

**New Hampshire's**  
**State Advisory Committee**  
**on the Education of Children with Disabilities**  
**2015 Report**

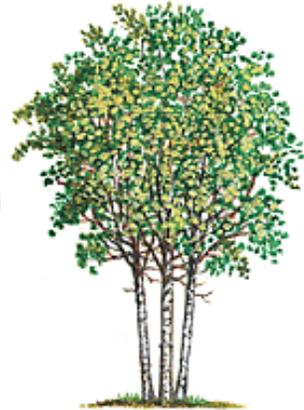
*For the reporting/ meeting period from September 2014 through June 2015*



State bird  
Purple finch



State flower  
Purple lilac



State tree  
White birch

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## Acknowledgements

The NH State Advisory Committee (SAC) on the Education of Children with Disabilities would like to thank the following individuals for their contributions to the SAC:

- Santina Thibedeau, NH Department of Education, Bureau of Special Education for her involvement and support of the SAC, including her Bureau updates at each meeting
- Barbara Raymond, NH Department of Education, Bureau of Special Education for her administrative support, including preparing for meetings, taking minutes at meetings, and producing meeting agendas and minutes
- Terry Stafford, NH Department of Education, Bureau of Special Education for her many years of providing administrative support, including preparing for meetings, taking minutes at meetings, and producing meeting agendas and minutes
- Lisa Johnson, NH Department of Education, Bureau of Special Education for her administrative support, including preparing for meetings, taking minutes at meetings, and producing meeting agendas and minutes
- Penny Duffy, NH Department of Education, Bureau of Special Education for her administrative support, including preparing for meetings, taking minutes at meetings, and producing meeting agendas and minutes
- Ruth Littlefield, Department of Education, Bureau of Special Education for her presentation to the SAC on the State Systemic Improvement Plan
- Dan Ward, SAC member, for his presentation to the SAC on the unmet needs of children whose parents are absent
- Candace Cole-McCrea, SAC member, for her presentations to the SAC on the unmet needs of children whose parents are absent and the impact on children whose parents are incarcerated
- Catherine Meister, SAC member, for her presentation to the SAC on the unmet needs of children whose parents are absent
- Maura Hart, for her presentation to the SAC on the SWIFT project
- Members of the SAC who give so generously of their time in service to the committee

## **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 IDEA Determination Letters and NH's State Performance Plan (SPP) and Annual Performance Reports (APR) for the time period covered by this report. SAC was pleased that the annual Determination Letter from the US Department of Education, Bureau of Special Education, which is based on the data provided by the state in our APR, "determined that New Hampshire meets the requirements and purposes of Part B of IDEA".

Two related documents are included in Appendix C:

- Excerpts from NH's 7/2015 Determination Letter; 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 or 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.

**Membership Status:** 8/5/2015, SAC has 37 members, including 11 parents and 6 individuals/students with disabilities who are serving exclusively in those categories, plus 4 parents serving under other categories (total 21 parents and individuals with disabilities – 17 exclusive to those categories). The current membership meets the statutory requirement that a simple majority of members be individuals with disabilities or parents of children/students with disabilities.

Vacancies:

1. A representative from the state juvenile agency
2. An individual representing public charter schools
3. A representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities

Additional parent members would ensure that SAC continues to meet the statutory requirement.

A complete listing of SAC members, 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 2<sup>nd</sup> Vice Chair. For this reporting period, Bonnie Dunham was elected as Chair. Maureen Tracey served as Vice Chair, with Janet Reed as 2<sup>nd</sup> Vice Chair. For the upcoming year, Maureen Tracey was elected to serve as Chair, with Bonnie Dunham as her Vice Chair and a 2<sup>nd</sup> Vice Chair to be selected.

## **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 NH State Advisory Committee meets monthly during the school year. The schedule for SAC meetings, as well as minutes for previous meetings, is posted on the NH Department of Education's website at [http://www.education.nh.gov/instruction/special\\_ed/sac.htm](http://www.education.nh.gov/instruction/special_ed/sac.htm) (SAC's dedicated page), 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; 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.
- 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;
- 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 SAC appreciates the support it receives from the 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. The 2014 SAC 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, November, December 2014; January, February, March, April, May and June 2015 to share information and resources, 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.

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.

During this year, the State Advisory Committee utilized subcommittees to study and report on specific issues identified by the SAC membership. In prior years, some SAC subcommittees met for a limited period of time, while others continued their work throughout the year or even into the next year. Additionally, an option that was used in some previous years, and to a lesser extent this year, was for the full SAC to focus on a single topic area for a period of time when SAC members determined that the topic required more substantive attention. SAC and its subcommittees utilize the input of the public, as well as of the constituent groups represented by members, in all aspects of its work.

All 3 of this year's SAC subcommittees met at a total of 5 meetings throughout the year. There was insufficient time for the subcommittees to meet at 4 other meetings, and at one meeting, the subcommittees suspended their work so that they could work together to develop a follow-up to the response received from the Commissioner to recommendations made by two of last year's subcommittees. A delegate subcommittee was then formed to coordinate the information and clarifications requested by the Commissioner in her response, and then met the commissioner to present the response agreed upon by the full SAC.

Priority areas were selected and subcommittees formed, based on committee members' identification of 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 issues that have been brought to the attention of the Bureau of Special Education or the SAC. The committee always maintains the flexibility to revise or refocus our priorities in order to respond to a new or emerging need.

Each SAC member is expected to serve on one subcommittee, based on their interests, expertise and concerns, 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.

At the end of each SAC meeting in which subcommittees have met, a representative selected by the subcommittee "reports out", providing an opportunity for the full SAC to ask questions and 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.

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.

There was discussion at several SAC meetings about the possibility of SAC hosting public forums where the public (parents, students, educators, others) could provide input to SAC. The theme of "What's working, what's not, and what are your ideas" was suggested. This has been a successful information gathering mechanism that SAC has used in the past.

## Priorities

**The priorities that were selected for the 2014 - 2015 year were:**

- Secondary Transition
- Children with Disabilities Who Have Absent Parent(s)
- Ensuring that School Boards and Other Key Stakeholders are Well-Informed (including about special education finance issues)

Additionally, SAC continued to work on issues identified by last year's subcommittee on the Failed Implementation of IEPs and the subcommittee on the Unmet Needs of Students, Particularly Students with Emotional/Behavioral Disabilities or Challenges.

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: special education finance/funding (although this was included as a sub-focus of the "ensuring that school boards and other key stakeholders are well-informed" subcommittee), closing the achievement gap, extended school year, response to intervention, special education and section 504, and mechanisms for complaint investigators.

## 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.
- To support the participation of SAC's student and professional members, the Committee initiated the practice of providing SAC members at each meeting with a Certificate of Attendance documenting the SAC member's participation at the 2½ hour (except for the annual SAC Retreat, which is a 6-hour meeting) meeting.
- Updated 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.
- Supported the Autism Awareness "Go Blue" initiative to increase awareness of, and support for children with, autism spectrum disorders. SAC agreed to ask the Commissioner of the NH DOE (for the DOE Building) and the Governor (for the Capitol Building) to change the light bulbs to blue on "Go Blue" day to demonstrate the state's support of this important issue.
- 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, NH DOE special education-focused initiatives.

- Provided testimony to the State Board of Education on the proposed Ed 1200 rules, “Limiting the Use of Restraint and Seclusion”, SAC submitted extensive testimony on more than two dozen components of the proposed rules. SAC’s testimony can be found in Appendix D.
- Provided testimony in support of HB 604, “An act relative to the use of mixed use school buses by special education pupils”. This bill clarified that students with and without disabilities have the same right to be transported to and from school-related activities on a mixed use school bus, unless the student’s disability requires the use of special transportation, in accordance with the child’s IEP or Section 504 accommodation plan. The SAC determined that this bill protected the equal access of students with disabilities to transportation on a mixed use school bus, along with their peers without disabilities, as well as protecting the financial resources of public and private special education programs. SAC also wrote a letter to the Commissioner of the NH Department of Education recommending that the NH DOE support HB 604. SAC’s testimony and letter to the Commissioner can be found in Appendix D.
- Provided testimony on HB 1-A and 2, the State Budget and Trailer bills. SAC’s testimony requested that sufficient funding be provided in the budget to avoid any students with disabilities being placed on a wait list upon their completion of high school, either due to the receipt of a high school diploma or the student reaching the age of 21. SAC members felt that this was an important issue because school districts, students with disabilities and their families spend considerable financial, personal and other resources to achieve positive educational outcomes to prepare the students for post-secondary education, employment, and independent living, including full community participation. When a student who has achieved these benefits does not receive the adult services he/she needs in order to implement the skills attained, the student is at risk of losing those skills (regressing or stagnating), with a resulting significant detrimental impact on the student, his/her family, and the community, as well as on the resources utilized to prepare the student for adult life. SAC also requested additional funding for the NH Department of Education. SAC’s testimony can be found in Appendix D.
- SAC also provided input at several public hearings about the importance of maintaining the authority of the Commissioner of the NH Department of Education and the State Board of Education, based on the important role both entities play in ensuring the needs of children with disabilities are met in accordance with the role and responsibilities of the SAC.
- SAC learned from SAC member Karen Rosenberg (representative from the DRC– NH) and Santina Thibedeau about serious issues that occurred at Lakeview Neuro-Rehabilitation Center, and which led to the commissioner ordering the cessation of the facility’s special education program. SAC members expressed their support for the Commissioner’s decision. A copy of the letter from the Commissioner ordering the cessation of special education services may be found in Appendix D.
- Designated 2 SAC members to serve as representatives to the NH DOE’s Indicator 8 Parent Survey Stakeholder group.

- The chair of the SAC was invited to attend the annual OSEP Leadership conference along with Santina Thibedeau and other Bureau staff. The OSEP Leadership conference was not held in 2014, but the SAC chair attended the August 2015 OSEP conference. The 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). Materials from the OSEP conference may be obtained at: [https://www.osep-meeting.org/confmats\\_lead.aspx](https://www.osep-meeting.org/confmats_lead.aspx).

Additional information about the activities and accomplishment of SAC is included in the summaries of the work and outcomes/recommendations made by SAC subcommittees, which may be found below and in other relevant sections of this report.

## **Subcommittee Reports/Recommendations**

### **Report/Recommendations from the Subcommittee on Ensuring that School Boards and Other Key Stakeholders are Well-Informed (including about special education finance issues)**

While there was a clear understanding that it costs more to provide special education services to a child with a disability than it does to provide an adequate education to a child without a disability, the subcommittee was unanimous in its belief that the actual costs were not well understood by the general public, including key stakeholders such as school board members, parents and some school and special education administrators.

The subcommittee identified several additional key issues that are related to this issue:

- Catastrophic (CAT) Aid is seriously underfunded; and funding uncertainties that are part of the current CAT Aid system make it impossible for school districts to plan their budgets.
- IDEA has never been fully funded; SAC encourages all NH policymakers to continue advocating for full funding of IDEA to the level originally promised by the Federal Government.
- Funds from the Medicaid to Schools program are an important resource to help cover the costs of school districts providing certain medically-necessary services that are necessary in order to provide a child with a free appropriate public education. It is important for families to be aware of the benefit to their school district and community of their providing consent to allow the school district to access their child's Medicaid. Families also need to be aware that their consent does not impact any non-educational services their child may need out of school that are funded by Medicaid.
- School districts incur additional costs when providing special education and related services to certain subgroups of children with disabilities, including children with disabilities who are homeless or who are enrolled in a chartered public school.

The subcommittee was frustrated to discover the barriers to key stakeholders, including school board members, understanding special education issues, in particular special education finance issues. One of the most significant, is that special education costs are included in town and school district reports so the public is generally aware of these costs to the local property taxpayer. But, the fact that some of these costs are reimbursed (through CAT aid, Medicaid to Schools, and other Federal and State funding sources) is not as visible. In fact, because the reimbursements are often returned to the city or town and not to the school district budget, any member of the public who is reviewing the school budget only sees the community's payment (outgoing funds) for special education and not the reimbursed funds (incoming funds). This leads to an unfair and unbalanced impression of the costs to local communities for special education, with children with disabilities, along with their parents and special education administrators, sometimes being "blamed" for increased taxes in a community.

The subcommittee recommended, and SAC supported, that special education funding revenues be returned to the school (special education) budget and not to the general fund for the city/town. SAC believes that if the monies were returned, or tied back to, the line item that funded the service/item, it would make the issue of special education expenditures and reimbursements more clear. The subcommittee recognized that this may require a policy change or legislation. Another area where legislation or a policy change may be needed is to identify and rectify 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.

An additional frustration identified by the subcommittee was the lack of understanding by stakeholder groups of the value of having students with disabilities as fully participating members of the school community (making the community a better place), and of the positive outcomes that students with disabilities can accomplish, especially when they benefit from high expectations set by the NH Department of Education, their schools and communities. The subcommittee felt strongly that funding spent on special education is a sound investment, increasing the ability of students with disabilities to be prepared for positive and ambitious post-secondary outcomes, including post-secondary education, employment and independent living/community participation. The subcommittee is aware, and would like to see information disseminated about, the cost of not providing special education services to children 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.).

The subcommittee recommends engaging key stakeholder groups, including schools, parent organizations, the NH School Boards Association, NH Association of Special Education Administrators and NH School Administrators' Association to disseminate information about the positive impact (cost-benefit) of special education (which may include anecdotal "success stories", special education law and policy (it is important that all stakeholders, including the general public be aware that special education is a right and not a favor), and the funding mechanisms that support the provision of special education in NH. Many of these entities, along with the NH DOE also offer trainings on special education issues, including those that relate to funding. SAC encourages increased awareness of these training opportunities.

Currently, the NH DOE often posts information about upcoming trainings on their website, and disseminates information about these opportunities in their month “key messages” that are disseminated electronically to a broad audience of stakeholders. Additionally, SAC members announce training opportunities at monthly SAC meetings; and that information is then relayed back to the constituent groups represented by SAC members.

Because subcommittee members identified the benefit of having training and information that resonates with each group, we would like to identify any information gaps and strategize with stakeholder groups about how to fill this need. One recommendation was to send an inquiry to stakeholder groups asking how they help their members “get the big picture” regarding the benefits of special education and the funding streams that support special education.

The subcommittee identified the need for a simple fact sheet explaining the sources of funding for special education services in NH, and worked together to update and revise a fact sheet that had been developed by Bonnie Dunham through the Parent Information Center several years prior. Numerous subcommittee members shared their expertise in the re-development of this document. The final product was a 2 page (1 double-sided page) fact sheet, *Special Education Funding: The Rest of the Story*, which was broadly distributed to state organizations, school districts, and the State Board of Education. SAC’s contact information is prominently displayed on the fact sheet, so that it doubles as an awareness resource for the committee. The fact sheet is in Appendix D.

As a follow-up note, Bonnie reported that the Medicaid Manager for the Rochester School District contacted her and has used the fact sheet to inform people in her school district.

### **Report/Recommendations from the Subcommittee on Children with Disabilities Who Have Absent Parent(s)**

After hearing a compelling presentation given by SAC members Candace Cole-McCrea, Catherine Meister and Dan Ward, the SAC agreed that children who have one or both of their parents absent (unavailable) are at increased risk of being identified for special education services, and that whether the child has a disability or not, he/she is at increased risk for many factors that make it difficult for the child to obtain the full benefit from school. Children with absent parent(s) are more likely to be truant, to drop out of school, to act out (which may lead to school suspensions, to be depressed and/or isolated from peers, and to have difficulty making healthy connections with adults (including teachers)).

Parents may be absent from a child’s life for a variety of reasons, including children in foster care, children whose parents are unable to care for them at home due to the parent’s disability or mental health issues, children who have been removed from home because of abuse or neglect, and children who have lost a parent due to separation, divorce, parental abandonment, or the parent’s death. Please note that this is not an exhaustive list. While some parental absences (i.e. military deployment) have a more positive connotation with the child perhaps aware that the parent is acting in a heroic way, and others (i.e. incarceration or drug addiction) having a more negative connotation, nearly all children who have an absent parent experience or are at risk for experiencing some negative impact.

Subcommittee members identified that it would be helpful for schools to be aware of and able to identify common risk factors for students. A few risk factors include the child experiencing academic and/or behavioral issues or distancing himself/herself from school/adults in positions of authority. This is particularly important because children who have absent parent(s) do not necessarily “announce” their situation, in fact, especially in instances where a parent is incarcerated or the child has been removed from the home, the child may avoid making others aware. There is no rule requiring families to make the school aware of a change in the family’s situation, so the school may be unaware of the reasons that a child is struggling.

To ensure that the needs of children with absent parent(s) are met, the subcommittee recommends that the schools take a proactive approach; that they identify and provide Tier 2 behavioral/academic interventions and supports that can be implemented whenever a child appears to need them, regardless of whether the child has been identified as having an absent parent(s). The subcommittee also supports making schools aware of resources, including from state and local agencies/organizations, civic and community groups, etc. that may be available to assist them in supporting these children. The subcommittee also recommends that training opportunities to assist teachers in identifying students who might need supports, and that universally-designed procedures be developed within schools.

To ensure that children who are in foster care do not fall through the cracks and if they are a child with a disability, that they are appropriately referred, evaluated and served, there should be an information campaign about the NH DOE’s Educational Surrogate Parent program.

