

**BUREAU OF STUDENT SUPPORT**

*“Improving Outcomes for Students with Disabilities Together”*

### APPLICATION FOR APPROVAL OF PRIVATE PROVIDER

**SPECIAL EDUCATION PROGRAMS**

**For Private Providers of Approved Special Education Programs**

**2020 – 2021**

**Based on**

**The Individuals with Disabilities Education Improvement Act (IDEA) (2004)**

**New Hampshire Standards for the Education of Children with Disabilities**

**(Ed 1100, Effective March 24, 2017, Amended June 14, 2018, Amended August 9, 2018)**

**New Hampshire State Statutes (RSA 186-C:5, RSA 189:64)**

**INFORMATION AND INSTRUCTIONS**

The New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) is responsible for assessing the impact and effectiveness of state and local efforts to provide a “Free Appropriate Public Education” (FAPE) in the Least Restrictive Environment (LRE) to children and youth, beginning at age three up to age 21, with educational disabilities. The goal of Special Education Program Approval is to ensure compliance with federal laws (IDEA 2004), regulations, NH State Statutes, and the NH Standards for the Education of Children with Disabilities (Ed 1100, Effective March 24, 2017, Amended June 14, 2018, Amended August 9, 2018), resulting in improved outcomes for students with disabilities.

1. **SUBMISSION OF APPLICATION MATERIALS FOR THE COMBINED NHDOE SPECIAL EDUCATION PROGRAM APPROVAL AND NONPUBLIC SCHOOL APPROVAL PROCESSES**

Private/nonpublic programs are required to complete the full application. The documents referred to below should be submitted as part of the application. These materials provide basic information required for approval.

**PLEASE SUBMIT AS SOON AS POSSIBLE BUT NO LATER THAN OCTOBER 15, 2020:**

|  |  |
| --- | --- |
|  | Page 10 of the application completed and signed. This page is the Application Materials Checklist, Provider Information section, and electronic signature. |
| *1126.02(b)(5)* | Program description(s). For each approved special education program provide a description of:   * The facility, personnel, and services being provided * Appropriate instructional equipment and materials adequate to implement the IEPs for each child with a disability participating in the program * The location(s)/specific address(es) of the program(s) * The number of instructional hours per day and the number of days per year of the program(s) * Differences/similarities between summer and school year programs if applicable * If the program issues diplomas or if sending districts issue diplomas * Parent/Student Handbook, if applicable |
| *1126.02(b)(1)*  *1114.05(j)*  *1114.10(a)* | A completed Private Provider Personnel Roster and Required Certifications excel sheet (Provided to you by the NHDOE) with all administrative, instructional, and related service staff. This should include personnel employed by the private provider and all professional personnel that provide contracted/consultation services to students with educational disabilities, and any certified consultants working with staff. This is a separate excel document provided with the application.  \**A Statement of Eligibility (SOE) does not fulfill the requirements for certification however a valid Intern License does.*  *\*Required Administrator must be employed full time by the provider; they cannot be a consultant or part-time* |
| *1114.10(e)* | Written job descriptions for all personnel. |
| *1114.10(a)* | Description of the consultation model that is currently being used by your program and documentation of consultation services. Please see pages 8 & 9 for an example and additional information. |
| *1114.16(c)* | School Fire & Life Safety and School Health Inspection Forms (found on NHDOE website) must be submitted for **all education buildings.**   * + Fire Inspections must be completed **while school is in session** and the report must be submitted no later than **December 15th, 2020.**   + School Health Inspections must have been completed **in the school year the program is being monitored or in the prior two school years** and the report must be submitted no later than **December 15th, 2020.** |
| *1114.05(g)*  *§ 300.320* | A completed Curriculum Standards Appendix A for the grade level(s) for which you are seeking approval and a copy of the corresponding curriculum. *(Programs that encompass grades K – 8 with an established middle school must complete both elementary and middle requirements)* |
| A copy of your Program of Studies which should include a description of the requirements for obtaining a High School Diploma (if applicable), a course description, number of credits for each course (for High School students), any electives including required additional courses for each subject area that are offered, as well as any required prerequisites. *\*(refer to Appendix A for the course curriculum requirements)* |
| *Ed 1114.19* | Proof of insurance, in accordance with Ed 1114.19, including:   * + professional liability and bonding insurance   + vehicle insurance   + comprehensive property and liability insurance in compliance with Ed 1129.08(al)   + the bonded person(s) delegated the authority to sign checks or manage funds  *(please include their full, legal name)*.   + ***For more detailed information regarding insurance and bonding, please refer to***: <https://www.education.nh.gov/instruction/special_ed/memos/documents/fy16_memo_11_private_providers_insurance_coverage.pdf> |
| *§ 300.130* | Non-Profit Status document |
| *1114.15* | School Calendar (as outlined in Ed 401.03) identifying instructional days per year and the instructional hours per day in accordance with Ed 1113.14 and Ed 1113.15 and;  A current class schedule for each program for the year being monitored; include the name of the class, start and end times, and teacher name. |
| *1126.02(b)(3)*  *1114.04(b)*  *1114.04(c)* | A completed procedures self-assessment review form with a copy of all current special education procedures, including any supporting documents that may be referred to in the procedures. For guidance regarding the private provider procedure plan, please refer to: [Private Provider Special Education Procedures Plan, Revised November 2018](https://www.education.nh.gov/instruction/special_ed/documents/private_sp_ed_procedures_plan_november_2018.docx) Word document |
| *1114.03(b)* | A document that clearly identifies the governing body, in accordance with Ed 1114.03(b), which shall be responsible for ensuring the program’s compliance with the program charter, constitution or other organization document or agreement and with the terms of all leases, contracts or legal agreements to which the program is a party. |

