

**New Hampshire
Department of Education
Bureau of Student Support
Monitoring Review for Approval of Private
Provider Special Education Programs**

**Clearway High School:
Clearway High School program
Summary Report
2020 – 2021**

**Carol Baldwin, Executive Director
Marianne Wiley, Principal**

Coordinating Education Consultant;
Heidi Clyborne

Monitoring Visit Conducted on February 11, 2021
Report Date: March 16, 2021

Table of Contents

Overview of the Monitoring Review for Approval of Private Provider Special Education Programs Process	3
Overview of the Clearway High School Program(s).....	4
Noteworthy Practices.....	5
Areas in Need of Refinement	6
General Program Approval Requirements Review	6
Special Education Procedures and Effective Implementation Review	7
Curriculum and Effective Implementation Review	7
Personnel Review	8
Implementation of Special Education Process Review.....	8
Section A: General Program Approval Requirements Findings of Noncompliance	10
Section B: Special Education Procedures and Effective Implementation Findings of Noncompliance	11
Section C: Curriculum and Effective Implementation Findings of Noncompliance	13
Section D: Personnel Findings of Noncompliance	16
Section E: The Implementation of the Special Education Process Areas of Compliance and Findings of Noncompliance.....	17

Overview of the Monitoring Review for Approval of Private Provider Special Education Programs Process

The Monitoring Review for Approval of Private Provider Special Education Programs (Monitoring) process ensures that students with educational disabilities have access to; can participate in; and can demonstrate progress within the general education curriculum, thereby improving student learning. The primary focus of the monitoring review is to improve educational results and functional outcomes for all children with disabilities and is done on a cyclical basis.

During the year prior to monitoring, the New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) offers professional development opportunities to each private provider who is involved in the monitoring process. These include writing Measurable Annual Goals, Written Prior Notice, IEP Self-Assessment Data Review Form, and a topic selected by the private provider based on current need.

At the beginning of the school year in which the private provider is being monitored, the private provider will submit to the Bureau their completed application for renewal of special education program approval which includes each program's general application materials, special education procedures, curriculum, and personnel. Following a review of these documents, the monitoring team will conduct an on-site review in which student files are examined for evidence of implementation of the policies and procedures through the special education process. The Bureau will also conduct a follow-up review to verify the implementation of corrective actions as defined in this report.

As part of the Monitoring process the private provider was given the option to include a special education administrator from another private school who has been trained in the process by the Bureau.

The New Hampshire Department of Education, Bureau of Student Support review members for Clearway High School's on-site monitoring review included Heidi Clyborne and Elizabeth Graichen.

Overview of the Clearway High School Program(s)

The Clearway High School program (Clearway) is a New Hampshire Department of Education, Bureau of Student Support Approved Special Education Program. Located in Nashua, New Hampshire, Clearway operates a 180 day/year program for students in grades 9-12. They have the capacity to serve eighteen male and female students with the primary education disabilities of Emotional Disturbance, Other Health Impairments, Specific Learning Disability, and Speech-Language Impairments. Clearway awards graduates with a high school diploma that meets the New Hampshire state minimum standards.

Clearway's mission is to "educate teenagers so that they learn to function effectively as adults." They meet this mission by helping students improve skills in the areas of academics, decision-making, work, and daily life. Clearway provides an emotionally supportive educational environment that encourages and enables students to discover success. Many students at Clearway have experienced a long succession of school failures and have histories of chronic truancy and tardiness. Most have not participated in school life, missing out on field trips, extracurricular activities, and athletics and have felt alienated within the traditional school environment. Additional characteristics of students attending Clearway include low academic achievement, poor self-concept and low sense of control, behavioral challenges, engaging in risky behaviors, multi-stressed families, social isolation, lack of trust in teachers and administrators, limited access to home technology, and lack of confidence in their ability to facilitate change.

Clearway strives to meet the needs of a wide range of students for whom public school has been ineffective. They have confidence in the fact that "if students are able to demonstrate competence in an educational setting, their feelings of self-worth and potential for leading productive and successful lives will increase." Clearway believes students can achieve personal and academic success and understands this is accomplished differently for each student. Their approach to education, capacity to build relationships, and aptitude to foster a sense of community are instrumental to the successes and achievements of each of their students.

