



Frank Edelblut
Commissioner

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Re: Special Education Complaint # 24-20

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education Support, has concluded its investigation of complaint # 24-20. 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 may 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 information, the student is a [REDACTED] student at [REDACTED] School and had one Individualized Education Program (IEP) dated [REDACTED] during the complaint period. It should be noted that there has been a proposed updated IEP, but that has not yet been signed in consent.

The crux of this complaint rests on how the [REDACTED] District, in an effort to cater to teens' desire for privacy when receiving special education support, created a program called [REDACTED] that is perceived by the parents to be a reactive schoolwork help club rather than proactive, specially designed instruction catered to students' IEP annual goals.

For the [REDACTED] school year, the student's IEP included one (1), 30-minute session in mathematics per week and two (2), 30-minute sessions in English Language Arts per week, to be provided by a special education teacher in a special education setting. The complaint investigation concluded that these sessions

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were being provided for the mandated amounts, in the appropriate environment, by required staff. However, that is not what the parents had issue with. The parents felt that the specially designed instruction of these sessions was not, in fact, specially designed but was, instead, reactive help to complete missing assignments. It is important to note that the mathematics, reading, and writing goals in the student's IEP state that progress on said goals will be measured by grades on assignments and assessments. Therefore, explicitly teaching skills or practicing learned skills by working on assignments and assessments in ██████████ is related to the specially designed instruction in the IEP.

Allegation 1—Unsubstantiated

The first allegation in this matter is that the ██████████ District failed to comply with Ed1109.03(a), which, in relevant part provides that:

The local education agency (LEA) shall provide special education, related services, supplementary aids and services, accommodations, and modifications to child with a disability in accordance with the child's IEP.

Specifically, the complainant asserts that the ██████████ District did not provide the specially designed instruction in accordance with the child's IEP.

While the Department acknowledges the need to support students in a social-emotional sense when accessing special education support, it is imperative that special education services are administered in accordance with the IEP in a way that services a student's individual goals and objective. As previously noted, the District has provided the services as mandated by the IEP. The most recent IEP goal progress reports state that the student has mastered the goals and objectives and is making progress in the curriculum with good grades. The Department would like to take this opportunity to acknowledge the parents' perspective that, while the student's grades are above average, the student is struggling with gaps in skills. Still, when there are disputes between parents and school districts over how the content of the IEP, procedures such as neutral conference, mediation, and due process hearings can be utilized to reach an agreement.

Conclusion

While the allegation was unsubstantiated in this case, the ██████████ District should take this opportunity to review its internal policies and procedures related to services and educational placements to be sure that students are receiving a free appropriate public education (FAPE), which is tailored to their individual needs.

The Department would also like to take the opportunity to commend this student on the student's hard work and academic dedication, as evidenced by grades being in the A to B range during the first and second quarters. The Department wishes the student a successful academic career.

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