be courteous, but don't be intimidated. They are responsible to you, and nine out of ten legislators are grateful for your input.

WRITING LETTERS TO ELECTED OFFICIALS

Your letter or e-mail is a permanent record of your position. In a letter-writing campaign, five, fifteen or fifty letters can be perceived as a ground swell of support. Timing is important. If you write too soon, you may not capture the attention of the legislator. If you write too late, the decision may have already been made. Most legislators are conscientious about their mail and consider the views of their constituents when they deliberate an issue.

HOW TO WRITE

- ✉ Write your own letter. Use your own words to express your thoughts. **DO NOT USE POSTCARDS.** Remember, a letter need not be long, but should be compelling, factual, personal and to the point.
- ✉ Use personal stationery or business letterhead, if possible. Typed letters are easier to read, but handwritten letters are encouraged if they are legible.
- ✉ State your reasons for writing. Explain how the issue affects you and those around you. Include a personal anecdote.
- ✉ Use the bill number, sponsor, and title (if known), if you are writing about legislation.
- ✉ Many legislators have access to e-mail at home or in their office. This method offers quick access to the legislator, especially if time is short.
- ✉ Clearly state what action you are seeking—support or opposition.
- ✉ Refer to research, data, statistics, etc. Give your legislator good reasons to support your position.
- ✉ Be reasonable, specific, and positive. Don't engage in threats or ask the impossible.
- ✉ Thank your legislator for his/her time, attention, support, and vote.
- ✉ **PUT YOUR RETURN ADDRESS AND PHONE NUMBER IN YOUR LETTER.** (Envelopes can be thrown away.) Encourage your legislator to contact you if he/she has any questions.
- ✉ Write again. When you establish a record of correspondence, you will develop clout on future issues.





TELEPHONING YOUR SENATOR OR REPRESENTATIVE

Often when an issue needs immediate grassroots response, a phone call is the only option.

Even after you have written to your senator or representative, it is a good idea to call and ask them whether they have received it. Also, offer to answer any questions they may have.

When you have reached them on the phone, simply say: "Hello, Rep. Doe. My name is _____. I live in your district in the town of _____. I am calling to ask you to support/oppose (issue, bill#, etc.) I was calling to see if you have any questions about the importance of supporting/opposing this bill."

If you reach the legislator's answering machine, spouse or staff, remember to leave a brief message stating your name, town and position. Leave your phone number as well, in case he/she has questions.

When speaking to your Senator or Representative, be friendly and helpful. Remember that he/she wants to help you, but needs a good reason to do it. He/she will not necessarily have the same commitment to these issues that you do, nor the personal experience that you have with these issues. It is up to you to educate your legislator. He/she is a generalist, and you are the one with insight into this issue.

Remember that Senators and Representatives are interested in hearing from the people they represent. By calling them, you are not imposing, but are helping them to know more about questions that they face every day. The more informed your legislator is, the better job he/she can do for your district and state.

Remember to always thank them for listening to you and for any support they can give you. Let them know you are available to answer further questions and that you are following the progress of these bills very closely.

If you are asked a question that you do not have the answer to, simply say: "I don't know the answer to that, but I would be happy to find out for you." Then call the appropriate person to get the answer.

TIPS ON TESTIFYING

- Before you testify at a hearing:
- Know the bill number.
- Get a copy of the bill you are interested in and read it.
- Gather your facts, write your statement, and prepare copies for the committee.
- Find out when and where the hearing will be held.

AT THE HEARING

- Plan to arrive at the hearing room at least 15 minutes ahead of time.
- Sign in at the beginning of the hearing to let the committee chairperson know you want to testify. Also indicate whether you are for or against the bill, even if you do not wish to testify.
- The committee chairperson opens the hearing and reads the bill. Then the bill's sponsor(s) will make a statement about the bill. After the sponsor's statement, committee members will be asked if they have questions.
- After that names from the sign-in sheet will be called.
- When your name is called, rise, introduce yourself and make your statement. If you are representing an organization or group, state the name of the group when you introduce yourself.
- Remember, you may only testify stating opinions and facts. It is helpful to explain how the bill will affect you, your family, or others.
- Only committee members may ask questions. If you do not understand a question asked of you, you may ask the chairperson to clarify it or offer to get the information for the committee. You may also say that you don't know the answer.



THE LEGISLATIVE PROCESS IN NEW HAMPSHIRE

- Someone has an idea.
- The bill is drafted by Legislative Services
- The bill is filed by its sponsors as a house or senate bill.
- The bill is assigned to a committee which reviews it.
- The Committee holds public hearings
- The committee makes a recommendation that the bill should or should not pass when it goes to the full house or senate for a final vote.
- The bill then goes to the house or senate body for the final vote.
- The process then starts all over again, but in the other body.
- After another round of hearings, etc., the second body votes on the bill. If it is passed, it goes to the Governor for signature and then it becomes law.
- If the bill passes, but has changes, which makes it different from the original bill, then a *Committee of Conference* is set up to work out an agreement between the house and the senate so everyone is satisfied with the changes -- *or the original body may vote to concur with the changes.*
- Once the Committee of Conference has worked everything out, then the bill is sent back to both houses for approval. It then goes to the Governor for signature.



The Governor has three choices. He or she can:

- Sign the bill and it becomes law;
- Choose not to sign and it becomes law without the signature, within five days; or
- Veto the bill and it goes back to the legislature for a vote to override the Governor's veto. It takes a 2/3 majority for this, or the bill dies.

Take your role as a good citizen seriously. You can make a difference!

Theodore Roosevelt said: This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in.

PIC wishes to thank a lobbyist friend who provided information that was used to create this brochure.

