

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

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

**Jim Lewis, Acting Superintendent  
Suzanne Cooper, Director of Special Education**

**Chairpersons of Visiting Team  
Kathryn L. Skoglund  
Diane Lurvey  
Education Consultants**

**IEP Review Visit Conducted on November 27, 28 and 29, 2012  
and March 6 & 21, 2013 and April 10, 2013  
Desk Audit Reviews Conducted on November 27, 28 and 29, 2012  
and March 6, 2013  
Report Date: June 12, 2013  
Revised July 3, 2013**

**IEP Compliance Review Team Members:**

I. Visiting Team Members:

Kathryn L. Skoglund,	Chairperson, Education Consultant
Diane Lurvey	Chairperson, Education Consultant

II. Building Team Members:

Keene High School:

Suzanne Cooper	Director, Support Services
Cheryl Lamoreck	LIFE Teacher
Sandy Stockton	Special Education Teacher
Nancy Newton	Case Manager
Kelly Wood	Student Support Administrator
David Maleski	School Psychologist
Ken Susskain	LICSW
Jason Zecha	Counselor
Bob Hamilton	Speech/Language Pathologist
Ray MacLean	Special Education Teacher
Samuel Vendt	Tutor
Molly Bremner	Special Education Teacher
Cindy Cadorette	Vocational Instructor
Katherine Cousins	Life Skills Teacher
Diane DeLisle	Case Manager
Diane Given	Math Teacher
Mark Miller	Special Education Teacher
Elaine Belawske	Social Studies Teacher
Nancy O'Brien	Case Manager
William Hope	American Studies Teacher
Jane Graves	Early Childhood Teacher

Winchester School District

Jen Heise	Special Services Coordinator
Jane Cardinale	Special Education Case Manager
Stephanie Tommila	Social Studies Teacher
William Slammon	Psychologist
Val Wilber	Curriculum Coordinator
Judith Smith	Teacher, 4 <sup>th</sup> Grade
Regan Collette	Special Education Teacher
Rotina Gong	Special Education Teacher
Emily Henderson	Kindergarten Teacher
Kristie Keppler	Speech/Language Pathologist

Rhonda Taylor  
Michelle Bemis  
Angela Joslyn  
Suzanne Cooper  
Rebecca Truesdell  
Pam Bigelow  
Jim Lewis  
Kate Re  
Catherine Webber  
Lauri Olsen-Porter

Case Manager/Special Education  
Certified Occupational Therapist Assistant  
Teacher, Grade 2  
Special Education Director  
Speech Pathology Assistant  
Assistant Principal  
Principal/Superintendent  
Special Educator  
Speech Pathologist  
Occupational Therapist

III. NHDOE, Bureau of Special Education Representatives:

Deborah Krajcik  
Mary Lane  
Linda Potter

Education Consultant  
Education Consultant  
Technical Assistant

# **IEP Review Compliance Summary Report 2012-2013**

## **Introduction:**

The compliance component of the NHDOE Focused Monitoring Process includes both an internal and external review of Special Education data directly linked to compliance with state and federal Special Education rules and regulations. The review is an in depth analysis of IEPs with the participation of district IEP teams. This is intended to be a job-embedded professional development opportunity as well as a compliance review. In addition, there is a concurrent review of additional IEPs by NHDOE Special Education Bureau staff referred to as a “desk audit”. A total of sixteen (16) IEPs were reviewed at Winchester School for students in preschool through grade eight based on the IEP selection calculation described in the October 12, 2012 letter from Commissioner Virginia M. Barry. Eight (8) additional IEPs were reviewed at Keene High School for Winchester high school students and six (6) IEPs of students placed by the district in private/non-public special education schools were reviewed. Data gathered through the various compliance activities is reported back to the school’s Achievement Team, as well as the NHDOE, Bureau of Special Education. This is for the purpose of informing both the district and the NHDOE of the status of the district’s Special Education compliance with required special education processes, as well as the review of data related to programming, progress monitoring of students with disabilities, and alignment of Special Education programming with the curriculum, instruction and assessment systems within the school district.