SAC member Candace Cole-McCrea gave a follow-up presentation to SAC about the particular difficulties children of incarcerated parents experience and spoke about her experience with increasing the awareness among incarcerated parents of this impact so that they can understand and support their children. SAC members found this presentation to be very helpful and would encourage it to be given to schools and other groups who work with children and families.

### **Report/Recommendations from the Subcommittee on Secondary Transition**

The subcommittee found that, given the complexity of this issue, it was not possible to develop recommendations within the time constraints of subcommittee meetings this year (subcommittee meetings were not able to be held at several SAC meetings either due to the limited time available or because of the unavailability of key subcommittee members. They believe that a few additional meetings are needed for them to complete their work. All of the subcommittee members agreed that the issue is one of tremendous importance, and one that is very complex. They identified a number of problems or barriers, among them: many youth with disabilities and their parents do not understand the transition process – what it is, how it works, why it is important, their role in it, and how to truly an outcome through the transition process that is individualized and meaningful to the student. (See definition below.) Parents, students, schools, and even adult service provider agencies (i.e. Area Agencies for Developmental Services, the Bureau of Vocational Rehabilitation) find the process to be overwhelming and very time intensive. SAC members (parents, youth/individuals with disabilities, school personnel, and others) who have had personal experience with the transition process found it to be difficult.

### **Relevant Excerpts from the NH Rules for the Education of Children with Disabilities**

**Definition – Ed 1102.05(m)** “Transition services” means “transition services” as defined in 34 CFR 300.43.

- **§300.43 Transition services.** (a) *Transition services means a coordinated set of activities for a child with a disability that-- (1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (2) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes-*

(i) *Instruction;*

(ii) *Related services;*

(iii) *Community experiences;*

(iv) *The development of employment and other post-school adult living objectives; and*

(v) *If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.*

(b) *Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.*

**When transition services must be included in students’ individualized education programs – Ed 1109.01 (a)** *Each IEP shall include: (1) The elements listed in 34 CFR 300.320 ...*

- **§300.320 ... (b)Transition services.** *Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include--*

(1) *Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and*

(2) *The transition services (including courses of study) needed to assist the child in reaching those goals.*

- **Ed 1109(a)(10)** *A statement of transition services that meets the requirements of 34 CFR 300.43 and 34 CFR 300.320(b), with the exception that a plan for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, shall include a statement of the transition service needs of the student under the applicable components of the student’s IEP that focuses on the student’s courses of study such as participation in advanced-placement courses or a vocational education; ...*

Person-centered transition planning was identified as a best practice, but there seems to be a shortage of individuals with experience in that area. The subcommittee identified that starting early – by age 14 to assist youth to determine their goals is critical. The process really falls apart when it is begun too late in the student’s school career to make meaningful progress towards any of his/her measurable post-secondary goals. The group noted that they are aware of a number of great programs for students with learning disabilities, but there is not universal availability or access. They would like steps to be taken to ensure equal access and equal opportunities.

The subcommittee recommends, in addition to identifying the need for additional meeting(s) of the group, that they use the transition survey conducted by the NH Council on Developmental Disabilities (with the involvement of Maureen Tracey, SAC member) as a baseline, along with the products developed by the subcommittee over the past 2 years, gather additional information from other resources, including Next Steps-NH to identify resources, needs, and barriers, and to identify strategies to address barriers that are identified. One “barrier” is finding the time to work on/meet a student’s transition goals while also ensuring that the student earns a regular high school diploma and leaves school college- and career-ready. The subcommittee would also like to disseminate user-friendly information to students with disabilities and their parents, and develop an action plan with step-by-step process to ensure that transition planning is a smooth and coordinated part of each child with a disability’s program, and never an “add-on” component at the end of the student’s high school years.

## **Summary notes for the June 22, 2015 meeting of the SAC delegate subcommittee with Commissioner Barry and Santina Thibedeau**

On Tuesday, June 22<sup>nd</sup> Bonnie Dunham, Jean Parsons, Maureen Tracey and Karen Rosenberg met with Commissioner Barry and Santina Thibedeau to discuss the Commissioner's 10/24/2014 response to recommendations made by SAC at the end of the 2013-2014 SAC meeting year based on the work of two SAC subcommittees: the subcommittee on the failed implementation of IEPs and the subcommittee on the unmet needs of students, particularly students with emotional/behavioral disabilities or challenges.

Prior to our meeting, the full SAC had authorized a sub-committee to craft a response, request a meeting, and send a small delegation to meet with the Commissioner. The purpose of the meeting was to provide additional information/ clarification pertaining to the SAC's recommendations and to ask that the Department of Education take several discreet actions. The full SAC endorsed each of the topics and requests. A summary, by topic, follows:

- 1. Recommendation that NH DOE convene a stakeholder group charged with assisting the NHDOE to provide school districts with resources for obtaining staff coverage, including securing temporary professional staff, when personnel challenges are impeding a district's ability to deliver related services.*

The Commissioner was receptive to the idea of convening a stakeholder group to work on developing a list of retired/part-time professionals who would be agreeable to provide services to individual schools or school districts on a temporary basis. The Commissioner raised concerns about having such a list housed on the Department's website. The concerns involved the appearance that the NHDOE might be endorsing particular individuals, how to ensure that the individuals on the list have required credentials, will pass criminal records checks, individual salary requirements. We suggested that any listing include a disclaimer (i.e. the NH Department of Education does not endorse any of the individuals listed, but is posting the list as a service to school districts). The Commissioner suggested that it might make more sense to have another institution, such as Keene State College, host the list. She suggested the following individuals/organizations for a stakeholders group – Keene State, Mary Ford (Granite State College), another representative from the University System of NH, someone from the retirement system, the NHEA and a SAC member. NHASEA was also suggested as an entity to be represented on the stakeholder group. There may be other individuals to consider as well.

**Next steps** – Bonnie or Maureen Tracy (incoming SAC Chair) will work with Santina to draft a list of invitees to attend and then schedule a stakeholder group meeting to discuss how a web-based list of potentially available part-time or short-term substitute special education/ related service providers could be developed and maintained to assist LEAs in obtaining substitute providers when they are needed so that children with disabilities do not experience an interruption in services. The initial expectation is that the list will focus on retired providers who may be interested in working on an interim or substitute basis.

**2. Recommendation that, in keeping with the 2011 HB 611 Commission recommendations for addressing personnel shortages, the NHDOE take steps to help bridge the gap between our teacher training programs, school guidance counselors and need our public schools have for trained personnel to serve students with disabilities.**

SAC proposed that the Commissioner reach out to NH's Chancellor of Higher Education to discuss how New Hampshire's college and university system can better recruit students and prepare graduates for the types of school employment for which there is a great need – i.e. special education and related services. The Commissioner informed us that she has been meeting with Todd Leach, Chancellor of the University System, about this very concern. They have been discussing making additions related to this issue to the approval process. One concern raised is that nearly 100% of individuals who are trained in one of the shortage areas at a NH institution leave the state. NH requires master's degrees for these positions or at least advanced endorsements. Master's level personnel receive more money than their peers with bachelor's degrees only, but there are huge differences in salary scales between NH and MA school districts. For example, a speech language pathologist can earn \$22,000 more in MA than in NH. Another recruiting challenge is that it is very common for these professionals to secure part-time employment from several districts, none of whom are required to provide health insurance. Having a coordinated approach to this issue, by utilizing a centrally-managed resource pool, has worked in the past. SERESC used to hire, and then contract out, related service providers, but no longer provides this service.

Some incentive programs exist in the state. NH already has loan forgiveness programs in our Title I schools. These programs are well publicized, but still not resulting in training and retention of the professionals New Hampshire schools need. The Commissioner suggested that the SAC assist the Department in convening a Stakeholder group to address the challenges of recruiting and retaining needed special education personnel.

The subcommittee's delegate group also raised the need for counselors, at both the secondary and post-secondary level, to discourage students from pursuing education fields where there is little or no demand (e.g. first grade teacher) and, rather, to encourage students to pursue degrees in special education or one of the related service areas that consistently experience personnel shortages. The Commissioner attends an annual conference with guidance counselors (now called "school counselors"). The Commissioner offered to get in touch with Maureen G. (the conference organizer) and ask her to invite a SAC representative to address the school counselors about this issue.

**Next steps** – Commissioner Barry will contact the organizer of the annual NH School Counselors conference to ask her to invite a SAC representative to address school counselors about the issue of encouraging students at the secondary and post-secondary levels to enter high-need fields with education (where the students are most likely to obtain employment upon graduation) and advising the students of the low demand in other areas, such as 1<sup>st</sup> grade teacher.

SAC will work with the DOE to convene a stakeholder group to discuss and develop strategies to address the issues of recruiting, obtaining and retaining special education personnel in fields where there are current/consistent shortages (e.g. speech and language pathologists).

**3. Recommendation that the DOE convene a Stakeholder group to address issues related to implementing IEP services, including providing specific recommendations about what, and how, information is presented on the DOE's website.**

SAC identified challenges finding information on the Department's website as an issue for parents, school personnel and advocates. For example, using the search function to locate information on a particular topic frequently results in a list of thousands of documents, many only marginally related to the purpose of the search. Additionally, numbered memoranda on specific topics were discussed as being valuable resources, but difficult to access if one is looking for a memo on a particular topic. Suggestions offered by SAC included creating a topical index to facilitate ability to locate particular numbered memoranda. We recommended that the Department convene a stakeholder group to provide input about the DOE's website, including developing topics for an index with key titles. We suggested that the Department explore outside resources, such as LEND, for low or no-cost assistance. The Commissioner informed us that the Department has hired someone, funded under a SAMSA grant, to assist with the Department's social media presence. This individual may be able to assist with making improvements to the website. The Commissioner asked SAC to brainstorm an index for the numbered memoranda and come up with a list of topics we would like to see highlighted, or made easier to locate, on the DOE's website.

We also asked the Commissioner to issue a numbered memorandum regarding school's obligations to make up related services (in line with the Copenhaver letter). The Commissioner agreed to do this.

Additionally, we requested that the Bureau provide SAC with policies and procedures that are applied when investigating administrative complaints to determine whether, when the complaint involves implementing an IEP, the issue is systemic. Santana responded that when the bureau receives multiple complaints about a particular district, or a complaint they would consider "serious" the investigators will request additional information from the district and consider whether the complaint is indicative of a systemic problem, but did not provide any specific written policy, which may indicate that there is a need for a specific policy in this area.

Santina informed us that the bureau uses an on-call system, Monday through Friday, to immediately deal with any potential complaints. Most people who call are family members, generally parents of children with disabilities. They are able to speak with an educational consultant who will talk them through the process and make suggestions about how to proceed on their own. This most often resolves the issue and the family member decides not to file a complaint. When complaints are filed, a Bureau consultant, currently Bridgette Brown, reads everything. If the bureau receives a complaint that indicates there might be a larger issue (e.g. the district's OT is on maternity leave and there is no replacement), the bureau might decide to do a special monitoring visit, pursuant to RSA 186-C:5, to determine whether there is a systemic issue. Alternatively, the investigator would look to see whether there might be a systemic issue and expand the investigation. Santana provided the following data: In 2012-2013, bureau received 38 complaints. Of those, 12 reports were issued and, of those 12, 7 had non-compliance findings.

**Next steps** – Utilizing input obtained from the entity they represent, SAC members will develop a list of topics we would like to see highlighted or made easier to locate on the DOE's website.

The Commissioner will issue and post a numbered memorandum regarding school/ school districts' responsibility to make up services not provided to a child with a disability. This memorandum will be based on, and perhaps reference, the OSEP policy letter to Copenhaver.

SAC will determine whether, and how, to obtain further information about the DOE's special education complaint process as it applies to identifying and responding to potentially systemic issues around the failure to provide services in a child's IEP. SAC may request written information, a description of the bureau's process to the full SAC, or a presentation by Santina or other DOE personnel involved in the complaint process.

**4. Recommendation that the DOE “adopt and pursue a goal that all NH schools implement, with fidelity, Multi-tiered Systems of Supports (MTSS).”**

SAC acknowledged the Department's efforts in this area and mentioned that MTSS might end up in the reauthorized version of ESEA. SAC is seeking further effort from the DOE to scale up, and retain, MTSS for all students (not just those receiving special education). We would like the DOE to have a goal for 100% participation, but understand resource challenges as well as challenges in issuing a mandate.

We suggested that the DOE take initiative to publically recognize individuals and schools that make and sustain progress using MTSS. This would provide an opportunity to highlight the benefits of MTSS and, hopefully, encourage others to follow suit. One idea is to create an EDIE award to recognize a person or school that implements MTSS with fidelity and/or demonstrates significant positive results. We were pleased to learn from the Commissioner that this year every school that was nominated/received an EDIE award had MTSS. The Commissioner informed us that the EDIE awards are not in the Department's control. The Commissioner suggested developing a Circle of Excellence Award. This would involve developing criteria and a process for selecting a winner (award recipient). The Commissioner suggested that SAC (perhaps a SAC subcommittee) take a lead role in developing the criteria and nomination process.

**Next steps** – SAC will discuss the possibility of taking a leadership role in developing criteria and a nomination process for a Circle of Excellence Award to recognize a school or individual utilizing and making sustained progress with MTSS. SAC will consider how to carry out this activity, as well as which other stakeholders we might wish to engage in doing so.

**Conclusion** – The delegate subcommittee was appreciative of the time given by both Santina and Commissioner Barry to meet with us. We found the Commissioner to be enthusiastic and supportive of most of our ideas. Bonnie sent the Commissioner a thank-you note following the meeting.

While the Commissioner expressed some reservations about efforts to increase pool of related services providers, due to salary, benefit, school expense and other challenges, she appreciated the need to make progress in this area.

To address the issues we raised, SAC will have a continued significant role, the type and extent of which will have to be determined by the full committee. SAC should follow up with the “next steps” items for which we have a designated role. We should also provide the Commissioner and Santina with a summary of our plans for “next steps”, as well as a reminder to the Commissioner and Santina of those steps where they agreed to take actions. This will provide an opportunity to ensure that we have a shared understanding of the outcome of the meeting, and provide a foundation for follow-up activities. SAC should also request to be advised of when follow-up activities are completed by the Commissioner and/or Santina so that we can have up-to-date information to assist us in fulfilling our responsibilities and to facilitate our continued work on these issues in partnership with the Department.

**Appendix A:**

**Membership, Roles and Attendance**

**A Copy of a Welcome Letter Sent to New Members**

**“Getting to Know the State Advisory Committee” Fact Sheet**

Member and Membership Category	Attendance for the months listed below:									
	9/2014	10/2014	11/2014	12/2014	1/2015	2/2015	3/2015	4/2015	5/2015	6/2015
<b>Rep. Jack Balcolm</b> House Education Committee (appointed April 2015)								X	X	
<b>Rep. Mary Heath</b> House Education Committee (appointed April 2015)									X	
<b>Sen. Molly Kelley</b> , Senate Education Committee										
<b>Sen. Nancy Stiles</b> , Senate Education Committee					X				X	
<b>Bonnie Dunham, Chair</b> Parent Information Center	X	X	X	X	X	X	X	X	X	X
<b>Karen Rosenberg</b> Disabilities Rights Center	X	X	X	X	X	X		X	X	X
<b>Carol Conforti-Adams</b> Vocational, community or business org. concerned with the provision of transition services to students with disabilities					X					
<b>Joan Holleran</b> State Education Official	X	X	X	X				X	X	X
<b>Kerri-Lynn Kimner</b> Teacher			X	X		X		X	X	X
<b>Lynn Clough</b> , Special Education Teacher	X			X		X				
<b>Heather Worthen</b> , LEA official who is an administrator	X								X	
<b>Jean Parsons</b> , Administrator of a public special ed. program	X	X				X	X		X	X
<b>Michelle Rosado</b> , DHHS, inv. in the financing or delivery of special education or related svcs. to children with disabilities	X	X	X		X	X	X		X	
<b>Heidi Cloutier</b> , Institution of higher education that prepares spec. ed & related svc personnel	X	X	X	X			X		X	X
<b>Janet Reed</b> , private special education approved school 2 <sup>nd</sup> Vice Chair of SAC	X		X	X	X	X		X	X	X
<b>Lynda Thistle-Elliott</b> , SEA official responsible for activities under the McKinney-Vento Homeless Assistance Act			X	X		X		X		X
<b>Maryellen Pantazis</b> , LEA official responsible for activities under the McKinney-Vento Homeless Assistance Act	X		X	X					X	
Representative from the state juvenile corrections agency										
<b>Eileen Liponis</b> , representative of a public charter school			X							

