



# FY24 Special Education State Complaints

Analysis of Ed 1121 Data

Presented By: Janel LeBlanc

# Brief Introduction

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- Janel LeBlanc

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- Office located at 25 Hall Street within the Governance Unit

- Role

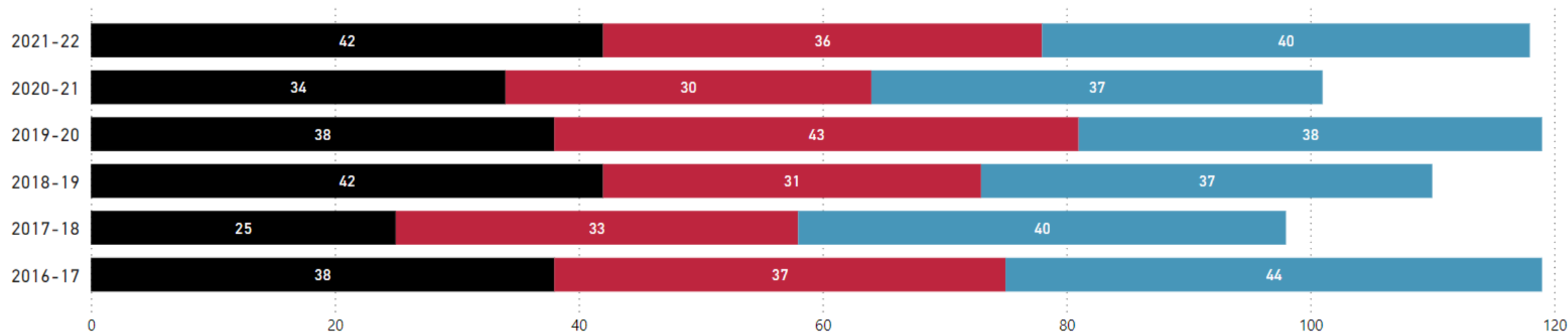
- Neutral administrator of the special education state complaints process
- Oversee contracted complaint investigators
- Handle constituent contact related to formal and informal complaints

# Historical Data—CADRE Dashboard

Use of Dispute Resolution Options by School Year | Total Events

Total Events: New Hampshire (NH)

● Written State Complaints Filed ● Mediation Requests ● Due Process Complaints Filed