## **Data Collection Activities:**

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

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

## **SUMMARY OF FINDINGS:**

### **IEP Review Process**

As part of the compliance component of Focused Monitoring, the NHDOE worked in collaboration with the Winchester School District to conduct reviews of student IEPs. The IEP Review Process has been designed by the NHDOE to assist teams in examining the IEP for educational benefit, as well as

determine compliance with state and federal Special Education rules and regulations. The review is based on the fact that the IEP is the foundation of the Special Education process.

As required by the IEP review process, general and special educators in the Winchester School District were provided with a collaborative opportunity to review six (6) IEPs. NHDOE Special Education Bureau conducted a desk audit of six (6) IEPs that were randomly selected to determine if the documents included the following information:

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

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

**BELOW IS THE SUMMARY OF DISTRICT LEVEL FINDINGS THAT RESULTED FROM  
THE IEP REVIEW PROCESS CONDUCTED IN THE  
WINCHESTER SCHOOL DISTRICT:**

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

- Was it possible to assess the degree to which IEPs were designed to provide educational benefit (access to, participation and progress in the general curriculum)?

Yes, the following are references to the documentation provided to demonstrate educational benefit: progress reports, classroom assessments, therapy logs, detailed progress monitoring notes, formative and summative data tracking, and social/emotional behavioral data.

- How has this process informed future plans for improving the writing of student IEPs and ensuring the student's participation in the general education curriculum?

Schedule meetings regularly between regular/special educators to review data and assess student needs, then adjust/revise instruction as needed; measurability of goals; inclusion of data in Present Level of Performance (profile); include necessary information to address transitions from pre-k to kindergarten, grade to grade and middle to high school. Also, IEPs will include baseline data and targets, receptive and expressive language goals will be written separately, IEP goals will be written in measurable terms, 'Written Prior Notice' will include greater specificity particularly in regard to least restrictive environment. IEPs will provide an answer to the question "why" in the 'Justification of Non-participation' section of the IEP. Medical data will be included as appropriate.

- Describe how individual student performance information is conveyed from grade to grade/school to school:

Pre-school and kindergarten staff meet to review IEPs and needs of students, case managers meet at the beginning of the school year with new grade level teachers and paraprofessionals, high school staff participate in the IEP meetings of 8<sup>th</sup> grade students who are transitioning to grade 9.

- How will the district further explore the factors that have impacted poor scores for individual students on state assessments and in the general education curriculum?

Assure that IEPs are written with measurable goals including baseline and target, closely monitor and document provision of accommodations both in the classroom and in NECAP testing, strengthen transition supports, continue necessary services and monitor for fidelity of implementation, use assistive technology when appropriate, and consideration of Alternative Assessment as appropriate.

- Strengths and suggestions identified related to IEP development/progress monitoring and services:

#### Strengths:

1. Communication among staff.
2. Knowledge of student needs.
3. Special education staff serves as resource for staff as well as students.
4. Paraprofessionals effectively utilized (middle school setting).
5. Staff receptive to change; demonstrating an openness and eagerness to learn and make improvements as a result of this process.

#### Suggestions:

1. Develop a separate pre-school placement deliberation page.
2. Connect academic goals to Common Core State Standards.
3. Make a clearer distinction between accommodations and modifications and provide a greater efficiency of application.
4. Name the assessment tool when referencing evaluation data.

5. Develop a system of documentation for delivery of special education and related services as well as provision of accommodations.
6. Schedule grade to grade transition meetings.
7. Incorporate behavior plans into IEPs as appropriate.
8. Provide greater specificity in student profile: reference specific evaluations/dates/scores/data.
9. Provide specific evidence of classroom performance and progress monitoring for all students with IEPs.
10. Provide professional development for all special education staff in writing measurable goals.
11. Develop and implement an appropriate pre-school curriculum.

**District Wide Commendations:**

- Strong collaboration among staff that includes frequent and on-going communication focused on the instructional needs of students with disabilities.
- Team members demonstrate thorough understanding of the strengths and needs of their students.
- The eagerness and commitment of staff to learn from the FM IEP Review process and adjust current practices.