Member and Membership Category	Attendance for the months listed below:									
	9/2014	10/2014	11/2014	12/2014	1/2015	2/2015	3/2015	4/2015	5/2015	6/2015
NH Department of corrections responsible for administering the provision of special ed.										
<b>Daniel Ward</b> , County correctional facility, responsible for administering the provision of special ed. (replaced 6/2015 by J. Henry)	X	X		X					X	
<b>Jason Henry</b> , County correctional facility, responsible for administering the provision of special ed.										X
<b>Catherine Meister</b> , DHHS, responsible for foster care (replaced 2/2015 by E. Mullen)	X		X							
<b>Eileen Mullen Kennedy</b> , DHHS, respons. for foster care						X		X	X	X
Representative from the state juvenile corrections agency										
<b>Gary Carpenter</b> , rep. children with disabilities who are home schooled										
<b>Kestrel Cole-McCrea</b> , Individ./ student with a disability	X		X	X	X	X	X	X	X	X
<b>Sarah Cooley</b> , Individual/ student with a disability										
<b>Mackenzie Burke</b> , Individual /student with a disability				X	X	X		X		
<b>Patrick Curtin</b> , Individual/ student with a disability			X	X		X	X			X
<b>Jack Curtin</b> , Individual/ student with a disability			X		X					X
<b>John Jackson</b> , Individual/ student with a disability										
<b>Maureen Tracey</b> , parent Vice chair of SAC	X	X	X	X	X	X	X	X	X	X
<b>Candace Cole-McCrea</b> , parent	X		X	X	X	X	X	X	X	X
<b>Ellen Boudreau</b> , parent		X	X		X			X		X
<b>Audrey Burke</b> , parent	X	X		X	X	X		X		
<b>Donna Curtin</b> , parent			X	X	X			X	X	X
<b>Adrienne Evans</b> , parent			X							
<b>Tom Grinley</b> , parent	X		X	X	X					X
<b>Sue Marcotte-Jenkins</b> , parent	X	X	X	X	X	X	X	X		X
<b>Mike Pinard</b> , parent				X	X	X	X		X	X
<b>Denise Maher</b> , parent (on leave of absence)	-	-	-	-	-	-	-	-	-	-
<b>Lisa Boudoin</b> , parent (nominated 2/2015)						X	X	X		X

**Contact Information for Members of the  
State Advisory Committee on the Education of Children with Disabilities**

**Membership List – (All members are appointed by the Governor, unless noted otherwise) – Updated August 5, 2015**

<b>Membership Requirement:</b>	<b>Name</b>	<b>Contact Information</b>	<b>Term / Subcommittee(s) / Notes</b>
2 members of the House education committee, appointed by the speaker of the House of Representatives	Representative John (Jack) Balcolm (V. Chair of Education Committee)	85 Pond View Drive Merrimack, NH 03054-4158 (603) 424-8422 <a href="mailto:john.balcom@leg.state.nh.us">john.balcom@leg.state.nh.us</a>	Term continues until replaced by the appointing legislative body <b>Appointed in April 2015</b>
	Representative Mary Heath	76 Island Pond Road Manchester, NH 03109-4806 (603) 622-0895 <a href="mailto:Mary.Heath@leg.state.nh.us">Mary.Heath@leg.state.nh.us</a>	Term continues until replaced by the appointing legislative body <b>Appointed in April 2015</b>
2 members of the Senate education committee, appointed by the President of the Senate	Senator Nancy Stiles	Legislative Office Building, Room 103-A 33 North State Street Concord, NH 03301 (603) 271-3093 (office) / 601-6591 (h) <a href="mailto:nancy.stiles@leg.state.nh.us">nancy.stiles@leg.state.nh.us</a>	Term continues until replaced by the appointing legislative body
	Senator Molly Kelley	Statehouse, Rm 120, 107 North Main St. Concord, NH 03301 (603) 271-3207 <a href="mailto:molly.kelly@leg.state.nh.us">molly.kelly@leg.state.nh.us</a>	Term continues until replaced by the appointing legislative body
One state education official	Joan Holleran, Administrator of External Relations, Vocational Rehabilitation	NH Department of Education 21 Fruit Street Concord, NH 03301 (603) 271-3530 <a href="mailto:jholleran@ed.state.nh.us">jholleran@ed.state.nh.us</a>	
One local education official, who shall be an administrator	Heather Worthen, Director of Student Services	SAU #43, 9 Depot Street ~ Suite 2 Newport, NH 03773 (603) 863-3710, ext. 226 <a href="mailto:hworthen@sau43.org">hworthen@sau43.org</a>	
One Administrator of a public special education program	Jean Parsons, Director of Special Education	SAU # 31, 186A Main Street Newmarket, NH 03857-1838 Telephone: (603) 659-5618 Fax: 659-5022 <a href="mailto:parsonsj@newmarket.k12.nh.us">parsonsj@newmarket.k12.nh.us</a>	
One representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities	Carol Conforti-Adams, Executive Director Sunset Hill Educational Institute	PO Box 356 Bradford, NH 03221 (603) 938-2562 <a href="mailto:ccadams@wildblue.net">ccadams@wildblue.net</a>	Term expired 3/13/2015 <b>Has not renewed</b>



<b>Membership Requirement:</b>	<b>Name</b>	<b>Contact Information</b>	<b>Notes</b>
2 teachers, one of whom shall be a special education teacher	Kerri-Lynn Kimner, Regular Education Teacher	Amherst/Mont Vernon School District- SAU #39, PO Box 849 Amherst, NH 03031 (603) 345-7228 <a href="mailto:kkimner@sprise.com">kkimner@sprise.com</a>	Kerri-Lynn Is also a parent
	Lynn Clough, Special Education Teacher	NFI North ~ Contoocook PO Box 483 Contoocook, NH 03229 (603)717-5328 <a href="mailto:Lynneclough@nafi.com">Lynneclough@nafi.com</a>	
1 representative of the dept. 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 HHS	Michelle Rosado, Program Specialist IV	DHHS, Bureau of Developmental Svcs., Community Based Care Svcs. 105 Pleasant Street Concord, NH 03301 (603) 271-5154 <a href="mailto:mrosado@dhhs.state.nh.us">mrosado@dhhs.state.nh.us</a>	
One representative of the Disabilities Rights Center, recommended by the DRC	Karen Rosenberg, Senior Staff Attorney	Disabilities Rights Center-NH 64 N Main Street, Suite 2 Concord, NH 03301-4913 (603) 228-0432 (office) <a href="mailto:karenr@drcnh.org">karenr@drcnh.org</a>	
One representative of the Parent Information Center, recommended by the Parent Information Center	Bonnie Dunham	Parent Information Center 54 Old Suncook Road Concord, NH 03301 (603) 224-7005 (w) / 860-5445 (c) <a href="mailto:bdunham@picnh.org">bdunham@picnh.org</a> ; <a href="mailto:bsdunham12@gmail.com">bsdunham12@gmail.com</a>	Bonnie is also a parent (of a child with a disability who is over the age of 26 – does not count as a parent representative)
One representative of an institution of higher education that prepares special education and related services personnel	Heidi Cloutier	UNH Institute on Disability (IOD) 56 Old Suncook Road, Suite #2 Concord, NH 03301 (603) 228-2084 x41(w) / (930-9972 (h) <a href="mailto:Heidi.Cloutier@unh.edu">Heidi.Cloutier@unh.edu</a>	
One representative of a private school approved for special education	Janet Reed, The RSEC Academy	The RSEC Academy PO Box 370 / 31Old Nashua Rd. Amherst, NH 03031 (603)673-6656-(w) / (603)660-0734-(c) / (603)529-3358-(h) <a href="mailto:jreed@rsec.org">jreed@rsec.org</a>	
<b>Membership Requirement:</b>	<b>Name</b>	<b>Contact Information</b>	<b>Term / Subcommittee(s) / Notes</b>

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.	Lynda Thistle-Elliott	NH Department of Education Office of Integrated Programs 101 Pleasant Street Concord, NH 0330 (603) 271-3840 <a href="mailto:lynda.thistleelliott@doe.nh.us">lynda.thistleelliott@doe.nh.us</a>	
	Mary Ellen Pantazis Assistant Principal for Special Education	Hudson Memorial School 20 Library Street Hudson, NH 03051 (603) 886-1240 ext. 1801 <a href="mailto:mpantazis@sau81.org">mpantazis@sau81.org</a>	Mary Ellen is also a parent
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	Eileen Mullen		Eileen replaced Catherine Meister. Nominated at 2/2015 SAC meeting
A representative from the state juvenile corrections agency (membership category required by IDEA)	<b>Vacancy</b>	<b>Vacancy</b>	<b>Vacancy</b>
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	<b>Vacancy</b>	<b>Vacancy</b>	<b>Vacancy</b>
	Daniel Ward Superintendent Belknap HOC	Belknap HOC 76 County Drive Laconia, NH 03246 <a href="mailto:dward@belknapcounty.org">dward@belknapcounty.org</a> 603-527-5480	Dan submitted his resignation at the May 2015 meeting because he and his family are moving out of state. He recommended Jason Henry (see below) to fill his slot.
	Jason Henry, Carrol County HOC		Jason was nominated in May 2015 to replace Dan Ward
One individual representing children with disabilities who are home schooled (also counts under the parent category)	Gary Carpenter	39 Lounsbury Lane Peterborough, NH 03458 (603) 924-5930 <a href="mailto:GCARPENTER_690@comcast.net">GCARPENTER_690@comcast.net</a>	Gary is also a parent
One representative of a public charter school	Eileen Liponis, Ex. Director, NH Public Charter School Assoc.	13 Church Street Kingston, NH 03848 <a href="mailto:Eileen@liponis.com">Eileen@liponis.com</a>	Term expired 1/13/14 <b>Has not renewed</b>

<b>Membership Requirement:</b>	<b>Name</b>	<b>Contact Information</b>	<b>Term / Subcommittee(s) / Notes</b>
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<p>Two <b>individuals with disabilities</b> who may have received special education services, student</p> <p>A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities one of whom may be a high school</p>	Kestrel Cole-McCrea	60 Ford Farm Road Milton NH 03851 (603) 652-7594 <a href="mailto:kestrelcole@yahoo.com">kestrelcole@yahoo.com</a>	
	Sarah Cooley	6 Auburn Street Concord, NH 03301 (603) 715-1716 (h) / 731-8792 (c) <a href="mailto:SarahJournalist84@gmail.com">SarahJournalist84@gmail.com</a>	
	Mackenzie Burke	6 Pine Crest Road Bow, NH 03304 (603) 860-7015 (c) burkemrsec@gmail.com	
	Patrick Curtin	34 Brickyard Drive Litchfield, NH 03052 (603) 809-1742 <a href="mailto:Pcurtin13@aol.com">Pcurtin13@aol.com</a>	
	Jack Curtin	34 Brickyard Drive Litchfield, NH 03052 (603) 689-6413 <a href="mailto:Jcurtin01@aol.com">Jcurtin01@aol.com</a>	
	John Jackson	15 Pitman Street, Apt 407 Concord, NH 03301 <a href="mailto:Johnjackson118242@gmail.com">Johnjackson118242@gmail.com</a>	
<p>Parents of children with disabilities</p> <p>A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities</p> <p>(list continued on next page)</p>	Candace Cole-McCrea	60 Ford Farm Road Milton, NH 03851 (603) 652-7594 <a href="mailto:snowyowl@metrocast.net">snowyowl@metrocast.net</a>	
	Ellen Boudreau	37 Garden Street Manchester, NH 03103 (603) 627-6787 / (603) 703-6781- cell <a href="mailto:ellenaboudreau@yahoo.com">ellenaboudreau@yahoo.com</a>	
	Denise Maher	56 Mcphail Street Manchester, NH 03104 <a href="mailto:Dmc4mhr@comcast.net">Dmc4mhr@comcast.net</a>	
	Mike Pinard	32 Jacob Ave Hooksett, NH 03106 (603) 622-8137 / (C) 661-7540 <a href="mailto:mikepinard@comcast.net">mikepinard@comcast.net</a>	
<b>Membership Requirement:</b>	<b>Name</b>	<b>Contact Information</b>	<b>Term / Subcommittee(s) / Notes</b>

Parents of children with disabilities  A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities  (list continued from previous page)	Audrey Burke	6 Pine Crest Road Bow, NH 03304 (603) 860-7015 (c) <a href="mailto:Burke.audrey@gmail.com">Burke.audrey@gmail.com</a>	
	Maureen Tracey	17 Burt Street Merrimack, NH 03054 (603) 424-9175 / (603) 320-0733 (c) <a href="mailto:Maureentracey3@hotmail.com">Maureentracey3@hotmail.com</a>	Maureen is also a certified educator
	Sue Marcotte-Jenkins	11 Hope Lane Bow, NH 03304 (603) 228-3967 <a href="mailto:Jenkins913@comcast.net">Jenkins913@comcast.net</a>	Sue is the SAC liaison to the ICC
	Adrienne Evans	26 Shaker Road Concord, NH 03301 (603)715-2298 (h)/(603)496-7664 (c) <a href="mailto:adrienneferro@comcast.net">adrienneferro@comcast.net</a>	
	Donna Curtin	34 Brickyard Drive Litchfield, NH 03052 (603) 689-6413 <a href="mailto:Jcurtin01@aol.com">Jcurtin01@aol.com</a>	
	Tom Grinley	NH DHHS, Bureau of Behavioral Health 105 Pleasant Street, Concord, NH 03301 (603) 271-5045 <a href="mailto:TomGrinley@gmail.com">TomGrinley@gmail.com</a> ; <a href="mailto:Thomas.Grinley@dhhs.state.nh.us">Thomas.Grinley@dhhs.state.nh.us</a>	
	Lisa Boudoin	242 General Miller Highway Temple, NH 03084 (603) 878-0459 <a href="mailto:lisa@herbanlivingfarm.org">lisa@herbanlivingfarm.org</a>	Nominated at 2/2015 SAC meeting

**Membership Status:** As of August 5, 2015, SAC has 37 members (including 4 legislative members). The current membership meets the statutory requirement that a simple majority of members be individuals with disabilities or parents of children/students with disabilities.

**Vacancies:**

1. A representative from the state juvenile agency
2. An individual representing public charter schools (the current SAC member's term has expired and she has not renewed)
3. A representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities (the current SAC member's term has expired and she has not renewed)

Additional parent members would 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: Catherine Meister, Eileen Liponis, Carol Conforti-Adams, and Daniel Ward.

SAC would also like to give special recognition to Bonnie Dunham and Maureen Tracey, who had perfect attendance for this 1-year reporting period, and to Karen Rosenberg, Kestrel Cole-McCrea, Sue Marcotte-Jenkins, and Candace Cole-McCrea, who achieved 90% attendance.

**Guests attending SAC meetings:**

- Santina Thibedeau, Bureau of Special Education (September, October, November & December 2014; January, March, April and May 2015)
- Ruth Littlefield, Bureau of Special Education (June 2015)
- Sherry Burbank, Bureau of Special Education (June 2015)
- Sheila Ward, Parent and for Extended Learning Opportunities (ELO) (October 2014)
- Elizabeth S. (no further information (November 2014)
- Lori Fosdick, Special Education Teacher from SAU 8 (November 2014)
- Lauren Morando Rhim, representing chartered public schools (November 2014)
- Kathleen (Kitty) Letts, NH State Prison System (December 2014)
- Maura Hart, SWIFT Project (December 2014)
- Kevin Maes (January 2015)
- Lisa Beaudoin, Parent and prospective SAC member (January 2015)
- Carolyn Blasko, Parent (April 2015)
- Jason Henry, Carroll County House of Corrections & prospective SAC member (May 2015)
- Alan Pardy, NH Association of Special Education Administrators (October 2014; January and February 2015)

**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: [SAC\\_Chair@doe.nh.gov](mailto:SAC_Chair@doe.nh.gov)

## 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](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](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](mailto: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

Public Comment

Nominations

4:50 – Updates on Legislation and from SAC Liaisons

5:15 – Bureau Update

5:45 – Subcommittees Meet & Report Back

6:35 – Old Business

New Business

Correspondence

Emerging Issues, Announcements and Current Events

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

**Note:** This section does not include reports and recommendations from SAC subcommittees. That information is in the main body of the report, beginning on page 11.

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

**Public comment was held at the beginning and end of each meeting. There was no public comment received at the majority of the meetings. A summary of the public comment that was received follows –**

### **October 1, 2014**

- Alan Pardy, Executive Director of NHASEA, provided a copy of his testimony regarding HB 1128 and discussed how special education is being implemented in Charter Schools for children with IEPs & 504 plans (making sure these specified students are receiving the appropriate level of services with the charter school).
- Jean Parsons added information about students with disabilities who are enrolled in chartered public schools and some of the related issues that school districts experience.

### **November 5, 2014**

- Donna Curtin discussed her son's experience with an ELO. He found it to be a very positive and beneficial experience.

### **March 4, 2015**

- Candace Cole-McCrea spoke about the recent passing of Sara Edgerly, a young adult with disabilities who lived in Rochester. Sara and her family had a significant impact, bringing awareness of the important role of persons with disabilities in the social fabric of NH. Jean Parsons also spoke about knowing Sara and how much she will be missed. SAC took a moment to remember Sara Edgerly.

### **May 6, 2015**

- After Dan Ward announced that he would have to resign from SAC because he would be retiring from his current position in the County Correctional system and moving with his family to Florida, SAC members expressed their appreciation of the contributions Dan made to SAC. Joan Holleran spoke about the new role that Dan's wife (who works at the NH Bureau of Vocational Rehabilitation) will be taking on in Florida, and SAC wished Dan, his wife, and his family well in their future endeavors.

## **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 agrees, the members present at the meeting vote to forward the nomination to the Governor's office.

Resignations and nominations received during this reporting period included:

**September 10, 2014:**

- **Resignation** – Dick Cohen resigned due to his impending retirement and appointed Karen Rosenberg to serve as the representative from the Disabilities Rights Center
- **Nomination** – Karen Rosenberg was nominated to replace Dick Cohen (Karen was able to be nominated at that meeting, as she had already attended prior SAC meetings and was familiar with the committee)

**November 5, 2014:**

- **Nomination** – Lauren Morando-Rhim, was nominated to represent chartered public schools. Note: Because Lauren lives in VT, she may not be eligible to serve on SAC, but because hers is a VT/NH cooperative school district, it may not be an issue.
- Senator Molly Kelley and Senator Nancy Stiles have been reappointed by the Senate as representatives to SAC.