**PowerPoint Presentation from September 11, 2013 SAC Meeting
Presented by NH Department of Education Staff**



FLEXIBILITY WAIVERS

Waiver focus on:

- 2014 Timeline for achieving 100% proficiency
- School and district improvement and accountability requirements
- Increased flexibility in use of federal Title funds
- Removing poverty threshold of 40% for Title I Priority and Focus Schools

ESEA FLEXIBILITY WAIVER

College and Career Ready
Expectations for All Students

Supporting Effective Instruction
and Leadership

State-Developed Differentiated
Recognition, Accountability and
Support System

Reducing Duplication and
Unnecessary Burden

**ESEA
FLEXIBILITY
WAIVER**

College and Career
Ready Expectations for
All Students

- State Adoption of college and career ready standards in Mathematics and English Language Arts/Literacy
- Implementation Support
- Participation in Smarter Balanced Assessment Consortium
- Continued focus on ensuring high expectations and support to students with disabilities and EL students

**ESEA FLEXIBILITY WAIVER:
State Developed Differentiated Recognition, Accountability,
and Support System**

- Building a Network Strategy
- AYP designations and sanctions will no longer occur
- New AMO targets are set in annual equal increments toward a goal of reducing by half the percentage of students in the "all students" group and in each subgroup who are not proficient with six years
- Title I Priority and Focus Schools have been selected and are posted on the NHDOE website
- All schools will be monitored for successes and challenges (Title I school results will be carefully reviewed by the US DOE)
- Announcement of Title I Reward Schools is expected soon

TITLE I PRIORITY SCHOOLS

- This has been operationalized by adding the NECAP index scores for mathematics to the NECAP index scores for reading to produce a combined index score for each year. To identify the Priority Schools the NECAP combined index scores for 2010-2011, 2011-2012, and 2012-2013 were averaged and then rank ordered.
- Title I schools (as of October 1, 2012) will be identified on the rank-ordered list and 12 (5% of the Title I schools) of the most struggling Title I schools will be designated as our Priority Schools.
- In addition to these 5% of schools, those participating in the School Improvement Grant (SIG) program will be considered Priority Schools.

Title I Priority School Name	SAU	District
Alstead Primary School	60	Fall Mountain Regional
Beech Street School	37	Manchester
Brown Elementary School	3	Berlin
Campbell High School	27	Litchfield
Fairgrounds Elementary School	42	Nashua
Farmington Senior High School	61	Farmington
Franklin High School	18	Franklin
Franklin Middle School	18	Franklin
Gossler Park School	37	Manchester
Henry Wilson Memorial School	34	Farmington
Hillsboro-Deering High School	34	Hillsboro-Deering Coop
Idlehurst Elementary School	56	Somersworth
Littleton High School	84	Littleton
McDonough School	37	Manchester
Middle School at Parkside	37	Manchester
Nute High School	64	Milton
Nute Junior High School	64	Milton
Parker-Varney School	37	Manchester
Pittsfield High School	51	Pittsfield
Pittsfield Middle School	51	Pittsfield
Somersworth Middle School	56	Somersworth
Southside Middle School	37	Manchester
Stewartstown Community School	7	Stewartstown
Wilson School	37	Manchester

TITLE I FOCUS SCHOOLS

- The definition of Focus Schools in the ESEA Flexibility Waiver is based on an equity principle, whereby schools with the **largest achievement gaps** between subpopulations (*students with disabilities, English language learners, and economically disadvantaged students*) and others will be designated.
- To identify our Focus Schools, the NECAP index scores for reading and math will be averaged across all three of these student groups for each school. The **“equity index”** will be produced by calculating the combined NECAP index scores for each of the designated student groups in each school, as long as the student group met the minimum group size. The simple average across the three groups will yield the equity index for each school. The average will be computed for any or all of the student groups that are present in the school.

TITLE I FOCUS SCHOOLS CONT...

- This equity index will then be **compared to the combined statewide index** for all students to frame this equity principle in terms of an achievement gap between average New Hampshire whole student performance and the educationally disadvantaged students in each school.
- A three-year average “equity index” will then be calculated and **10 % of the most struggling Title I schools (regarding the gap)** that are not already identified as Priority Schools will be classified as Focus School.

Title I Focus School Name	SAU	District
Allenstown Elementary School	53	Allenstown
Beaver Meadow School	8	Concord
Disnard Elementary School	6	Claremont
Dr. George S. Emerson Elementary School	93	Monadnock Regional
Ellis School	83	Fremont
Grinnell School	10	Derry
Harold Martin School	66	Hopkinton
Hillside Elementary School	3	Berlin
Indian River School	62	Mascoma Valley Regional
John Stark Regional High School	24	John Stark Regional
Maple Avenue School	6	Claremont
Milton Elementary School	64	Milton
Nottingham West Elementary School	81	Hudson
Paul Elementary School	64	Wakefield
Pembroke Academy	53	Pembroke
Penacook Elementary School	46	Merrimack Valley
Pittsfield Elementary School	51	Pittsfield
Pleasant Street School	30	Laconia
Southwick School	59	Winnisquam Regional
Unity Elementary School	6	Unity
Valley View Community Elementary School	61	Farrington
William Allen School	54	Rochester
Winnisquam Regional Middle School	59	Winnisquam Regional

TURNAROUND PRINCIPLES

1. Providing **strong leadership** by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the NHDOE that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget.
2. Ensure that **teachers are effective and able to improve instruction** by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.
3. Redesign the school day, week, or year to include **additional time** for student learning and teacher collaboration.

TURNAROUND PRINCIPLES

4. **Strengthen the school's instructional program** based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with the College and Career Ready Standards (CCRS).
5. **Use data to inform instruction** and for continuous improvement, including by providing time for collaboration on the use of data.
6. Establish a **school environment** that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs.
7. Provide ongoing mechanisms for **family and community engagement**.