**NHDOE STAFF WILL VERIFY THE FOLLOWING REQUIRED DOCUMENTS INTERNALLY:**

|  |  |
| --- | --- |
| *1114.04(g)* | Current Professional Development Master plan approved by credentialing |
| *1114.03(i)* | Current Secretary of State Registration document & Certificate of Good Standing |

**For any New Programs or Changes to Programs**

For any new Special Education programs or changes to existing programs, such as changes to location, grade level or disabilities served in an approved program, please contact Hannah Krajcik at [hannah.krajcik@doe.nh.gov](mailto:hannah.krajcik@doe.nh.gov) (603)271-3742

1. **NH DEPARTMENT OF EDUCATION REVIEW OF APPLICATION MATERIALS AND 1st STAGE MONITORING REVIEW FOR APPROVAL OF PRIVATE PROVIDER SPECIAL EDUCATION PROGRAMS**
   1. During the year prior to the Monitoring Review for Approval of Private Provider Special Education Programs process, the Bureau will meet with the administrative teamand sending LEAs or designees for the program to review the process, answer any questions, and offer to provide training to private providers in the following areas:
      1. Measurable Annual Goals,
      2. Accommodations/Modifications,
      3. Written Prior Notice,
      4. Specially Designed Instruction, and
      5. An area of need identified by the private provider.
   2. Prior to conducting the Monitoring Review for Approval of Private Provider Special Education Programs initial on-site, the Bureau will review the completed application and all supporting documents, which may include a request for the most recent audit in order to determine that the program applying for approval is fiscally solvent. The Bureau will provide training on the Private Provider Individualized Education Program Monitoring Review Self-Assessment Data Collection Form.
   3. Within the school year in which the private provider is being monitored, the Bureau will visit the school to conduct the Monitoring Review for Approval of Private Provider Special Education Programs initial on-site.
   4. The New Hampshire Department of Education will bring a team of NHDOE trained personnel and one special education administrator from another private school to the visit.
   5. On the day of the initial on-site visit, we ask that the Education/Special Education Administrator, Executive Director and other representatives from the program be available at the start of the visit to meet the monitoring team and provide introductions. The Bureau will create an agenda for the day of the on-site which will include time for the private provider to provide an overview of the program(s), a tour of the educational facilities, and time for reviewing files. At the conclusion of the initial on-site a summary of the monitoring team’s observations will be provided.
   6. Within 60 days of the initial on-site visit, the Bureau will prepare a written document (report) and will meet with the private provider’s administration to review the information and answer any questions prior to the report being posted on the Bureau’s website. The report will summarize the following:
      1. A Summary of the private provider’s program(s)
      2. A Summary of the Compliance Monitoring Process and Participating Members
      3. “Noteworthy Practices” and “Areas in Need of Refinement (Recommended Preventive Actions)”
      4. Procedures and Effective Implementation
      5. Curriculum and Effective Implementation
      6. A Review of Personnel
      7. Student Specific Findings of Noncompliance, Corrective Actions, and a specific timeline for correction
   7. The Bureau will follow up with the private provider regarding any instances of noncompliance. In the case of student specific findings of noncompliance, the sending LEA(s) will also be notified.
2. **2nd STAGE MONITORING REVIEW FOR APPROVAL OF PRIVATE PROVIDER SPECIAL EDUCATION PROGRAMS: CORRECTIVE ACTIONS REGARDING THE IMPLEMENTATION OF REGULATIONS**
   1. In the case of findings of noncompliance identified in the report, the Bureau will return to the private provider to review evidence verifying correct implementation of the regulations.
