



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 # 23-19

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-19. 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.

Allegation 1 - Unsubstantiated

The first allegation in this matter is that the [REDACTED] District failed to comply with Ed 1107.01(d), which, in relevant part provides that:

For re-evaluations, the evaluation process shall be completed within 60 days after the receipt of parental consent to evaluate.

Specifically, the complainant asserts that the evaluations which were requested on [REDACTED] were not completed within the requisite 60 days.

On [REDACTED], the parent sent an email to request that her child, who was already identified as a child with a disability and receiving special education services, be evaluated for [REDACTED]. A meeting was subsequently held on [REDACTED] to discuss the parent's request. The special education team agreed to evaluate the student for [REDACTED] using the [REDACTED]. At this time, the team decided to hold off on evaluating the student for [REDACTED] due to the team at the [REDACTED] lack of familiarity with the student. The parent agreed to the team proposal to conduct the evaluation using the [REDACTED] on [REDACTED]. There were no other evaluations included in that specific Written Prior Notice (WPN).

On [REDACTED], the parent was provided a copy of the evaluation as well as the meeting notice to go over the evaluation on [REDACTED]. That same day, the parent emailed the district to let them know that [REDACTED] did not wish to go over the [REDACTED] but rather, wanted to discuss the [REDACTED]. The district suggested that they keep that meeting time to go over assessment options as well as the ethical protocols related to evaluations for [REDACTED]. Due to illnesses and scheduling difficulties however, that meeting did not occur until [REDACTED]. Even with the delay in the meeting, there were only 38 calendar days between the parental consent and the meeting, well within the 60-day requirement.

Conclusion:

The district completed the evaluations well within the 60-day period, therefore there no technical violation occurred. Rather, the confusion seems to stem from the request for an [REDACTED]. However, the initial proposal and WPN addressed the reason for postponing the [REDACTED] and the parent agreed to the proposal that only the [REDACTED] evaluation be conducted. Moving forward, it is important that both parties have a complete understanding of the documents which are being consented to and that the parties feel comfortable to ask clarifying questions.

Corrective Action:

No corrective action is 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