ESEA
FLEXIBILITY
WAIVER

Supporting
Effective
Instruction and
Leadership

- Teacher and principal evaluation and support systems
 - State model principles/frameworks required for Title I schools
- 20% weight on student growth required in teacher and principal evaluations for all Title I schools
- Full implementation by 2015-2016
- Informing personnel decisions by 2016-2017

ESEA
FLEXIBILITY
WAIVER

Reducing
Duplication and
Unnecessary
Burden

- Lessen the paperwork burden
- No more SINIs/DINIs is a start
- Team will begin to review and provide recommendations in the fall of 2013

FOR MORE INFORMATION ON THE
NHDOE ESEA FLEXIBILITY WAIVER, GO TO:

[HTTP://WWW.EDUCATION.NH.GOV/ACCOUNTABILITY-SYSTEM/INDEX.HTM](http://www.education.nh.gov/accountability-system/index.htm)

FOR MORE INFORMATION ON TITLE I
PRIORITY AND FOCUS SCHOOLS, GO TO:

[HTTP://WWW.EDUCATION.NH.GOV/INSTRUCTION/PRIORITY-
FOCUS/INDEX.HTM](http://www.education.nh.gov/instruction/priority-focus/index.htm)

QUESTIONS?
PLEASE CONTACT:

HEATHER GAGE, CHIEF OF STAFF, DIVISION DIRECTOR AT
HEATHER.GAGE@DOE.NH.GOV



PowerPoint Presentation from December 4, 2013 SAC Meeting

Presented by NH Department of Education Staff

NHDOE Dispute Resolution

Presentation for State Advisory Committee
December 4, 2013



Complaints

	FY 11 (7/1/10-6/30/11)	FY12 (7/1/11-6/30/12)	FY 13 (7/1/12-6/30-13)
Total number of written, signed complaints filed	65	66	39
Complaints filed by parents	62	62	36
Complaints filed by other	3*	4**	3***
Complaints that did not meet standards	24	30	22
Complaints withdrawn	2	4	6
Complaints with reports issued	38	32	12
Complaints with reports issued within timelines	38	31	12
Complaints with reports with findings of noncompliance	23	17	7
Complaints reconsidered	8	7	1
Complaints reconsidered with reversed decision	3	3	0

*1-Advocate
*2-Grandparent

**1-Advocate
**1-Grandparent
**1-Sister/legal guardian
**1-School Psychologist

***1-Advocate
***2-Grandparent

Types of Issues for Complaints

- ▶ For FY'12 issues for complaints centered around
 - The IEP and provision of services as outlined in the IEP
 - Procedural issues regarding the IEP team composition (appropriate representation of required IEP team members, excusal of IEP team members)
 - Procedural issues regarding the IEP process (WPN, excusal of IEP team members within timeframe, 10 day notice of meeting)

Due Process and ADR Complaints

Issue / Question	Due Process	Alternative Dispute Resolution (ADR) Options		
		Mediation	Neutral Conf.	Other ADR Options
	44 requested	19 requested	0	0
Number filed by school districts	8	3	0	0
Number filed by parents	16	5	0	0
Number filed by other (specify)	0	4 (not tracked)		
Number failing to meet sufficiency standards	2	N/A	N/A	N/A
Number "screened out" for other reasons	N/A	N/A	N/A	N/A
Number withdrawn	12	3		
Number held (or complaints investigated)	*16	**15		
Number of substantiated	N/A	N/A	N/A	N/A
Which party prevailed 6 total decisions and summary judgments	P=2 D=4	N/A	N/A	N/A
Number of decisions appealed	No info			
Number of complaints overturned/ reversed				
Timeliness	Yes	yes		
Follow-up / enforcement of corrective plans				
DOE staff involved at each level of process	yes	yes		
Was an attorney involved (and for whom) -6 cases (2) Mediation within Due Process -10 cases	P=1 SD=6 P=5 SD=10	N/A	N/A	N/A
Participants' feedback (including satisfaction)	No info	recorded in	data base	
In how many cases was the issue indicative of a larger or systemic issue	N/A	N/A	N/A	N/A

*-Mediated within due process

**-3 unsuccessful mediations

Types of Issues Raised in Due Process and Mediation

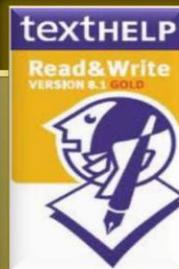
- ▶ Total number of cases requested=63
- ▶ IEP
 - 21 Cases
- ▶ Placement
 - 15 Cases
- ▶ Evaluation
 - 9 Cases
- ▶ Extended School Year
 - 5 Cases
- ▶ Unspecified
 - 13

PowerPoint Presentation from February 12, 2014 SAC Meeting

Presented by NH Department of Education Staff

The New Hampshire Audio Book Services for Elementary and Secondary School Textbooks

Creating Your Alternative Text Station
With Read & Write Gold



Diana Petschauer, M.Ed., ATP



Diana Petschauer, M.Ed., ATP

- Nationally Certified Assistive Technology Professional
- Founder: Assistive Technology for Education, LLC
- NHAIM Service Provider
- NH Audio books Coordinator
- Previously the AT Specialist at the University of New Hampshire, Disability Services for Students
- Over 15 years of experience in Special Education
- Website: AssistiveTechnologyforEducation.com
- Blog: <http://www.scoop.it/t/assistive-technology-for-education>

Free Training and Resources Provided to You By:



- Serving New Hampshire's Education Community
- Fostering Innovation and Technology to Support NH Educators & Students
- Thank you Mary Lane, Mary Steady, Santina Thibedeau, Terry Stafford, Barbara Raymond, Stacey Welch
- Thank you to the Commissioner of Education, Virginia M. Barry, for supporting assistive technology in NH schools.

