

New Hampshire's
State Advisory Committee
on the Education of Children with Disabilities
2019 Report

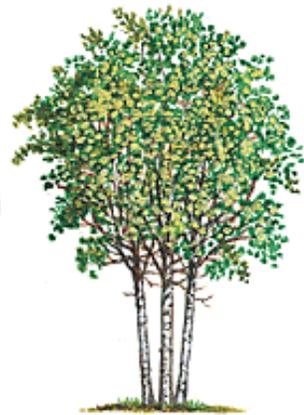
For the reporting/ meeting period from September 2018 through June 2019



State bird
Purple finch



State flower
Purple lilac



State tree
White birch

State Advisory Committee on the Education of Children with Disabilities
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Concord, NH 03301
Tel. (603) 271-3741
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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:

- NH Department of Education for their support of SAC, including by providing information and/or conducting presentations:
 - Frank Edelblut, Commissioner of the NH Department of Education
 - Santina Thibedeau, Administrator, Bureau of Special Education / Bureau of Student Support
 - Kevin Stevenson, Bureau of Student Support
 - Lisa Hinson-Hatz, Administrator, Bureau of Vocational Education
 - Elizabeth Graichen
 - Natasha Kolehamaine, Contractor with the NH DOE to implement the requirements of the Screening and Intervention for Dyslexia and Related Disorders initiative
 - Diana Fenton, Attorney with the NH Department of Education
 - Numerous NH Department of staff who provided administrative support to the SAC, including by preparing for meetings, taking minutes at meetings, and producing meeting agendas and minutes, with primary responsibility of:
 - Barbara Dauphinais, NH Department of Education, Bureau of Special Education
- 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 appreciates the many positive outcomes of the Department, local school districts, and NH students with disabilities that the APR documents, and looks forward to working with NH DOE staff and others, as appropriate, in addressing the areas in which the APR has identified a need for improvement.

Related documents are included in Appendix C:

- NH's 6/20/2019 Determination Letter;
- Summary information from NH's SPP/APR;
- A Link to the NH State Profile and Data Display; and
- The NH Department of Education Statewide Census by Disability

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. Guidelines for public comment may be found on pages 6-7.

Membership Status:

A list of current members, along with the role or agency/organization represented, contact information and dates for each member’s term, 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. For part of this reporting period, and currently, the membership does not meet the statutory requirement that a simple majority of members be individuals with disabilities or parents of children/students with disabilities. SAC members have been actively seeking additional members to achieve compliance with the membership requirements.

SAC Leadership:

Each year, SAC members elect a Chair; the Chair then selects a Vice Chair and 2nd Vice Chair. For this reporting period, Lisa Beaudoin was elected as Chair. Bonnie Dunham and Kim Carter served as Vice Chairs.

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 met in September (annual SAC Retreat), October, November, January, February, March, April and May this year. SAC does not meet in December or June, unless members determine that special meetings during those months are required to fulfill the committee's responsibilities.

SAC's meeting schedule and minutes for previous meetings, are posted on the NH Department of Education's website at 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 / Bureau of Student Support 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. Public comment is included on the agenda for each SAC meeting, generally at the beginning 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 segment 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.

The SAC has established the following guidelines for public comment:

- Be factual and objective; please do not mention a student and/or school staff by name.
- Limit comments to no more than five minutes.
- Be aware that neither the SAC nor the NH Department of Education staff will be prepared to respond to public comment at the meeting. Your input will be considered and, at their discretion if the issues raised are related to the SAC's statutory role/responsibilities, SAC may take further action at a later 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 and, the SAC appreciates the public's assistance in making the SAC aware of the issue(s).

Persons or organizations requesting to make public comments or a presentation that exceeds the five minute limit for public comment are directed to make a written request to the SAC Chair at least 14 days in advance of the SAC meeting at which they wish to comment/present. The request should include a brief description of the topic on which the individual or organization plans to present, and the amount of time being requested. The SAC Chair has the authority to determine whether the request is related to a topic/issue that is consistent with the duties and responsibilities of SAC. At his/her discretion, the Chair may provide additional time of up to 10 minutes to the individual or organization for public comment. The Chair will notify the individual or organization that made the request of his/her decision about whether to allow extended public comment time for the individual or organization.

Please note: In addition to providing public comment at a SAC meeting, interested persons may also provide input to the SAC, by telephone at (603) 271-3741, email at SAC_Chair@doe.nh.gov, or letter to:

State Advisory Committee on the Education of Children with Disabilities
NH Department of Education
101 Pleasant Street
Concord, NH 03301

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.

At each meeting, SAC members share information and resources, discuss concerns, gather information and develop/make recommendations on issues related to SAC's statutory responsibilities. Meeting agendas always include welcome and introductions of members and guests; review and approval of minutes from the prior meeting; opportunity for public comment; announcements and correspondence to the SAC; current events; an update from the State Department of Education, generally by the Bureau of Special Education/Bureau of Student Support; old and new business; brief meetings of and/or reports from subcommittees (if applicable); and presentations by the Bureau or other invited guests, as requested by SAC members to assist the committee in the fulfillment of its responsibilities.

SAC may conduct its work as a single body, or through subcommittees that focus on identified priority issues, as determined by the full SAC. When subcommittees are utilized, each SAC member, 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. 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.

At the September retreat, SAC members participated in strategic planning to identify strategies to best support the meaningful participation of all members. SAC members identified that, when the committee is engaged in brainstorming as a problem-solving approach, small group work may offer opportunities for members to provide input to a broader discussion in a more controlled, comfortable way.

Activities / Accomplishments of the SAC

During the period covered by this report, activities and accomplishments of the State Advisory Committee and its members included:

Some SAC Activities and Accomplishments for the 2018-2019 School Year:

- ◆ At the Annual SAC Retreat, SAC members, working in small groups, identified potential priority areas that SAC might want to focus on this year. The input from the 4 small groups was consolidated and provided at the October meeting so that SAC members could select priority areas for the year. After a vote by the membership, SAC identified the top 3, in order (note discipline and the use of law enforcement were suggested as separate potential priorities, but were combined into a single priority area):
 - Achievement, particularly in the areas of reading and math, and the achievement gap;
 - General education teachers not prepared to teach students with disabilities; and
 - School refusal/truancy.

Special education funding/finance was also identified as a major area of concern.

Other issues/areas that were identified, but which were not selected as priorities this year, are listed below. SAC members determined that some of these areas either were beyond the scope of our responsibilities or were not areas that we had the ability to impact, and for some areas, agreed limit our involvement, including by gathering additional information or making the Commissioner aware of our concern.

- Increasing the culture of inclusive education at all grades and levels;
 - IEPs, including ensuring that IEP goals are clear and measurable, and that parents have the information they need to understand and support their children’s progress;
 - Graduation rate and preparedness of graduates with disabilities for post-high school;
 - Personnel shortages in special education, and the impact of high-risk populations including children who experience behavioral challenges;
 - Intersectionality between special education and trauma, mental health and English language learners;
 - Training for paraprofessionals,
 - Family engagement; and
 - Secondary transition, including the need for clear and measurable transition goals.
- ◆ SAC identified special education funding (underfunding)/finance as one area of concern. A subcommittee of SAC members was formed to develop a presentation on the issue to the full SAC and identify the most significant issues related to funding of special education. That information was provided to the Commissioner, as well as to SAC member Senator Kahn, who was preparing legislation related to special education funding/finance. The presentation may be found in Appendix B.
 - ◆ SAC wrote a letter to the Commissioner of the NH Department of Education recognizing the financial and practical difficulties LEAs experience when Special Education Aid is underfunded and requesting that he express to the General Court the impact of underfunding Special Education and to request that they utilize any and all means to fully fund Special Education Aid.
 - ◆ SAC made recommendations to the NH DOE to assist them in determining NH’s “n” sizes for data collection on disproportionality.
 - ◆ SAC members provided input to the Department to inform the revision of the NH DOE’s website.
 - ◆ SAC, as part of the monthly agenda, had a “Bureau Update” where Santina and/or other key Bureau staff could provide SAC with information about current and new NH Department of Education projects, programs and initiatives impacting the education of children with disabilities.

A summary of some key information, initiatives, programs and projects discussed at Bureau Updates included:

- Information about the reorganization of the Department, which resulted in the Bureau of Special Education becoming part of a broader Bureau of Student Support. This Bureau includes special education, Title III, Migrant Education and Title 1. As part of the reorganization a Bureau of Governance was created, which is now responsible for addressing special education complaints. A position of Department Ombudsman was also created.
- Notified the SAC that the NH DOE was identified by OSEP as “meeting requirements” (the highest standard) for the 6th consecutive year;
- Overview of the Bureau’s responsibilities and activities related to their IDEA requirements for General Supervision;
- Overview of duties and responsibilities for State Advisory Panels [Committees] pursuant to IDEA and RSA 186-C;
- Information about Project SEARCH, a pre-employment service offered by the NH Bureau of Vocational Rehabilitation;
- Information about the Bureau of Vocational Rehabilitation’s move to an order of selection (wait list). SAC members were concerned about the implications for students with disabilities, which led to regular updates on the status of the order of selection;
- Overview/review of the NH Department of Education’s special education-related responsibilities, including the components of “General Supervision” under IDEA;
- Overview of the prior 3 years of targets of the State Performance Plan (SPP), current targets and SPP data demonstrating the State’s success or progress on achieving each of the targets, and a comparison of some of NH’s targets/data to those in Maine and Vermont;
- Information about the Special Education Complaint process, and a summary of the most common reasons for complaints to be filed (allegations), findings and other outcomes of complaints;
- Update on the status of the NH DOE’s grants offered through CAST, focused on Universal Design for Learning (UDL), which SAC identified last year as one of the strategies that supports the ability of students with disabilities to participate and progress in the general education curriculum and in general education settings;
- Information about positive employment practices and the recognition of several NH employers at the 10th Annual Employment Leadership Awards;
- Information about the unspent special education funds and the steps taken by the Department to ensure that the funds remain available to support special education in NH.