**December 3, 2014:**

- **Nomination** – “Kitty” Letts was nominated to represent the NH Department of Corrections, State Prison System. Note: Prior to the next meeting, she learned that the DOC intended for another person to fulfill this role, so her nomination was not processed. Kitty continues to be committed to the work of the SAC.

**January 7, 2015:**

- **Resignation** – Catherine Meister reluctantly resigned from the committee because having recently returned to school to further her education, she is unable to devote the time needed to continue on SAC, while also balancing her other personal and professional responsibilities. She hopes at some point to be able to rejoin the committee, and recommended Eileen Mullen to replace her.

**February 4, 2015:**

- **Nomination** – Eileen Mullen was recommended by Catherine Meister as her replacement, which was unanimously supported by the SAC members present.
- **Nomination** – Lisa Beaudoin, Parent was nominated and unanimously recommended by the members present to serve as a parent representative on the SAC.

**April 1, 2015:**

- **Appointment** – Representative John (Jack) Balcolm, Vice Chair of the House Education Committee, was appointed as one of the House Education Committee’s representatives.
- **Appointment** – Representative Mary Heath was appointed as one of the House Education Committee’s representatives.

## **May 6, 2015:**

- **Resignation** – Dan Ward, representative of the County Houses of Corrections will be moving out of state and reluctantly tendered his resignation to SAC. Dan introduced Jason Henry (see below) who he recommended as his replacement on the committee.
- **Nomination** – Jason Henry, Carroll County House of Corrections & prospective SAC member was nominated and unanimously recommended by the members present.

## **Legislative Update – Each meeting included an update of 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. Recognizing their scheduling difficulties and competing obligations the committee was pleased that most of our SAC representatives from the General Court were able to attend several SAC meetings.

- Representative Jack Balcolm, SAC member and Vice Chair of the House Education Committee, spoke to SAC about HB 519, “Establishing a committee to study department of education policies affecting dyslexic students.” Rep. Balcolm, who also volunteers at the Children’s Dyslexia Center in Nashua, has requested to be included in this committee.
- Representative Mary Heath, SAC Representative from the House Education Committee spoke to SAC about HB 126, “Establishing a commission to study issues related to students receiving special education services while attending a chartered public school”. Rep. Heath has requested to be appointed to this commission.

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 was distributed at monthly SAC meetings. If there is significant and time-sensitive relevant legislative activity between SAC meetings, informational updates are emailed to SAC members. The monthly report also included the names of members of the House and Senate Education, Health and Human Services, and Finance committees.

This year, SAC provided testimony on 2 bills:

- In support of HB 604, “An act relative to the use of mixed use school buses by special education pupils”, which clarified that students with and without disabilities have the same right to be transported to and from school-related activities on a mixed use school bus, unless the student’s disability requires the use of special transportation, in accordance with the child’s IEP or Section 504 accommodation plan.
- On HB 1-A and 2, the State Budget and Trailer bills, SAC’s requested that sufficient funding be provided in the budget to avoid any students with disabilities being placed on a wait list upon their completion of high school, either due to the receipt of a high school diploma or the student reaching the age of 21.

- SAC also provided input at several public hearings about the importance of maintaining the authority of the Commissioner of the NH Department of Education and the State Board of Education, based on the important role both play in ensuring the needs of children with disabilities are met in accordance with the role and responsibilities of the SAC.

Bonnie shared a user-friendly resource from the Parent Information Center, “*Golden Rules for Dealing with Elected Officials*”. 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 D.

One of SAC’s responsibilities is to publicly comment on proposed rules. SAC monitors, with the assistance of the NH DOE, special education rules and other rules that impact the education of children with disabilities. This year, SAC gave public comment on the proposed Ed 1200 rules, limiting the use of restraint and seclusion, reviewing the proposed rules and then submitting written (Bonnie Dunham) and oral (Maureen Tracey) testimony to the State Board of Education. While this is not a special education rule, given the disproportionate impact of restraint and seclusion on children with disabilities, SAC believed they were relevant and important.

Note: Copies of written testimony provided by SAC can be found in Appendix D.

**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. Both 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 – Audrey Burke served as the SAC representative to this group.
- 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.

At SAC’s September 2014 meeting, Sue Marcotte-Jenkins, SAC liaison to the ICC spoke about two priority issues that came up at the last ICC meeting. One involved the development of a State Systemic Improvement Plan (SSIP) that focuses on preschool education – an issue that Ruth Littlefield has also discussed with the SAC. The other issue involves the state considering the need to have a funding plan for early intervention services that includes a family-cost share. Sue explained that this would be a new funding system, one with many challenges. Santina clarified that this issue is limited to Part C (early intervention / early supports and services) and that a family cannot be charged for special education services for a school-aged child with an IEP. It was noted that if a family cost-share is implemented for Part C, the family cost would be based on the family’s income, and parents would never pay the full cost of early intervention services. Sue explained that the entitlement to services under Part C is limited.

SAC members had a discussion about this issue, with Catherine Meister asking what the research shows about the cost and other impacts on those children who do not receive Part C services. She noted that this may not actually be a cost-saving measure; she wondered what it would cost in the long run when children's needs are not met early and requested more information. Dick Cohen supported the importance of early intervention and said that if a system of payment is implemented, then it needs to be one that does not serve as a barrier to children and families getting the Part C services they need.

**Bureau Update – 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 based on issues raised by, or inquires made by members of SAC. Highlights of from Bureau updates include:**

### **September 10, 2014**

- Santina provided an overview of the status of special education in New Hampshire, including demographic or census trends. She reported that since 2003, the total number of students in NH has declined, with a corresponding decline in the number of students receiving special education. Santina noted that, in addition to an overall reduction in the number of students in the state, the decline in children with disabilities receiving special education may also be due to an increase in the implementation of multi-tiered systems of support, including positive behavioral interventions. It is also possible that students are being under-identified as being eligible for special education, or they may be receiving services/accommodations under Section 504 instead of through special education. Santina reported that the total number of students receiving special education in 2013 (the most recent year for which complete data is available) was 29,011. Within the population of students receiving special education, the number of children identified under the Autism category has increased, but the numbers of students in other categories have declined. She noted that IEP teams are becoming more knowledgeable about Autism, and therefore more likely to accurately identify children with Autism. In 2013, the percentage of children who were found to be eligible for special education was 14.6% (National data is 12.9%).

Santina also discussed OSEP's RDA (Results Driven Accountability Initiative), which rates states regarding the performance of students with IEPs in each state. States are rated on 50% compliance and 50% performance, whereas previously, states were rated 100% on compliance. This is part of the shift from solely measuring compliance to also measuring the impact or results (outcomes). The data comes from the NAEP test results in reading and mathematics. Consideration is also being given to including graduation rates. Compliance indicators include suspension rates and disproportionate representation of children from ethnic/racial minority groups in special education or in the rates of suspension/expulsion, timeliness of initial evaluations, timely identification and provision of services to children who are moving from Part C (early supports and services) to Part B (beginning at age 3), secondary transition indicators, and general supervision.

Santina also informed SAC about the most recent DOE FY Memo on CAT Aid, which is posted on the NH DOE website. Related to CAT Aid, and in response to questions from SAC members, she explained that the state budget process was beginning, and that according to statute, the Bureau does not have a designated budget amount, rather the statute says that the Bureau will be provided with “an amount”, which is then determined in each budget. HB 1128 regarding charter schools also has funding implications.

Santina discussed the NH AIM (alternate instructional materials) program, which has to do with ensuring that children with print impairments have access to instructional materials in an accessible format. She introduced Bureau staff (Mary Lane is the primary contact) involved in that program and described how they work with school districts.

Information about special education monitoring, including clarification of the rules, policies and procedures for written prior notice was provided. The Bureau utilized stakeholder input, including some representatives from SAC as they made these changes to ensure that they were giving consideration to the needs of all groups. Santina also discussed the change to having all special education focused monitoring done in-house at the Bureau. The change in requirements for parental consent for school districts to access a child’s Medicaid (Medicaid-to-Schools program) to align with the one-time parental consent required under Federal law was also explained. NH has made a slight modification in how we will implement this change to ensure that parents who wish to revoke their consent (as is their right) are aware of that right, and that there are no barriers to their doing so.

Ruth Littlefield spoke about the SEE-Change initiative related to Indicator 17 designed to increase preschool outcomes. The Bureau identified this as an area needing additional attention, and NH is now participating in a new data-driven process with a focus on preschool children with disabilities, including children transitioning from early supports and services into preschool. Ruth and Santina also discussed the changes in the State Performance Plan (SPP) and Annual Performance Reports (APR), including the addition of Indicator 17, which is known as the State Systemic Improvement Plan (SSIP). NH is focusing this indicator on preschool outcomes.

An overview of two new DOE initiatives was provided. NH was recently awarded a “Safe Schools and Healthy Students” State Planning Grant, which is a collaborative initiative between the Department of Education (lead agency) and the Department of Health and Human Services (DHHS). NH also has a “Fostering Connections” initiative focused on meeting the needs of NH’s public school children who are in foster care. This is being implemented through the DHHS with Santina representing the NH DOE.

#### **October 1, 2014**

- Santina provided an overview of the 5-year OSEP State Personnel Develop Grant (Next Steps – NH), which focuses on secondary transition and best practices. This project is currently selecting its second cohort of schools.

- Santina also discussed the option of Extended Learning Opportunities (ELOs). She introduced Sheila Ward, a parent and professional involved in ELOs about the benefits, how the program works, and how ELOs are used in relation to students' transition plans. Santina noted that ELOs offer a great opportunity for students to benefit from personalized learning that meets their needs/learning style. Santina believes that Next Steps – NH will increase the awareness and use of ELOs. SAC member Heidi Cloutier raised the issue of how funding and the additional work involved in making them available to all students (with and without disabilities) can pose barriers to schools offering ELOs. While school districts fund ELOs for their students, Next Steps does offer some limited resources.

## **November 5, 2014**

- Santina provided information about changes in how school districts can access funds, and about a small reduction made by OSEP in IDEA funds that districts receive. Fortunately, given the tight budget that the state and local education agencies operate under, the reduction is fairly small.

Santina spoke about the updated model Procedural Safeguards handbook, and noted that it is available in multiple languages. She also discussed a new DOE initiative: the NH DOE is working with Granite State College to establish a Teacher Prep Program for Teachers of the Deaf & Hard of Hearing and Teachers of the Visually Impaired, two areas in which there are significant shortages in the state. Santina reported that while the Bureau has supported similar UMASS Boston teacher prep programs, this new program will be more convenient and more likely to result in teachers working in these fields in this state.

Information was provided about Smarter Balanced, the new statewide assessment that was rolled out in the spring of 2015. Santina discussed how this change may impact students with disabilities, and described the assessment's "Usability, Accessibility, and Accommodations Guidelines". Santina also highlighted "Universal Tools", which are the resources or tools that are provided to students taking this assessment, and which are also found in many students IEPs, and about "Universal Design for Learning" (UDL), and how it connects to the assessment. She explained that UDL is not specifically designed for students with disabilities; it is rather a way to make instruction universally accessible, benefitting students with and without disabilities. Santina informed SAC members about an upcoming workshop being held in Concord on the topic of UDL.

An overview of the background, process and impact of the independent assessment conducted by an independent organization for program evaluation and quality assurance (a requirement in RSA 186-C) was provided by Santina. One outcome of the prior independent assessment done by Data Driven Enterprises was that the Bureau will now conduct focused monitoring instead of utilizing an outside contractor. The Bureau requested SAC members' input on the new RFP they will be distributing, and asked for SAC members to distribute a survey developed by the Bureau to inform the development of the new RFP to any groups or organizations they are affiliated so the Bureau could obtain broad-based input.

## **December 5, 2014**

- Santina provided updates on the Bureau's RFPs for the independent organization to conduct the independent assessment required by RSA 186-C, on the Bureau's preparation to submit their annual State Performance Plan, and the approval by the Governor and Council of funding for Granite State College to implement a teacher preparation program for students who are blind or visually impaired and for students who are deaf or hard of hearing. Santina also informed SAC about the NH DOE's progress in moving forward with Dynamic Learning Maps as the state's alternate assessment beginning in spring 2015.

## **January 7, 2015**

- Santina updated the group on the new website for Next Steps NH; the website has been being housed by Keene State College. She also provided information on a 3-session professional development workshop for school nurses that the Bureau of Special Education helped to fund. Santina noted that she was honored to give the opening remarks at one of those sessions.

## **March 4, 2015**

- Santina provided information to the SAC about the NH DOE's monthly "Key Messages", which are emailed to the DOE's contact list and posted on the DOE's website. She described how interested persons could be added to the DOE's email contact list.
- Santina explained the addition of Indicator 17 to the list of OSEP-required indicators that are part of the State's Performance Plan and Annual Performance Report. Each state identifies an area of focus for Indicator 17; NH has chosen the focus area of social and emotional growth of preschoolers.

Santina also discussed changes, and the reasons for the changes, in the state's focused monitoring process (it is now called "differentiated monitoring"), and explained how each district is monitored by the NH DOE. Districts are divided into cohort groups with other districts of similar student enrollment numbers. Within each cohort districts are selected for focused monitoring based on their "score" on a rubric that includes specific data points (see below). The use of the rubric means that a district's selection is not based solely on their performance in any one area.

Data points include:

- District determinations;
- Suspension and expulsion rates;
- Percent of students with disabilities in general education classroom/learning environments for both school age and preschool students;
- Timeliness of eligibility determinations (initial evaluations);
- Timeliness of qualified preschool-age students with disabilities getting an IEP;
- Pattern of complaints; and
- Data from Smarter Balanced assessment results.

## **April 1, 2015**

- Santina provided SAC with information about the New Hampshire Association of Special Education Administrators (NHASEA) recent Annual Education Conference, which she, along with other Bureau staff, attended. Melody Musgrove of the Office of Special Education Programs (OSEP) provided the opening remarks. Santina noted the many positive things Melody said about what is happening in New Hampshire. One of the areas where NH is doing well is in the state determinations by OSEP. NH was found to “meet requirements”, which is the highest rating.

At the conference, Melody also spoke about the status of two Federal education laws that are overdue for reauthorization: the Individuals with Disabilities Education Act (IDEA) and Elementary and Secondary Education Act (ESEA). The NH DOE has applied for a waiver for parts of the ESEA (states are allowed to request waivers for certain requirements for two years to give them time to implement them appropriately and collect the required data).

Santina discussed a proposal the Bureau has written for a CEDDAR grant, focused on teacher credentialing for special education. She also gave an update on the Bureau’s submission of their annual State Systemic Improvement Plan (SSIP), which was submitted on March 31<sup>st</sup>, and described the next steps the Bureau will be taking.

## **May 6, 2015**

- Santina reported that the project director of “Safe Schools / Healthy Students”, NH’s SAMHSA Grant, Mary Steady, as well as McKenzie Harrington-Bacote with the Laconia School District (one of the grant’s sites) were invited to speak to the Connecticut Departments of Education and Health and Human Services about NH’s project, with a focus on strengths in collaborating, dialogue on communication, and mental health. They spoke about the State Management team with 35 representatives across the state, ways that the NH DOE works with our school districts, including how they involve district coordinators in the conversations.

Santina also spoke about Project AWARE, where the Bureau has conducted a train-the-trainers model training for first responders. Those trainers will now go out into the field and provide training to interested parties. She also gave an update on the proposals the Bureau received for the independent organization to conduct the independent evaluation required under RSA 186-C. Santina explained the next steps. A team of reviewers is reviewing the proposals; when they make a recommendation for the vendor, and it is approved by Governor and Council, the Bureau will make an announcement.

SAC members were given a copy of the Bureau’s FY’15 Memo #24, about the Chrome Institute, which is providing a free event for educators on the use of Google Chrome and chrome books as an instructional tool, using google apps.

Ruth Littlefield will give the Bureau Update at the June 3rd SAC meeting. She will speak about the State Systemic Improvement Plan (SSIP), social emotional development for preschoolers, and plans to tie into the Safe Schools / Healthy Students initiative.

**June 3, 2015**

- Ruth Littlefield, Education Consultant with the Bureau of Special Education gave a presentation on the State Systemic Improvement Plan (SSIP): Improving social – emotional outcomes for preschool children with disabilities. In her presentation, after providing an overview of the SSIP as a comprehensive, multi-year state systemic improvement plan, Ruth discussed:
  - The history: why we developed the SSIP and how it came to be one of the indicators in the State Performance Plan and Annual Performance Report;
  - How the SSIP was developed, describing each step and how the Bureau set the targets and will collect data to demonstrate measurable results for the SSIP; and
  - Stakeholder involvement. Ruth invited SAC members to serve on the SSIP's Stakeholder Group, and provided members with her contact information.