What You Will Learn Today!

- NH Audiobooks and NHAIM (NH Accessible Instructional Materials) Audio, Digital, Braille
- How are they related? What FREE resources & services are available to you and your students? ****Bookshare Training**
- Read & Write Gold; How to Set Up Your Alternative Text Station
- Features of Read & Write Gold; How will You & Your Students use the Software and the Alt. Text Station? **DEMOS!**

More Assistive Technology Options you will learn about today!

- Using scanned and digital text with Apps, Mobile Devices, & Screen readers!
- Free resources and software: Free Text-to-Speech, Free magnification, Free Grammar Support, Free Voice Recognition, Free ebooks & Audiobooks!
- Read & Write Gold being utilized In NH
- K-12 Schools & Colleges-Fostering Successful transition!

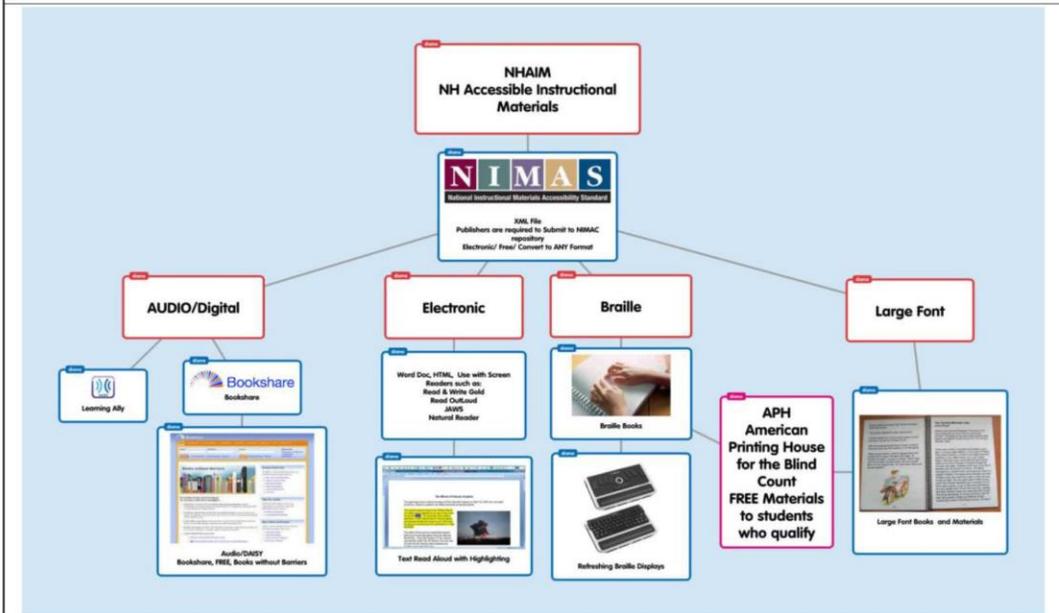
NHAIM (Accessible Instructional Materials)

- Audio, Digital, Braille, Large Print
- Ensure the acquisition, production, and distribution of AIM to NH students in a timely manner.
- **Timely Manner=Same Time as their peers**
- NHAIM Service Provider: Diana Petschauer
- NHAIM Website:
http://www.education.nh.gov/instruction/special_ed/nhaim.htm

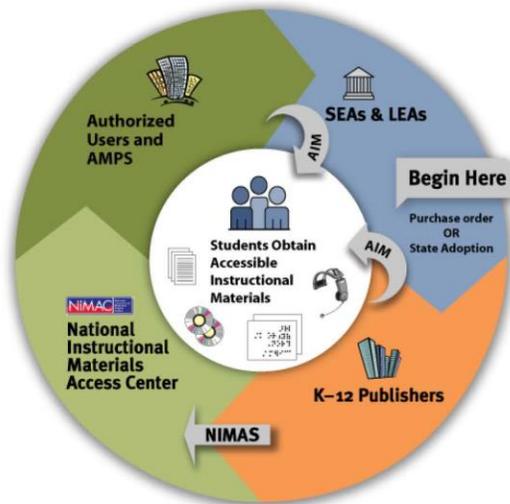
NHAIM Overview

- **Who Qualifies:** Students Who Have a Print Disability due to Blindness, Low Vision, Learning Disability, Physical Disability, or a Cognitive Disability such as TBI.
- Students who are unable to obtain information through the use of traditional print materials and require accessible materials appropriate to their individual needs.

NHAIM, NIMAS, & the NIMAC



How Does the Process Work?

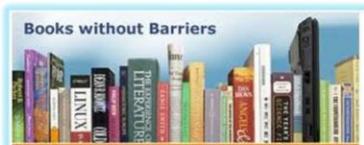


Bookshare



Bookshare

NH's Resource For Free Audio & Digital Books
for Students with Print Disabilities



Accessible Books and Periodicals for Readers with Print Disabilities



When the Book is Not Available at Bookshare...

- Diana Checks the NIMAC, designates book to Bookshare or APH, and/or converts the book to appropriate, needed format.
- We also Chop/Scan/Convert Books
- Thank You Jarda Hutar, NHAIM assistant!



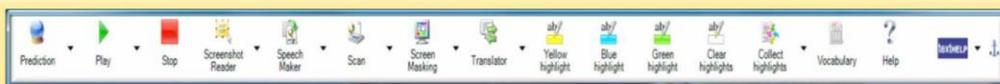
NH Audiobooks

- Now Educators & Students have the Alternative Text Station and **Read and Write Gold** to create accessible materials immediately. (NH Audio Books)
- One Free single license to each school
- Create Audio & Digital Textbooks and Handouts
- Free training to Schools & Districts to use the software!
- Students do not miss out on information, handouts, or books being read in class.