3. **NOTIFICATION OF STATUS**
   1. Per Ed 1126.03(d) The Approval of Private Provider Special Education Programs Monitoring process will result in a specific recommendation from the Bureau for approval of the special education program(s). The State Director of Special Education shall determine the conditions for approval, including status and duration, and shall make one of the following approval determinations:
   * **Approved**: A status given to the program, in writing, from the State Director of Special Education, subsequent to the on-site monitoring visit. This status indicates that the program meets the standards established by the IDEA and Ed 1100.
   * **Provisionally Approved**: A status given to the program, in writing, from the State Director of Special Education, subsequent to the on-site monitoring visit. This status indicates the program has issues of non-compliance that are systemic in scope and students in the program are not receiving FAPE. Additionally, the program shall not accept additional students with disabilities until fully approved.
   1. Per Ed 1126.03(d)(5) An LEA, public academy, private provider of special education, public agency, or other non-LEA program shall have its approval revoked when the LEA, public academy, private provider of special education, public agency, or other non-LEA program does not provide FAPE and has not corrected the issue(s) of noncompliance within the timeframe specified by the department or when a condition exists endangering the health, welfare or safety of children and youth with disabilities in attendance. The Commissioner of Education shall take action, including, but not limited to, immediate disapproval of the program pursuant to Ed. 1125;
4. **REPORTING REQUIREMENTS REGARDING THE APPROVAL AND OPERATION OF PRIVATE PROVIDER AND OTHER NON-LEA PROGRAMS SERVING CHILDREN AND YOUTH WITH DISABILITIES**
   1. Any program approved for operation is required to report any of the following situations to the Department of Education:
5. When a child has an illness that is contagious or poses a health threat to other children enrolled in a private provider of special education or other non-LEA program, the program shall immediately notify the child’s parent(s), the sending LEA, the department, and the bureau of communicable disease control of the Department of Health and Human Services. (Ed 1114.18(e))
6. In the case of an accident injuring a child, a private provider of special education or other non-LEA program shall immediately notify the child’s parent(s), the sending LEA, the department, and the local law enforcement agency. (Ed 1114.18(f))
7. In the case of the death of a child, a private provider of special education or other non-LEA program shall immediately notify the child’s parent(s), the sending LEA, the department, and the local law enforcement agency. (Ed 1114.18(g))

**NHDOE Contact**:

Heidi Clyborne: 603-271-3748, [Heidi.Clyborne@doe.nh.gov](mailto:Heidi.Clyborne@doe.nh.gov)

**NHDOE Contact for Injury as a result of restraint**:

Rich Farrell: 603-271-8372, [Richard.Farrell@doe.nh.gov](mailto:Richard.Farrell@doe.nh.gov)

**2020 – 2021 REQUIRED CERTIFIED STAFF OR CONSULTANTS**

**Ed 306.15 Provision of staff and staff qualifications**

**Each school shall provide** the services of a certified administrator (e.g. special education administrator, principal), a certified library media specialist and a certified guidance counselor(s); art, music, health and physical education teachers in accordance with class size requirements in Ed 306.17.  The School’s administration must be certified staff and not a consultant.

In addition to the required staff listed above, the following are required at each level:

**Elementary Schools (Elem):** In each elementary school, the services of a reading & writing teacher or specialist and library media specialist to facilitate the delivery of the language arts and reading program established in Ed 306.37(a).  Teachers for elementary school need to be K-6 or K-8 certified.