**The next item on the standing SAC agenda is subcommittee meetings, when topic-specific subcommittees meet and then report out to the full SAC for further input. Subcommittees meet each month as time allows. Subcommittee summary reports and recommendations are included in the main body of this report, beginning on page 11.**

**Old Business – Time is allotted on each agenda to complete, or to continue working on, any unfinished old business.**

- The primary topic covered under old business during this reporting period was reviewing, discussing, and determining/developing a response to the Commissioner's response to the recommendations made at the end of the last SAC meeting year by two of SAC's subcommittees: the *subcommittee on the Failed Implementation of IEPs* and the *subcommittee on the Unmet Needs of Students, Particularly Students with Emotional/ Behavioral Disabilities or Challenges*. This work, led by Sue Marcotte-Jenkins with support from Karen Rosenberg and other SAC members, was ongoing through several monthly SAC meetings. The Commissioner requested additional information and clarification for some of the recommendations made by the subcommittees. After gathering that information and including some strategies for how SAC could support the recommendations made, a delegate subcommittee of SAC was charged with meeting with the Commissioner to discuss the refined recommendations and plan some "next steps". Additional information detailing the outcome of the SAC's meeting with the Commissioner may be found in the main body of this report, beginning on page 16.

**New Business, Correspondence, Emerging Issues, Announcements and Current Events – SAC reserves a place on our regular meeting agenda to discuss any new or emerging issues, as well as for SAC members to share information or announcements about current or upcoming events. Issues may also come to the SAC's attention as a result of correspondence the committee receives. All correspondence is either read at the meetings, and/or copies are distributed to members.**

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, updates, emerging issues and current events:**

#### **September 10, 2014**

- Joan Holleran, SAC member representing the NH DOE shared information regarding newly issued guidelines for educating children who are deaf. She recommended this document as a best practice guide for all students, and encouraged SAC to recommend that the NH DOE provide it as a best practice guide to school districts. Stacey (NH DOE support to SAC) agreed to send a link to these guidelines to SAC members.
- Concerns were raised by Richard Cohen about children with disabilities, particularly emotional/behavioral disabilities who are incarcerated and students with disabilities who are subjected to restraint or seclusion. He spoke about the use of multi-tiered systems of supports, including positive behavioral interventions and supports, as a positive and proven way to meet the needs of these most vulnerable students, while having a positive impact on school culture and climate that benefits all children.
- On September 25th at SERESC, there will be a meeting regarding students who are struggling with reading
- Bonnie shared that October is Parent Involvement in Education Month. The Governor has again made a proclamation recognizing the importance of parent involvement in education. Bonnie invited SAC members to PIC's annual Parent Involvement in Education celebration, where educators, school administrators, parents and others who were selected based on nominations received by PIC are recognized for their work in the area of increasing parent involvement in education.
- Ruth Littlefield asked for 2 volunteers from SAC to serve on the SSIP advisory committee. Three SAC members, Mary Ellen Pantazis, Heather Worthen & Susan Jenkins, volunteered and noted with potential scheduling conflicts, having 3 volunteers increased the likelihood that there would be SAC representation at each of the meetings.
- Dick Cohen announced that the 'Disabilities Right Center' has a new name – 'Disability Right Center – New Hampshire', and that they have moved to Main Street in Concord.

#### **October 1, 2014**

- Joan Holleran informed SAC members about an upcoming event to be held November 13th 2014 from 4:00 – 5:30 pm at the University of NH Manchester campus, "*What's Next? Life After High School*".

- Maureen Tracey spoke about the New Hampshire Leadership Education in Neurodevelopmental and Related Disabilities (NH LEND) Program at UNH. SAC members congratulated Maureen on her acceptance into the NH LEND program, and her internship placement at the NH Council on Developmental Disabilities where has been asked to prepare / work on a survey for parents and families regarding the needs for students/families preparing for or involved in the process of secondary transition.
- Audrey Burke announced that the NH Dyslexia Association is conducting their conference at SERESC on September 26, 2014 from 9:00 am to 3:30 pm.
- Karen Rosenberg informed SAC about a serious emerging issue at the Lakeview Neuro-Rehabilitation Center, a program for individuals with developmental disabilities or brain injury. She gave an update and provided two summary reports of investigations done by the Disability Rights Center – NH. This was, at least in part, in response to the death of an adult who was placed at the Center, and the findings of initial investigations. There were additional allegations of abuse and neglect raised, and Karen reported that the Governor has issued a press release, dated October 2, 2014, expressing her concerns and ordering significant follow-up activities. The NH Department of Education, Bureau of Special Education is also engaged in special monitoring at the facility.

Note: Reports and additional information related to this issue may be found on the DRC's website at: <http://www.drcnh.org/Lakeview.html>.

- Karen Rosenberg announced that the Disability Rights Center had scheduled their open house for October 23, 2014 from 3:30 – 6:00pm at their new Main Street office. Karen invited SAC to the open house, and SAC voted to send a card congratulating DRC.
- Heidi Cloutier spoke about NH 4 Youth, a multi-disciplinary initiative fixing barriers and improving behavioral health outcomes for NH children, youth and their families.

### **November 5, 2014**

- Mary Ellen Pantazis spoke about “Light It Up Blue Day”, a positive campaign to increase awareness about autism and autism spectrum disorders. April is Autism awareness month and April 2<sup>nd</sup> has been designated as “Light it Up Blue Day”. There is a goal this year to have the Governor change the lights at the State House to blue to celebrate autism awareness. SAC discussed ways to support this campaign.

Mary Ellen met with the Commissioner who recommended a meeting with State Board of Education Board to spread awareness, as well as to get permission to change the lights at the Department of Education's building to blue on “Light it Up Blue Day”. There was also discussion of getting more information to schools about the month's awareness. One idea was to sponsor an essay or art contest among students to promote awareness. Santana noted, and SAC appreciated the need in any such activity to protect the right to privacy of students with disabilities and not to bring unwanted attention to their disability. The group agreed to continue this conversation at a later time. Another idea that was suggested by Janet Reed was a “Flash Mob” that would allow families, students, and others to participate in a fun activity that would also promote awareness.

SAC congratulated SAC student member Kestrel Cole-McCrea on his accomplishment of graduating from high school!

- A flyer was distributed for a presentation on Domestic Minor Sex Trafficking being held at the Capital Center for the Arts in Concord, NH on November 14th from 7:30 – 8:30pm, sponsored by the NH Department of Health and Human Services, Division for Children, Youth, and Families.
- Maureen Tracey discussed the UNH Institute on Disability's, START Program, which provides consultation and training in crisis prevention, systems collaboration, and support for individuals with intellectual and developmental disabilities and behavioral health needs.
- Michelle Rosado announced the opening of a new home in Boscawen, NH called "The Start Center", which is being staffed by Community Bridges. Michelle offered to send additional information about this program to SAC members.
- Maureen Tracey discussed a recent presentation hosted by the Merrimack Special Education Parent group, where Lynn Lyons spoke about understanding children and parents who experience anxiety, and learning disabilities. She advised that the presentation can be viewed on YouTube: "Anxious Parents, Anxious Kids".
- Concerns were raised about the fact that the protections provided by the NH Pupil Safety and Violence Prevention (bullying prevention) Act end at high school. Several SAC members wanted to know who monitors colleges in regards to bullying. Karen Rosenberg suggested contacting the Disability Rights Center – NH, and Bonnie will forward information regarding bullying and harassment to SAC members.
- Heidi Cloutier made announcements about two upcoming events:
  - The Education Equity Summit is being held at the Holiday Inn, Concord, NH on November 15 from 10:00 am to 4:30 pm.
  - NH Transition Community of Practice VIII is being held at the Grappone Conference Center in Concord, NH on November 18th from 8:30 am to 3:00 pm.

Heidi also announced that the UNH's Institute on Disability's – 2014 Health Report was just published and can be accessed through the IOD.

### **December 3, 2014**

- Donna Curtin spoke about a demonstration on the Smarter Balanced assessment. Donna also spoke about a video she created about learning styles, and offered to show this informative 10 minute video at an upcoming SAC meeting.
- Bonnie Dunham announced that the Parent Information Center is conducting (Bonnie is presenting) a free 6-hour comprehensive seminar, "Around the Special Education World in One Day" this Saturday. She invited SAC members to attend and to please share the information with their contacts.
- Maureen Tracey spoke about the survey she created as part of her NH LEND internship. She distributed copies of the survey and invited members to also complete it online.

## **January 7, 2015**

- Bonnie Dunham announced that the State Board of Education has scheduled 2 public hearings on the initial proposal for Ed 1200, Limiting the Use of Restraint and Seclusion. She provided additional details, including the date, time and location of the public hearings, and a link to the initial proposal, in her monthly Legislative Update (upon request, the State Board agreed to conduct one hearing during the daytime and a second in the evening to accommodate the scheduling needs of parents, educators and others who wish to attend). Bonnie also provided a handout, breaking down the proposal, to facilitate SAC members' understanding of these proposed rules, and to guide the committee in developing SAC's comments on the proposed rules (which was done at the February meeting). It was agreed that SAC will comment only on areas of the proposed rules where the committee was able to reach consensus. Written comments to the State Board of Education will note the number of SAC members who voted in favor of an issue and if any members abstained. SAC members were reminded that individual SAC members can always provide their own testimony on these proposed rules as private individuals or as members of another constituent group.
- Janet Reed discussed new legislation that has been introduced regarding schools transporting of children with disabilities on mixed use school buses (as is allowed for children without disabilities). The bill's intent is to allow schools to provide the same types of transportation for children with and without disabilities, only being required to provide special transportation when a child requires special transportation because of his/her disability. SAC members discussed the fiscal and programmatic impact of the current, newly restrictive transportation rules are having on private providers and the concerns that the current situation serves as a deterrent for schools and private providers to utilize community, including vocational, experiences for children with disabilities. SAC members expressed grave concerns about the current restrictive transportation rules and strong support for this bill.

## **February 4, 2015 – no announcements, updates, current events or emerging issues**

## **March 4, 2015 –**

- Heidi Cloutier announced several trainings, workshops and special events being offered by the Institute on Disabilities in the next few months.
- Lisa Beaudoin reminded SAC members that legislative budget hearings are scheduled.

## **April 1, 2015 –**

- Audrey Burke announced that the state branch is partnering with the International Dyslexia Association to build awareness so that there is a better understanding of dyslexia. As part of this initiative, they are hosting a screening of, "Dyslexia: The Movie" at the Nashua Community College on April 16, 2015, from 7:00 to 9:00 pm.
- It was announced that Thursday, April 2nd is National Autism Day.

## May 6, 2015

- Heidi Cloutier informed and distributed a flyer to SAC Members about the upcoming 2015 Conference on School Culture, Climate & Positive Behavior Support, on August 12-13. As part of this conference, the Institute on Disabilities is recruiting middle and high school-aged youth to participate in the conference: *Be the Change: Youth Perspectives on Improving the Culture & Climate of our Schools*.
- Heidi also announced that May 7th is Children's Mental Health Awareness Day, and that there is an event highlighting the day at 2:30 – 4:30 pm at the State House.
- It was announced that Governor Hassan is signing HB 47, An Act repealing the payment of subminimum wages to persons with disabilities. Many SAC members and the constituent groups they represent were involved in helping with the passage of this bill.
- Maureen Tracey reported that Laconia will be sponsoring the Pumpkin Festival this year. Maureen will be working with the Laconia Police Department and will be rolling out Laconia's positive behavioral interventions and supports (PBIS) initiative in conjunction with the Festival.

## June 3, 2015

- Ellen Boudreau announced that Job Corp New Hampshire has set their target date to open in October. If Ellen received additional information, she will pass it on to SAC.
- Heidi Cloutier reminded SAC members that July is the anniversary of the Americans with Disabilities Act (ADA). It is disappointing that New Hampshire has nothing planned to commemorate this anniversary, but Heidi noted that the New England ADA Association has an event planned on Boston Common for July 22<sup>nd</sup>. She and a small group from the Institute on Disabilities (IOD) plan to attend; she extended an invitation to any SAC members who wish to attend to contact her.
- Heidi Cloutier announced on behalf of Santina the exciting news that Joanne Malloy from the IOD has been named co-principal investigator for a major Project RENEW project .
- Jason Henry reported that a symposium was held in the North Country about opiate addiction. He noted that there were 341 deaths in NH, indicative of a significant heroin problem, which has impacted the North County particularly hard. Part of the problem is that heroin is inexpensive and there are few treatment centers (none in the North Country). A disturbing statistic reported by Jason was the high percentage of babies being born addicted to these drugs; two babies died as a result of their prenatal exposure to opiates. Jason pointed out that this is indicative of a need to focus on early education with children.
- Bonnie Dunham reminded SAC members that the Parent Information Center (PIC) conducts free workshops on special education topics throughout the year. Information is posted on PIC's website.

- Karen Rosenberg gave an update on the Lakeview Neuro-Rehabilitation Center and the investigation conducted by the NH Department of Education. Santina and a Team from the Bureau of Special Education scheduled on-site visits to verify Lakeview's compliance, found significant and ongoing issues with the programs, including a failure to correct previously identified issues of noncompliance, and recommended that Lakeview's special education approval be revoked. The Commissioner, after reviewing the report, agreed and revoked Lakeview's approval to operate a special education program. Lakeview appealed the Commissioner's decision to the State Board of Education. After hearing Lakeview's appeal on May 28<sup>th</sup>, the State Board of Education unanimously voted to uphold the Commissioner's decision. Karen reported that Lakeview is in the process of transitioning students and adults out of the facility. They have stated they will have to close the facility as a result of losing their approval to operate a special education program (a point that was raised by Lakeview as a reason why their approval to operate a special education program should not be revoked). Karen praised the work done by the Department of Education, Bureau of Special Education on their investigations of Lakeview.

Bonnie, who was also in attendance at the State Board of Education meeting when the Lakeview appeal was heard, enthusiastically agreed with Karen that the Bureau did a great job in their investigations of Lakeview and in substantiating why their recommendation to revoke the facility's approval to operate as a special education program should be upheld.

Santina, who could not be at the June SAC meeting due to another professional obligation, received many very positive and appreciative comments from SAC members for the due diligence undertaken by the Bureau through their special monitoring of Lakeview. The Bureau's investigation included looking at issues of safety, adequate and qualified supervision, and appropriate instruction by certified personnel in accordance with student's IEP's and NH's requirements.

In response to a question from Candace Cole-McCrea about the monitoring process for private programs, Janet Reed (who represents the Private Providers Association on SAC) explained that private providers are monitored every 3 to 5 years, depending on what has been found at a monitoring visit. Janet stated she knows the scrutiny private providers are placed under, and noted that both the monitoring and approval processes are extensive.

## 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:

- **September 10, 2014** – Three SAC members, Dan Ward, Candace Cole-McCrea and Catherine Meister, gave a presentation on the unmet needs of children whose parents are absent for reasons that include the parent(s)’ military deployment, incarceration, abandonment, or the child’s removal from the home and placement in DCYF custody (most often foster care). These children are not only dealing with difficult life circumstances, they are at increased risk for having a disability and needing special education and/or other intervention. All three spoke about the benefits that could be obtained by utilizing tier 3 PBIS interventions for this at-risk group either proactively as a preventative/protective mechanism, or in response to an identified need. As children with absent parents tend to be involved in multiple systems, the importance of coordination between systems such as the NH Department of Education and the Department of Health and Human Services was also discussed. Catherine reported that there are some communication (interface) barriers experienced by the two Departments because of technology that impedes the necessary exchange of information. One positive piece of information that was shared is that in January 2013, the Federal Uninterrupted Education Act was passed. Dan also gave everyone a copy of a Children’s Book Kit called: Little Children, Big Challenges – Incarceration, which was developed by the Sesame Street Workshop, an educational project of Sesame Street. The kit includes 2 children’s books in English and Spanish about a child whose Dad is incarcerated, her feelings and the supports that can be helpful. It also includes an English/Spanish DVD and an extensive list of resources. SAC members were encouraged to share the Kit with others (multiple copies can be obtained upon request).
- **December 3, 2014** – Maura Hart gave a presentation on the SWIFT project (a copy of the PowerPoint is included in Appendix D).
- **March 4, 2015** – Candace Cole-McCrea gave a presentation about how parents being absent can have a negative impact on a child’s social, emotional and physical well-being. Following her presentation, the full SAC engaged in some brain-storming on how schools could help this population.
- **June 3, 2015** – Ruth Littlefield gave a presentation on the NH State Systemic Improvement Plan (SSIP) and the indicator that was chosen as the State-Identified Measurable Result (SIMR), “Improving social-emotional outcomes for preschool children with disabilities”

**Appendix C**

**Summary information from NH's SPP/APR  
and the  
7/2015 Determination Letter and Data Tables**



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE  
SERVICES

June 30, 2015

Honorable Virginia M. Barry  
Commissioner of Education  
New Hampshire Department of Education  
101 Pleasant Street  
Concord, New Hampshire 03301-3860

Dear Commissioner Barry:

I am writing to advise you of the U. S. Department of Education's (Department) 2015 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). 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) 2013 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2015 determination is based on the data reflected in the State's "2015 Results Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of: (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors and a Compliance Score; and (2) a Results Matrix that includes scoring on Results Elements, a Results Score, an RDA Percentage based on both the Compliance Score and the Results Score, and the State's Determination. The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2015: Part B" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2015, as it did for Part B determinations in 2014. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2015, OSEP continued to use results data related to the participation of children with disabilities (CWD) on regular Statewide assessments and the participation and performance of CWD on the National Assessment of Educational Progress (NAEP). In addition, OSEP used exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma, as reported by States under section 618 of the IDEA. One of the purposes of the IDEA, as set out in section 601(d)(1)(A), is to ensure that all children with disabilities have a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. Because it is critical that States focus on decreasing the number of CWD that drop out and increasing the number of CWD that graduate with a regular high school diploma, OSEP has added these data as results elements in making determinations in 2015.