Read & Write Gold: Scanning Texts

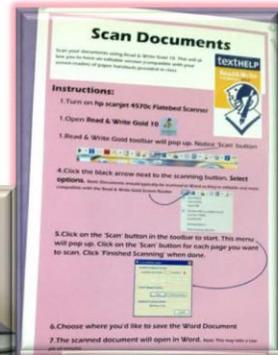
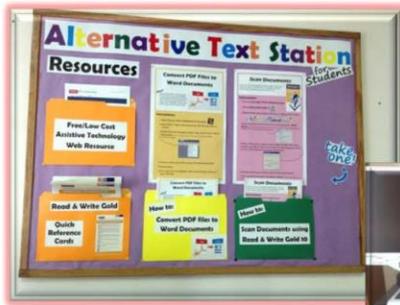


- Scan Textbook Pages and Handouts (Built-In OCR, Abby Fine Reader)
- Read with Text-to-Speech features and Highlighting
- Convert to MP3/ Audio
- ScreenReading & ScreenShot Reader
- Read with Screen Readers such as JAWS and NVDA
- Magnify Font, Change Font Colors
- Read with Apps on the iPad
- Read with Refreshing Braille Displays



Alternative Text Station

- Alyssa Marinaccio, Assistive Technology Coordinator, Keene State College : [Video](#)



K-12 Schools Currently using R&W Gold in NH

- Winnacunnet
- Hanover
- Dover
- Windham
- Mascoma Valley Regional High
- Alton
- Barnstead
- Many More Now!



Alt Text Station, Video & Demo!

- [Video](#) (Student at Hanover High Using Alt. Text Station and R&W Gold on a Mac)

- Demonstration!

Using Alternative Text on Mobile Devices

- Apps & Demos!
- Voice Over and Accessibility on an iPad/iPhone
- Bluetooth & Braille
- Video Clips of APH refreshabraille & iPad, iPod Touch, VoiceOver [Clip 1](#)
[Clip 2](#) **Refreshabraille training is FREE (NHAIM)
Thank You, Stephen Yerardi, NHAIM assistant !
- iReadWrite
- VoiceDream
- OverDrive
- Vbooks PDF
- [Audiobooks](#) (by Librivox)
- Read and Write for Chrome
- Android: GoRead, Darwin Reader, CapturaTalk



Free Resources For You!

- Link to 471 places for Free e-books and 91 Places for Free audio books:
<http://www.techsupportalert.com/content/50-places-free-books-online.htm>
- More Free Audio books with natural human narration:
<http://willoughby-eastlake.k12.oh.us/classroom/technology/stories.htm>
#Sing a Long
<http://www.justbooksreadaloud.com/>
- Project Gutenberg:
<http://www.gutenberg.org/>

Additional Resources

- Free Text-to-Speech: [Natural Reader](#)
- Free Grammar & Spell Check: [Ginger](#)
- Free text to speech in Chrome: [Select & Speak](#)
- Free Voice Recognition: [VoiceNote](#) in the Chrome Browser
- Free magnification: [ChromVis](#) in the Chrome Browser
- [Read & Write Gold](#) extension in Chrome for Googledocs and Chrome Browser
- Free Mindmapping/ Brainstorming: Connected Mind, [Popplet](#) and [ExploraTree](#)
- Free Accessibility features in [Windows](#)
- Free Accessibility features built in to a [Mac](#)

MORE Free audiobooks!

- Free TarHeel Reader books read on the iPad with iBooks!
<http://www.janefarrall.com/blog/2013/03/04/putting-tar-heel-reader-books-into-ibooks-with-speech/#more-1289>
- TarHeel reader is a great free application on the computer also: <http://tarheelreader.org/>
- StoryBird: <http://storybird.com/categories/animals/>
- LibriVox: <http://librivox.org/>

When the Alt. Text Station is Not being used for scanning...

- There are several other literacy features students may benefit from!
- Contact Diana Petschauer for Free Bookshare and Read and Write Gold Training, as well as to order any accessible materials & textbooks for your students.
- DP.ATSpecialist@gmail.com
- Assistivetechologyforeducation.com

PowerPoint Presentation from May 7, 2014 SAC Meeting

Presented by NH Department of Education Staff

NH Communities for Children: Safe Schools and Healthy Students State Planning Grant

1

NH Department of Education(NHDOE),
Bureau of Special Education

Presentation by
Mary Steady

June 4, 2014

Safe Schools & Healthy Students State Planning Grant

2

- During the summer of 2013 the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) released the Safe Schools and Healthy Students State Planning Grant Request for Applications (RFA)
- The NH Department of Education (NHDOE), in conjunction with the NH Department of Health and Human Services' Bureau of Behavioral Health (BBH), the Laconia, Concord, and Rochester School Districts, submitted an application for this RFA titled ***NH Communities for Children.***

SAMHSA RFA Background

3

Since 1999, the US Department of Health and Human Services, Education, and Justice have collaborated on the SS/HS Initiative. This grant program provided funding to local education agencies (LEAs) that worked in partnership with local law enforcement and juvenile justice, social service and mental health agencies, and other community organizations to plan and implement comprehensive and coordinated programs, policies, and services delivery systems that promoted the mental health of students, enhanced academic achievement, prevented violence and substance use, and created safe and respectful school climates.

This is the first funding opportunity for SS/HS in four years and was prompted by the shootings that occurred in Sandyhook, CT.

SAMHSA's explanation of RFA

4

SAMHSA's Intent

The purpose of the SS/HS State Program is to create safe and supportive schools and communities by bringing the SS/HS model to scale at the state/tribe level by building partnerships among educational, behavioral health, and criminal/justice systems.

