



Frank Edelblut
Commissioner

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STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: Special Education Complaint # 24-48

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education Support, has concluded its investigation of complaint # 24-48. 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 turned 18 on [REDACTED] and has been making educational decisions since. The Student's Parent filed this complaint with the Department. The Student was poised to receive a high school diploma in [REDACTED] because the Student had completed all of the graduation credit requirements of the [REDACTED], which is part of the [REDACTED] ("the District"). However, the IEP team agreed to support an additional year of one course at [REDACTED] with some related special education and related services through the [REDACTED] school year.

During the complaint period from [REDACTED], the Student had one IEP, which spans [REDACTED], and was signed in consent with exceptions by the Student on [REDACTED]. The services mandated by the IEP that are relevant to the complaint are as follows:

- Consult- School Psychologist, School Psychologist, 1 session/week of 30 min in the Special Ed Setting

- Consult – OT, Occupational Therapist, 20 session/school year of 15 min in the Special Ed Setting
- Executive Functioning Skills – Support, Paraeducator, 1 session/year of 10 hours in the Regular Ed Setting
- Paraeducator Support – English, Paraeducator, 5 session/week of 50 min in the Regular Ed Setting
- Assistive Technology Services, Assistive Technology Professional, 4 sessions/year of 1 hour, in the Special Ed Setting
- Transportation, Transporter, 4 session/day of 30 minutes

During [REDACTED] school year, the Student's time was split between [REDACTED] and [REDACTED]. Special education services were scheduled for mornings prior to the Student's dismissal to attend [REDACTED]. During the [REDACTED] school year, the Student no longer attended [REDACTED] but was enrolled solely at [REDACTED]. Services were still available, but not accessed by the Student consistently. Throughout this time the Student also was receiving support through [REDACTED], which focused on OT-related skills.

Allegation 1—Partially Substantiated

The first allegation in this matter is that the School District failed to comply with Ed 1109.03(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 [REDACTED] failed to provide the following special education and related services mandated by the student's IEP during the complaint period with continuity:

- School psychologist consultation;
- Occupational therapy consultation;
- Executive functioning services;
- Assistive technology services;
- Transportation; and
- Paraprofessional.

School Psychologist & Occupational Therapy Consultations

Service logs and emails show that both services were provided to or available to the Student consistently throughout the complaint period. Evidence was provided via copies of emails where the Student and School Psychologist communicated about meeting times. Sometimes the Student was not available and kept the Psychologist informed. It appears that the student utilized the consultation when it was needed, and the Student frequently demonstrated self-advocacy skills.

Executive Functioning Services & Paraprofessional Support

While the student attended [REDACTED], there was a paraprofessional assigned to the Student's English Language Arts class to provide this service. Support for executive functioning continued to be available during period 2 at the high school but was never accessed by the Student, possibly because the Student dismissed themselves to travel to [REDACTED]. In the summer of [REDACTED], the Student participated in an online college "boot-camp" for students with disabilities through [REDACTED]. Additionally, a

paraeducator was available to assist the Student [REDACTED].

Assistive Technology Services

According to the IEP, assistive technology services were to be provided 4 times per year for an hour each session, which suggests a quarterly check-in or training for the Student. However, the implementation of this service differed between the District and Student and Parent. The District provided an FM system and Chromebook for the Student during the [REDACTED] school year. However, at the beginning of the [REDACTED] school year, the Student told the District that they no longer wanted to use the FM system and that the Chromebook did not have all required functions for the class at [REDACTED]. Instead, the Student began using technology purchased by the Parent, but had issues when using them at [REDACTED]. When this happened, the Parent believed the District should have assisted the Student with the devices, whereas the District stated that the personal devices had trouble with connectivity because they were not part of the District's equipment, so they were unable to resolve the issues. Still, the Department is skeptical if the service as stated in the IEP—4 times per year for an hour each session with an Assistive Technology Professional in the special education setting—was made available to the Student's time at [REDACTED], based on the evidence provided to the Department's Investigator. While the Department understands that supports with personal devices would not be the purview of this service, this allegation is, fundamentally, a communication issue, and both parties would have benefited from reconvening the IEP team to reevaluate the types of assistive technology devices and support were outlined within the IEP.

While outside the scope of the complaint period, reports from the Parent to the Department Investigator indicates that there may be assistive technology supports available to the Student this coming summer.

Transportation

The IEP includes transportation for the Student to travel between home and both schools. Issues arose with various drivers of the private transportation company, and the Parent requested different drivers several times, which the District arranged. While the District continued to make transportation available, the Parent chose to drive the Student for a period of time until the Student obtained a driver's license and drove themselves to and from schools.

Conclusion

The Department would like to take this opportunity to recognize the Student's academic achievements: the Student earned an admirable GPA of [REDACTED] and will be attending [REDACTED] in the fall of [REDACTED]. The Student, Parent, and District must be incredibly proud of these accomplishments. The Department wishes the Student well on this new academic journey.

Corrective Action

The School District will convene the IEP team to determine if any compensatory services related to assistive technology are necessary. Evidence of the corrective action must be submitted to the Department of Education Attn: Special Education Complaints, 25 Hall Street, Concord, NH 03301 by [REDACTED].



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