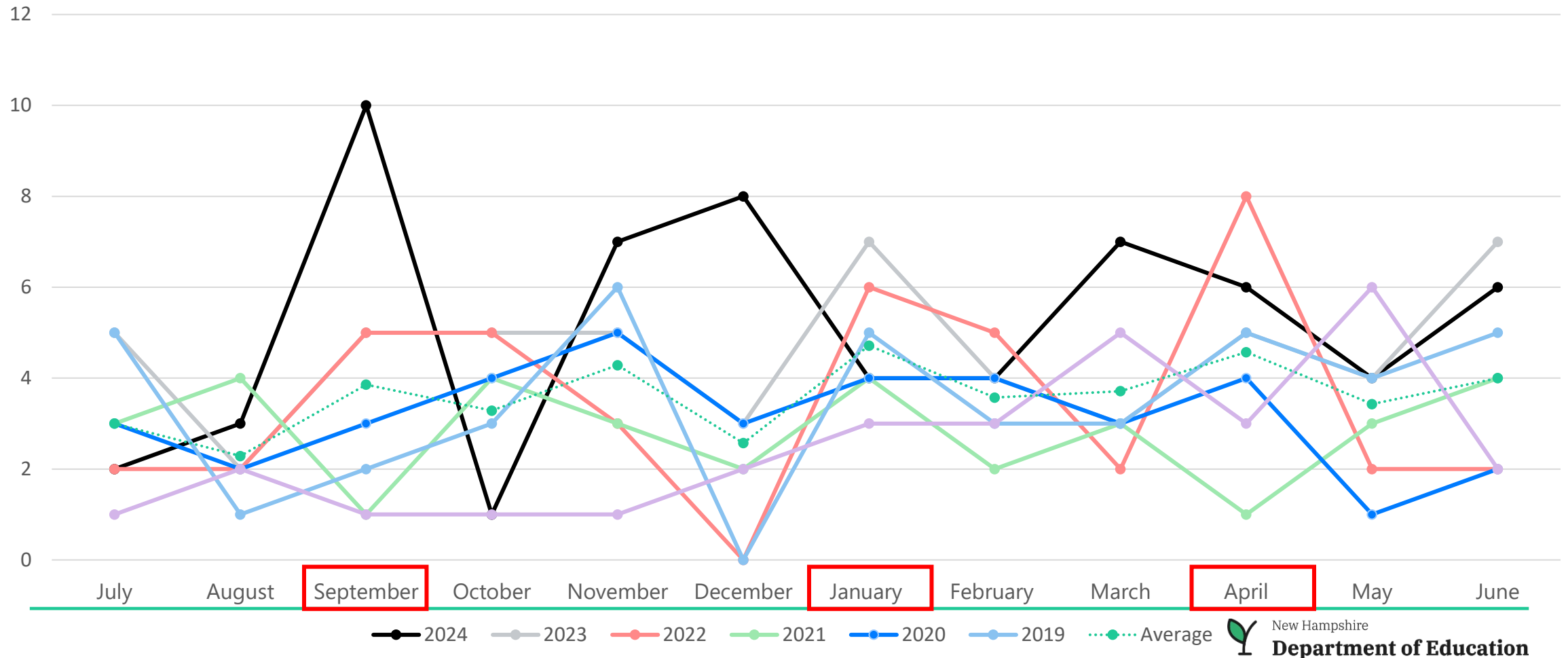


<https://www.cadeworks.org/national-state-dr-data-dashboard>

# Complaint Data by Month [Table]

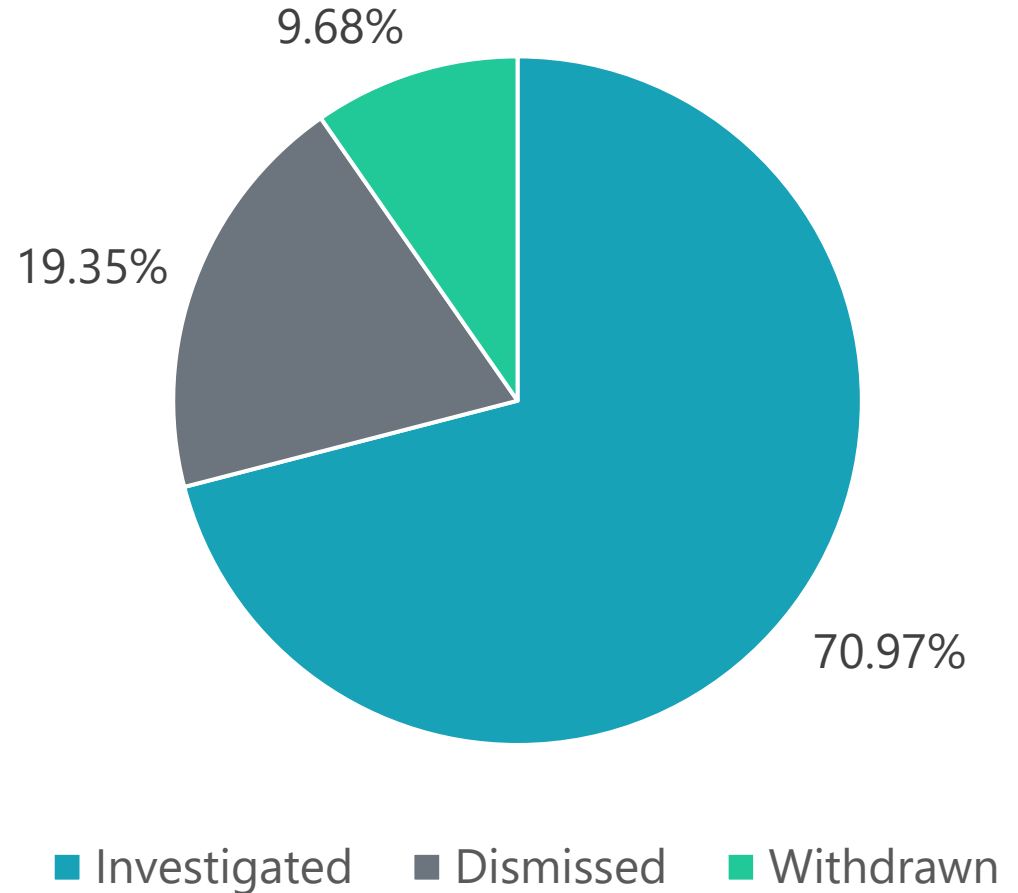
	2024	2023	2022	2021	2020	2019	2018	Average
<b>July</b>	2	5	2	3	3	5	1	3
<b>August</b>	3	2	2	4	2	1	2	2.29
<b>September</b>	10	5	5	1	3	2	1	3.86
<b>October</b>	1	5	5	4	4	3	1	3.29
<b>November</b>	7	5	3	3	5	6	1	4.29
<b>December</b>	8	3	0	2	3	0	2	2.57
<b>January</b>	4	7	6	4	4	5	3	4.71
<b>February</b>	4	4	5	2	4	3	3	3.57
<b>March</b>	7	3	2	3	3	3	5	3.71
<b>April</b>	6	5	8	1	4	5	3	4.57
<b>May</b>	4	4	2	3	1	4	6	3.43
<b>June</b>	6	7	2	4	2	5	2	4.00
<b>TOTAL</b>	62	55	42	34	38	42	30	43.29
	<b>+12.7%</b>	<b>+31.0%</b>	<b>+23.5%</b>	<b>-10.5%</b>	<b>-9.5%</b>	<b>+26.7%</b>		