- Information about the newly established Code of Ethics and Code of Conduct for NH Educators
- Updates on the status of Equity in IDEA regulations
- ◆ Thanks to the efforts of several SAC members, SAC was able to fill several vacancies in our membership list. Additional new members are needed to fill new or ongoing vacancies.
- ◆ SAC formally approved a public comment policy, and decided that it will be made available to all attendees, along with other SAC meeting materials at SAC meetings.
- ◆ SAC members were made aware, through information shared by SAC members, by members of the general public during public comment, or from the Department, of success stories, and events promoting positive public awareness of disability/special education. These included:
 - Several students from a NH Special Education program participated in a TED Talk presentation;
 - A Disability Film Festival, including showing of “Intelligent Lives”;
 - Celebrations of October as National Learning Disabilities month, Statewide Parent Involvement Month, and National Bullying Prevention month.
 - Disability-related, broad topic or issue-specific conferences, workshops, and events.
- ◆ SAC members received a monthly “Legislative Update” to enhance their awareness/ understanding of relevant NH legislation being considered by the General Court and relevant NH rules being considered by the State Board of Education. When rules impacting the education of children with disabilities were before the State Board, the SAC provided public input.
- ◆ SAC provided input for public hearing on proposed revisions to He-M 1301, *Medical Assistance Services Provided by Education Agencies*, also known as the Medicaid to Schools Program
- ◆ SAC provided public comment on the proposed “Learn Everywhere” rules. While SAC did not take a position on the merits of the program, the committee did express concerns that there were many unanswered questions, making it impossible for SAC to support the proposed rule at this time. SAC members also expressed their support of the current ELO extended learning option.
- ◆ SAC submitted a letter to Commissioner Edelblut providing recommendations regarding special education funding/finance, particularly as they impact the education of NH children with disabilities

Below is an end-of-year review and update of SAC’s progress on each of the identified priorities:

- Achievement, particularly in the areas of reading and math, and the achievement gap;

- SAC supported the work done by the reading specialist established at the Department as a result of legislation, as well as the early screening for dyslexia and other reading difficulties. Now that early screening and the guidelines from the Department have been instituted, SAC would like to review the data to determine the impact.
 - SAC was pleased to learn about, and supported, the continued funding for the reading specialist at the Department.
- General education teachers not prepared to teach students with disabilities; and
 - SAC endorsed the Department's emphasis on Universal Design for Learning and other initiatives that increase the access of children with disabilities to the general education curriculum, in general education settings.
 - SAC continues to be concerned that the training programs that prepare NH educators may not be preparing them to teach all children, including children with and without disabilities, and the potential that this could lead to children with disabilities being placed in more restrictive settings.
 - SAC monitored the progress of HB 258 establishing a committee to study teacher preparation and education programs, particularly as it may impact teacher training in a way that better ensures that all teachers are prepared to teach all children, including children with disabilities.
 - Now that this committee has been established, SAC looks forward to receiving updates on its work as it applies to children with disabilities.
 - On a related issue, SAC members were very concerned with the current personnel shortages, including special educators, related service personnel and paraprofessionals.
- School refusal/truancy
 - SAC members identified 2 sources for additional information on this topic. Additional materials were sent to all SAC members. After reviewing the materials SAC will consider what next steps to take. As a first step, SAC expressed to the Department that this is a serious concern that impedes the ability of children with disabilities to access the general curriculum.
- Special education funding/finance.
 - SAC submitted a letter with recommendations, as part of our charge to advise the commissioner on the unmet needs of NH children with disabilities and to 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.

Appendix A:

Membership & Roles

A Copy of a Welcome Letter Sent to New Members

“Getting to Know the State Advisory Committee” Fact Sheet

State Advisory Committee on the Education of Children with Disabilities

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

Membership List – (All members are appointed by the Governor, unless noted otherwise) – Updated August 12, 2019

Membership Requirement:	Name	Contact Information	Term / Notes
2 members of the House education committee, appointed by the speaker of the House of Representatives	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
	Representative Tamara Le	92 Walnut Avenue North Hampton, NH 03862-2011 (603) 964-6403 Tamara.Le@leg.state.nh.us	Term continues until replaced by the appointing legislative body Tamara is also a parent
2 members of the Senate education committee, appointed by the President of the Senate	Senator Jean Dietsch	State House, Room 105-A 107 North Main Street Concord, NH 03301 (603) 271-4151/ (603) 271-8631 Jeanne.Dietsch@leg.state.nh.us	Term continues until replaced by the appointing legislative body
	Senator J. Kahn	State House, Room 115 107 North Main Street Concord, NH 03301 (603) 271-3077/ (603) 271-8631 Jay.Kahn@leg.state.nh.us	Term continues until replaced by the appointing legislative body
One state education official	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
One local education official, who shall be an administrator	Melissa McKeon Special Education Director	SAU #21 Hampton Falls mmckeon@sau21.org	Term expires January 23, 2021
One Administrator of a public special education program	Susan Rasicot, Director of Pupil Personnel Services & Special Education	Laconia, NH sasicot@aol.com	As of 8/12/2019, has received her appointment letter from the Governor
One representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities	Le'Ann Milinder NH State Director of IPPI	Institute of Professional Practice, Inc. 6 Chenell Drive, Suite 150 Concord, NH 03301 lmillinder@ippi.org	Term expires December 5, 2020
2 teachers, one of whom shall be a special education teacher	Kerri-Lynn Kimner	Amherst SAU 39 Amherst, NH kkimner@sprise.com	Reappointment term expires November 22, 2019
	Kari Grimes	Portsmouth, NH 03801 kgrimes@sau16.org	Appointment in Process – letter to the Governor's Office – 4/23/2019

Membership Requirement:	Name	Contact Information	Term / Notes
1 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 DHHS	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
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	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
One representative of the Disabilities Rights Center, recommended by the DRC	Karen Rosenberg, Senior Staff Attorney	Disability Rights Center – NH 64 N Main Street, Suite 2 Concord, NH 03301-4913 (603) 228-0432 (office) karenr@drcnh.org	Term expires November 22, 2019
One representative of the Parent Information Center, recommended by the Parent Information Center	Bonnie Dunham, Co-Vice-Chair	Parent Information Center 54 Old Suncook Road Concord, NH 03301 (603) 224-7005 bdunham@picnh.org	Term expires May 4, 2021
One representative of an institution of higher education that prepares special education and related services personnel	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
One representative of a private school approved for special education	Janet Reed, Principal	The RSEC Academy PO Box 370 / 31 Old Nashua Rd. Amherst, NH 03031 (603) 673-6656 jreed@rsec.org	Term expires October 17, 2020
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.	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
	Esther Kennedy	Portsmouth, NH ekennedy@sau73.org	Term expires February 20, 2021

Membership Requirement:	Name	Contact Information	Term / Notes
A representative from the state juvenile corrections agency (membership category required by IDEA)	Violetta Lortie, Special Needs Coordinator	Sununu Youth Services Center 1056 North River Road Manchester, NH 03104 (603) 625-5471 x256 violetta.lortie@dhhs.nh.gov	As of 8/12/2019, has received her appointment letter from the Governor
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	Gregory Magoon, Special Ed Coordinator NH Department of Corrections	NH Department of Corrections 281 North State Street Concord, NH 03301 (603) 520-0757 gemagoon@metrocast.net	Term expires December 5, 2020
	Jason Henry, Superintendent Carroll County	Carroll County, Dept. of Corrections 95 Water Village Road Ossipee, NH 03864 (603) 539-2282 ext. 2002 jhenry@cchoc.net	Reappointment term expires February 7, 2020
One representative of a public charter school	Christopher O'Reilly	P.O. Box 626 Marlborough, NH 03455 (603) 313-4623 chrisjoreilly@gmail.com	Appointment in Process – letter to the Governor's Office – 5/2/2019
One individual representing children with disabilities who are home schooled (also counts as a parent)	Alicia Ferguson	Peterborough, NH alaskafergusons@gmail.com	Term expires January 23, 2021
Individuals/Students with disabilities	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities	<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>
Parents of children with disabilities	Lisa Beaudoin Chair	Temple, NH lisa@herbanlivingfarm.org	Reappointment in Process – letter to the Governor's Office – 4/29/19
A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities	Elizabeth (Bebe) Casey	New London, NH bcasey1996@comcast.net	Reappointment in Process – letter to the Governor's Office – 4/29/19
	Meaghan Cullinane	Portsmouth, NH meaghancullinane@gmail.com	Term expires May 20, 2021
	Kevin Cushing	Hampton, NH kjhkcushing@myfairpoint.net	Term expires October 31, 2020
	Jill Hartmann	Chester, NH jill@hartmannlearning.com	Reappointment in Process – letter to the Governor's Office – 4/29/19
(continued on next page)			

Membership Requirement:	Name	Contact Information	Term / Notes
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 (continued from previous page)	Mike Pinard	Hooksett, NH mikepinard@comcast.net	Reappointment term expires June 1, 2021
	Sandra Raeuchle	New London, NH primitiveatheart@tds.net	Term expires January 21, 2021
	Moira Ryan	Londonderry, NH Army51kilo@hotmail.com	Reappointment in Process – letter to the Governor’s Office – 4/29/19
	Maureen Shields	Hollis, NH maureenshields@charter.net	Term expires February 6, 2021
	Vacancies	Vacancies	Vacancies

Vacancies:

- 1 member of the House Education committee
- 1 state education official (Was Lisa Hinson-Hatz; she has recommended Tina Greco to replace her)
- 2 representatives from the department of health and human services (both recommended by the commissioner of the DHHS):
 - 1 responsible for foster care
 - 1 involved in the financing or delivery of special education or related services to children with disabilities
- 1 representative of an institution of an institute of higher education that prepares special education and related services personnel (Jackie Kelleher is recommending someone to replace her)
- 1 state educational official responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. sec 11431, et seq, appointed by the governor.
- 1 or 2 individuals or student with a disability
- 7 additional parents of children with disabilities – the majority must be parents or individuals with disabilities

In Appreciation:

SAC wishes to recognize SAC members whose terms have ended or who have moved on during, or immediately preceding, this reporting period, for their service:

Kim Carter, MacKenzie Burke, Jack Curtin, Donna Curtin, Ann Davis, Rep. Jim Grenier, Lisa Hinson-Hatz, Jacqueline Kelleher, Ada McDowell, Rebecca Mitchell, Kathleen Olden, Mary Ellen Pantazis, Lynda Thistle-Elliott, Nicole Varasteh, Sen. David Watters and Heather Worthen

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 NH Department of Education staff. 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!

Lisa Beaudoin, Chair

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

Contact: 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 current may be found on the SAC's page on the NH Department of Education's website at: http://www.education.nh.gov/instruction/special_ed/sac.htm.

Why does NH have a State Advisory Committee?

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

What are the State Advisory Committee's responsibilities?

SAC's responsibilities include:

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

How can I learn more about the SAC?

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

Appendix B:

Copies of Presentations Provided to SAC

Minutes of SAC Meetings Held During this Reporting Period

May be found at:

http://education.nh.gov/instruction/special_ed/sac/sac_meet_min.htm#meet

Presentation Given at the September 12, 2018 SAC Meeting

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State Advisory Committee



IDEA and NH RSA 186-C:3-b, IV

IDEA –

The [State](#) must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the [State](#).

NH RSA-

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.

IDEA

34 CFR 300.169 Duties.

The advisory panel must—

- (a) Advise the SEA of unmet needs within the State in the education of children with disabilities;
- (b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- (c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
- (d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- (e) Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

NH RSA 186-C:3-b, IV

The advisory panel must—

(a) Advise the SEA of unmet needs within the State in the education of children 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.

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.

IDEA –

The advisory panel must—

(a) Advise the SEA of unmet needs within the State in the education of children with disabilities;

NH RSA -

The advisory panel must—

(a) Advise the SEA of unmet needs within the State in the education of children with disabilities;

NH RSA

The advisory panel must—

(b) Provide an annual report to the governor and the state legislature on the status of education of students with disabilities in New Hampshire.

IDEA –

The advisory panel must—

(b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

NH RSA

The advisory panel must—

(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.

IDEA -

The advisory panel must—

(c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;

NH RSA -

The advisory panel must—

(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.

IDEA -

The advisory panel must—

(d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and

NH RSA-

The advisory panel must—

(e) Advise the department of education in developing corrective action plans to address findings identified in federal monitoring reports.

IDEA -

The advisory panel must—

(e) Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities

NH RSA –

The advisory panel must—

(f) Advise the department of education in developing and implementing policies relating to the coordination of services for children/students with disabilities.