Clearway attributes their success to maintaining the same goals and objectives since opening in 1977. Their first goal, improving basic skills, enables students to achieve academic credits necessary for a high school diploma or the HiSET. Although the long term goal is graduation from high school, students begin to realize benefits from the short term objectives of basic skills improvement, accrued credits, and confidence in their ability to complete high school. Their accomplishments of these short term objectives strengthen their commitment to completing high school. Clearway's second goal is to improve the abilities of students so they can access and utilize services and opportunities made available to them. By providing extracurricular activities, extended learning opportunities, and field trips, students experience and learn how to engage in a wider range of opportunities in their communities as well as with one another. Clearway's third goal, promoting improved self-knowledge, self-respect, and self-advocacy, helps students function more effectively and confidently at school, work, and in the community.

In order to promote academic achievement, Clearway provides hand-on technology and offers small class sizes, with an average student to teacher ratio of 6 to 1. Smaller class sizes provides opportunities for students to develop strong connections with teachers and fellow classmates. Academic achievement is also achieved by helping students learn how to be a positive, contributing presence in the classroom. Attendance is another factor contributing to academic achievement. Attendance and respect are fundamental requirements of everyone in the Clearway community and once realized, students start to feel more comfortable in their school setting, often for the first time, and begin attending school more regularly.

To help students become more proficient in tasks required in adult life, Clearway requires all of their students to enroll in their Career and Life Skills class. This class helps students explore career opportunities, learn employability skills, and develop resumes. It also provides students support to seek and sustain employment or pursue further education.

Clearway strives to create a safe and secure learning environment and makes every effort to establish and maintain a sense of community for their students and staff. Extracurricular activities, such as yearbook planning, fitness, various outdoor activities (including basketball and walking), cooking, poetry, woodworking, computer games, board games, sign language, reading groups and art are made available to students. Additional enrichment activities, designed to expand the vision and range of experience of students, include field trips, restaurant dining, community art endeavors, ice skating, movies, seasonal crafts and activities, and college visitations. These activities and events are not earned privileges. They are opportunities for all students, providing not only exposure to real-world events generally not afforded to them but also a feeling of being part of a community.

Although Clearway is not a therapeutic setting they do provide individual counseling with their Guidance Counselor, on an as needed or regular basis, to support students as they navigate through their school day, resolve conflicts with classmates, or require support as they tackle other issues they find challenging, particularly those related to transitioning to adulthood.

Noteworthy Practices

During the virtual monitoring visit, it was revealed that Clearway includes several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- Senior pictures are take annually at no cost to the families and includes a portrait package of various poses and photo sizes. These photos are given to all seniors at graduation.
- Clearway provides opportunities for students to make crafts they can give to family members as gifts for the holidays which brings them a sense of pride and joy.
- An annual Thanksgiving dinner is shared as a school community
- Game Days and Picnics encourage team building and community

- Field trips provide students with real-life experiences. Annual field trips include Quincy Market, Boston, Nashua Community College, Salem, MA

Areas in Need of Refinement

During the virtual monitoring visit, it was revealed that Clearway had areas in need of refinement. Whereas these practices do not rise to the standard of noncompliance, and therefore require no corrective actions, the NHDOE believes that the areas in need of refinement are noteworthy to be addressed.

- Class hours listed on the Clearway High School website do not reflect the hours submitted with the application for program approval. The website states that classes are held from 9:45-2:00 which does not meet the required instructional time of 6 hours/day or 990 hours/year. School hours stated in their parent/student handbook are for 6 hours/day.

General Program Approval Requirements Review

Each private provider must meet the requirements for special education program approval pursuant to The Individuals with Disabilities Education Improvement Act (IDEA) (2004), The New Hampshire Standards for the Education of Children with Disabilities, and New Hampshire State Statutes (RSA 186-C:5, RSA 189:64).

The monitoring review for the approval of private provider special education programs includes a review of the private provider's general application materials that must be submitted to the Bureau by October 15 in the year they are monitored. These include the following; Program Description(s), Written Job Descriptions, Consultation Model, School Fire & Life Safety Inspection(s), School Health Inspection(s), Proof of Insurance, Non-Profit or For-Profit Status, School Calendar and class schedule, Governing Body, Professional Development Master Plan, and Secretary of State Registration & Good Standing.