# Complaint Data by Month [Graph]



# FY24 Complaint Intake Data

This graph illustrates what % of complaints filed with NHED proceed to investigation compared to complaints dismissed for procedural reasons or withdrawn by the complainant.

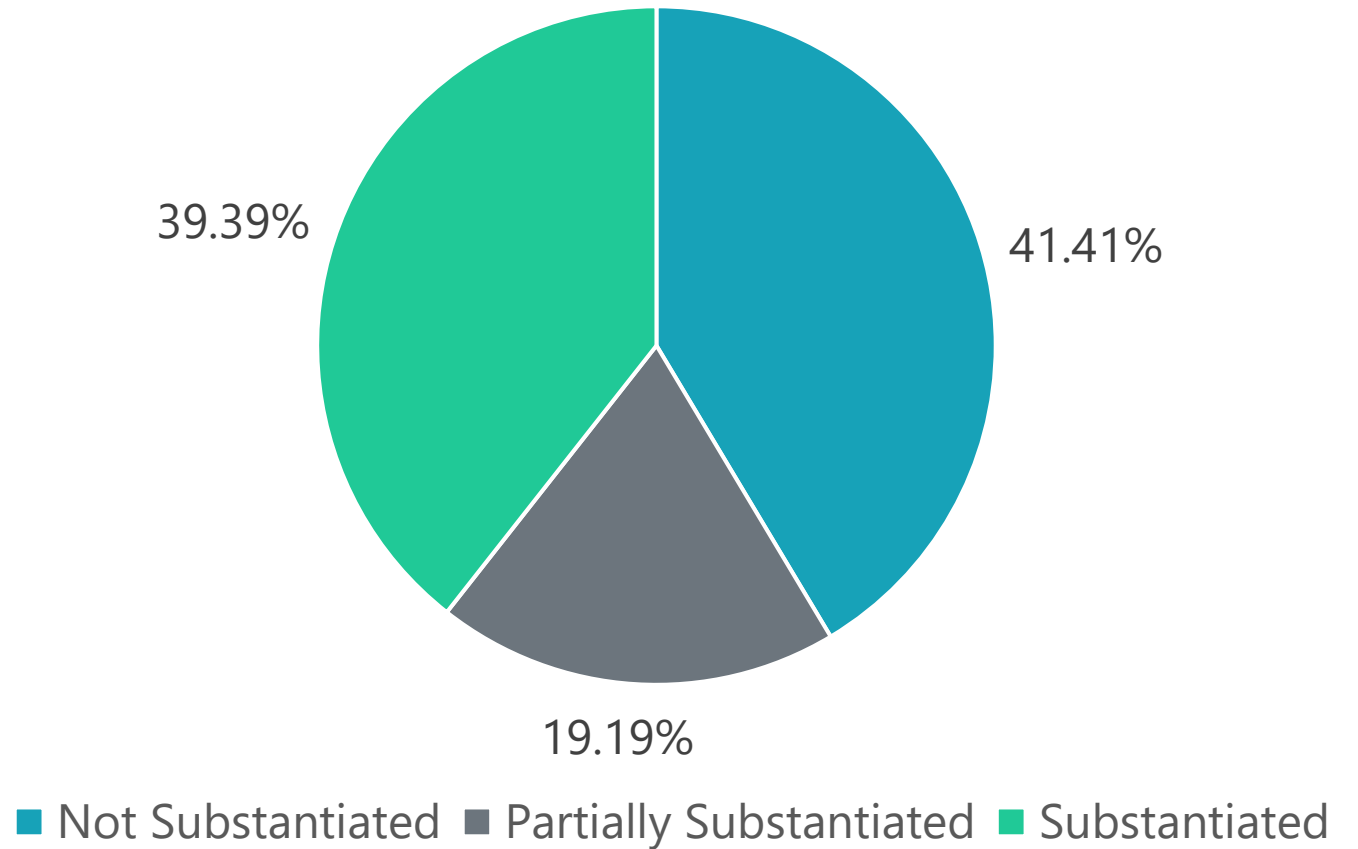


# Allegation Overview

	<b>2024</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Cases w/ Reports Issued	44	32	27	25
Allegations for the FY	99	45	50	34
Findings of Non-compliance [S or PS]	58	32	23	19
Unsubstantiated Allegations	41	13	27	15

# FY24 Allegation Outcomes

This graph shows the outcomes of allegations investigated.





# FY24 Allegations By Statute

Statute [State]	NS	PS	S	Description of Statute
Ed 1105.01(c)		1		Child find—find, identify, evaluate
Ed 1106.01(c)			1	Notify parent of referral
Ed 1106.01(d/e)			2	Determine disposition of referral w/ evaluations within 15 days
Ed 1107.01(c/d)	1	1	1	Complete initial evaluation or reevaluation within 60 days
Ed 1107.05			1	Provide an evaluation summary
Ed 1109.03(a)	11	5	14	Provide elements of the IEP
Ed 1109.06(c)	2		2	Hold IEP team meeting within 21 days
Ed 1109.06(d)			1	Conduct annual review meeting and design new IEP
Ed 1111.01(a)	1	1	1	LRE
Ed 1111.03(d)			1	Program environment on Continuum of Alt Ed Environments
Ed 1113.04(a)	1			Use of positive behavior supports
Ed 1115.02(a)	1		1	LEA requests parental surrogate
Ed 1120.03(a)	1	1	1	Provide WPN 14 days before change
Ed 1120.04	2	2	1	Gather parental consent
Ed 1124.02			3	Provide services after >10-day placement change

Statute [Federal]	NS	PS	S	Description of Statute
34 CFR 300.43(a)(2)		1		Individualized transition services
34 CFR 300.101(a)			3	Provide FAPE
34 CFR 300.116	3			Determine placement annually, determined by group
34 CFR 300.156(c)			1	Special ed teacher must be certified
34 CFR 300.209(b)(1)(ii)	1			Provide services in IEP at public charter school
34 CFR 300.303	1			Provide re-evaluation every 3 years
34 CFR 300.304(c)	1	1		Evaluate in all areas of suspected disability
34 CFR 300.305(a)	1			IEP team must review existing data/info as part of evaluation
34 CFR 300.306	1	1		Consider info from variety of sources to determine eligibility
34 CFR 300.320(a)(3)	2		1	Provide progress notes concurrent w/ report cards
34 CFR 300.320(a)(4)	2			Special education based on peer-reviewed research
34 CFR 300.321(a)	2	1	1	All IEP team members present
34 CFR 300.323(c)	3			Develop IEP within 30 days of determination of eligibility
34 CFR 300.323(d)	1			Accessibility of child's IEPs to teachers and others
34 CFR 300.323(e)			1	Provide comparable services or develop new IEP for new student
34 CFR 300.324	1	1		Develop, review, and revision of IEPs
34 CFR 300.502			1	Provide information about IEE in timely manner
34 CFR 300.503	1	1		Provide WPN when changes proposed/rejected
34 CFR 300.530(e)			1	Hold manifestation determination meeting after 10 days
34 CFR 300.613	1			Access to student records
34 CFR 300.623			1	Security of PII