SAMHSA's Expectation

By implementing this program, SAMHSA expects to achieve an increase in the number of children and youth who have access to behavioral health services; a decrease in the number of students who abuse substances; an increase in supports for early childhood development; improvements in school climate; and a reduction in the number of students who are exposed to violence.

Safe schools/healthy students grant RFA requirements

5

- SAMHSA required two state agencies to partner together for the submission of this grant, with a lead agency and a co-lead agency overseeing the work.
- SAMSHA required that each state select three (3), and no more or no less than 3, Local Education Agencies (LEAs) to partner with for the life of the grant.
- The 3 LEAs had to be selected prior to grant submission and the selection had to be based on student and community populations and district-wide data linked to the SS/HS elements.

Criteria Used to Select Three (3) Local Education Agencies

6

- Population Demographics (Concord & Laconia have the 2nd and 3rd largest refugee populations in NH)
- Free and Reduced School Lunch Eligibility Data
- Median Household Income Data
- Persons below the poverty line Data
- Gaps in Early Childhood Programs
- Gaps in Promoting Mental, Emotional & Behavioral Health
- Gaps in Connecting Family, Schools & Communities
- PBIS readiness in LEA schools
- Youth Risk Behavior Survey Results
- School Suspension Data
- Bullying and Harassment Data

7

Application Process Details

All US States and Tribal Nations were eligible to apply

SAMHSA received thirty-three (33) applications across the country, including NH's grant proposal

SAMHSA awarded seven (7) states a Safe Schools & Healthy Students State Planning Grant

SAMHSA awarded \$56.9 million to seven (7) states over four years in FY 13 to support safe schools and healthy students

SS/HS Grant Awardees

1. New Hampshire
2. Connecticut
3. Nevada
4. Ohio
5. Pennsylvania
6. Michigan
7. Wisconsin

NH's Safe schools/healthy students grant award

8

New Hampshire's Department of Education (NHDOE) was awarded a four-year grant, beginning on October 1, 2013 for a total amount of \$8.6 million over the life of the grant.

Annually:

- 25% of the funding will be distributed to each of the three (3) LEAs = 75% total
- 10% will fund the required outside evaluator for the project
- 15% of the funding will go to the NHDOE and NH DHHS' Bureau of Behavioral Health

Safe Schools/Healthy Students Five Elements

9

Addressing each of the following elements in the grant was a requirement:

1. Promoting Early Social and Emotional Learning and Development
2. Promoting Mental, Emotional, and Behavioral Health
3. Connecting Families, Schools, and Communities
4. Preventing Behavioral Health Problems (including Substance Use)
5. Creating Safe and Violence Free Schools

Goal #1

10

- Create and sustain safe and supportive schools and communities and improve the social, emotional, and behavioral health outcomes for all children and youth by developing and sustaining a formal state-level collaborative cross-agency structure for identifying needs, implementing evidence-based practices, sharing and targeting data and resources, changing policy, and implementing cross-discipline professional development (Elements 1, 2, 3, 4 & 5).

Goal #2

11

- Substantially improve the social and emotional skills and preparedness for long-term educational success of young children, birth through five years, by facilitating cross-sector collaboration in each LEA among parents/caregivers and professionals serving expectant families and young children from birth through 3rd grade and their families (Element 1).

Goal #3

12

- Substantially improve the mental, emotional, and behavioral health of children and youth through early identification of needs and matching interventions to need by implementing of a continuum of positive, evidence-based behavioral health practices within a multi-tiered framework. This goal includes substantial reductions in school violence, bullying, behavior problems, suspensions, substance abuse and punitive/exclusionary discipline practices (Elements 2, 3 & 5).

13

Goal #4

Substantially improve the behavioral health outcomes and reduce the need for intensive treatment, out-of-home placement, hospitalization, or incarceration of children and youth in each region through partnership with the local community mental health center and NH's System of Care, which will provide individualized wrap-around and evidence-based interventions for the highest-need children, youth & their families/caregivers (Element 2).

Goal #5

14

Substantially improve the engagement of families and youth in decision-making at the policy, practice and individual levels by including and supporting family members and youth as members of the State Management Team, Core Management Teams, and individual child/family wraparound teams (Element 3).

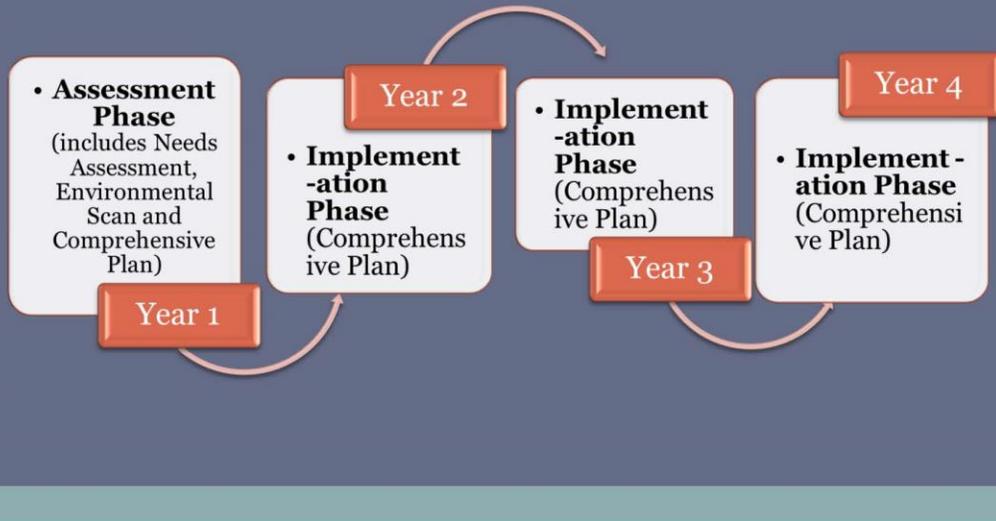
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Goal #6

Substantially reduce risk factors and strengthen protective factors at the individual, family and community level to reduce the prevalence of alcohol and other drug misuse among school aged children (Element 4).