**Middle Schools (Mid):**In each middle school, a library media specialist to support the instructional resources program and facility requirements of Ed 306.08.   Teachers for middle school need to be certified in the content area in which they are assigned/teach and be K-8, 5-8, 5-12, or 7-12 certified.

**High Schools (High):**  In each high school, a library media specialist to support the instructional resources program and facility requirements.  Teachers for High School need to be certified in the area in which they are assigned/teach and need to be 5-12 or 7-12 certified.

**The following chart outlines the required certifications/endorsements by grade level for private providers of special education programs**

| **Required**  (Grade Levels) | **Endorsement [Code]** | **Certif. Standard** | **Per Min. Standard** |
| --- | --- | --- | --- |
| **Administrator**  (Elem, Mid, High) | Principal [0003]; or  Special Education Administrator [0006] | 506.04  506.07 | 306.15(a) |
| **Visual Art Education**  (Elem, Mid, High) | Visual Arts Education [0200] | 507.09 | 306.31 |
| **Library Media**  (Elem, Mid, High) | Library Media Specialist [0036]; or  Library Media Coordinator [0035] | 507.21  507.20 | 306.15(a) |
| **Guidance**  (Elem, Mid, High) | School Counselor [0040]; or  School Counseling Director [0042] | 507.07  507.06 | 306.15(a)  306.39 |
| **Music**  (Elem, Mid, High) | Music Education [1200] | 507.39 | 306.31 |
| **Health**  (Elem, Mid, High) | Health Education [0801] | 507.15 | 306.40 |
| **Physical Education**  (Elem, Mid, High) | Physical Education [0800] | 507.16 | 306.41 |
| **Information & Communication Technology**  (Elem, Mid, High) | Digital Learning Specialist [0350]; or  Library Media Specialist [0036]; or  Library Media Coordinator [0035] | 507.22  507.21  507.20 | 306.42 |
| **Reading & Writing Teacher or Specialist**  (Elem) | Reading and Writing Specialist [0037]; or  Reading and Writing Teacher [0034] | 507.12  507.52 | 306.15(a)  306.37 |
| **Mathematics**  (Elem, Mid, High) | **K-6**: Elementary Math Specialist [1150]; or  Elementary Education (K-6) [1810]; or  Elementary Education (K-8) [1811]  **5-8**: Elementary Education (K-8) [1811] or  Mathematics, Middle Level [1102]  **7-12**: Mathematics, Upper Level [1100] | 507.251  507.11  507.11  507.11  507.25 & 26  507.25 & 26 | 306.43 |
| **Science**  (Elem, Mid, High)  *Ed 507.29* | **K-6**: Elementary Education (K-6) [1810]; or  Elementary Education (K-8) [1811]  **5-8**: Elementary Education (K-8) [1811] or  Science (5-8) [1305]; or  **7-12**: Earth and Space Science [1304]; and  **7-12**: Life Science [1302]; and  **7-12**: Chemistry [1308]; and  **7-12**: Physics (7-12) [1309]; and  **7-12**: Physical Science (7-12) [1313] | 507.11  507.11  507.11  507.29 & 30  507.30 & 31  507.30 & 32  507.30 & 33  507.30 & 34  507.30 & 53 | 306.45 |
| **Social Studies**  (Elem, Mid, High) | **K-6**: Elementary Education (K-6) [1810]; or  Elementary Education (K-8) [1811]  **5-8**: Elementary Education (K-8) [1811] or  Social Studies (5-8) [1501];  **5-12**: Social Studies (5-12) [1500] | 507.11  507.11  507.11  507.56  507.28 | 306.46 |
| **English/ Language Arts**  (Elem, Mid, High) | **K-6**: Elementary Education (K-6) [1810]; or  Elementary Education (K-8) [1811]  **5-8**: Elementary Education (K-8) [1811] or  English (5-8) [0501]  **5-12**: English (5-12) [0500]; | 507.11  507.11  507.11  507.55  507.24 | 306.37 |
| **Family & Consumer Science** (Mid, High) | Comp. Family & Consumer Science Ed [0900] | 507.50 | 306.38 |
| **Technology Education**  (Mid, High) | Technology and Engineering [1000]; or  Digital Learning Specialist [0350] | 507.05  507.22 | 306.47 |
| **Business**  (High) | Comprehensive Business Ed. [0300]; or  Comprehensive Marketing [0400] | 507.49  507.48 | 306.33 |
| **Early Childhood Education** (Elem – if applicable) | Early Childhood (N-3) [1866] | 507.18 |  |
| **Special Education**  (Elem, Mid, High) | **K-12**: General Special Education [1900]  **Pre**: Early Childhood Sp. Ed. (N-3) [1912]; or  General Special Education [1900] and  Early Childhood (N-3) [1866] | 507.40  507.41  507.40  507.18 |  |
| **Swimming/ Water Activities** (Elem, Mid, High)  *\* If swimming/water activities are offered* | 1114.10 (g)  Each private provider of special education or other non-LEA program which offers swimming or other water activities in its program shall provide a qualified water safety instructor or senior lifesaver to be on duty whenever children with disabilities are in the swimming program or other water activity. | | |
| **World Languages**  (High) | \*See [NH Education Credentialing Endorsement List](https://nhdoepm.atlassian.net/wiki/spaces/CHD/pages/193954145/Endorsements+Available+and+Requirements) for complete list.  *\*See curriculum for languages taught* | 507.37 & 38 | 306.48 |
| **Career and Technical Education**  (High) | \*See [NH Education Credentialing Endorsement List](https://nhdoepm.atlassian.net/wiki/spaces/CHD/pages/193954145/Endorsements+Available+and+Requirements) for complete list.  *\* See curriculum for courses taught* | 507.01 – 03 | 306.20 |

