



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

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

[REDACTED]

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[REDACTED]
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[REDACTED]

[REDACTED]

Re: Special Education Complaint # 22-25

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 22-25. 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 limited to [REDACTED]. During the complaint period, the child had one Individual Education Plan (IEP) valid between [REDACTED], and included the following service:

- Reading Instruction 2x per week for 20 minutes per session.

Allegation 1- Unsubstantiated

The sole allegation is that [REDACTED] failed to comply with Ed 1109.03(a), which in relevant part, provides that:

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.

Specifically, the complainant asserts that they are simply unsure if their child received services in accordance with the IEP during the complaint period.

By way of relevant background, the child was receiving special education via remote instruction during the complaint period. On [REDACTED], a special education reading session began 7 or 8 minutes late. The educator acknowledged that she did log in late, however, stayed late to ensure that the full 20 minutes was provided.

Although, the educator provided the full service that day, the parents became concerned that their child may have missed services in the month previous. However, they were unable to provide any specific information regarding dates or times they felt the service had not been provided. In addition, they acknowledged that they feel any potentially missed services were nominal and likely had no overall impact on their child.

The district provided the service logs for the reading service for the complaint period. The logs did not indicate that any services were missed, however, it did not track the duration of each service. Regardless, progress reports for the child show that the child made progress during the period in question.

Conclusion:

When there is an allegation for missed services, it is not necessarily a minute for minute comparison, but rather the issue is viewed in totality to determine if the child was able to access a Free and Appropriate Public Education (FAPE) and make progress. Although there was no evidence to indicate the child did receive every minute of their required service, there is also no evidence to indicate the child was not able to access a FAPE. This allegation seems to stem from a larger issue between the parents and [REDACTED]. It is clear the parents do not feel the district is transparent in their communications and would like to see more open communications. The Department would like to see the district work on communicating effectively with the parents to create a more collaborative IEP team in the best interest of the child.

There is no corrective action necessary.

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