SS/HS PHASES of the Grant

16

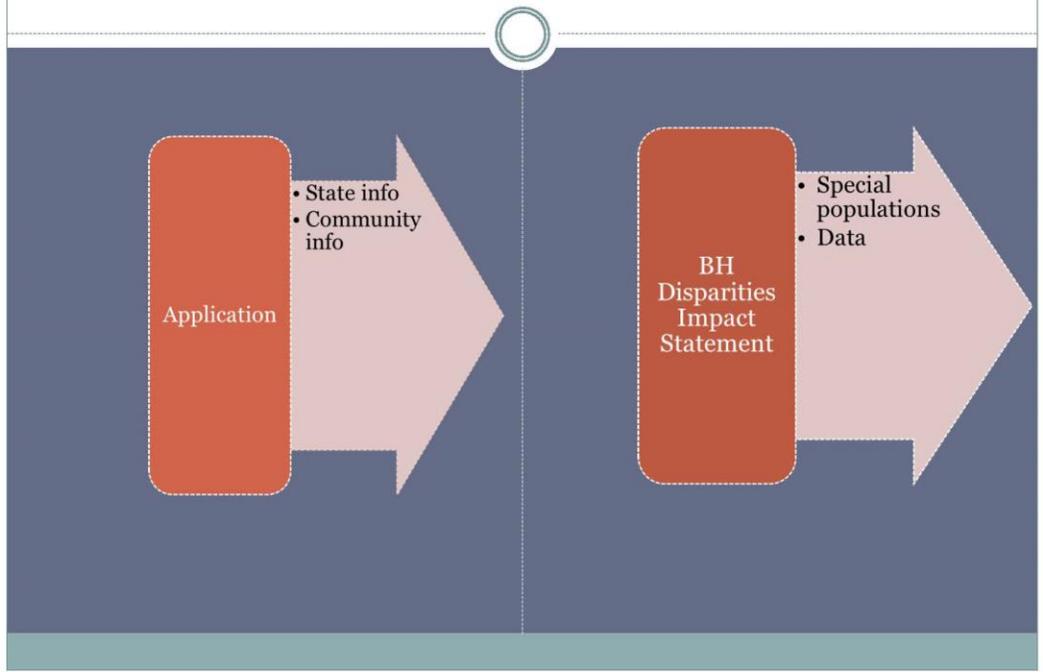


WHERE ARE WE?
WHERE ARE WE
GOING?