**NHDOE Bureau of Student Support**

**Program Approval and Improvement Review**

**Private Special Education Programs**

**Description of Roles and Responsibilities of Certified Consultants Working with Private Special Education Programs: Guidance Document**

It is the role of the New Hampshire Department of Education to ensure that all students with disabilities are provided Free and Appropriate Public Education (FAPE), including equal educational opportunities and full access to the general curriculum. As part of NHDOE Monitoring Review for Approval of Special Education Programs, a critical element that is reviewed by the NHDOE is curricula, specifically ensuring that there is a viable curriculum which meets state requirements and that there are appropriately credentialed staff responsible for implementation of the course offerings. Recognizing that private special education programs have limited resources and that student enrollments are typically quite small, assembling a full time staff to cover all curriculum requirements presents a challenge. In an attempt to assist private special education programs in meeting the certification standards for educational personnel, the NHDOE, Bureau of Student Support, has endorsed the implementation of a “consultation model” for use in the private special education program setting. In order to further define and clarify how this consultation model can be utilized, the following guidelines are provided:

**When is a consultant needed?**

Attached to this document are the core curriculum requirements for K – 12 programs (Appendix A). Depending on the grade span of the private special education programs, each of these curriculum areas must be offered, along with a certified teacher who will be responsible for providing the instruction. If the certified teacher does not hold certification in the content area in which he/she is teaching, there must be a consultant who holds that certification working along with the teacher. For example, a certified special education teacher providing instruction for a high school English course must have a certified high school English teacher consulting with them in the design of instruction and monitoring of the curriculum. It is important to note, that consultants working with private special education programs must hold teaching certification in the area in which they are consulting; **HQT status, as well as SOE status, are not recognized** as fulfilling the requirement for certification. It is also important to note that private special education programs providing programming for grades K-8 with an established middle school must meet all of the elementary and middle school curriculum requirements.

**What Are Possible Roles and Responsibilities of Consultants Hired By the Private Provider?**

The role of a consultant providing services to a private special education program will vary depending on a variety of factors within each special education program. Listed below is a list of the possible roles and responsibilities of consultants who are offering technical assistance and consultation services to private special education programs. Please keep in mind that the list below is just a sampling of roles that might be covered by consultants; it is not an exhaustive list.