You may access the results of OSEP's review of your State's SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at [osep.grads360.org](http://osep.grads360.org). When you access your State's SPP/APR on the site, you will find in

Indicators 1 through 16, the OSEP Response to the indicator, and any actions that the State is required to take. The actions that the State is required to take are in two places: (1) any actions related to the correction of findings of noncompliance are in the “OSEP Response” section of the indicator; and (2) any other actions that the State is required to take are in the “Required Actions” section of the indicator. It is important for you to review the Introduction to the SPP/APR, which may also include an OSEP response and/or Required Actions.

You will also find all of the following important documents saved as attachments to the Progress Page: (1) the State’s RDA Matrix; (2) the HTDMD document; (3) a spreadsheet entitled “2015 Data Rubric Part B,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; (4) a document entitled “Dispute Resolution 2013-14,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix; and (5) a Data Display, which presents certain State-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of State performance in key areas.

As noted above, the State’s 2015 determination is Meets Requirements. A State’s 2015 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%, unless the Department has imposed Special Conditions on the State’s last three IDEA Part B grant awards (for FFYs 2012, 2013, and 2014), and those Special Conditions are in effect at the time of the 2015 determination.

In 2015, States were required to submit a new SPP/APR, which included baseline data and measurable and rigorous targets for FFY 2013 through FFY 2018 for each indicator in the SPP/APR. In addition, under Indicator 17, States were required to submit a State Systemic Improvement Plan (SSIP) that included activities the State would implement to improve results for children with disabilities. OSEP has reviewed your State’s SPP/APR, including Phase I of the SSIP, and determined that it meets the requirements of IDEA section 616(b) to include measurable and rigorous targets, including targets for FFY 2018 that reflect improvement over the State’s baseline data. OSEP appreciates the State’s work on Phase I of its SSIP. This represents a significant effort to improve results for students with disabilities. We have carefully reviewed your submission and provided feedback during a recent conference call with the State. OSEP will continue to work with your State as it develops Phase II of the SSIP, due April 1, 2016.

As a reminder, your State must report annually to the public, by posting on the State educational agency’s (SEA’s) Web Site, the performance of each local educational agency (LEA) located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State’s submission of its FFY 2013 SPP/APR. In addition, your State must: (1) review LEA performance against targets in the State’s SPP/APR; (2) determine if each LEA “meets the requirements” of Part B, or “needs assistance,” “needs intervention,” or “needs substantial intervention” in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the SEA’s Web Site. Within the next several days, OSEP will be finalizing a State Profile for your State that: (1) will be accessible to the public; (2) includes links to a PDF of the State’s SPP/APR, including all of the State’s and OSEP’s attachments; and (3) the State may use to make its

Page 3 – Chief State School Officer

SPP/APR accessible to the public. We will provide you with the link to that profile when it is live.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Susan Falkenhan, your OSEP State Lead, at 202-245-7242.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with the first name "Melody" being more prominent than the last name "Musgrove".

Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

cc: State Director of Special Education

**Summary information from NH's SPP/APR and the 6/2015 Determination Letter and Data Tables**

<b>SPP/APR Indicator</b>		<b>2013 Target</b>	<b>2013 Data</b>
1.	Percent of youth with IEPs graduating from high school with a regular diploma.	85%	71.03
2.	Percent of youth with IEPs dropping out of high school.	0.76%	0.76%
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.	92.59%	100%
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> )	97.65%	97.65%
	Participation rate for children with IEPs on statewide assessments. ( <u>For Math</u> )	97.54%	97.54%
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> )	35.7%	35.7%
	Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. ( <u>For Math</u> )	25.94%	25.94%
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.	1.15%	1.15%
	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.	0 %	0.57 %
5.A	Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day;	72.85%	72.85%
5.B	Percent of children with IEPs aged 6 through 21 served: B. Inside the regular class less than 40% of the day; and	7.97%	7.97%
5.C	Percent of children with IEPs aged 6 through 21 served: C. In separate schools, residential facilities, or homebound/hospital placements.	2.61%	2.61%
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	50.36%	50.36%
6.B	Percent of children aged 3 through 5 with IEPs attending a: B. Separate special education class, separate school or residential facility.	18.22%	18.22%
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);	79.5%	80.94%
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	78.9%	79.96%
7.C	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: C. Use of appropriate behaviors to meet their needs.	76.8%	77.85%

SPP/APR Indicator		2013 Target	
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);	61.6%	61.82%
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	60.9%	61.74%
7.C	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: C. Use of appropriate behaviors to meet their needs.	63.2%	66.03%
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.	36%	36.9%
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.	0%	0%
10.	Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0%	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.	100%	95.61%
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.	100%	96.48%
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.	100%	60.48%
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.	39.56%	39.56%
14.B	B. Enrolled in higher education or competitively employed within one year of leaving high school.	63.11%	63.11%
14.C	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.	77.78%	77.78%
15.	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	62-72%	80%
16.	Percent of mediations held that resulted in mediation agreements.	65-75%	68.97%
17.	The State's SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements for this indicator. <ul style="list-style-type: none"> <li>NH's State-Identified Measurable Result (SIMR) is aligned with indicator 7.A.1.</li> </ul>	Yes	Yes

**Excerpt from the NH Department of Education's July 30, 2015 Determination Letter from the Office of Special Education Programs (OSEP) – "I am writing to advise you of the U. S. Department of Education's (Department) 2015 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that New Hampshire meets the requirements and purposes of Part B of the IDEA.**

## **Appendix D**

### **Handouts and Supplemental Materials**

- Status of Key Special Education-Related Bills Introduced in the 2014-2015 Legislative Session
- Special Education Funding Article written by SAC
- Two OSEP Policy Letters Related to the Provision of Special Education Services
- Copies of PowerPoint Presentations Given at SAC Meetings

**Status of Key Special Education-Related Bills Introduced in the 2014-15 Legislative Session  
That Were of Particular Interest to SAC or SAC Members and the Constituent Groups they  
Represented**

Updated 8/13/2015

**The following bills were signed by the Governor:**

- SB 47** - repealing the payment of subminimum wages to persons with disabilities
- SB 71** – relative to administration of glucagon injections for children in schools. *[Allows glucagon injections to be provided by certain school employees, but does not compel employee to do so]*
- SB 166** – relative to facilitated individualized education program meetings. *[Removes facilitated IEP team meetings from the list of formal alternative dispute resolution (ADR) options so that it is not subjected to the restrictions that apply to formal ADR options]*
- HB 126** – establishing a commission to study issues related to students receiving special education services while attending a chartered public school.
- HB 323** – relative to the administration of the statewide assessment program. *[allows a school district to use the College Board SAT or the ACT college readiness assessment to fulfill the high school assessment requirement.]*
- HB 519** – establishing a committee to study policies which it determines are necessary for dyslexic students.
- HB 604** – relative to use of mixed use school buses by special education pupils. *[allows pupils receiving special education services to be transported in a mixed use school bus unless prohibited by the pupil's IEP or 504 plan.]*

**The following bills were became law without the Governor's signature:**

- HB 142** – relative to student social media policies by educational institutions. *[concern was raised that this could impede schools' ability to investigate cyberbullying, an issue that has a disproportionate impact on students with disabilities being bullied. Additional note: Through floor amendments, the text of 2 bills that were voted ITL by the House were added to HB 142: SB 149 relative to nonpublic sessions under the right-to-know law (allows a school board to consider certain contracts in nonpublic session under the right-to-know law under certain circumstances); and SB 69 establishing a commission to study social impact bond funding for early childhood education for at-risk students].*
- HB 610** – relative to a school board vote on the reassignment of a student.

**The following bills were passed by the General Court, but vetoed by the Governor:**

- SB 101** – prohibiting the state from requiring implementation of common core standards.
- HB 1-A and HB 2** – House budget and trailer bills
- HB 603** – relative to student exemption from the statewide assessment *[declares that a student exempted from taking the statewide assessment by the student's parent or legal guardian shall not be penalized; also requires a school district to provide an appropriate alternative educational activity for the time period during which the assessment is administered.]*

**The following bills were retained:**

- HB 301** – allowing a parent to elect not to include their child in the unique pupil identification system or any other information database maintained by the department of education. *[concern was raised that this could prevent the DOE from fulfilling their data collection and responsibilities under IDEA, as well as other requirements]*
- HB 471** – relative to the powers of the state board of education and the duties of school boards. *[removes requirement that school boards comply with the rules and regulations of the state board of education re: "the curricula and courses taught, and the methods for assessing pupil performance" and makes school boards exclusively responsible "for the employment of teachers and negotiations with collective bargaining units regarding compensation and other conditions of employment".]*

- HB 527** – establishing guidelines for school districts relative to the use of school resource officers. *[requires the state board of education to establish guidelines for school districts employing a school resource officer (SRO). Requirements would include that SROs receive training trained in child & adolescent development and psychology, PBIS, conflict resolution, peer mediation and other restorative justice techniques, children with disabilities or other special needs and cultural competency. School districts would have to establish through a MOU with the law enforcement agency guidelines re: the division of authority and the exchange of information between school officials and SROs, a plan for supervising SROs, guidelines for SROs conducting searches and seizures, interviewing/questioning or arresting a student, the use of physical force or restraint on a student by the SRO, & a way for parents, staff & others to file complaints resulting from the SRO's misconduct.]*
- HB 536** – relative to payment for special education services for chartered public school students and relative to federal funds for chartered public schools. *[provides that funding for chartered public school students receiving special education services be paid directly to the school district in which the student resides & excludes IDEA funds from the Federal funds school districts must direct to a chartered public school.]*
- HB 581-FN** – requiring schools to continue the education of a child during the child's suspension or expulsion. *[Amends RSA 193:13, II by adding: "A school district shall continue the education of a child who has been suspended or expelled from school, in a manner to be chosen by the school district."]*
- HB 611-FN** – requiring legislative approval of all agreements, contracts, grants, or waivers involving the Department of Education or State Board of Education. *[requires a majority vote of both the House & Senate prior to the submission or acceptance by the NH DOE or BOE of any agreement, contract, grant or waiver.]*
- HB 625** – relative to public charter schools *[establishes a state public charter school commission to administer the approval and operation of public charter schools in the state.]*

**The following bills were voted inexpedient to legislate (ITL), which means they were "killed":**

- CACR 3** – relating to public education. Providing that the general court shall define standards & funding for public education.
- SB 81** – relative to the powers of the state board of education.
- SB 82** – relative to the authority of the commissioner of the department of education.
- SB 204** – repealing the education tax credit program HA 1 – house address for the removal of certain state officials in the department of education.
- HB 116** – relative to the re-nomination of teachers
- HB 124** – relative to the implementation of new college and career readiness standards
- HB 215** – relative to school building aid grant payments
- HB 283** – requiring school districts to establish a policy permitting a pupil's parent/legal guardian to observe his/her classes
- HB 302** – requiring a public hearing prior to the submission of a grant application by the [DOE].
- HB 424** – relative to the accessibility of assessment materials.
- HB 434** – relative to review of proposed agency administrative rules by standing committees of the general court
- HB 474** – relative to grounds for denial of a chartered public school application.
- HB 491** – relative to immunity for school personnel using reasonable force to protect a minor.
- HB 566** – relative to consolidation of school administration units.
- HB 575** – establishing the position of school nurse coordinator position in the [DOE] and making an appropriation therefore
- HB 578** – relative to state board of education compliance with unfunded federal education mandates.
- HB 635** – relative to aid to school districts for costs of special education
- HB 651** – transferring the portion of special education costs directly related to health issues to the [DHHS].

April 21, 2015

**Testimony on HB 604 from the  
State Advisory Committee**

Senator John Reagan, Chair  
Senate Education Committee  
Legislative Office Building, Rm. 103  
North State Street  
Concord, NH 03301

Dear Senator Reagan and Members of the Senate Education Committee,

I am providing these comments on behalf of the New Hampshire's State Advisory Committee (SAC) on the Education of Children/Students with Disabilities. SAC is a statutorily mandated advisory committee (under the Individuals with Disabilities Education Act and RSA 186-C), which has among its responsibilities, to: advise the NH Department of Education regarding unmet needs within the state related to the education of children/students with disabilities, and comment publicly on the state plan and rules and regulations proposed for issuance by the state regarding the education of children with disabilities.

The State Advisory Committee requests that you please make an ought-to-pass recommendation on HB 604, "An act relative to use of mixed use school buses by special education pupils". HB 604 allows children with and without disabilities to be transported to and from school related activities on a mixed use school bus, unless a student's disability requires the use of special transportation (in accordance with the child's individualized education program or Section 504 accommodation plan).

When the Department of Safety made changes to their transportation rules (in Saf-C 1314.01) regarding students with disabilities, it quickly became apparent that the new language, which reads, "***A mixed use school bus, as defined in Saf-C 5902.07, shall not be used to transport pupils with special needs to and from school or school related activities***", would have a negative impact on children with disabilities and the public and private schools/programs that serve children with disabilities.

The change in Saf-C 1314.01 discriminates against children with disabilities by specifically preventing children with disabilities, regardless of the type of disability, from being transported to and from school or school related activities on a mixed use school bus along with their peers who do not have disabilities; only those students who have disabilities must be given special transportation. The rule seems to presume that children with disabilities are either incapable of riding on a mixed use bus along with their typical peers, or that they to be given "special" treatment when being transported to and from school or school related activities. Both of these presumptions are wrong and perpetuate a negative stereotype of children.

In addition to unnecessarily segregating students with disabilities from their peers without disabilities, Saf-C 1314.01 imposes a significant financial burden on schools, school districts and private programs, especially the programs that serve children with disabilities. Saf-C 1314.01 requires a school that serves children with disabilities to use more costly special transportation to transport their students to field trips, outings related to school clubs, organizations, recreational or sports activities, as well as to community-based activities to enhance the students' community-based, independent living and employment skills. If a non-special education school, wished to take their students on similar outings, they would be able to utilize mixed use buses (so long as none of the students going on the outing had a disability). This rule is expensive, unwieldy and unnecessary. Please vote to recommend HB 604 inexpedient to legislate.

Sincerely,



Bonnie A. Dunham, Chair  
State Advisory Committee on the Education of Children/Students with Disabilities  
c/o NH Department of Education  
101 Pleasant Street  
Concord, NH 03301  
Contact Information for Bonnie Dunham: Telephone: (603) 860-5445 / E-mail: [bsdunham12@gmail.com](mailto:bsdunham12@gmail.com)

February 18, 2015

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

Dear Commissioner Barry,

*The NH State Advisory Committee (SAC) on the Education of Children with Disabilities requests that the Department of Education support HB 604, relative to use of mixed use school buses by special education pupils. The public hearing for the bill is scheduled for February 19, 2015.*

*HB 604 was introduced in response to changes made to the transportation rules last year. Those changes specifically excluded students with disabilities (under either Section 504 or RSA 186-C) from riding a mixed use school bus, and established more stringent requirements for the transportation of children with disabilities. These requirements do not apply to students without disabilities, compelling schools to set up specialized, likely segregated, transportation arrangements for students with disabilities. For example, if a school's tennis team was going to attend a meet by traveling on a mixed use school bus, and one of the team members had a disability, that student would have to be transported using special transportation, while his/her teammates without disabilities could ride the mixed use school bus. The SAC heard from representatives of public school programs and private providers who were concerned with both the fact that the new requirements specifically targeted children with disabilities and with the increased costs related to implementing these new requirements.*

*HB 604 allows pupils receiving special education services to be transported in a mixed use school bus unless prohibited by the pupil's individualized education program (IEP) or accommodation (504) plan. This results in children with disabilities being given equal treatment unless an individual child's IEP or Section 504 plan requires specialized transportation.*

*As you know, one of SAC's responsibilities is to advise the Commissioner on the unmet needs of children with disabilities. SAC believes that without HB 604, children with disabilities will be placed at a disadvantage, one that will, at a minimum, make it very difficult for their needs to be met.*

*The State Advisory Committee on the Education of Children/Students with Disabilities hopes that the Department takes steps to support HB 604. Please contact me as the chair of SAC if we can be of any assistance in this endeavor.*

Sincerely,



Bonnie Dunham, Chair

NH State Advisory Committee on the Education of Children with Disabilities

Contact information – email: [bsdunham12@gmail.com](mailto:bsdunham12@gmail.com) / telephone: 603-860-5445

May 5, 2015

**Testimony on HB 1-A & HB 2 from the  
State Advisory Committee  
on the Education of Children with Disabilities**

Senator Jeanie Forrester, Chair  
Senate Finance Committee  
Statehouse, Room 103  
107 North Main Street  
Concord, NH 03301

Dear Senator Forrester and Committee Members,

I am providing these comments on behalf of NH's State Advisory Committee (SAC) on the Education of Children/Students with Disabilities. SAC is a statutorily mandated advisory committee (under the Individuals with Disabilities Education Act and RSA 186-C), which has among its responsibilities, to: advise the NH Department of Education regarding unmet needs within the state related to the education of children/students with disabilities, and comment publicly on the state plan and rules and regulations proposed for issuance by the state regarding the education of children with disabilities. SAC is very cognizant of the both the human and financial benefit the state and its citizens achieve when students with disabilities receive the services they need in school, and after high school, through adult services.