NH RSA-

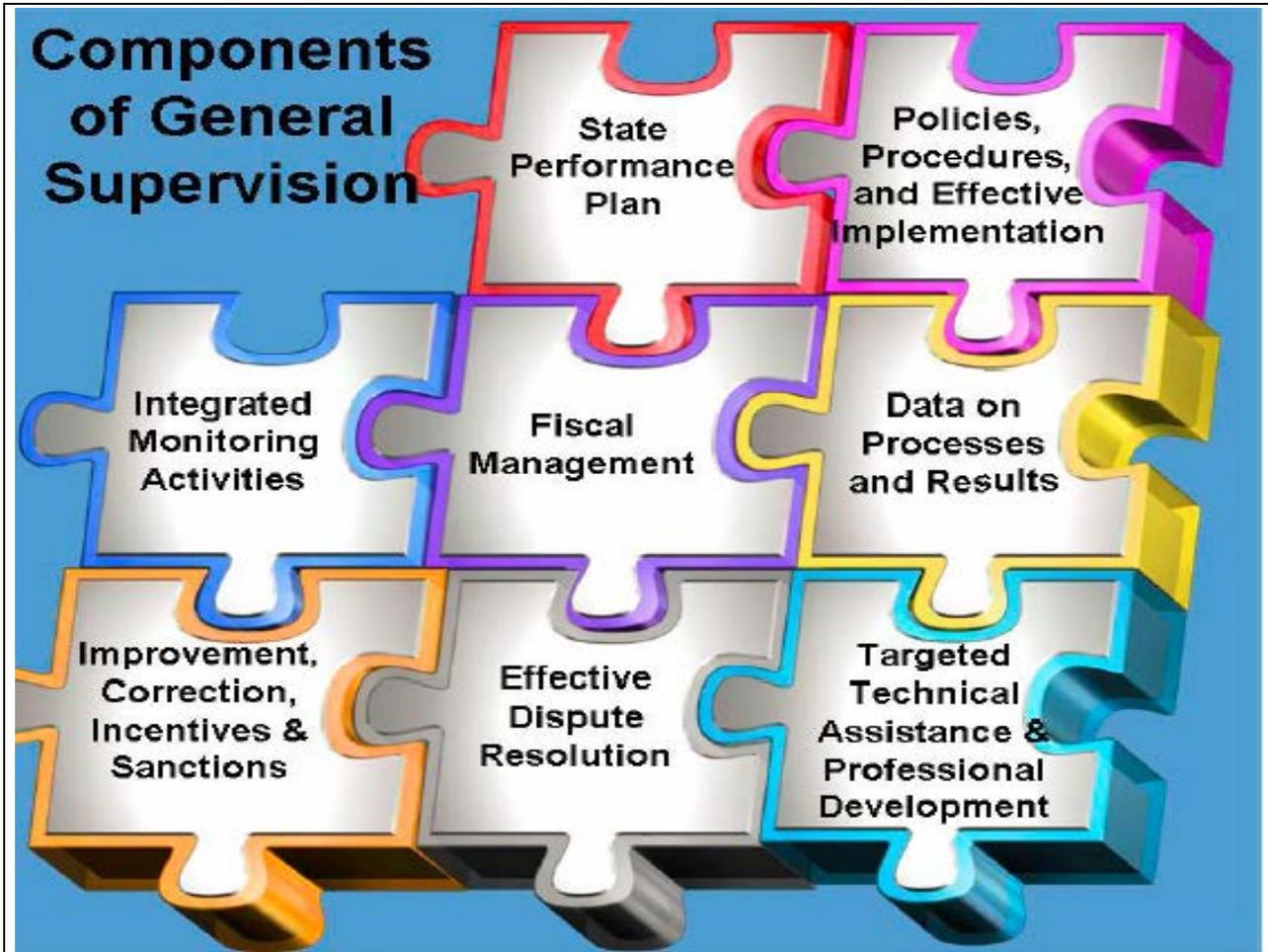
The advisory panel must—

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.

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INDICATOR 1 GRADUATION RATE
Based on 4 year cohort

Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma.

	ACTUAL DATA	STATE TARGET
FFY '14	71.54%	95%
FFY '15	72.67%	95%
FFY '16	72.73%	95%

INDICATOR 1 GRADUATION RATE
Based on 4 year cohort

Percent of youth with Individualized Education Programs Education Programs (IEPs) graduating from high school with a regular high school diploma.

	ACTUAL DATA	STATE TARGET
FFY '14	71.54%	95%
FFY '15	72.67%	95%
FFY '16	72.73%	95%

MAINE INDICATOR 1
4 Year Cohort

	ACTUAL DATA	STATE TARGET
FFY '14	70.97%	90%
FFY '15	73.88%	90%
FFY '16	72.37%	90%

VERMONT INDICATOR 1

4 Year Cohort

	ACTUAL DATA	STATE TARGET
FFY '14	70.26%	86%
FFY '15	79.85%	86%
FFY '16	80.77%	86%

INDICATOR 1 GRADUATION RATE

Based on 5 Year Cohort

Percent of youth with Individualized Education Programs (IEP's) graduating from high school with a regular high school diploma.

	NH	ME	VT
FFY '14	77.53%	N/A	79.62%
FFY '15	79.48%	N/A	79.38%
FFY '16	77.00%	73.27%	79.17%

REGULAR EDUCATION DATA - GRADUATION RATE

	NH	ME	VT
FFY '14	88.12%	87.16%	N/A
FFY '15	88.23%	86.67%	N/A
FFY '16	88.98%	86.45%	N/A

INDICATOR 2 DROP OUT RATE

Percent of youth with IEPs dropping out of high school.

	ACTUAL DATA	STATE TARGET
FFY '14	.53%	≤ .76%
FFY '15	.74%	≤ .76%
FFY '16	.87%	≤ .76%

MAINE INDICATOR 2

	ACTUAL DATA	STATE TARGET
FFY '14	18.55%	19.83%
FFY '15	16.15%	19.80%
FFY '16	17.23%	19.80%

VERMONT INDICATOR 2

	ACTUAL DATA	ACTUAL DATA
FFY '14	3.36%	3.25%
FFY '15	3.45%	3.25%
FFY '16	1.81%	3.25%

REGULAR EDUCATION DATA - DROPOUT RATE

	NH	ME	VT
FFY '14	1.04%	2.17%	N/A
FFY '15	1.12%	2.83%	N/A
FFY '16	1.12%	2.20%	N/A

INDICATOR 3 B

Participation rate in Statewide Assessments for children with IEPs.

READING

	ACTUAL DATA	STATE TARGET
FFY '14	91.10%	91.10%
FFY '15	92.32%	91.10%
FFY '16	91.78%	91.10%

MATH

	ACTUAL DATA	STATE TARGET
FFY '14	91.14%	91.14%
FFY '15	92.35%	91.14%
FFY '16	91.85%	91.14%

INDICATOR 3 C

Proficiency rate for children with IEPs against grade level and alternate grade level and alternate academic achievement standards.

READING

	ACTUAL DATA	STATE TARGET
FFY '14	19.31%	19.31%
FFY '15	20.06%	19.31%
FFY '16	18.99%	19.31%

MATH

	ACTUAL DATA	STATE TARGET
FFY '14	13.29%	13.29%
FFY '15	14.25%	13.29%
FFY '16	14.17%	13.29%

INDICATOR 4 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 IEP's;

	ACTUAL DATA	STATE TARGET
FFY '14	1.71%	1.15%
FFY '15	0.57%	1.15%
FFY '16	0.57%	1.15%

INDICATOR 4 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 IEP's; and (b) policies, procedures or practices that do not comply with requirements relating to the development and implementation of IEP's, the use of positive behavioral interventions and supports, and procedural safeguards.

	ACTUAL DATA	STATE TARGET
FFY '14	0.00%	0.00%
FFY '15	0.00%	0.00%
FFY '16	0.00%	0.00%

**INDICATOR 5 EDUCATION ENVIRONMENTS FOR
CHILDREN 6 - 21**

A. Inside the regular class 80% or more of the day.

	ACTUAL DATA	STATE TARGET
FFY '14	72.34%	72.85%
FFY '15	72.44%	72.85%
FFY '16	71.71%	72.85%

INDICATOR 5 EDUCATION ENVIRONMENTS FOR CHILDREN 6 - 21

B. Inside the regular class less than 40% of the day.

	ACTUAL DATA	STATE TARGET
FFY '14	8.47%	7.97%
FFY '15	8.44%	7.97%
FFY '16	8.79%	7.97%

INDICATOR 5 EDUCATION ENVIRONMENTS FOR CHILDREN 6 - 21

C. In separate schools, residential facilities, or homebound/hospital placements.

	ACTUAL DATA	STATE TARGET
FFY '14	2.67%	2.61%
FFY '15	2.73%	2.61%
FFY '16	2.88%	2.61%

INDICATOR 6 PRESCHOOL ENVIRONMENTS

A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;

	ACTUAL DATA	STATE TARGET
FFY '14	56.48%	50.36%
FFY '15	58.08%	51.00%
FFY '16	58.07%	53.00%

INDICATOR 6 PRESCHOOL ENVIRONMENTS

B. Separate special education class, separate school or residential facility.

	ACTUAL DATA	STATE TARGET
FFY '14	15.64%	18.22%
FFY '15	14.00%	17.50%
FFY '16	13.11%	16.00%

INDICATOR 7 PRESCHOOL OUTCOMES

A. Positive social-emotional skills (including social relationships)

1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program.

	ACTUAL DATA A1	STATE TARGET A1	ACTUAL DATA A2	STATE TARGET A2
FFY '14	82.40%	79.50%	62.13%	61.60%
FFY '15	79.71%	79.50%	59.98%	61.60%
FFY '16	82.88%	79.50%	58.35%	61.60%

INDICATOR 7 PRESCHOOL OUTCOMES

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy).

1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age, or exited the program.

2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program.

	ACTUAL DATA B1	STATE TARGET B1	ACTUAL DATA B2	STATE TARGET B2
FFY '14	81.52%	78.90%	60.68%	60.90%
FFY '15	79.98%	79.00%	58.78%	61.00%
FFY '16	80.67%	79.00%	57.04%	61.00%

INDICATOR 7 PRESCHOOL OUTCOMES

C. Use of appropriate behaviors to meet their needs

1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program.

	ACTUAL DATA C1	STATE TARGET C1	ACTUAL DATA C2	STATE TARGET C2
FFY '14	80.91%	76.80%	66.21%	63.20%
FFY '15	76.95%	77.00%	63.11%	63.20%
FFY '16	84.65%	77.00%	63.20%	72.59%

INDICATOR 8 PARENT INVOLVEMENT

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.

	ACTUAL DATA	STATE TARGET
FFY '14	35.40%	36.00%
FFY '15	41.55%	36.00%
FFY '16	39.62%	37.00%

INDICATOR 9 DISPROPORTIONATE REPRESENTATION

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

	ACTUAL RATE	TARGET RATE
FFY '14	0.00%	0.00%
FFY '15	0.00%	0.00%
FFY '16	0.00%	0.00%

INDICATOR 10 DISPROPORTIONATE REPRESENTATION IN SPECIFIC DISABILITY CATEGORIES

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

	<u>ACTUAL DATA</u>	<u>STATE TARGET</u>
FFY '14	0.00%	0.00%
FFY '15	0.00%	0.00%
FFY '16	0.00%	0.00%

INDICATOR 11 CHILD FIND

Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the state establishes a timeframe within which the evaluation is to be conducted, within that timeframe.

	<u>ACTUAL DATA</u>	<u>STATE TARGET</u>
FFY '14	96.11%	100.00%
FFY '15	95.92%	100.00%
FFY '16	94.96%	100.00%

INDICATOR 12 EARLY CHILDHOOD TRANSITION

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

	<u>ACTUAL DATA</u>	<u>STATE TARGET</u>
FFY '14	96.86%	100.00%
FFY '15	97.67%	100.00%
FFY '16	97.13%	100.00%

INDICATOR 13 SECONDARY TRANSITION

Percent of youth with IEP's aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based on age appropriate transition services, including course 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.