* To share curriculum information and assist in the planning and delivery of instruction
* To assist in the private provider in identifying nationally recognized norm referenced or criterion referenced assessment tools that are designed to measure the effectiveness of the curriculum, instruction and assessment.
* To provide demonstration lessons, observe lessons being taught, and assist in measuring the effectiveness of the instruction being provided
* To share curriculum resources, such as materials, supplies, technology based information
* To act as a mentor, provide guidance and offer suggestions to the private provider staff
* To assist the private special education program in making connections with resources and professional development available in the public school setting or greater educational community
* To share current research
* To assist in curriculum development
* To create relationships and conditions for collegial conversations and reflective practice

**How Often Are Consultant Services Utilized, and How Should Provision of Services Be Documented?**

There are no set guidelines regarding the “frequency” of consultation to individual teachers in the private special education setting. This will vary depending on the model of consultation being used, the number of consultants, and the number of teachers the consultants are working with. At minimum it is recommended that there be monthly consultation sessions; this can be face to face meetings, consultation by phone and/or electronic. All consultation may be provided individually or through small group work sessions through a Professional Learning Community Model. It is of critical importance that the consultation services offered be designed to meet the unique needs of the program, of the individual teacher, and also be considered as a rich resource to the staff and administration.

\*The private special education program may want to consider the development of an official “contract” that is consistently utilized for any individual providing consultation services.

**Example of Documentation of Consultation Services**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of consultant**  (all names must appear on consultant roster) | **Frequency of the Consultation**  (including but not limited to dates and times)  EXAMPLE | **Subject Area(s) of the Consultation** | **Method of Consultation** (face to face, electronic, small group etc.) |
|  |  |  |  |

##### APPLICATION MATERIALS CHECKLIST & PROVIDER INFORMATION

**This page must be submitted with your application materials**

Application materials must be submitted in ***electronic format*** (PDF, Microsoft Word, Excel) to [Hannah.Krajcik@doe.nh.gov](mailto:Hannah.Krajcik@doe.nh.gov)

Alternatively, a flash drive with application materials may be mailed to:

Hannah Krajcik, NHDOE, Bureau of Student Support

101 Pleasant Street, Concord, NH 03301

**As soon as possible, but no later than October 15, 2020**

|  |  |  |  |
| --- | --- | --- | --- |
|  | This page (The Application Materials Checklist, with completed Provider Information section, and electronic signature) | | |
|  | A written description of each approved special education program  Parent/Student Handbook, if applicable |  | Private Provider Personnel Roster. ***Personnel Roster must be submitted in Excel format provided.*** |
|  | A written job description for all personnel |
|  | A written description of the consultation model used and documentation of consultation services |  | School Fire & Life Safety and School Health Inspection Forms for all education buildings. ***Due by December 15th*** |
|  | Appendix A completed for the grade levels for which you are seeking approval  ***Appendix A must be submitted in Word format.*** |  | A copy of your Program of Studies for high school students(including description of the requirements for obtaining a high school diploma (if applicable), course descriptions, number of credits for each course, any electives that are offered, as well as any required prerequisites) |
|  | A copy of the corresponding curriculum that is in place. |
|  | Proof of insurance, in accordance with Ed 1114.19, including:  a. professional liability and bonding insurance  b. vehicle insurance  c. comprehensive property and liability insurance in compliance with Ed 1129.08(al)  d. the bonded person(s) delegated the authority to sign checks or manage funds ***(include full, legal name)*** |
|  | Non-profit status document |
|  | School calendar (as outlined in Ed 401.03) |
|  | A current class schedule for each program; include the name of the class, start and end times, and teacher name |
|  | A completed Procedures Self-Assessment Review. ***Procedures Self-Assessment must be submitted in Word format.*** |  | A document that clearly identifies the governing body which shall be responsible for ensuring the program’s compliance with charters, constitution, agreements, leases, contracts, or legal agreements to which the program is a party. |
|  | A complete copy of all current special education procedures, including any supporting documents that may be referred to in the procedures |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Private Provider Name: | | | | |
| Executive Director: ­­­­­­­­ | | | | |
| Education/Special Education Director: | | | | |
| Mailing Address: | | City: | | Zip: |
| Phone: | Fax: | | E-mail: | |

|  |  |
| --- | --- |
| **Students Placed in Program(s) at Private Provider:** | |
| Students are placed by their LEA | Students are placed by courts |

**ELECTRONIC SIGNATURES:**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Executive Director |  | Date |
|  |  |  |
|  |  |  |
| Director/Coordinator of Education/Special Education |  | Date |