



**Frank Edelblut**  
Commissioner

**Christine M. Brennan**  
Deputy Commissioner

STATE OF NEW HAMPSHIRE  
**DEPARTMENT OF EDUCATION**  
25 Hall Street  
Concord, N.H. 03301

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Re: Special Education Complaint # 22-34*

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 22-34. 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 allegation, 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 from [REDACTED].

**Allegation 1 - Partially Substantiated**

The sole allegation in this matter is that the [REDACTED] District has failed to comply with Ed 1109.06(c), which, in relevant part provides that:

[U]pon receiving a written request for a team meeting, the meeting shall be completed within 21 days.

Specifically, the complainant asserts that the [REDACTED] District did not respond to an IEP (Individual Education Plan) team meeting request which was sent on [REDACTED].

[REDACTED]

By way of relevant background, the student was residing with her legal guardian and attending [REDACTED]. The student had previously been identified as a student with a disability and as such, was receiving special education supports and services at the [REDACTED] within the school district.

On [REDACTED], the student's guardian contacted the IEP team to request a team meeting. The district did not immediately respond to the guardian's request. Just four days later, on [REDACTED], the guardian notified the school that she, the guardian, had taken the student to the [REDACTED] and that the staff was going to start her in the educational program on their campus.

Within the same email, the guardian praised the [REDACTED] for their support and told the school to reach out if they would like an update on this situation. There was no mention of the guardian's previous request for a team meeting. The district was not part of the placement decision, nor part of the evaluation which was conducted as part of the [REDACTED]. The district was not provided with any further information on the placement and was unsure if it was an educational placement or an Episode of Treatment.<sup>1</sup>. Therefore, the district didn't follow through on the original meeting request.

**Conclusion:**

The circumstances in this case are unique since the district was not involved in the assessment or placement decision. [REDACTED]

[REDACTED] At this time the district is still unsure whether the placement is temporary or long term. Had the district been included or at least informed during the placement process, it may have provided clarification regarding the school district's responsibilities and ultimately prevented the resulting confusion.

**Corrective Action:**

[REDACTED] will provide training to all special education staff regarding the required responses to IEP team meeting requests. Evidence of this corrective action must be submitted to the Department of Education, 25 Hall Street, Concord, NH 03301 by [REDACTED]

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

Christine M. Brennan  
Deputy Commissioner of Education  
NH Department of Education

---

<sup>1</sup> " An "episode of treatment" occurs when a child needs to be placed by DHHS in a DHHS-contracted and/or certified program to receive more intensive treatment and supports [educational-placements-v-episod-of-treatment-ta.pdf \(nh.gov\)](https://www.nh.gov/education/episode-of-treatment-ta.pdf)