	ACTUAL DATA	STATE TARGET
FFY '14	54.67%	100.00%
FFY '15	56.76%	100.00%
FFY '16	56.90%	100.00%

INDICATOR 14 POST-SCHOOL OUTCOMES

Percent of youth who are no longer in secondary school, had IEP's in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed in some other employment within one year of leaving high school.

	ACTUAL DATA A	STATE TARGET A	ACTUAL DATA B	STATE TARGET B	ACTUAL DATA C	STATE TARGET C
FFY '14	35.52%	36.56%	67.14%	63.11%	80.57%	77.78%
FFY '15	38.89%	39.56%	66.67%	63.11%	81.48%	77.78%
FFY '16	29.48%	39.56%	62.31%	63.11%	80.22%	77.78%

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Special Education Complaints

June 30, 2017- July 1, 2018



*New Hampshire Department of Education
Bureau of Special Education
Improving Outcomes for Students with Disabilities Together*

Special Education Complaints

- When someone believes that a school district has violated special education rules and/or laws, they may file a complaint.
- The NHDOE may investigate the complaint if it meets the criteria in Ed 1121 Complaint Procedures
- The investigation may result in findings of non-compliance for the school district.
- Findings of non-compliance require corrective action which is determined by the NHDOE.

Allegations

- When if a complaint meets the criteria in Ed 1120, the NHDOE creates “allegations”.
- The allegations are the basis of the investigation.
- Allegations cite specific rules and laws:
 - The New Hampshire Standards for the Education of Children with Disabilities (NH Standards, represented by an “Ed” number)
 - The Individuals with Disabilities in Education Act (IDEA, represented by a number beginning with 34 CFR 300)

IEP Team

- Ed 1103.01(e)- The LEA or parent shall notify the other party of the expected absence of a team member at least 72 hours before a scheduled meeting or upon learning of the expected absence of a team member, whichever occurs first.
 - 1 allegation

Parent Participation

- **Ed 1103.02(a)** The LEA shall ensure that the parent or parents of the child with a disability receive a written notice no fewer than 10 days before an IEP meeting. If the parent(s) agrees in writing, the LEA may satisfy this requirement via transmittal by electronic mail. Such an agreement shall be effective until revoked in writing. A notice sent by first class or certified U.S. mail 12 days prior to the meeting shall be deemed received 10 days before an IEP team meeting.
 - 2 allegations
- **Ed 1103.02(d)** The notice requirements in Ed 1103.02(a) and (b) shall be waived with the written consent of the parent.
 - 1 allegation
- **Ed 1103.02(e)** Parent participation shall be in accordance with 34 CFR 300.322 and 34 CFR 300.501(b)-34 CFR 300.501(c).
 - 3 allegations

Process; Provision of FAPE (referral)

- **Ed 1106.01(d)** The IEP team shall within 15 business days of the referral, determine whether the concerns raised by the referral can be addressed utilizing existing pupil support services available to all children, whether additional information is required, and what evaluations, if any, are needed to address any remaining concerns raised by the referral;
 - 1 allegation

Evaluation

- **Ed 1107.01(d)**- For reevaluations, the evaluation process as defined in Ed 1102.02(n) shall be completed within 60 days after the receipt of parental consent to evaluate, or at the conclusion of any extension provided in Ed 1107.01(e).
 - 2 allegations



- **Ed 1109.03(a)**- The LEA shall provide special education, related services, supplementary aids and services, accommodations, and modifications to a child with a disability in accordance with the child's IEP. IEPs shall be in effect in accordance with 34 CFR 300.323.
- 15 allegations

Monitoring and Annual Review of IEPs



- **Ed 1109.06(b)** The LEA, upon a written request for an IEP team meeting by the parent, guardian, or adult student shall:
 - (1) Schedule a mutually agreeable time and date for an IEP team meeting;
 - (2) Convene the IEP team on the mutually agreeable time and date; or
 - (3) Provide the parent, guardian, or adult student with written prior notice detailing why the LEA refuses to convene the IEP team that the parent, guardian, or adult student has requested.
- 2 allegations

Class Size and Age Range



- **Ed 1113.10(d)(3)&(6)**- The following shall apply to a self-contained special education class grades K - 12:
 - (3) The maximum number of children in a self-contained classroom shall be 12;
 - (6) Regardless of the specific teacher-student ratio, each program shall provide personnel who are endorsed in the area of disability consistent with the student population of the program;
- 1 allegation

Personnel Standards

- Ed 1113.12(a)- Personnel providing services to children with disabilities in public elementary and secondary schools shall be highly qualified special education teachers as required under 34 CFR 300.18 and 34 CFR 300.156, except as provided in Ed 1113.12 (b) and (c) for paraprofessional personnel.
 - 1 allegation
- Ed 1113.12(b)(1)&(2)- Paraprofessional personnel providing services to children with disabilities shall:
 - (1) Work under the supervision of a certified special education teacher;
 - (2) Be supervised and observed by a certified special education teacher under whom they work as often as deemed necessary by the LEA, but no less than once each week;
 - 2 allegations

Personnel Standards

- Ed 1113.12 (c)- Paraprofessional personnel providing services to children with disabilities shall not:
 - (1) Design programs;
 - (2) Evaluate the effectiveness of programs;
 - (3) Assume responsibilities of a teacher or a substitute teacher; or
 - (4) Instruct a child with a disability.
 - 1 allegation

Placement in the Least Restrictive Environment

- Ed 1111.01 (a) Each LEA shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private providers of special education, are educated with children who do not have disabilities and that, consistent with 34 CFR 300.114, special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - 1 allegation

Initiating a Request for Appointment of a Surrogate Parent.

- **Ed 1115.02 (a)** -Any employee of an LEA, the department, or a residential school or hospital, any physician, any judicial officer, or any other person who knows or believes that a child's parent is not known, or is not able to be located, or that the child is under legal of DCYF, or any person who knows or believes that a court has issued a written order for a surrogate parent, shall initiate the appointment of a surrogate parent, pursuant to Ed 1115.02(b).

➤ 1 allegation

Confidentiality Requirements

- **Ed 1119.01(a)** Each participating agency shall comply with 34 CFR 300.610-300.627, relative to confidentiality of information, including compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232G, (FERPA) and its implementing regulations in 34 CFR Part 99.

➤ 1 allegation

Written Prior Notice

- **Ed 1120.03(a)**- Parent(s) of a child with a disability shall be notified in writing within a reasonable time, but not less than 14 days, before the LEA proposes to initiate or change, or refuses to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.

➤ 3 allegations

Written Prior Notice

- **Ed 1120.04(a)** An LEA shall obtain informed, written consent from the parent of a child with a disability prior to:
 - (1) Conducting an initial evaluation;
 - (2) Initial provision of special education and related services to a child with a disability;
 - (3) Annual renewal of the IEP and placement of a child with a disability;
 - (4) Determining or changing the disability classification;
 - (5) Changing the nature or extent of the special education or special education and related services;
 - (6) Conducting a reevaluation;
 - (7) Access to public insurance pursuant to 34 CFR 300.154(d); and
 - (8) Each time the public agency proposes to access private insurance.
- 2 allegations

Consent

- **34 CFR 300.9** *Consent* means that—
 - (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication;
 - (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
 - (c) (i) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
 - (2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
 - (3) If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.
- 1 allegation

IEP Team

- **34 CFR 321(a)(2)** *General*. The public agency must ensure that the IEP Team for each child with a disability includes—Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
- 2 allegations
- **34 CFR 321(e)(2)** A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—
 - (i) The parent, in writing, and the public agency consent to the excusal; and
 - (ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.
- 1 allegation

Parent participation

- **34 CFR 300.322(a)** Public agency responsibility—general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate
 - 3 allegations
- **(B)** That the agency will invite the student;
 - 1 allegation
- **(c)** Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation)
 - 1 allegation
- **(e)** *Use of interpreters or other action, as appropriate.* The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
 - 1 allegation

When IEPs must be in effect

- **34 CFR 300.323(c)(1)**- **(c) Initial IEPs; provision of services.** Each public agency must ensure that—
 - (1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
 - 1 allegation

Opportunity to examine records; parent participation in meetings

- **34 CFR 300.501 (b)**- **Parent participation in meetings.** (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—
 - (i) The identification, evaluation, and educational placement of the child; and
 - (ii) The provision of FAPE to the child.
 - 1 allegation

Prior Notice By the Public Agency

- **34 CFR 300.503(a) Notice.** Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—
 - (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- 1 allegation

Prior Notice by the Public Agency

- **34 CFR 300.503(c)- Notice in understandable language.** (1) The notice required under paragraph (a) of this section must be—
 - (i) Written in language understandable to the general public; and
 - (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- 1 allegation

Presentation Given at the October 3, 2018 SAC Meeting

All SAC presentations, meeting agendas and minutes may be found at:
https://www.education.nh.gov/instruction/special_ed/sac/sac_meet_min.htm#meet

~ Special Education Funding



*Understanding
Funding for
Students with IEPs*

10-2018



Who is This All About?



Key points:

- NH has 29,000+ children with disabilities.
- Students with disabilities are students first

STUDENTS WITH DISABILITIES DATA – Students with Disabilities				
Year	Ages 3-5		Ages 6-21	
	Ages 3-5	% Change from prev. year)	Ages 6-21	% Change (from prev. year)
2000	2,387		27,690	
2001	2,452	2.72%	27,818	0.46%
2002	2,570	4.81%	28,411	2.13%
2003	2,586	0.62%	28,725	1.11%
2004	2,709	4.76%	28,966	0.84%
2005	2,902	7.12%	28,880	-0.30%
2006	2,905	0.10%	28,494	-1.34%
2007	2,523	-13.15%	29,751	4.41%
2008	2,891	14.59%	27,265	-8.36%
2009	3,090	6.88%	27,120	-0.53%
2010	3,135	1.46%	26,785	-1.24%
2011	3,158	0.73%	26,264	-1.95%
2012	3,227	2.18%	26,102	-0.62%
2013	3,173	-1.67%	25,838	-1.01%
2014	3,332	5.01%	25,646	-0.74%
2015	3,335	0.09%	25,471	-0.68%
2016	3,547	6.36%	25,388	-0.33%

Student Count Students with Disabilities

Year	Students with Disabilities					
	Total Count	%Change	Ages 3-5	Ages 3-5 % Change	Ages 6-21	Ages 6-21 % Change
2017	29,171	0.82%	3,522	-0.70%	25,649	1.03%

STUDENTS WITH DISABILITIES DATA – Compare to All Students				
Year	Students with Disabilities		District Enrollment	
	Total Count	% Change (from prev. year)	Total Count (as of Oct. 1 st)	% Change (from prev. year)
2000	30,077			
2001	30,270	0.64%	206,847	
2002	30,981	2.35%	207,671	0.40%
2003	31,311	1.07%	207,417	-0.12%
2004	31,675	1.16%	206,852	-0.27%
2005	31,782	0.34%	205,767	-0.52%
2006	31,399	-1.21%	203,572	-1.07%
2007	32,274	2.79%	200,772	-1.38%
2008	30,156	-6.56%	197,956	-1.40%
2009	30,210	0.18%	197,160	-0.40%
2010	29,920	-0.96%	194,022	-1.59%
2011	29,422	-1.66%	190,805	-1.66%
2012	29,329	-0.32%	187,963	-1.49%
2013	29,011	-1.08%	185,320	-1.41%
2014	28,978	-0.11%	183,604	-0.93%
2015	28,806	-0.59%	181,339	-1.23%
2016	28,935	0.45%	179,734	-0.89%

PERCENT OF POPULATION WHO ARE CHILDREN WITH DISABILITIES (IDEA), AGES 3 THROUGH 21

Age	State (%) SY 2014-2015	State (%) SY 2015-2016	State (%) SY 2016-2017	Nation (%) SY 2016-2017
3 through 5	8.2	8.4	8.9	6.3
6 through 21	9.6	9.7	9.8	9.1

Explanatory Note: The percentage of the population who are children with disabilities (IDEA) in the state and nation as of the state designated special education child count date, for the age ranges of 3 through 5 and 6 through 21. Data reported for IDEA Child Count and Educational Environments and Census. National IDEA Child Count and Educational Environments data represent the US, Outlying Areas, and Freely Associated States and national Census data represent the 50 states and DC (including BIE).