At our April 1, 2015 meeting, SAC members discussed the budget that was passed by the NH House of Representatives. Recognizing the interconnection between the goal of special education (to prepare students with disabilities for adult lives that include employment, post-secondary education and independent living skills) and the adult services that some of these young people (those students with developmental disabilities) will rely upon once they complete their high school education, members of the SAC are concerned that insufficient funding of New Hampshire's home and community-based services (HCBS) waiver programs will deprive young adults of timely access to services that are critical to their ability to live successfully in their home communities. The SAC, therefore, voted unanimously to request that the budget you pass include sufficient funding for the Department of Health and Human Services to ensure that NH does not reinstate a waitlist for HCBS programs.

Several years ago when the legislature voted to eliminate the waitlist, the bill said that the general court found that delays in providing services to persons with developmental disabilities and acquired brain disorders were contrary to the welfare of the individuals, their families, and the citizens of NH, that they often cause people to lose skills and hinder their ability to become as independent and productive as possible, they place individuals with disabilities at risk of other physical and emotional harm and unnecessary and costly institutionalization, and create untold stress on families. The SAC is proud of the work NH schools do to prepare students with disabilities to be fully involved and contributing members of their communities and is concerned that any time spent on a wait list will lead to the student losing skills that were gained through the hard work of the students, their families, and NH schools.

Additionally, to ensure that the NH Department of Education and NH schools have the resources to meet the needs of students with disabilities, including through the use of multi-tiered systems of support, SAC voted unanimously to request that you increase funding for the NH Department of Education, Bureau of Special Education by \$250,000. Over the past several years, the SAC has learned much about how multi-tiered systems of supports, including positive behavioral interventions and supports, improves school climate and improves outcomes (including better grades, fewer suspensions/behavioral incidents and increased graduation rates) for students with and without disabilities.

Thank you in advance for your vote in support of NH students with disabilities.

Sincerely,



Bonnie A. Dunham, Chair  
State Advisory Committee on the Education of Children/Students with Disabilities  
c/o NH Department of Education  
101 Pleasant Street  
Concord, NH 03301  
Contact Information for Bonnie Dunham: Telephone: (603) 860-5445 / E-mail: [bsdunham12@gmail.com](mailto:bsdunham12@gmail.com)

February 18, 2015

Re: Initial Proposal for Ed 1200

State Board of Education  
NH State Department of Education  
101 Pleasant Street  
Concord, NH 03301-3494

Dear Chairman Raffio and Members of the NH State Board of Education,

I am providing these comments as chair of the New Hampshire's State Advisory Committee (SAC) on the Education of Children/Students with Disabilities, on behalf of the SAC.

Background – At the February 4, 2015 SAC meeting, the 18 members present (a quorum) reviewed the initial proposal for Ed 1200, discussed what we believed to be the key issues, and voted on each. Members present at the meeting agreed that our comments on the proposed rules would be limited to those issues upon which the SAC had reached either unanimous agreement, or near-consensus. A near consensus vote was reached if there was one or fewer members voting in opposition.

The SAC felt strongly that the rules should be very clear and either include or reference all of the requirements in RSA 126-U; many of our comments are intended to help ensure the clarity of Chapter Ed 1200. The recommendations that follow highlight the positions taken by the SAC, with a vote tally provided for each.

- The title of Part Ed 1201 should reference both restraint and seclusion, so that it reads, “Part Ed 1201, Limiting the Use of Child Restraint *and Seclusion* Practices”. (*All voted in favor*)
- Ed 1201 should include a definition for “child”, referencing the definition in RSA 126-U:1,I. (*12 in Favor / 0 Opposed / 5 Abstained*)

**126-U:1,I** – “Child” means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. “Child” also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.

- Ed 1201 should define “improper restraint and seclusion” as meaning, “*any restraint or seclusion that is not allowed under RSA 126-U*”. (*14 in Favor / 0 Opposed / 5 Abstained*)
- As part of the definition of “restraint”, Ed 1201 should include a reference to RSA 126-U:6, which specifically limits the use of restraint to physical restraint and prohibits the use of medication restraint and mechanical restraint, with the exception of mechanical restraint (i.e. seat belts, safety belts, or similar passenger restraints) permitted under RSA 126-U:12 during the transportation of children. (*All voted in favor*)

**126-U:6 Schools Limited to Physical Restraint.** – Use of restraint in schools shall be limited to physical restraint as permitted by this chapter. Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of children pursuant to RSA 126-U:12.

- Ed 1201 should include a definition of “school”, as meaning “*school as defined in RSA 126-U:1,V*”. (*16 in Favor / 0 Opposed / 2 Abstained*)

**126-U:1, V.** “School” means:

- (a) A school operated by a school district.
- (b) A chartered public school governed by RSA 194-B.
- (c) A public academy as defined in RSA 194:23, II.
- (d) A nonpublic school subject to the approval authority of the state board of education under RSA 186:11, XXIX.
- (e) A private or public provider of any component of a child's individualized education program under RSA 186-C.

- With the inclusion of a definition for school, proposed Ed 1201.01(b), “Review of record” can be revised so that it reads, “**(b) “Review of record” means a review of the record made pursuant to RSA 126-U:7 at the local school district or facility as a result of an incident of seclusion or physical restraint of a student for the management of behavior of a particular student**”. (16 in Favor / 0 Opposed / 2 Abstained)

Additionally, in proposed Ed 1202.02 “Written Policies Required” which now includes separate requirements for school districts, nonpublic schools and private or public providers of any component of a child’s individualized education program (IEP) could be revised to read, “**(a) Each school as defined in RSA 126-U:1, I shall have written policies for managing the behavior of children pursuant to RSA 126-U.**” This would also address the omission of chartered public schools and public academies from the list of entities required to have written policies. (17 in Favor / 0 Opposed / 1 Abstained)

**126-U:2 Written Policies Required.** – Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances seclusion or restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

- As RSA 126-U:2 requires that schools provide the written policy to each child’s parent, guardian or legal representative, SAC recommends that Ed 1202 include a specific timeframe, to read, “**Each school shall provide the written policy for managing the behavior of children, including how and under what circumstances seclusion or restraint is used, which is required by RSA 126-U:2 upon the child’s enrollment in the school and annually thereafter.**” (16 in Favor / 1 Opposed / 1 Abstained)
- Proposed Ed 1201.01 includes a definition for “(d) serious bodily injury”, as “means serious injury as defined in RSA 126-U:1, VI.” SAC recommends that the rules use the same term as the statute, and not include a definition for “serious bodily injury”, but instead include a definition for “serious injury” to read, “**‘serious injury’ means serious injury as defined in RSA 126-U:1, VI.**” (16 in Favor / 0 Opposed / 2 Abstained)

**126-U:1, VI.** "Serious injury" means any harm to the body which requires hospitalization or results in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second- or third-degree burns, or any severe, permanent, or protracted loss of or impairment to the health or function of any part of the body.

- Ed 1202.02 should include, or reference, the requirement in RSA 126-U:14 that “upon information that restraint or seclusion has been used for the first time upon a child with a disability . . . , the school shall reviews the individual education (sic) program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion” and upon request from a parent/guardian of a child with a disability if the child has been subjected to multiple instances of restraint or seclusion since the last review. (All voted in favor)
- As RSA 126-U includes detailed requirements for providing notice to a child’s parent, or guardian and guardian ad litem whenever a child has been subjected to a restraint or seclusion, and for record-keeping, SAC believes there should be a new section added to the rules, titled, “**Notification and Record-Keeping Requirements**” that would require that each school, as defined in RSA 126-U:1,V follow the notice and record-keeping requirements in RSA 126-U:7 that apply to schools. (All voted in favor)
- As Ed 1202.03 “Duty to Report”, includes requirements for the NH Department of Education to review the restraint and seclusion records of schools, the SAC recommends that these rules establish the types of records that schools must maintain so that the department can use that data to understand the use of restraint and seclusion on the school and school district levels. (All voted in favor)
- SAC further recommends that the data collected and reported include data to determine whether children with disabilities are being disproportionately subjected to restraint and/or seclusion, as is the case nationally. (16 in Favor / 0 Opposed / 2 Abstained)

- SAC is concerned that while RSA 126-U:8 requires the department of education to conduct “periodic, regular review” of “records maintained by schools relative to the use of seclusion and restraint”, the term, “regular” is neither clear nor specific. In the interest of having the rules be clear, the SAC recommends that Ed 1202 include a requirement that such review be conducted annually. *(All voted in favor)*
- SAC further recommends that the more frequent reviews be required when warranted (i.e. for schools or districts with extremely high rates of restraint and/or seclusion or those that have a record of disproportionate use of restraint or seclusion with children with disabilities, or when restraint has resulted in injury or death of a child. *(16 in Favor / 0 Opposed / 1 Abstained)*

**126-U:8 Review of Restraint Records by Department of Education. –**

I. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Periodic, regular review by the department of education of records maintained by schools relative to the use of seclusion and restraint. ...

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the chairpersons of the education committees of the senate and house of representatives regarding the use of seclusion and restraint in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

- Ed 1202.03(e) should include everyone that a school must notify in the event that a restraint or seclusion results in the serious injury or death of a child, in accordance with 126-U:10, II. It should also reference the notification requirements in RSA 126-U:10 and RSA 126-U:7. To accomplish both of these, SAC recommends revising proposed Ed 1202.03(e) to read, ***“The superintendent of a school district or school administrative unit (SAU) shall report all incidents of restraint and seclusion within the school district or school administrative unit involving serious bodily injury or death immediately to the commissioner of the department of education, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities. (1) Such notification shall include the written notification required in RSA 126-U:7.”*** *(All voted in favor)*

**126-U:10, II –** In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of education, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.

- In proposed Ed 1203.01, Filing a Complaint” SAC recommends that proposed Ed 1203.01(a), which says “the department shall respond to any complaint pursuant to RSA 126-U that comes to its attention through any means” be revised to include a statement that ***“if a complaint is not made in writing, it shall be transferred to written form by department of education staff”***. This would ensure that the complaint is appropriately documented. *(All voted in favor)*
- SAC members also recommend that there be a timeframe for filing complaints of within 12 months, or within 12 months of when the parent became aware of the violation. *(All voted in favor)*
- Proposed Ed 1203.02(b) states that “the commissioner shall assign an employee of the department or, an independent investigator to conduct the investigation” but does not include the requirement in RSA 126-U:8,I(b) that complaints be investigated by someone not affiliated with the school district that is the subject of the complaint.” SAC recommends that this requirement be included in Ed 1203.02(b). *(All voted in favor)*

- The SAC recommends that the requirement in RSA 126-U:8,I(b) that complaints be investigated within 30 days with limited extensions for good cause be included in Ed 1203.02. *(All voted in favor)*

**126-U:8 Review of Restraint Records by Department of Education.** – I. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to: ...

(b) A process for the department of education's receipt of complaints and its conduct of investigations of improper use of seclusion and restraint in schools. The process shall provide for:

- (1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.
- (2) Investigation by persons not affiliated with the school district which is the subject of the complaint.
- (3) Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.
- (4) Protection of children before and after completion of the investigation.
- (5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.

- The SAC also recommends that Ed 1203.02 include components that ensure that the requirements in RSA 126-U:8,I(b)(4) & (5) are met. *(All voted in favor)*
- SAC found that the list of violations in Ed 1203.03 does not include all of the situations that could be considered to be violations under RSA 126-U. Even though Ed 1203.03 says that the list “shall include but not be limited to...”, SAC believes that it should list all of the violations in RSA 126-U. To make the list complete, the following items need to be added. *(All voted in favor)*

***“(k) Used restraint for an extended period of time, or in the absence of monitoring pursuant to RSA 126-U:11;***

***(l) Used mechanical restraint during the transportation of children outside of the exceptions provided or in a manner not allowed pursuant to RSA 126-U:12; and***

***(m) Failed to protect a child pending the completion of, and following the completion of an investigation pursuant to RSA 126-U:8, I(b)(4)”***

Thank you again for this opportunity for the State Advisory Committee to provide our input to the initial proposal for Ed 1200.

Sincerely,

Bonnie A. Dunham, Chair  
State Advisory Committee on the Education of Children/Students with Disabilities  
c/o NH Department of Education  
101 Pleasant Street  
Concord, NH 03301  
Contact Information for Bonnie Dunham:  
Telephone: (603) 860-5445  
E-mail: [bsdunham12@gmail.com](mailto:bsdunham12@gmail.com)

## **Special Education Funding: The Rest of the Story**

*Updated 3/12/2015 by Bonnie Dunham, with members of the  
State Advisory Committee (SAC) on the Education of Children with Disabilities*

It can be frustrating and, at times, humiliating for parents of children with disabilities when they hear comments at town meetings, budget hearings and other public forums about the high cost of special education. Sometimes the comments have a tone that seems to blame special education and children with disabilities for every budget crisis. This is hurtful to the parents, but it is also not very well-informed.

First, children who receive special education services do not belong to a very exclusive “club”. In New Hampshire nearly 14% of students receive some special education assistance. That translates to 1 out of every 7 school children. This means that nearly everyone has a family member, friend or neighbor who benefits from special education. Special education makes good economic sense; it is really an investment. The purpose of the Federal special education law, the Individuals with Disabilities Education Improvement Act (IDEA) is to provide children with disabilities with a free appropriate public education that prepares “them for further education, employment, and independent living” (§300.1) so they will be able to be fully participating and contributing (taxpaying) members of their communities. NH’s most recent Annual Performance Report noted that more than 82% of students with disabilities who had completed high school the previous year were enrolled in post-secondary education or training program and/or employed within one year of leaving high school.

The way that special education is funded makes it easy for the average citizen to believe that huge sums of local tax dollars are spent on special education, with few if any of those dollars ever being reimbursed by the Federal or State government. That is just not true. When local school budgets report the cost of special education, the amounts listed are *before* Federal and State funds are factored in; the actual local cost is far less. For fiscal year 2015, NH received \$46,860,443.00 in Federal special education (IDEA entitlement) funds, including \$41,206,686.00 directed to school districts for special education and \$1,054,735.00 directed to school districts for preschool special education.

Additionally, some of the IDEA funds may be used to provide “early intervening services” to students “who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment” (§300.226 of IDEA). Those “early intervening services” can include specific types of professional development, with a focus on literacy instruction, training which can benefit the school district and all of its children.

Besides Federal funding through the IDEA, there are a number of other funding sources that reduce the cost of special education paid by the local community. Although these sources of funding are reflected in the school district’s budget as revenues to the city or town budget, unfortunately they are not discussed at most meetings. A brief overview of some of these funding sources follows:

### **Catastrophic Aid (Cat Aid) or State Aid to Assist School Districts (as detailed in RSA 186-C:18):**

- ♦ The estimated state average per pupil cost for fiscal year 2015 has been set at \$13,996.64; making 3½ times that cost \$48,988.24; and 10 times that cost \$139,966.40. According to the Cat Aid formula –
  - Once a school district has spent 3 ½ times the state average per pupil cost providing special education to a child with a disability, the state will reimburse 80% of any additional costs.
  - Except that once the school district has spent 10 times the state average per pupil tuition providing special education to a child with a disability, the state will reimburse 100% of any additional costs.

*That means that, with reimbursements from Cat Aid (if Cat Aid is fully funded), a school district’s maximum cost for special education for any individual child with a disability would be \$67,183.87.*

- *Important Note – If the legislature fails to fully fund the Catastrophic Aid fund, the amount paid to school districts is pro-rated (i.e. if Catastrophic Aid is funded 70%, the amounts reimbursed to school districts would be 70% of the what they would otherwise receive if it were fully funded).*

## **Medicaid to Schools (information from RSA 186-C:25 and the NH Department of Education website)**

- ♦ Last year, NH school districts received more than \$29,000,000 from the Medicaid-to-Schools program. This program provides school districts with 50% reimbursement (at the approved rate) for eligible services provided to a Medicaid-eligible child. Eligible services, which must be medically-necessary, can include screening, evaluation and diagnostic services, nursing services, speech pathology and audiology, psychological, psychiatric and mental health services, vision services, specialized transportation, occupational and physical therapy, and other Medicaid-covered services that are included in a child's individualized education program (IEP), as well as rehabilitative assistance (i.e. one-on-one health aide) and some supplies and equipment. Children whose families meet income requirements (low-income) are eligible for Medicaid. Additionally, children with the most significant disabilities (and whose special education services are likely costly) may be eligible for Medicaid regardless of the family's income based on the severity of the child's disability. Before accessing a child's Medicaid, the school district must obtain the parent's written consent.
  - *Important Note – When a parent gives consent for the school to access their child's Medicaid through the Medicaid to Schools program, it does not affect the child's ability to receive medically-necessary services outside of their school program. Parents do not have to be concerned that allowing the school to access their child's Medicaid to help pay for the special education and related services their child receives will reduce the Medicaid funding available to meet the child's other (non-educational); Medicaid to Schools funding is separate from the child's private Medicaid.*

## **Children with Disabilities in Certain Court-Ordered Placements (information from RSA 186-C:19)**

- ♦ If a child is placed by a court pursuant to RSA 169-B, 169-C or 169-D (for abuse, neglect, delinquency or a CHINS petition), with some exceptions, the school district would only be responsible for 3 times the estimated state average expenditure per pupil (\$41,989.92).