**LEA Focused Monitoring Compliance Application:**

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

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

**Out of District File Review:**

Based on the review of six (6) files for a child with disabilities placed out of district, there were seven (7) Findings of Noncompliance.

**Students with Disabilities Attending Charter Schools:**

There are no Winchester students with IEPs attending Charter schools.

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

As part to the Focused Monitoring Compliance Component, the NHDOE reviews all requests for new programs in the district, and/or requests for changes to existing programs. As such, the NHDOE worked with the Winchester School District in the review of the following changes to existing approved programs:

No requests for new or changed programs have been submitted at this time.

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

	Focused Monitoring	NHDOE Desk Audit
Preschool	2	3
Elementary School	4	6
Middle School	0	1
High School, Age below 16	0	2
High School, Age 16 or above	4	2
Charter School	0	0
Out-of-District	6	0
Total Number of IEPs Reviewed	16	14

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

As a result of the sixteen IEPs that were selected for the **Focused Monitoring IEP Review** on November 27, 28 and 29, 2012 and on March 6 and 21, 2013 and April 10, 2013, the following Findings of Noncompliance were identified:

**Systemic Findings of Noncompliance**

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

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

Ten out of ten IEPs did not contain the components of measurable goals, including baseline and target.

**Child Specific Findings of Noncompliance**

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

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

One out of ten IEPs did not contain a statement about how the child's disability affects his/her involvement and progress in the general curriculum.

2. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**  
Ten out of ten IEPs did not contain the components of measurable goals. (4 at KHS)
3. **Ed 1109.01 (a)(10) Elements of an Individualized Education Program**  
One out of ten IEPs did not contain a statement of transition services needs or course of study (student turning 14 during the duration of the IEP).
4. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(5) Definition of individualized education program**  
Three out of ten IEPs did not contain an explanation of why the student was removed from the regular education environment. (2 at KHS)
5. **Ed 1109.03(h) Development, Review, and Revision of an IEP; 34 CFR 300.324(3) Development/Review/Revision of IEP**  
Two out of ten IEPs did not contain evidence that the general education teacher was involved in the development of the IEP.
6. **Ed 1107.01(a) Evaluation; 34 CFR 300.306 (c)(1) Determination of Eligibility**  
Two out of ten IEPs did not contain evidence that the team drew upon information from a variety of sources regarding the student's eligibility for special education. (2 at KHS)
7. **Ed 1109.01(a) Elements of an IEP; 34 CFR 300.320(b)(1) Transition Services**  
Two out of ten IEPs did not base post-secondary goals on age-appropriate assessments. (2 at KHS)
8. **Ed 1103.01(a) IEP Team; 34 CFR 300.321(b)(1) IEP team**  
Two out of ten IEPs did not have evidence that the student was invited to attend the IEP meeting where transition services were discussed. (2 at KHS)
9. **Ed 1111.01(a) Placement in the Least Restrictive Environment; 34 CFR 300.114 (a)(2) LRE requirements**  
One out of ten IEPs did not contain evidence that discussion of placement in the least restrictive environment had occurred. (1 at KHS)

## **OUT OF DISTRICT**

1. **Ed 1108.01 (a) Determination of Eligibility for Special Education; 34 CFR 300.306 (a)(1) Determination of eligibility**  
One out of six IEPs did not contain evidence of appropriate evaluation team composition.
2. **Ed 1103.01(a) IEP Team; 34 CFR 300.321(b)(1) IEP team**  
Two out of six IEPs did not contain evidence that the student was invited to the Transition meeting.