# Allegation Types Overview

## Procedural Allegations

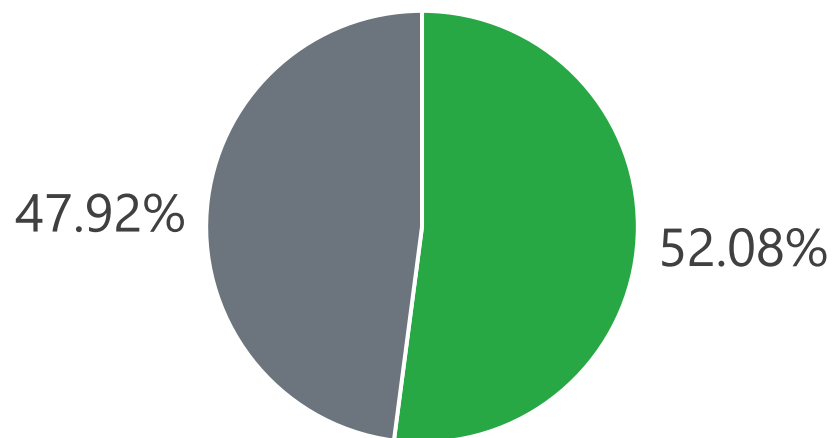
- 34 CFR 300.513(a)(2): “In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies—(i) Impeded the child’s right to a FAPE; **(ii) Significantly impeded the parent’s opportunity to participate in the decision-making process** [...]; or (iii) Cause a deprivation of educational benefit.
- For the purposes of this analysis, I’m considering “procedural” allegations to be matters related to “process” or parents’ rights. This can be a subjective interpretation.

## Substantive Allegations

- 34 CFR 300.513(a)(2): “In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies—**(i) Impeded the child’s right to a FAPE**; (ii) Significantly impeded the parent’s opportunity to participate in the decision-making process [...]; or **(iii) Cause a deprivation of educational benefit**.
- For the purposes of this analysis, I’m considering “substantive” allegations to be matters directly affecting the child’s educational programming. This can be a subjective interpretation.

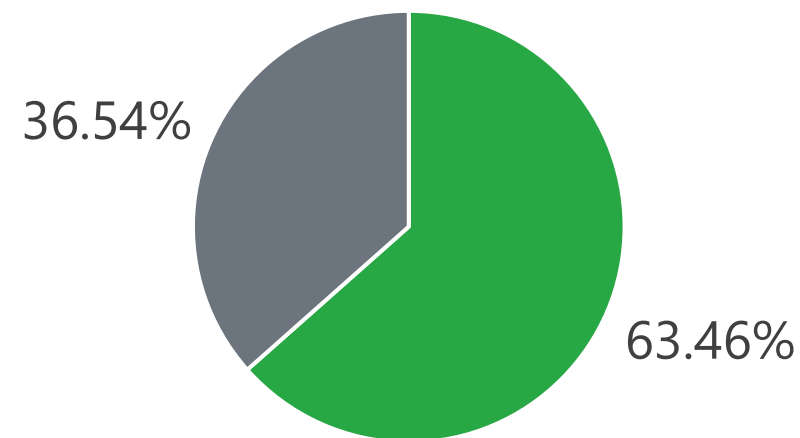
# FY24 Allegation Types & Outcomes

## Procedural



- Finding of Non-Compliance
- Allegation Unsubstantiated

## Substantive



- Finding of Non-Compliance
- Allegation Unsubstantiated

# “But isn’t this more due process?”

- OSEP Dispute Resolution Q&A, 2013

**Question B-7:** If a parent wishes to challenge a public agency’s decision regarding the provision or denial of FAPE to a child with a disability, may a parent file a State complaint?

**Answer:** Yes. As is true for State complaints challenging a public agency’s eligibility determination, the Department’s long-standing position is that an SEA may not refuse to resolve a State complaint alleging a denial of FAPE. **This is true even if the SEA believes that the parent should file a due process complaint against the LEA or that the due process hearing process is a more appropriate mechanism to resolve such disputes.** If a parent believes that the program offered or provided to his or her child with a disability does not constitute FAPE and files a State complaint instead of a due process complaint, the SEA must resolve the State complaint.

# “But isn’t this more due process?”

- OSEP Dispute Resolution Q&A, 2013

**Question B-8:** How should an SEA resolve a State complaint challenging a public agency’s decision regarding the provision or denial of FAPE to a child with a disability?

**Answer:** In resolving a State complaint challenging whether a public agency’s decision regarding the provision or denial of FAPE to a child is correct, an SEA may need to determine **not only whether the public agency has followed the required Part B procedures to reach its determination, but also whether the public agency has properly addressed the individual child’s abilities and needs.**