NH-B data rubric 2018

<https://osep.grads360.org/#report/apr/2016B/publicView?state=NH&ispublic=true>

State Professional Development Grant (SPDG) Award

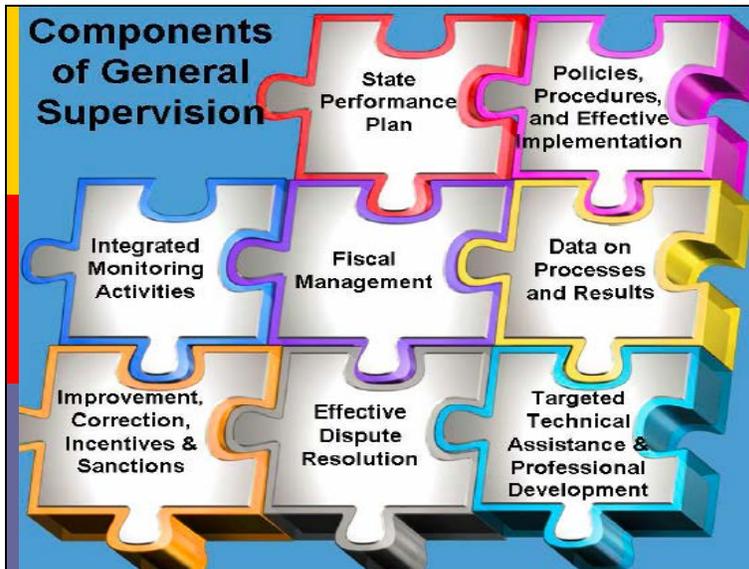
The NH Department of Education, Bureau of Special Education is pleased to announce it has been awarded a State Personnel Development Grant from the U.S. Department of Education in the amount of \$3,850,000.00 to expand the implementation of NH’s State Systemic Improvement Plan over the next five years (\$770,000.00 per year). The goal is to improve the social-emotional outcomes for preschool students with disabilities through the implementation of the evidence-based Pyramid Model Framework.

General Supervision



Federal Law requires that states have a system of General Supervision to monitor the implementation of IDEA.

The primary focus of this system is to improve educational outcomes for all students with disabilities.



Office of Special Education Programs

- OSEP determines that New Hampshire meets the requirements and purposes of Part B of the IDEA

Meet Requirements - 5 consecutive years

- 2017
- 2016
- 2015
- 2014
- 2013

IDEA Funding

*The purpose of IDEA Part B grants is to assist States, outlying areas, freely associated States, and the Secretary of the Interior to provide **special education** and related services to children with disabilities, including that children with disabilities have access to a free appropriate public education (FAPE).*

Congress promised to shoulder 40 percent of each state's "excess cost" of educating children with disabilities, but it has never lived up to this obligation. Currently, the federal government provides less than half of the promised funding (17 percent).

IDEA Funding Formula Fiscal Year 2019

District	Base Year	Enrollment	Poverty	District Total
State Totals	\$14,262,653.00	\$25,142,824.90	\$4,436,969.10	\$43,842,447.00
	<i>This amount was established in FY 99 (December 1st child count 1999) and has not change since</i>	85%	15%	

Calculating the Three – Part Formula

\$43,842,447.00	Total Allocation
- 14,262,653.00	Base Year
29,579,794.00	Remaining balance to calculate enrollment and poverty

Calculating Enrollment and Poverty

85% of the Remaining Balance = Enrollment
 15% of the Remaining Balance = Poverty



District	Base Year	Enrollment	Poverty	District Total
State Totals	\$14,262,653.00	\$25,142,824.00	\$4,436,969.10	\$43,842,447.00
Calculating Per student cost	\$529.03	\$144.13	\$105.16	
	<i>December 1st child count of 1999</i>	<i>October 1st Total Student Enrollment Count for Kind, Elementary, Middle, High/ Enrollment</i>	<i>October 1st Free/Reduced School Lunch Eligibility Enrollment</i>	
		\$25,142,824.00 / 174,452=	\$4,436,969.10 / 42,192	

District	Base Year	Enrollment	Poverty	District Total
Calculating Per student cost	\$529.03	\$144.13	\$105.16	
District A	101 students December 1 st child count of 1999	637 October 1 st Total Student Enrollment Count	50 October 1 st Free/Reduced School Lunch Eligibility Enrollment	
	\$53,432.03	\$91,810.81	\$5,258.00	\$150,500.84

Permissive Use of IDEA Funds by Districts

Examples

- Cost of special education and related services, and supplementary aids and services
- Early intervening services
- Administrative case management

State Laws: RSA 186-C

<u>Are there Requirements for School Districts?</u>	<u>Is Funding Provided?</u>	<u>Can a School District "Opt Out"?</u>
YES	YES (including through RSA 198:40-a)	NO

RSA 198:40- a

Cost of an Opportunity for an Adequate Education

For fiscal year 2018 and 2019-

The cost of **\$3,636.06** per pupil

Differentiated aid:

- **\$1,818.02** per pupil who are eligible for free or reduced lunch
- **\$711.40** per pupil who are English language learners
- **\$1,956.09** per pupil receiving special education
- **\$711.40** *per pupil in the 3rd grade who took the statewide assessment & scored below the proficient level in reading

*(*Provided the pupil is not eligible to receive differentiated aid in the other categories)*

Pupil who is receiving special education services-

\$3,636.06 per pupil

\$1,956.09 per pupil receiving special education

\$5,592.17

Pupil who is receiving special education services and free and reduced lunch (FRL) -

\$3,636.06 per pupil

\$1,956.09 per pupil receiving special education

\$1,818.02 per pupil who are eligible for FRL

\$7,410.19

Adequate Education Aid

Adequate Education Aid is computed for each city, town and unincorporated place. Not all towns operate schools, but each town pays for the education of the students that are residents of the town. Adequacy Aid is based on the average daily membership (ADM) of resident students.

https://www.education.nh.gov/data/state_aid.htm

Special Education Aid

formerly called Catastrophic Aid (Cat Aid)

□ *See Document*

Court Ordered Students Chapter 402

Student must have a court order

District's pay 3 times the estimated state average expenditure per pupil cost (ESAEPP) is \$15,351.73 for the 2017-2018 school year.

$$3 \times \$15,351.73 = \$46,055.19$$

Court Ordered Students Chapter 402

School Districts pays up to \$46,055.19.

After the \$46,055.19, school districts submit the invoices to the Bureau of Special Education and we pay the private provider.

Outcomes

According to NH's most recent Annual Performance Plan:

- ❖ Compared to the national average, NH has a higher percentage of students with disabilities educated in the regular classroom in school-district public schools
- ❖ NH's percentage of students with disabilities who graduate from high school is one of the highest & our drop-out rate is among the lowest
- ❖ More than 81% 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 highest in the country



Presentation Given at the March 6, 2019 SAC Meeting

All SAC presentations, meeting agendas and minutes may be found at:

https://www.education.nh.gov/instruction/special_ed/sac/sac_meet_min.htm#meet

Special Education Personnel



*New Hampshire Department of Education
Bureau of Special Education
Improving Outcomes for Students with Disabilities*

Personnel Facts

Data on Special Education Teachers and Paraprofessionals

- Student-Teacher and Student-Paraprofessional ratios in New Hampshire
- A personnel comparison with other states that have similar number of students with disabilities that receive special education and related services (child count).

New Hampshire Data for Ages 3-5

Ages 3-5: Paraprofessional to Student Ratio

	2013	2014	2015	2016	2017
Paraprofessionals	1:8	1:7	1:7	1:7	1:5

Ages 3-5: Teacher to Student Ratio

	2013	2014	2015	2016	2017
Teachers	1:18	1:18	1:18	1:16	1:13

*Reported from the New Hampshire Personnel Survey and Child Count

New Hampshire Data for Ages 6-21

Ages 6-21: Paraprofessional to Student Ratio

	2013	2014	2015	2016	2017
Paraprofessionals	1:4	1:4	1:4	1:4	1:4

Ages 6-21: Teacher to Student Ratio

	2013	2014	2015	2016	2017
Teachers	1:12	1:12	1:12	1:12	1:13

*Reported from the New Hampshire Personnel Survey and Child Count

Cross State Data for Ages 3-5

Paraprofessional to Student Ratio State Comparisons

State	Paraprofessionals			
	2013	2014	2015	2016
New Hampshire	1:8	1:8	1:7	1:7
Rhode Island	1:12	1:27	1:23	1:18
Maine	1:88	1:76	1:73	1:73
Idaho	1:55	1:125	1:119	1:112

[*https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/](https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/)

Cross State Data for Ages 3-5

Teacher to Student Ratio State Comparisons

State	Teachers			
	2013	2014	2015	2016
New Hampshire	1:19	1:19	1:19	1:16
Rhode Island	1:26	1:20	1:18	1:18
Maine	1:67	1:60	1:62	1:62
Idaho	1:30	1:27	1:29	1:18

[*https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/](https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/)

Cross State Data for Ages 6-21

Paraprofessional to Student Ratio State Comparisons

State	Paraprofessionals			
	2013	2014	2015	2016
New Hampshire	1:4	1:4	1:4	1:4
Rhode Island	1:12	1:15	1:12	1:12
Maine	1:7	1:6	1:6	1:6
Idaho	no data	1:16	1:15	1:15

[*https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/](https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/)

Cross State Data for Ages 6-21

Teacher to Student Ratio State Comparisons

State	Teachers							
	2013		2014		2015		2016	
	Ratio	Certified	Ratio	Certified	Ratio	Certified	Ratio	Certified
New Hampshire	1:12	100%	1:12	100%	1:12	100%	1:12	100%
Rhode Island	1:12	99%	1:12	99%	1:13	99%	1:13	99%
Maine	1:14	91%	1:15	93%	1:15	91%	1:15	90%
Idaho	1:10	22%	1:11	33%	1:11	30%	1:10	32%

*<https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/>

Critical Shortage List Facts

What determines if a certification is a critical shortage?

1. All SAUs receive a survey from the NHDOE based on the previous year. Example:
2018 survey based on data from September 2016-August 2017
2. Districts report on the following areas:
 - number of open positions for special education teachers
 - number of open positions deemed difficult to fill
3. District data is compiled into state totals for both areas
4. If 25% of the open positions were difficult to fill, the certification area is determined to be critical shortage.

*NHDOE Bureau of Certification

Critical Shortage List

Example

Based on the state results from the NHDOE survey, there was:

400 special education teacher openings

100 of those openings were deemed difficult to fill

The difference is 25%.

Since 25% meets the minimum criteria, the certification becomes a critical shortage area.