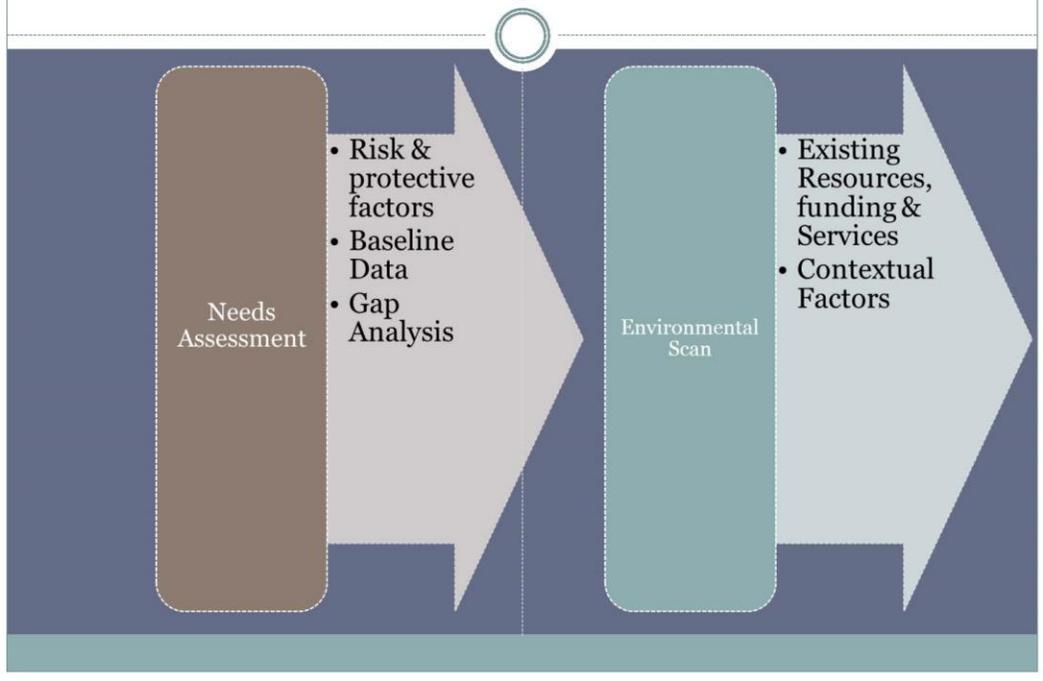


5 Phases

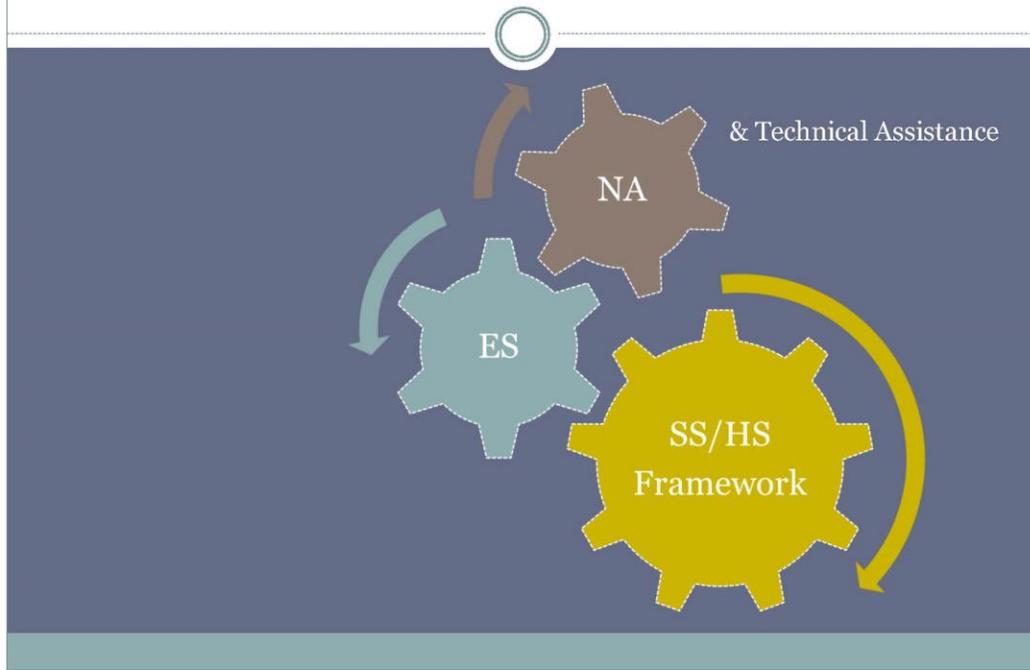
Phase 1- Assessment



In the process



Phase 2- using the SS/HS Framework



What is the SS/HS Framework?

- The framework is a planning process that is used to accomplish systemic change and integration through SS/HS initiative.
 - It is a grid that helps identify strategies and services in all 5 Elements that are related to 5 strategic approaches and 7 guiding principles

5 Strategic Approaches—the roadmap that ensures success in planning and implementation and supports improvement in how education and child-and family-serving agencies work together at both the state and local levels.

- ① **Leveraging Collaboration and Partnership**
 - Multiple organizations work together sharing common vision, resources, goals, or outcomes
- ② **Technology**
 - Harness evolving technology to increase efficiency and support program implementation and evaluation

- ③ **Policy Change and Development**
 - Use existing or new lessons learned to inform the revision of current or development of new state and local policies.
- ④ **Capacity Building**
 - Strengthen the knowledge, abilities and skills of individuals and improve organizational structures and processes to more efficiently meet the needs of the community in a sustainable way.



⑤ Systematic Change and Integration

- A product of collaborative activity aims to change existing systems to better coordinate multiple service agencies and programs to improve outcomes for the target population

7 Guiding Principles—the values that connect and program areas of the SS/HS Framework with the best practices for planning and implementation. They are also the values that are intended to guide the SS/HS/State Program through out its life.



- ① Cultural and Linguistic Competency
- ② Developmentally Appropriate
- ③ Serving Vulnerable and At-Risk Populations
- ④ Resource Leveraging
- ⑤ Sustainability
- ⑥ Youth Guided and Family Driven
- ⑦ Evidenced-Based Intervention

Phase 3- Development of Comprehensive Plan

Complete each in a manner consistent with

SS/HS Framework

Comprehensive Plan

Evaluation

Narrative

Logic Model

Evaluation Plan

Phase 4- Implementation

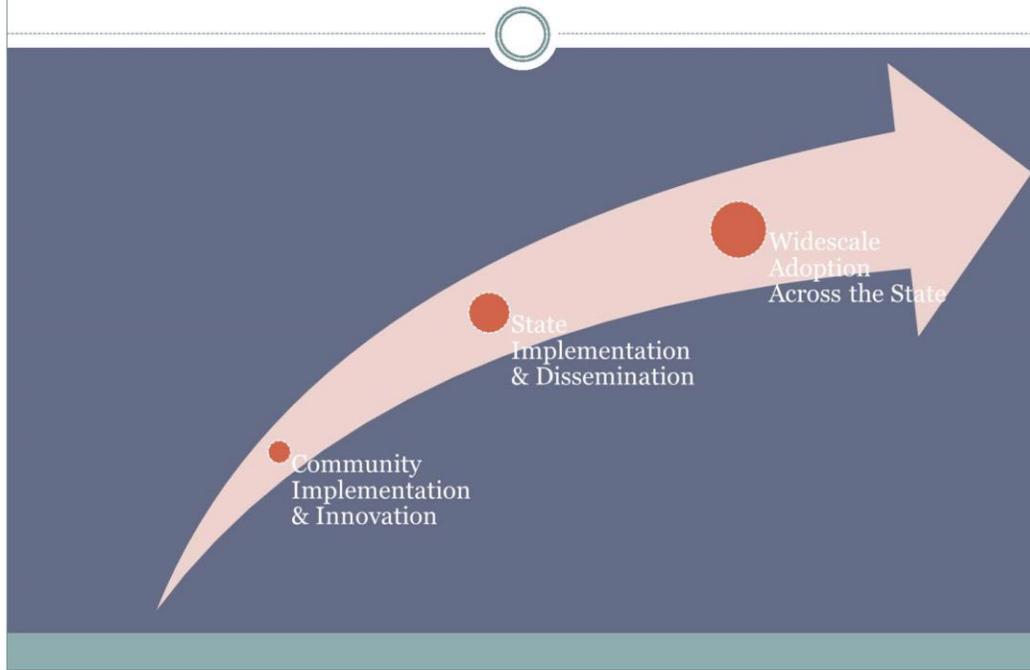
Year
2

Year 4

Year
3



Phase 5- State Expansion and Sustainability



State Project Leads

29

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