3. **Ed 1109.03(j) Transition Services**  
Three out of six IEPs did not reflect weekly monitoring by the LEA of Transition services.
  4. **Ed 1111.01(a) Placement in the LRE; 34CFR 300.114 (a)(2) LRE Requirements**  
Three out of six IEPs did not contain any evidence of discussion of LRE.
  5. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**  
One out of six IEPs did not contain annual measurable goals.
  6. **Ed 1107.01 (a) Evaluation; 34 CFR 300.303 (b)(2) Reevaluations**  
One out of six IEPs did not have current evaluations.
  7. **Ed 1109.01(a) Elements of an IEP/34CFR 300.320 (a)(5) Definition of an IEP**  
One out of six IEPs did not contain a statement of justification of non-participation.
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As a result of the fourteen IEPs that were selected for the **NHDOE Desk Audit IEP Review** on November 27, 28 & 29, 2012 (preschool through grade 8 students) and March 6, 2013 (high school students), the following Findings of Noncompliance were identified:

#### **Systemic Findings of Noncompliance**

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

1. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CRF 300.320 (a)(2)(i) Definition of individualized education program**  
Eleven out of fourteen IEPs reviewed lacked evidence of a statement of annual measurable goals.

#### **Child Specific Findings of Noncompliance**

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

1. **Ed 1107.01 (a) Evaluation; 34 CFR 300.304 (c)(4) Evaluation procedures**  
One out of fourteen IEPs lacked evidence that the child was assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

2. **Ed 1107.01 (a) Evaluation; 34 CFR 300.310 (a) Observation**  
One out of fourteen IEPs lacked evidence that the public agency ensured that the child was observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.
3. **Ed 1107.01 (a) Evaluation; 34 CFR 300.303 (b)(2) Reevaluations**  
Two out of fourteen IEP files lacked evidence that a reevaluation occurred at least once every 3 years, unless the parent and the public agency agreed that a reevaluation was unnecessary.
4. **Ed 1108.01 (b)(1) Determination of Eligibility; 34 CFR 300.306 (a)(1) Determination of eligibility**  
Two out of fourteen IEP files lacked evidence of appropriate IEP team composition. There was no evidence of a teacher certified in the area of suspected disability.
5. **Ed 1107.02 (b) Evaluation Requirements for Children with Specific Learning Disabilities; 34 CFR 300.307 (a) Specific learning disabilities**  
Five out of fourteen IEPs were of students identified with specific learning disabilities. The district does not have a specific learning disability policy which could be used to determine eligibility.
6. **Ed 1107.01 (a) Evaluation; 34 CFR 300.304 (b)(1)(ii) Evaluation procedures**  
One out of fourteen IEPs did not have evidence of the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child that may assist in determining the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum.
7. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (1)(i) Definition of individualized education program**  
One out of fourteen IEPs did not include evidence of a statement of how the child's disability affects the child's involvement and progress in the general education curriculum.
8. **Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(2)(i) Definition of individualized education program**  
Eleven out of fourteen IEPs lacked evidence of statements of measurable annual goals.
9. **Ed 1103.01 (a) IEP Team; 34 CFR 300.321 (a)(2) IEP Team**  
Two out of fourteen IEP files lacked evidence that the IEP team included not less than one regular education teacher of the child.
10. **Ed 1109.03 (h) When an IEP Is in Effect; IEP Meetings; Development, Review, and Revision of an IEP; Transition Services; 34 CFR 300.324 (2) Development, review, and revision of IEP**  
One out of fourteen IEPs lacked evidence of consideration of one or more of the following special factors: (i) behavior, (ii) limited English proficiency, (iii) blind or visually impaired, (iv) communication needs, (v) assistive technology devices and services.

**11. Ed 1109.01 (a)(10) Elements of an Individualized Education Program**

Five out of fourteen IEPs lacked evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team.

**12. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 320 (b)(1)(2) Definition of individualized education program**

One out of fourteen IEPs lacked evidence of appropriate postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services (including courses of study) needed to assist the child in reaching those goals.

**13. Ed 1102.01 (b) Definitions A-C**

One out of fourteen IEPs listed accommodations, which did impact the rigor and/or validity of the subject matter being taught or assessed.

**14. Ed 1102.03 (v) Definitions H-M**

Six out of fourteen IEPs listed modifications, which do not impact rigor and validity or rigor or validity of the subject matter being taught or assessed.

**15. Ed 1109.01 (a)(1) Elements of an Individualized Education Program; 34 CFR 300.320 (a)(5) Definition of individualized education program**

Three out of fourteen IEPs lacked evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.