Alternative Certification Pathways

Alternative IV is for people who seek certification through a non-traditional means. This is for certifications that are **ON** the critical shortage list.

Alternative V is for people who seek a certification through a non-traditional means. This is for certifications that are **NOT** on the critical shortage list.

Based on the current certification rules, those who seek **general special education certification cannot use Alternative V**. The only means of obtaining certification through a non-traditional mean is Alternative IV.

The NHDOE can use discretion to determine if a certification area is on the critical shortage list if it does not meet the 25% minimum requirement.

Usually, general special education meets the criteria, but on those years which is it does not, typically it stays on the list because it is the only non-traditional means to obtain certification.

*NHDOE Bureau of Certification

Recruitment and Retention

The Bureau aims to increase
hands-on knowledge and skills
to build and maintain successful careers
in special education.

Bureau Efforts for Recruitment

Each year, the Bureau works increasingly more with higher education to prepare teachers for New Hampshire schools.

New Hampshire Institutions include:

- Keene State College
- Plymouth State College
- NHTI

Bureau Successes

- Collaborated with with college professors to add or alter curriculum using evidenced-based practices to prepare students on topics related to improving student outcomes;
- Provide direct training at college classes to students to build knowledge and hands-on skills that are required for special education teachers.

Bureau Efforts for Retention

Each year, Bureau staff work directly with current New Hampshire special education teachers to improve knowledge and skills.

From FY 2016-2018

- 273 trainings conducted
 - 244 face-to-face trainings
 - 29 webinars/modules
- 597 combined hours of training
- 2,858 participants

Improving Knowledge and Skills

Trainings Provided for Teachers

- Getting to Know Bookshare for Teachers and Parents
- Understanding the Newly Adopted NH Rules
- Post-secondary transition
- NHSEIS
- Conducting Timely Evaluations
- Writing Measurable Annual Goals
- Accommodations and Modifications
- Specially Designed Instruction
- Understanding the Special Education Process
- Understanding the Discipline Process
- Universal Design for Learning Training
- Sign-Language Skills for Education Interpreter Certification
- Follow-up Coaching Sessions

Presentation Given at the April 3, 2019 SAC Meeting

All SAC presentations, meeting agendas and minutes may be found at:
https://www.education.nh.gov/instruction/special_ed/sac/sac_meet_min.htm#meet



New Hampshire
Department of Education

CONTINUED EXCELLENCE
ELEVATING AN ESTEEMED PROFESSION

Christine M. Brennan, Deputy Commissioner;
Diana E. Fenton, Esq. Chief, Governance Unit;
Stephen Appleby, Administrator, Bureau of
Credentialing;
Richard Farrell, Investigator

“An ethics code reflects a collective decision that a profession is better off when ethical standards are not based solely on individual assessments of what is or is not acceptable.”

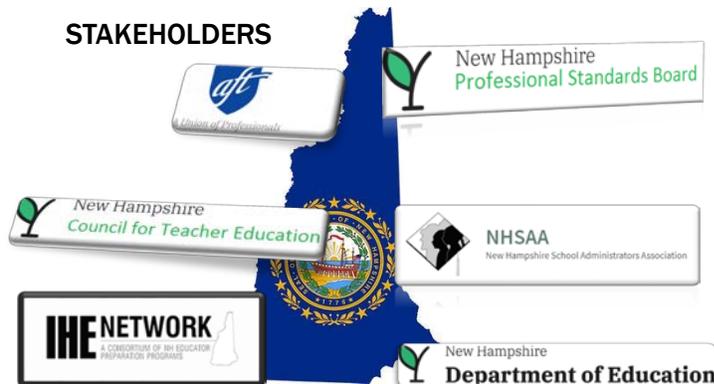
Fisher, C. (2013). Decoding the Ethics Code: A practical guide for psychologists (3rd edition).

**Code of Conduct is Not Punishment—
It is about Process!!!**

HISTORY OF CREATING CODE OF ETHICS & CODE OF CONDUCT

June 2015—PSB began to look into a code of ethics;
August 2016—Commissioner Barry created Ethics Task Force;
Sept-Dec 2016—Task Force begins work on Code of Ethics;
April 2017—HB 210 signed into law;
Sept-Dec 2017—Task Force transitions focus to Code of Conduct;
Summer of 2018—State Board accepts Code of Ethics;
November 2018—State Board adopts Code of Conduct

STAKEHOLDERS



New Hampshire
Department of Education

STATUTE

TITLE I
LAW AND ITS GOVERNORS
CHAPTER 21-N
DEPARTMENT OF EDUCATION
Section 21-N:9

(c) The establishment and enforcement of a code of ethics for certified educational personnel, which shall be adopted no later than July 1, 2018. This professional code shall include a statement of purpose and standards defining each of the 4 primary principles which are:

- (A) Responsibility to the education profession and educational professionals.
- (B) Responsibility to students.
- (C) Responsibility to the school community.
- (D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.

(2) The professional code of ethics shall apply to all teachers, supervisors, administrators, and other personnel licensed or seeking licensure in the education profession in the state of New Hampshire. In this subparagraph, "teacher" means a person who has applied for or holds a valid teaching license, credential, or other equivalent certificate issued by the state board of education.

RSA 21-N:9, II(CC)



RULES

PART Ed 510 CODE OF CONDUCT
Section Ed 510.01 Principle 1 – Responsibility to the Education Profession and Educational Professionals
Section Ed 510.02 Principle 2 – Responsibility to Students
Section Ed 510.03 Principle 3 – Responsibility to the School Community
Section Ed 510.04 Principle 4 – Responsible and Ethical Use of Technology
Section Ed 510.05 Duty to Report

... Responsibility to the Education Profession and ...
... Principle 2 – Responsibility to Students
... Principle 3 – Responsibility to the School Community
... Principle 4 – Responsible and Ethical Use of Technology
... Duty to Report

... DENIAL, INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS
... Section Ed 511.01 Complaints, Cases and Investigations
... Section Ed 511.02 Reprimand, Suspension, or Revocation
... Section Ed 511.03 Disciplinary Hearings
... Section Ed 511.04 Status of a Conditional Finding Complete of Disciplinary Proceeding
... Section Ed 511.05 Grounds for Reinstatement After Suspension

... PART Ed 512 DENIAL OR CERTIFICATION

... MASTER PLAN AND RECERTIFICATION
... of Local Professional Development Master Plan
... of Educators Under the Professional Development Master Plan
... of Educators Not Under the Local Professional Development Master Plan

... REQUIREMENTS FOR INITIAL CERTIFICATION
... Section Ed 514.01 Basic Academic Skills and Subject Area Assessment
... Section Ed 514.02 Validation Studies
... Section Ed 514.03 Highly Qualified Teacher

... PART Ed 600 APPROVAL OF PROFESSIONAL PREPARATION PROGRAMS

... PART Ed 601 DEFINITIONS
... Section Ed 601.01 Definition

... PART Ed 602 PROCEDURES FOR APPROVAL
... Section Ed 602.01 Scope of Approval Process
... Section Ed 602.02 Evaluation Requirements
... Section Ed 602.03 Documentation Requirements
... Section Ed 602.04 Approval Requirements
... Section Ed 602.05 Application Fees for Program Approval
... Section Ed 602.06 Option 1
... Section Ed 602.07 Option 2
... Section Ed 602.08 Option 3

... Approval Recommendations



WHY IS THIS IMPORTANT?

Child Safety should not be determined by zip code!!

CODE OF CONDUCT VS. CODE OF ETHICS

Code of Ethics is guidance—aspirational in nature—articulates responsibilities common to all members of the education profession.

Code of Conduct establishes the lowest standard of care—it is actionable only against credential holders

Applicable on or off duty!



CODE OF ETHICS & CONDUCT

Four Principles:

Principle I—Responsibility to the Education Profession and Educational Professionals;

Principle II—Responsibility to Students;

Principle III—Responsibility to the School Community;

Principle IV—Responsible and Ethical Use of Technology

**Principle V—Duty to Report

CODE OF CONDUCT—PRINCIPLE 1 (ED 510.01)

Responsibility to the Education Profession & Educational Professionals:

- Failure to report if arrested for RSA 189:13-a, V offense;
- Falsifying professional qualifications;
- Unlawful possession of drug;
- Possessing or being under influence of drugs or alcohol on school premises or school sponsored activity where students are present.

CODE OF CONDUCT—PRINCIPLE II (ED 510.02)

Responsibility to Students:

- Failure to provide appropriate supervision of students pursuant to local policy;
 - Furnishing alcohol or illegal drugs to students;
 - Engaging in sexual activity with student;
 - Soliciting participation in sexual relationship
- * “Student” is defined as being up to 10 months after graduation

CODE OF CONDUCT—PRINCIPLE III (ED 510.03)

Responsibility to the School Community:

- Accepting gifts or favors where there might be an actual or appearance of a conflict of interest
- **Gifts of small amount shall NOT be deemed conflict of interest.
- Misuse of funds for use by the school
 - Intentional altering or misrepresenting student assessments, results or official school records.

CODE OF CONDUCT—PRINCIPLE IV (ED 510.04)

Responsible & Ethical Use of Technology:

- Soliciting a sexual relationship with a student
 - Engaging in inappropriate communication—intent, timing, subject matter and amount of communication and whether communication could reasonably be interpreted as being sexual in nature.
- * “Student” is defined as being up to 10 months after graduation

CODE OF CONDUCT—PRINCIPLE V (ED 510.05)

Duty to Report:

- Any credential holder shall report any suspected violation of the code of conduct
- Superintendent shall report to office of credentialing when a credential holder has been arrested for RSA 189:13-a and violated code of conduct
- Credential holders shall report abuse or neglect

INVESTIGATIONS—ED 511.01

- Initial review
- Credential holder is notified if placed under investigation
- Superintendent is notified if credential holder is placed under investigation

INVESTIGATIONS—ED 511.01

This letter serves as the official notification, pursuant to New Hampshire Administrative Rule Ed. 511.01, that the New Hampshire Department of Education has initiated an investigation into a complaint against you which alleges that you engaged in an act or acts which violate the New Hampshire Code of Conduct for Educational Professional as enumerated in Ed. 510.01-510.04.

Specifically, the Department of Education has become aware of an action(s) which may have violated Ed ----- of the Code of Conduct for Educational Professionals. Specifically, the allegation is that you ----- At this time, no action has been taken against your teaching credential. Therefore, your teaching credential is still valid during this pending investigation. A copy of this letter will be provided to the superintendent of SAU ----- and the Union.

SANCTIONS—ED 511.02

Four options--3 forms of sanction:

Close out case—Allegation unfounded—no action taken

Suspension—rescinded for set period of time

Revocation—permanently rescinded

Reprimand—note to file of credential holder

INVESTIGATIONS—ED 511.01

Considerations of sanctions:

- Seriousness of offense;
- Prior disciplinary record
- Potential harm to students
- Purpose of the rule violated

REPRIMAND, SUSPENSION OR REVOCATION

Ed 511.02

- All discipline is documented in writing
- Signed by all parties
- Maintained in electronic credentialing file

Ed 502.01

List of suspended and revoked educators is maintained and is on DOE website

Ed 511.05

Grounds for Reinstatement after Suspension

THE STATE OF NEW HAMPSHIRE
In re: NAME
Credential Suspension Agreement

In Consideration For the Suspension of Educator Credential Between:

NAME (EdId: XXXX)
and
The New Hampshire Department of Education

WHEREAS NAME (EdId: XXXX) maintains an Educator Certificate in -----.

