



**Frank Edelblut**  
Commissioner

**Christine M. Brennan**  
Deputy Commissioner

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF EDUCATION  
101 Pleasant Street  
Concord, N.H. 03301

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

*Re: Special Education Complaint # 22-21*

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 22-21. Based on the findings of fact in the investigation, I am issuing my written decision as well as providing a copy of the investigator's report.

Below is a description of the allegations as well as a summary of the investigator's findings of facts based on the evidence submitted by all parties to this matter. If an allegation is substantiated, a finding of noncompliance with special education law, then there will be a corrective action required of the district to remedy any violations of special education law. The corrective action is intended to ensure compliance with IDEA by addressing the needs of the child and the appropriate future provision of services for all children with disabilities.

By way of relevant background, the scope of this investigation is related to an annual Individual Education Plan (IEP) meeting which occurred on [REDACTED].

**Allegation 1- Substantiated**

The sole allegation is that [REDACTED] failed to comply with Ed 1103.02(a), which in relevant part, provides that:

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.

Specifically, the complainant asserts that the parent was not made aware of the team meeting until it had begun.

By way of relevant background, the child attends an out-of-district placement. Although the parents of the child have separate residences, both are involved in the education of their child.

On [REDACTED], a representative from [REDACTED], the out-of-district placement, sent out an invitation via email for the annual IEP meeting scheduled for [REDACTED]. The invitation was sent to the Out-of-District Coordinator for [REDACTED], the service providers at [REDACTED], and the student's mother. However, the student's father was not included in the notice. A revised invitation was sent out seven days later on [REDACTED], to update one of the service providers. Once again however, the father was not included in the meeting invitation.

At no point between [REDACTED], when the initial invitation was sent out and [REDACTED], when the meeting was scheduled to occur did anyone notice that the father was not on the invite. As such, he had no knowledge of the meeting and, understandably, was not present when the meeting began.

On [REDACTED], the meeting began at [REDACTED]. When it was noticed that the father was not in attendance at the meeting, he was called on the phone. Meeting minutes document that he was in attendance at [REDACTED]. While the father was ultimately able to attend the meeting, without having received proper notice, he did not have an opportunity to prepare any questions or concerns for the meeting.

Conclusion:

The Department recognizes the complexities associated with multiple households. However, that does not excuse the district from its obligation to provide both parents with their rights to receive notice in accordance with federal and state regulations. Furthermore, while it was the out-of-district placement agency which organized the meeting, the district is the party which is ultimately responsible for ensuring that those same federal and state regulations are followed for their students. As such, it was the district that had the responsibility to ensure that both parents were included in the invite.

██████████

Corrective Action:

██████████ will review and, if necessary, update their practices around parental notice when the parents are in separate households to ensure opportunities for parental participation— in accordance with any court ordered parenting documents by ██████████

██████████ will review their policy around parental notice with appropriate special education staff by ██████████

Evidence of corrective action must be submitted on, or before, the dates above to: New Hampshire Department of Education, 101 Pleasant Street Concord, NH 03301 Attention: Special Education Complaint Office. Evidence may include, but is not limited to: meeting sign in sheets, copies of applicable policies, training materials and supplementary information

We hope that in the future the district and parent will work together to resolve any differences that may arise.

Frank Edelblut  
Commissioner of Education  
NH Department of Education