



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]—Superintendent, SAU 37
20 Hecker Street
Manchester, NH 03102

[REDACTED]—Chief Student Services and Wellness Officer

Re: Special Education Complaint # 23-24

Dear [REDACTED],

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-24. 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 student has an Individual Education Plan (IEP) dated [REDACTED] and agreed to by the parent on [REDACTED]. The agreed upon plan includes the following transportation services:

[REDACTED]

Allegation 1- Unsubstantiated

The sole allegation in this matter is that the School District 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 the Manchester School District has not provided transportation as required in the IEP.

The child was placed in a preschool program, originally at [REDACTED], set to begin on [REDACTED] 2. The parent received a letter on [REDACTED], stating that due to the enrollment numbers, the preschool program was being moved to the [REDACTED]. On [REDACTED] the parent contacted the district and expressed concern that the change in location impacted their daycare. In response, the district offered to move the child back to [REDACTED], but the parent stated it was too late, and the childcare placement was no longer available.

Subsequently, the parent found a daycare placement in [REDACTED] and asked the district to transport the child to and from there, as transportation is required in the IEP. The district looked into this option and determined transportation to a daycare outside the school district would not be provided. There are no rules or regulations to indicate that a district is required to transport to childcare facilities outside of the geographical boundaries of the district.

In addition, the transportation logs in accordance with the parent interviews indicate that the child has been accessing transportation to and from their residence to the special education preschool program since [REDACTED].

Conclusion:

Throughout the allegation it became apparent that the issue was not that the district was not providing transportation, but that the district would not provide transportation to a daycare in a different town. There are no laws or regulations which require a district to provide transportation to a student's childcare in a different town. In addition, the school district had offered to remedy the situation related to placement immediately once informed, but the parent had already given up their daycare slot; prior to communicating the concerns with the school.

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