WHEREAS NAME (EdId: XXXX)

NOW THEREFORE, NAME (EdId: XXXX) agrees to voluntarily surrender his Educator Credential in -----, which will result in a suspension of his educator credential pursuant to the following conditions:

1. NAME shall voluntarily surrender his educator credential. This voluntary surrender will result in the SUSPENSION of his New Hampshire Educator Credential (EdId: XXXX). This suspension shall become effective on XXXX, immediately upon all required parties signing this agreement. The terms of this suspension are as follows:

OTHER ISSUES TO BE AWARE OF—ED 511.04

If arrested for RSA 189:13-a, V, DOE can do an immediate suspension of credential

- Credential holder and school district will be notified
- Credential holder is entitled to hearing within 10 days.

NEED TO REPORT?

Richard Farrell, Investigator

271-8372 (office)

231-0521 (cell)

Diana Fenton, Esq. Chief of the Governance Unit

271-3189 (office)

325-2198 (cell)

Appendix C

6/20/2019 Determination Letter

Summary information from NH's SPP/APR,

including a

Link to Data Display/State Profile

and

NH Department of Education Statewide Census by Disability



June 20, 2019

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

Honorable Frank Edelblut
Commissioner
New Hampshire Department of Education
101 Pleasant St
Concord, NH 03301

Dear Commissioner Edelblut:

I am writing to advise you of the U. S. Department of Education's (Department) 2019 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that New Hampshire needs assistance in implementing the requirements 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) 2017 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2019 determination is based on the data reflected in the State's "2019 Part B 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;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) 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 2019: Part B" (HTDMD).

The Office of Special Education Programs (OSEP) is continuing to use both results data and compliance data in making determinations in 2019, as it did for Part B determinations in 2014, 2015, 2016, 2017, and 2018. (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 2019, OSEP continued to use results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;

Page 2—Chief State School Officer

- (1) the participation and performance of CWD on the most recently administered (school year 2016-2017) National Assessment of Educational Progress (NAEP);
- (2) the percentage of CWD who graduated with a regular high school diploma; and
- (3) the percentage of CWD who dropped out.

The Secretary is considering modifying the factors the Department will use in making its determinations in June 2020 as part of its continuing emphasis on results for children with disabilities. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring must be on improving educational results and functional outcomes for all children with disabilities, and ensuring that States meet the IDEA program requirements, with an emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

The proposed Part B determinations process will include the same compliance factors as in past years, with one addition. For the 2020 determinations, rather than weighting each compliance factor equally, OSEP is considering assigning greater weight to those compliance factors most directly related to improving results for children with disabilities. For the 2020 determinations process we are also considering, as two additional results factors, State-reported data on: preschool child outcomes and the State Systemic Improvement Plan (SSIP). Using preschool outcomes for Part B determinations is consistent with the use of the early childhood outcomes factor that has been used for Part C determinations since 2015. Use of this factor emphasizes the importance of preschool outcomes in promoting later school success for students with disabilities. The inclusion of the SSIP as a results factor in making determinations would continue OSEP's emphasis on incorporating a results-driven approach as States identify evidence-based practices that lead to improved outcomes for children and youth with disabilities. In addition, we are considering several changes to the results factors related to the participation and performance of children with disabilities on assessments, including: (1) using Statewide assessment results, rather than the NAEP performance data; (2) looking at year-to-year improvements in Statewide assessment results and taking into account the full Statewide assessment system, including alternate assessments; and (3) no longer comparing each State's assessment performance with that of other States. Finally, OSEP will be revisiting ways of measuring improvement in the graduation rate of students with disabilities. As we consider changes to how we use the data under these factors in making the Department's 2020 determinations, OSEP will provide parents, States, entities, LEAs, and other stakeholders with an opportunity to comment and provide input through OSEP's Leadership Conference in July 2019 and other meetings.

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. 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:

- (3) actions related to the correction of findings of noncompliance are in the “OSEP Response” section of the indicator; and
- (4) any other actions that the State is required to take are in the “Required Actions” section of the indicator.

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It is important for you to review the Introduction to the SPP/APR, which may also include language in the “OSEP Response” and/or “Required Actions” sections.

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 “2019 Data Rubric Part B,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and
- (4) a document entitled “Dispute Resolution 2017-18,” 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.

As noted above, the State’s 2019 determination is Needs Assistance. A State’s 2019 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above but the Department has imposed Special or Specific Conditions on the State’s last three IDEA Part B grant awards (for FFYs 2016, 2017, and 2018), and those Specific Conditions are in effect at the time of the 2019 determination.

States were required to submit Phase III Year Three of the SSIP by April 1, 2019. OSEP appreciates the State’s ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with your State as it implements the fourth year of Phase III of the SSIP, which is due on April 1, 2020.

As a reminder, your State must report annually to the public, by posting on the State educational agency’s (SEA’s) website, 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 2017 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.

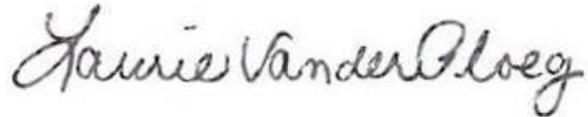
Further, your State must make its SPP/APR available to the public by posting it on the SEA’s website. Within the next several days, OSEP will be finalizing a State Profile that:

- (2) will be accessible to the public;
- (3) includes the State’s determination letter and SPP/APR, and all related State and OSEP attachments; and
- (4) can be accessed via a URL unique to your State, which you can use to make your SPP/APR available to the public. We will provide you with the unique URL when it is live.

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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. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,

A handwritten signature in cursive script that reads "Laurie VanderPloeg".

Laurie VanderPloeg Director
Office of Special Education Programs

cc: State Director of Special Education

State Performance Plan (SPP)/ Annual Performance Report (APR) Indicators for IDEA Part B

NH's SPP/APR and related data profile may be found at:

<https://osep.grads360.org/#report/apr/2017B/publicView?state=NH&ispublic=true>

Indicator		2017 Target	2017 Data	Status
1.	Percent of youth with IEPs graduating from high school with a regular high school diploma. (NH used a 4-year adjusted cohort graduation rate)	95%	74.26	Did not meet target
2.	Percent of youth with IEPs dropping out of high school.	.76%	1.05%	Did not meet target
3.	Participation and performance of children with IEPs on statewide assessments: A. Reserved B. Participation rate for children with IEPs.	B. Reading – 91.10% Math – 91.14%	B. Reading – 92.10% Math – 92.85%	B. Met target Met target
	C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.	C. Reading – 19.31 Math – 13.29%	C. Reading – 18.81% Math – 14.52	C. Did not meet target Met target
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.	A. 1.15%	A. 0%	A. Met target
	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.(a) 0%	B.(a) 0%	B.(a) Met target
	(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.	B.(b) 0%	B.(b) 0%	B.(b) Met target
5.	Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day;	A. 72.85%	A. 70.81	A. Did not meet target
	B. Inside the regular class less than 40% of the day; and	B. 7.97%	B. 9.05%	B. Did not meet target
	C. In separate schools, residential facilities, or homebound/hospital placements.	C. 2.61%	C. 2.84%	C. Did not meet target

6.	Percent of children with IEPs aged 3 through 5 attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility.	A. 56.0%	A. 58.43%	A. Met target
		B. 14.5%	B. 12.86%	B. Met target
7.	Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: Note: a. Preschool children who did not improve functioning b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it d. Preschool children who improved functioning to reach a level comparable to same-aged peers e. Preschool children who maintained functioning at a level comparable to same-aged peers			
	A. Positive social-emotional skills (including social relationships);	A.1. 80%	A.1. 79.92%	A.1. Did not meet target
	A1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	A.2. 62%	A.2. 61.68%	A.2. Did not meet target
	A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$			
	B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and	B.1. 80%	B.1. 79.82%	B.1. Did not meet target
	B1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	B.2. 61.5%	B.2. 61.59%	B.2. Met target
	B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$			
	C. Use of appropriate behaviors to meet their needs.	C.1. 77.5%	C.1. 90.45%	C.1. Met target
	C1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	C.2. 63.5%	C.2. 83.24%	C.2. Met target
	C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$			
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.	37.0%	41.5%	Met target
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%	Met target
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%	Met target

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. - Correction of Findings of Noncompliance Identified in FFY 2016	100%	97.3%	Did not meet target
		33 – Findings of Noncompliance Identified 33 – Findings of Noncompliance Verified as Corrected Within One Year 0 – Findings of Noncompliance Subsequently Corrected 0 – Findings Not Yet Verified as Corrected		
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%	97.88%	Did not meet target
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%	71.88%	Did not meet target
14.	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. B. Enrolled in higher education or competitively employed within one year of leaving high school. 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.	A. 39.56%	A. 36.36%	A. Did not meet target
		B. 63.11%	B. 66.23%	B. Met target
		C. 77.78%	C. 75.97%	C. Did not meet target
15.	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	63-73%	100%	Met target
16.	Percent of mediations held that resulted in mediation agreements.	65-75%	72.73%	Met target
17.	Each State’s SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements set forth for this indicator (a comprehensive, ambitious, yet achievable multi-year plan for improving results for children with disabilities). <i>NH’s SSIP focuses on improved social-emotional outcomes for preschool children with IEPs.</i>	NH’s SSIP meets this requirement: The State-identified Measurable Result (SIMR) states that 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 turn six years of age or exit preschool special education.		

New Hampshire Department of Education
Statewide Census by Disability
as of October 1, 2018

AGE	AUT	DB	DD	ED	HI	MD	ID	OHI	OI	SLD	SP	TBI	VI	Total
3	98	1	487	0	9	5	0	34	1	0	383	1	4	1,023
4	111	0	576	0	16	18	0	32	5	0	485	3	5	1,251
5	146	1	661	0	6	5	2	44	3	0	525	2	8	1,403
6	158	2	769	10	12	2	3	96	4	8	474	1	9	1,548
7	178	1	759	38	18	11	6	179	4	150	477	5	5	1,831
8	196	0	592	56	13	13	7	292	6	510	336	4	9	2,034
9	200	1	287	104	11	21	46	426	2	829	269	6	6	2,208
10	185	0	0	150	15	25	54	487	5	1079	234	6	7	2,247
11	224	0	0	192	9	31	63	542	4	1090	202	4	8	2,369
12	221	0	0	179	6	29	80	551	5	1062	206	5	8	2,352
13	238	1	0	212	10	35	72	538	4	1048	161	7	7	2,333
14	226	0	0	261	15	29	82	498	2	905	142	4	12	2,176
15	254	0	0	259	13	37	84	500	1	806	106	5	6	2,071
16	251	0	0	279	11	33	79	510	4	794	106	9	10	2,086
17	222	0	0	242	3	30	84	460	2	728	102	11	5	1,889
18	118	3	0	84	9	25	79	160	4	225	17	3	4	731
19	72	0	0	19	1	20	52	28	2	17	8	2	1	222
20	44	1	0	10	0	16	45	19	2	4	3	0	1	145
Total	3,142	11	4,131	2,095	177	385	838	5,396	60	9,255	4,236	78	115	29,919

Disability Legend by Race:

