



Frank Edelblut
Commissioner

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Re: Special Education Complaint # 24-32

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education Support, has concluded its investigation of complaint # 24-32. 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, indicating 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 attends the sixth grade in the [REDACTED] ("the District"). During the complaint period, the student had one Individualized Education Program (IEP) that is dated [REDACTED], that was amended twice—on [REDACTED], and on [REDACTED]. The student receives special education and related services for a primary disability of Other Health Impairment and a secondary disability of Speech-Language Impairment.

The scope of this complaint is narrowly tailored to one specific science teacher providing the student's accommodations. The student was in this science teacher's class for approximately 6 weeks, from when the [REDACTED] school year began in late [REDACTED] until the [REDACTED]. During this time, there were several meetings surrounding the implementation of the student's accommodations in this science class. On [REDACTED], the science teacher signed a document acknowledging receipt of the student's IEP and that the science teacher reviewed the goals, objectives, accommodations, and modifications listed in the IEP.

██████████

The complaint specifically alleges that the following accommodations were not provided to the student in science class:

- Rephrase questions;
- Check-ins to ensure that the student understands the directions;
- Break larger tasks into smaller tasks;
- Clear and simple instructions; and
- Provide teacher check-ins or conversations when the student appears anxious as the student may need to talk something through – access to guidance counselor as needed.

Therefore, the Department sought evidence that these accommodations were implemented in the science class during the time-period in question. Samples of class activities such as an interactive notebook, graphic organizer, breakdown worksheet for a lab, and a “how-to” on Google Sheets and creating graphs were provided to the Department’s investigator as examples of how the science teacher provided clear and simple instructions and broke down larger tasks, per the student’s accommodations. Special education teaching staff attested to the fact that the student’s accommodations, particularly related to teacher check-ins for understanding and rephrasing of questions, were regularly offered and implemented. Additionally, logs show that the student accessed the guidance department 4 times during the complaint period, although it is unknown from what class the student left to seek guidance.

However, despite all the evidence provided, there were clearly documented concerns between the student and the science teacher. In response to an IEP team meeting on ██████████, and a phone call from the parent on ██████████, the school initiated an inquiry to understand and address any negative experiences in the student’s science class. Subsequent days at the end of September consisted of numerous phone conversations with the parent and examination into whether the science teacher was following the student’s IEP. School administration did not find any evidence of noncompliance with their review of the teacher’s practices. However, on ██████████, there was a meeting with school administration, the science teacher, and the parent, the outcome of which was to switch the student’s academic team, which subsequently ensured that the student no longer had this particular science teacher.

Between ██████████, the student’s new teachers all signed similar receipts acknowledging the contents of the student’s IEP and their responsibilities with its implementation. While not necessarily a direct result of this complaint, the District also provided a district-wide professional development program entitled “Classroom Teacher Accommodations & Modifications” in ██████████.

Allegation 1—Unsubstantiated

The sole 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 follow the accommodations mandated by the student’s IEP.

When prompted, the District was able to provide numerous examples of the science teacher implementing accommodations both through tangible classwork examples, logs, and staff attestations that the IEP was being implemented with fidelity. Moreover, the District did its due diligence of investigating the parent



and student's concerns and, ultimately, changing the student's academic team when the situation became untenable.

Conclusion

The Department will take this opportunity to wish academic success to the student within the new academic team. The Department will also take this opportunity to stress that parents are an integral member of the IEP team whose input and expertise of their child should be valued and considered. Furthermore, the Department hopes that the IEP team can move forward in a collaborative, mutually supportive manner to serve the best interests of the student.

Frank Edelblut
Commissioner of Education
NH Department of Education