## **Adequate Education Funding (from RSA 198:40-a)**

- ♦ When the annual cost of providing an adequate education is calculated for the purpose of providing state aid to local school districts, the base annual cost is established, with differentiated amounts added for students in certain categories (including special education, students who receive free or reduced lunch, English language learners, and children in the 3<sup>rd</sup> grade who are not proficient in reading. For fiscal year 2015, the base amount was set at \$3,498.30 per pupil (including students, kindergarten through grade 12 who “attended a school operated by their resident district, were tuitioned by the resident district to a district operated school in NH or another state, or were tuitioned by the resident district to a non-public school, such as a special education program”), plus any applicable differentiated aid for which the student is eligible. Homeschooled students and preschool students are not included. For each student who receives special education, an extra \$1,881.98 in differentiated aid is added.

## **More Financial Resources for Special Education:**

- ♦ Private, Federal or State grants whose purposes are related to special education are sometimes available.
- ♦ The McKinney-Vento Homeless Assistance Act provides funding to serve homeless students, including children with disabilities. This resource is most likely to be available for schools in NH's larger cities.
- ♦ The Federal Act to Promote the Education of the Blind provides adapted educational materials to eligible students (NH schools received more than \$80,000 in adapted educational materials last year).

Please note that this article is intended to be a brief overview of some of the funding resources that support special education. It is by no means a comprehensive article on school funding. Funding formulas and available resources can change; the NH Department of Education and NH State Government have websites where up-to-date information may be found. Also, you may wish to encourage your local school district to explore and apply for all available funds (including Medicaid-to-Schools).

**The following are two policy letters issued by the Office of Special Education Programs  
(OSEP)**

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.

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



Virginia M. Barry, Ph.D.  
Commissioner of Education  
Tel. 603-271-3144

Paul K. Leather  
Deputy Commissioner  
Tel. 603-271-3801

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF EDUCATION  
101 Pleasant Street  
Concord, N.H. 03301  
FAX 603-271-1953  
Citizens Services Line 1-800-339-9900

April 10, 2015

Tina Trudel  
Chief Operating Officer

Lakeview Neurorehabilitation Center  
244 Highwatch Road  
Effingham NH 03882

Dear Ms. Trudel:

I write to inform you that pursuant to RSA 186-C:5 V, I order the cessation of operation of the Special Education Program at Lakeview School. The New Hampshire sending districts must find a new (alternative) special education placement within sixty days of this letter.

Over the past six months, the Department of Education (NHDOE) Bureau of Special Education (Bureau) has been monitoring the Special Education Program offered by Lakeview School. During this time, the Bureau has conducted three site visits and for approximately two months, participated in weekly teleconferences with Lakeview staff. Lakeview was notified the day before two of the site visits. Following these visits, Lakeview received detailed reports which identified areas of non-compliance, corrective actions to be taken, and timelines for submission of evidence of correct implementation of the New Hampshire Rules. The most recent site visit, conducted on February 26, 2015, was unannounced. At this site visit, additional evidence of non-compliance was discovered.

Despite detailed letters identifying areas of non-compliance and the steps necessary to demonstrate correct implementation of the New Hampshire Rules, the Special Education Program of the Lakeview School has consistently failed to comply. This non-compliance has been severe and long lasting. When Lakeview has submitted evidence of corrective action and compliance, the evidence submitted has served to highlight additional deficiencies in the program. While the most recent submission by Lakeview School showed progress in some of the areas of noncompliance, there continues to be numerous areas of noncompliance.

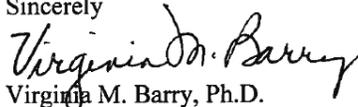
The nature of the noncompliance demonstrates a systemic failure on the part of the program to provide a free appropriate public education (FAPE) to its students.

Lakeview's areas of non-compliance are extensive. The Lakeview Program has repeatedly disregarded the New Hampshire Rules requiring adherence to the special education approval process in order to introduce new programs. Such action prohibits the Bureau's ability to monitor these programs to ensure that they meet the standards of FAPE. It has failed to provide policies and procedures demonstrating compliance with state law. The Lakeview Special Education Program has said that they issue high school diplomas. However, no evidence has been provided that shows the curriculum or lesson plans upon which the qualifications for those diplomas are based. Furthermore, Lakeview employs staff members that are functioning as teachers, but who lack the appropriate credentials and/or endorsements. The Bureau's most recent report, dated April 10, 2015, demonstrates an ongoing failure to comply with New Hampshire rules by revealing additional findings of noncompliance. The findings of the Bureau are attached.

Based on the detailed review of the documentation provided by Lakeview, as well as the information gathered during three site reviews, the New Hampshire Department of Education cannot ensure that a Free Appropriate Public Education is being provided and to students enrolled at the Special Education Program of Lakeview School. Therefore, per RSA186-C:5 V (d)(7) and (13), I hereby order the cessation of operation of the special education program at Lakeview School. I further order that all school districts with students placed at the Special Education Program at Lakeview School relocate its students to other program or facilities that are in compliance with state and federal law within the next sixty days.

You may request a hearing before the State Board of Education if you believe that the orders of compliance are inaccurate, invalid, not based on fact, or any combination of the foregoing.

Sincerely



Virginia M. Barry, Ph.D.  
Commissioner of Education

cc: Christopher Slover, Chief Executive Officer  
NHDOE File

Attachments

# SWIFT

12/3/2014

## POWERPOINT PRESENTATION TO SAC

Please note: All PowerPoint presentations and SAC minutes may be found at: [http://education.nh.gov/instruction/special\\_ed/sac\\_meet\\_min.htm#minutes](http://education.nh.gov/instruction/special_ed/sac_meet_min.htm#minutes)



**SWIFT**  
School Wide Integrated Framework for Transformation

NH State Advisory Committee for the  
NH DOE Bureau of Special Education  
December 3, 2014

Walter Hart, Ed. D.



1



EXCELLENCE  
+ EQUITY &  
ALL MEANS ALL.



2

### What is SWIFT?

- SWIFT is a national K-8 technical assistance center focused on providing academic and behavioral support for all students, including those with the most extensive needs.
- SWIFT partners with the whole school community in ways that positively transform the learning outcomes of all students.



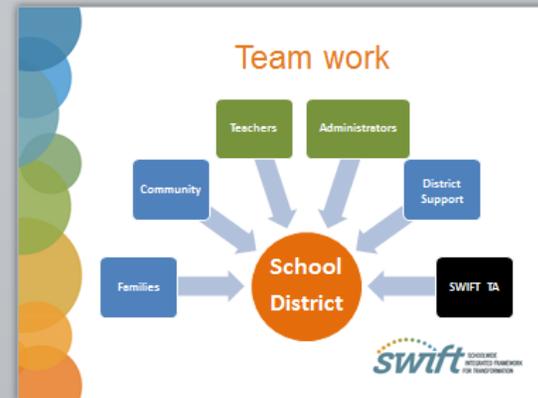
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### Mission of SWIFT

The mission of the SWIFT Center is to assist districts and their schools to engage in a transformational process in concert with their families and communities to achieve equity and excellence for all students.



4



5

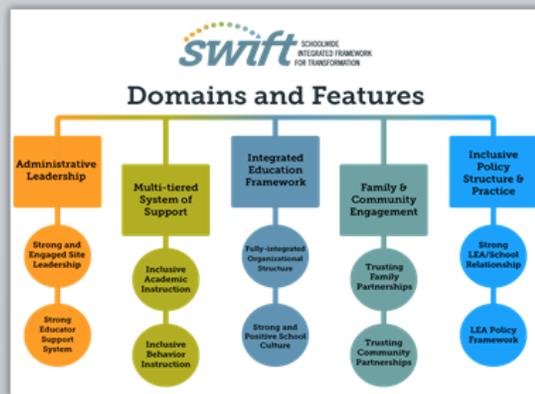
### From Silos to SWIFT

SWIFT ...

- Eliminates silos
- Bridges general and specialized education
- Creates powerful learning opportunities for students and teachers
- Promotes active, engaged partnerships among families and community members.



6



7

### Implementation Science

**Implementation Stages:**

- Exploration
- Installation
- Initial Implementation
- Full Implementation

**Implementation Drivers:**

- Leadership
  - Technical
  - Adaptive
- Organization
  - Systems intervention, Facilitative Administration, Decision support Data System
- Competency
  - Coaching, training and selection

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

8

### Mission of SWIFT

- **Excellence** as determined by measurable student social and academic gains;
- **Equity** as defined by the measurable capacity of each school to deliver the intensity and range of supports to meet the needs of each student and extending to their family and community; and where
- **All** is defined as the measurable integrated active engagement of all students and their families in the learning process.

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

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### SWIFT-FIT

Fidelity of Implementation Tool

Research-quality assessment

- Measures extent to which school personnel is installing the core features of SWIFT
- Completed by trained assessors on a single day
- Used as a research tool
- Interviews are conducted with various stakeholders; evidence sources are collected

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

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### SWIFT-FIA

Fidelity Integrity Assessment

- Same conceptual structure as the SWIFT-FIT
- Progress-monitoring measure
- Completed as a self-assessment by a school leadership team about every 3 months
- Results intended to guide immediate next steps for promoting SWIFT implementation.

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

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### Continued Data Collection

**District Capacity Assessment:**

- Administered 1X per year
- Includes full Administrative Teams
  - Superintendent
  - Director of Student Services
  - Curriculum Director
  - Other as per district

**State Capacity Assessment:**

- Administered 1X per year
- Includes members of DOE who have strongest understanding of the capacities of the state to support their schools and districts.

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

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**swifttalk** Re-imagining education, one school at a time.

[www.swiftschools.org](http://www.swiftschools.org)

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

13

### State Support and Scale Up

- SEA Team development
- SEA Leadership Team formation
- **State Capacity Assessment**
  - Interviews
  - Communication
  - Infusing SWIFT within initiatives
- Quarterly meetings
- Statewide PLI (annual: in district or statewide)
- Recruitment and scale up across districts

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

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### NH DOE Recruitment

- NH is bringing on 16 new schools per year
  - "Development Sites"
- Application process for 2015-16 will begin in January 2014
- Joey Nichol will help schools and districts with applications and on-boarding
- NH SWIFT DOE Innovation Coach will be full time to assist Development Sites
- Maura Hart will assist with fidelity of process within Technical Assistance as well as overall messaging

**swift** SCHOOLSIDE INTEGRATED FRAMEWORK FOR TRANSFORMATION

15

**STATE SYSTEMIC IMPROVEMENT PLAN:  
Improving social-emotional outcomes for preschool children with disabilities  
6/3/2015  
POWERPOINT PRESENTATION TO SAC**

Please note: All PowerPoint presentations and SAC minutes may be found at: [http://education.nh.gov/instruction/special\\_ed/sac\\_meet\\_min.htm#minutes](http://education.nh.gov/instruction/special_ed/sac_meet_min.htm#minutes)

**Slide 1: State Systemic Improvement Plan: Improving social-emotional outcomes for preschool children with disabilities**  
Presentation to SAC  
June 3, 2015  
Ruth Littlefield

**Slide 2: History**  

- Why did we develop the SSIP? Indicator 17 says..
- The State's SPP/APR includes a comprehensive, multi-year State Systemic Improvement Plan, focused on *improving results for students with disabilities*....

**Slide 3: Phases**  

<b>Phase I</b>	<b>Phase II</b>
A. Data Analysis;	E. Infrastructure Development;
B. Identification of the Focus for Improvement;	F. Support for LEA Implementation of Evidence-Based Practices;
C. Infrastructure to Support Improvement and Build capacity; and	G. Evaluation Plan
D. Theory of Action	

Analysis      Planning

Phase III: h. Results of Ongoing Evaluation and Revisions to the SPP

**Slide 4: Input and Support**  

- Stakeholder Input
- Regional Focus groups
- Technical assistance from IDC and DaSY
- Iterative process
  - (broad analysis ↔ in-depth analysis)
  - Working plan not a static document

**Slide 5: State-Identified Measurable Result**  

- Preschool children with disabilities in the identified subset of districts will substantially increase their rate of growth in the area of improved positive social-emotional skills (including social relationships) by the time they turned six years of age or exit the program.

**Slide 6: Subset of Districts**  
 FFY 2013: 1210 preschool children with disabilities exited preschool special education  
 SSIP baseline data: Subset of 16 districts representing approximately 20% (241/1210\*100) of the preschool children with disabilities who exited preschool special education  

- Not selected based on lowest performance
- Seven Preschool Technical Assistance Network regions and the five Superintendent Regions.
- Both assessment tools: AEPSi™ and TS Gold™.
- Range in size, with child count ranging from fewer than five to more than 100 preschool children with disabilities
- Offer a variety of service models and placement options.
- A significant factor used in identifying these districts was a readiness and willingness to improve the social-emotional outcomes for preschool children with disabilities.

## Data: Ind. 7 A: Indicator 17

Outcome A: Positive social-emotional skills (including social relationships)	State	Subset
a. Preschool children who did not improve functioning	23 1.90%	3 1.24%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	160 13.22%	53 21.99%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	279 23.05%	62 25.73%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	498 41.15%	76 31.54%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	250 20.66%	47 19.50%
Total	1210	241
Formula for Summary Statement 1: (c+d)/(a+b+c+d)	777/960 80.94%	138/194 71.13%

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## Data

Outcome A: Positive social-emotional skills (including social relationships)	FFY 13 B17 Numerator (subset)	FFY 13 B17 Denominator (subset)	FFY 13 B17 Baseline (subset)	FFY 13 State Level Data
A1: Of those children who entered or exited the program below age expectations in Outcome A, the % who substantially increased their rate of growth by the time they exited the program. Formula: (c+d)/(a+b+c+d)	138 (62+76)	194 (3+53+62+76)	71.13%	80.94% (777/960)

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## Target setting

FFY	2014	2015	2016	2017	2018
Target	71.13%	71.13%	73.71%	76.29%	78.90%

Results in meaningful, significant change

Impacts State-level data

FFY 13 Baseline = 71.13%

FFY 13: July 1, 2013-June 30, 2014

FFY 14 ends June 30 2015

FFY 15 ends June 30 2016.

Children have to receive intervention and then exit before we see impact.

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## Root causes contributing to low performance based on Data Analysis

1. The NHDOE was not able to disaggregate child outcome data by race/ethnicity, age, disability, length of time in service or setting. As a result, the NHDOE was not able to determine if these factors were impacting social-emotional outcomes for preschool children with disabilities.
2. The NHDOE was not able to link child outcome data to Part C or to the K-12 longitudinal data system. As a result, no conclusions could be made on child outcomes from Part C to Part B or regarding impact of preschool special education over time.
3. Local district personnel have varied ability to link data at the local level from preschool special education to the K-12 system. As a result, they are not able to analyze the long term impact of services by demographic and programmatic factors.
4. Local district personnel have limited capacity to analyze data to inform instruction and to guide IEP development. As a result, data are not used across all districts to the fullest effect and opportunities to refine practices to improve outcomes may be missed.
5. While the State-level data have been determined to be of high quality, some districts have identified a need to strengthen inter-rater reliability and to hone assessment skills. As a result, some data may not be accurately reflecting the social-emotional outcomes for individual children and assessments may not be conducted in the most efficient manner, creating a more cumbersome assessment process.

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## Root cause analysis based on Infrastructure Analysis

1. There was no formal state-level structure (advisory body or leadership team) that focused on improving social-emotional outcomes for preschool children with disabilities.
2. Local administrators and school board members did not uniformly understand the factors that impact positive social-emotional outcomes for preschool children with disabilities and cost-benefit of intervening early with sound, evidence-based practices.
3. Practitioners (district and community-based) have a range of knowledge and skill regarding the implementation with fidelity of evidence-based practices that are likely to improve social-emotional outcomes for preschool children with disabilities.

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## Phase II

- ▶ Infrastructure Development
  - Who will implement infrastructure changes
  - Resources Needed
  - Expected outcomes
  - Timelines
  - Steps to further align/leverage current improvement plans/initiatives
  - Involvement of other SEA offices and other agencies

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## Phase II

- ▶ Evidence-based practices
  - Steps and activities that support implementation of improvement strategies
  - Communication strategies and stakeholder involvement
  - How barriers will be addressed
  - Who will be in charge of implementing
  - How activities will be implemented with fidelity
  - Resources that will be used
  - How expected outcomes of strategies will be measured
  - Timelines
  - Involvement of other SEA offices and other agencies

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## Phase II

- ▶ Evaluation plan to evaluate implementation
  - Short-term and long-term objectives to measure implementation and impact on results
  - Plan must be aligned with
    - Theory of Action
    - Other components of SSIP
  - Plan must include:
    - How stakeholders will be involved
    - Methods to collect and analyze data on activities and outcomes
    - How the State will use evaluation results to:
      - Examine effectiveness of implementation
      - Measure progress toward achieving intended outcomes
      - Make modifications to plan
      - How results of evaluation will be disseminated

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## Phase III

- ▶ Report on progress including:
  - Results of ongoing evaluation
  - Extent of Progress
- ▶ Revisions to the SPP

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## Wrap Up

- ▶ SAC representatives on stakeholder group?
- ▶ Feedback to larger committee?
- ▶ Other comments or questions for the bureau?

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