	AM	AS	BL	HI	MU	PI	WH	Total
AUT AUTISM	9	98	55	188	76	2	2714	3,142
DB DEAF-BLINDNESS	0	0	0	1	0	0	10	11
DD DEVELOPMENTAL DELAY	7	75	110	357	139	4	3439	4,131
ED EMOTIONAL DISTURBANCE	8	7	53	139	59	2	1827	2,095
HI HEARING IMPAIRMENT	2	10	3	17	5	0	140	177
MD MULTIPLE DISABILITIES	1	8	15	14	6	2	339	385
ID INTELLECTUAL DISABILITY	6	20	31	57	19	0	705	838
OHI OTHER HEALTH IMPAIRMENTS	20	47	115	322	142	2	4748	5,396
OI ORTHOPEDIC IMPAIRMENTS	0	5	0	5	4	0	46	60
SLD SPECIFIC LEARNING DISABILITIES	26	90	206	762	219	4	7948	9,255
SP SPEECH OR LANGUAGE IMPAIRMENTS	13	84	69	253	128	6	3683	4,236
TBI TRAUMATIC BRAIN INJURY	0	4	1	10	1	0	62	78
VI VISUAL IMPAIRMENTS	0	5	4	8	2	0	96	115
Total	92	453	662	2,133	800	22	25,757	29,919

Student Gender

F	10,326
M	19,593
Total	29,919

Race Legend is:

AM	AMERICAN INDIAN OR ALASKA NATIVE
AS	ASIAN
BL	BLACK (NOT HISPANIC)
HI	HISPANIC/LATINO
MU	MULTIPLE RACES
PI	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER
WH	WHITE (NOT HISPANIC)

Appendix D:

Other Materials

Including:

- **Correspondence to/from SAC,**
- **Public Comment on Proposed Rules, and**
- **Recommendations Made by SAC to the Commissioner**

SAC's Public Comments on Proposed Amendments to He-M 1301

March 14, 2019

Kim Reeve, Esq., Legal Counsel – Administrative Rules
NH Department of Health & Human Services
Administrative Rules Unit
129 Pleasant Street
Concord, NH 03301
Kimberly.reeve@dhhs.nh.gov

Dear Ms. Reeve,

I am writing on behalf of the New Hampshire State Advisory Committee (SAC) on the Education of Children/Students with Disabilities to provide the SAC's input on the proposed re adoption with amendment of He-M 1301, *Medical Assistance Services Provided by Education Agencies*, also known as the Medicaid to Schools Program.

The SAC is New Hampshire's State Advisory Panel, established pursuant to 20 U.S.C. § 1412(a)(21), 34 C.F.R. §§ 300.167-300.169, and RSA 186-C:3-b. The SAC's membership includes special educators, administrators, parents of children/youth with disabilities, members of the New Hampshire legislature (House and Senate), and representatives of key agencies involved in meeting the special education needs of children with disabilities. The Department of Health and Human Services (DHHS) is recognized as a key agency involved in meeting the needs of children with disabilities¹.

Among SAC's responsibilities is to comment publicly on rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities [RSA 186-C:b, IV(c)]. Additionally, RSA 186-C:3-b, I requires the SAC to "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".

SAC is aware of the financial challenges New Hampshire's schools face in delivering quality services to address the needs of children with disabilities in their public schools. The Medicaid to Schools program provides valuable financial support to enable our public schools to provide the medical services children require to address their health needs and remain in their local schools and communities. We recognize the school-district level financial implications of any reduction in funding from sources such as Medicaid.

At our March 6, 2019 meeting, SAC members discussed the proposed amendments to He-M 1301, and the impact they could have on the ability of school districts to meet the needs of children, including children with disabilities in the least restrictive environment, usually meaning in the general education setting. SAC members raised significant concerns with the proposed removal of coverage for wrap-around services and consultation services and proposed reduction in coverage for preschool services. SAC members expressed concerns about the financial hardship the proposed rule will impose on school districts and potential impact the proposed rule could have on the level or quality of services provided to children with disabilities.

¹ State and Federal law provide for two SAC membership positions from the Department of Health and Human Services: "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;" and "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." R.S.A. 186-C:3-b, II(h) and R.S.A.186-C:3-b, II (s), respectively. Currently these positions are vacant. SAC is awaiting DHHS Commissioner's recommendations to fill these positions.

Finally, SAC members raised concerns that reducing the availability of these services in New Hampshire's schools will negatively impact the ability of children to have their medical needs met and result in increased out-of-district and/or out-of-home placements. Based on our concerns, the members present voted unanimously (15-0) to request the following changes in the proposed rule:

- Remove the language that was added to He-M 1301.04(am); [underlined text]:“Preschool services shall be billed as a single category based on a half-day unit, so long as more than one covered services in (ak) above is provided. ...”. SAC members were concerned that this could be interpreted as meaning that if a preschool child was only provided with a single type of service, the school district would not be able to secure Medicaid reimbursement for that service; and
- Throughout the rule, restore consultation and wrap-around services as covered services [Proposed He-M 1301.02(b) [the original (b)], 1301.04(j)(1), 1301.04(m)(3) & (4), 1301.04(n)(1), Ed 1301.04(r)(4) & (5), Ed 1301.04(s)(2), Ed 1301.04(v)(4) & (5), Ed 1301.04(v)(7) & (8), 1301.04(y)(3) & (4), 1301.04(ab)(6) & (7), 1301.04(ac)(4)[the original (4)], 1301.04(ae)(7)b., 1301.04(aj)(3), and Ed 1301.04(aq)(4) & (5)].

Consultation, defined as “the rendering by a licensed practitioner of the healing arts, of an expert opinion regarding the diagnosis or treatment of a specific child pursuant to He-M 1301.04”, or consultative services are often integral to enabling a child to remain in the general education setting by providing the child’s teachers, service providers and other staff working with the child with the knowledge, skills and resources necessary to meet the child’s needs and enable the child to benefit from the practitioner’s services. Without these essential services, the child may require an out-of-school district placement such as a private special education day or residential school or even an institutional setting. It would sometimes not be in the child’s best interests to require the child to be present during a consultation between a child’s teacher and the specialist planning a child’s treatment. As an example, to appropriately meet the needs of a child with a significant emotional/behavioral disability or mental illness, a teacher or service provider may require consultation from a psychiatrist, psychologist or mental health provider. To have the child present during this consultation may not be appropriate or healthy for the child, and, in some cases potentially harmful to the child’s emotional well-being.

If DHHS is concerned that existing Federal requirements may pose a barrier to making the changes we request, SAC encourages DHHS to request guidance or take other steps, including seeking a waiver, to allow these changes to be made.

Thank you in advance for your consideration of our input.

Sincerely,



Bonnie Dunham, Vice Chair

On behalf of the State Advisory Committee on the Education of Children with Disabilities
c/o NH Department of Education
101 Pleasant Street
Concord, NH 03301

E-Mail Correspondence to SAC

Date: January 2, 2019

To: NH State Advisory Committee on the Education of Children with Disabilities

From: Bonnie Dunham

I respectfully request that the SAC ask the NH Department of Education to provide the SAC with information about how the NH DOE is fulfilling its responsibilities under RSA 186-C:3-a, II(e) (see bold, italicized, underlined text below).

I have spoken to several parents of children with disabilities whose school districts are having such difficulty hiring staff needed staff, particularly paraprofessionals, who are required by the child's IEP, that there have been discussions about possibly needing to place the child in an out-of-district program. While I have not spoken to any parents whose children have been placed in out-of-district programs due to a lack of qualified personnel, I know that since I only have contact with a very small percentage of NH parents of children with disabilities, that alone is not indicative of whether or not children with disabilities are being placed in out-of-district programs due to a lack of qualified personnel.

I realize that NH is experiencing significant personnel shortages in a number of areas. If this is leading to children with disabilities being placed in out-of-district placements, or in more restrictive placements within the child's school district, children with disabilities are being denied their right to be educated in the least restrictive environment, and to interact and learn along with their peers who do not have disabilities. Equally important, children without disabilities are being deprived of the opportunity to learn in truly diverse classrooms (research has repeatedly shown, children with and without disabilities benefit when they are able to learn in inclusive school settings).

I would be interested to learn:

- whether the NH DOE is aware of any children who are being placed in out-of-district programs solely due to a lack of qualified personnel;
- If the NH DOE has identified disproportionate representation in out-of-district programs among one or more school districts; and if so
- what types of focused technical assistance the NH DOE has provided to these school districts to assist them in serving children with disabilities in the least restrictive environment;
- what steps the NH DOE is taking to address the current personnel shortages, including shortages of paraprofessionals, in NH; and
- what role, if any, can the SAC play in assisting the NH DOE in addressing the current personnel shortages, and in increasing the ability of school districts to serve children with disabilities in the least restrictive environment.

Thank you in advance for your consideration of my request.

[Text of RSA 186-C:3-a, II is on next page]

RSA 186-C:3-a, II –

II. The department of education shall collect, organize, and analyze data and information about programs, conditions, instruction, and trends in special education in the state. In addition, the department shall be responsible for monitoring and maintaining information about national and regional trends, instructions and issues affecting special education in New Hampshire. The department shall make this information available to the districts and use this information to:

(a) Assess the needs of school districts for assistance in carrying out their responsibilities for educating children with disabilities;

(b) Identify cost effective and appropriate alternative programs that meet the needs of children with disabilities;

(c) Focus resources on students requiring extensive services;

(d) Develop cost and service level benchmarks for special education in New Hampshire which may be used as reference points by districts to measure the effectiveness of their programs in meeting goals and objectives of the individualized education program; and

(e) Develop and promote evidence-based practices supporting the education of children with disabilities in the least restrictive environment, provided that:

(1) If children with disabilities are being placed in out-of-district programs solely due to a lack of qualified personnel, the department shall develop and implement strategies to help address the shortage and increase the capacity of local education agencies to serve children in the schools they would attend if not disabled.

(2) The department shall identify disproportionate representation in out-of-district programs and provide focused technical assistance to help the identified school districts serve children with disabilities in the least restrictive environment.

SAC's Letter to the Commissioner re: Special Education Funding/Finance

November 7, 2018

Frank Edelblut, Commissioner
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Dear Commissioner Edelblut,

The State Advisory Committee (SAC) on the Education of Children with Disabilities is NH's State Advisory Panel, established consistent with the Individuals with Disabilities Education Act. As stated in RSA 186-C:3-b, 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, 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". Another primary duty of the SAC is to "advise the department of education regarding unmet needs within the state in the education of children/students with disabilities". SAC members are cognizant that these issues are interrelated; that meeting the needs of children with disabilities is dependent upon adequate funding being appropriated for that purpose.

SAC members believe that some of the state and federal funding policies contribute to the funding inadequacies currently experienced by NH school districts. We are aware that the chronic underfunding of Special Education causes tremendous financial and practical difficulties for school districts, and ultimately has a negative impact on children with disabilities. Therefore, the State Advisory Committee has developed several recommendations that we believe will have a positive impact on the current funding situation impacting special education programs throughout NH:

SAC recommends that the NH Department of Education recommend legislation, or support any proposed legislation, that would:

1. Increase the amount of differentiated aid (in RSA 198:40-a) for pupils receiving special education;
2. Result in the full-funding of special education aid (RSA 186-C:18, III); and
3. Require that reimbursements for special education aid and for Medicaid-to-Schools funded services be directed to the school district or school administrative unit (SAU) that expended the funds for which the reimbursements are being provided, and that would require that the reimbursements be included as revenue in the school district's special education budget for use by the school district's special education program.

If you would like additional information and background on our recommendations, a SAC subcommittee would be pleased to meet with you at your convenience.

SAC looks forward to your response to our recommendation and thank you in advance for your support on this very important issue. Additionally, you are always welcome to attend a SAC meeting at your convenience to discuss any input you may have on our recommendations, and/or to provide SAC with updates on the activities undertaken in response to our recommendations.

Sincerely,

Lisa Beaudoin, Chair,
on behalf of the NH State Advisory Committee on the Education of Children with Disabilities