Based on the review of the Clearway High School program's application materials, the monitoring team determined there were **no findings of noncompliance**.

Any findings and their required corrective actions are detailed in [Section A](#) of this Report.

Special Education Procedures and Effective Implementation Review

Each approved special education program must have special education procedures that are aligned and support the implementation of IDEA and the New Hampshire Standards for the Education of Children with Disabilities.

The monitoring team reviewed the following special education procedures for compliance with State and Federal regulations regarding administration; confidentiality of information; program requirements; responsibilities of private providers of special education implementation of IEPs; behavioral interventions; RSA 126-U Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities; qualifications and requirements for instructional, administrative and support personnel; change in placement or termination of enrollment; physical facilities; health and medical care; photography and audio-visual recording; and emergency planning and preparedness.

Based on the review of the Clearway High School program's special education procedures the monitoring team determined there were **3 findings of noncompliance**.

Any findings and their required corrective actions are detailed in [Section B](#) of this Report.

Curriculum and Effective Implementation Review

As part of the review, the monitoring team looked for evidence that Clearway High School is providing students with access to the general curriculum. The monitoring team reviewed the grades 9 – 12 curriculum provided by Clearway High School for compliance with learning areas in Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.261(b)(1) and (2) & Ed 306.27(c).

Based on the review of the Clearway High School program's curriculum, the monitoring team determined that there were **4 findings of noncompliance**.

Based on the review of the Clearway High School program's Program of Studies, the monitoring team determined that there was **1 finding of noncompliance**.

Any findings and their required corrective actions are detailed in [Section C](#) of this Report.

Personnel Review

Pursuant to The New Hampshire Standards for the Education of Children with Disabilities all administrative, instructional, and related service staff shall hold appropriate certification or licensure for the position in which they function. In order to provide access to a Free and Appropriate Public Education the private provider must also have the required certified staff or consultants as detailed in the application.

The Bureau has reviewed Clearway High School's staff and consultants' certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2020 – 2021 school year.

The personnel roster that was provided by Clearway High School was compared to the Required Certified Staff or Consultants chart and to the New Hampshire Educator Information System. Each listed staff or consultant's endorsement was also compared to the subject/assignment. This process was used for personnel that hold Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the staff's certification and endorsement or certified and endorsed consultant was appropriate to the subject/assignment then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and subject/assignment, the private provider was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1114.10(a), 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the Clearway High School program's personnel certifications, the monitoring team determined there were **no findings of noncompliance**.

Any findings and their required corrective actions are detailed in [Section D](#) of this Report.

Implementation of Special Education Process Review

Private providers are responsible for implementing the special education process in accordance with IDEA and the New Hampshire Standards for the Education of Children with Disabilities. The Individualized Education Program (IEP) Self-assessment Data Collection form highlights the private providers' understanding of the requirements of IDEA and the New Hampshire Standards for the Education of Children with Disabilities for Record of Access/Confidentiality Requirements; IEP; IEP Team/Participants in the Special Education Process; Present Levels of Academic Achievement and Functional Performance; Courses of Study; Measurable Annual Goals & Short-term Objectives or Benchmarks; Review and Revision of IEPs; Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs; Accessibility of Child's IEP to Teachers and Others;

and Definition of Individualized Education Program and was reviewed during the monitoring visit.

The private provider cites the evidence of compliance in the self-assessment form prior to the monitoring visit. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the private providers' self-assessment as a resource. In the case of student specific finding(s) of noncompliance, the sending District is cited for noncompliance, as well as the private provider.

Student specific information will not be included in the report but will be provided to the private provider and the LEA's administrator of special education.

Based on the review of the Clearway High School program's Implementation of Special Education Process, the monitoring team determined there were **5 findings of noncompliance**.

Any findings and their required corrective actions are detailed in [Section E](#) of this Report.

Section A: General Program Approval Requirements Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted application materials that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

Findings of Noncompliance and Required Corrective Actions for the Clearway High School program:

No findings of noncompliance

Section B: Special Education Procedures and Effective Implementation Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted special education procedures that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

Findings of Noncompliance and Required Corrective Actions for the Clearway High School program:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1114.05(a)	Program Requirements
<p>Finding of Noncompliance: In reviewing the Clearway High School program's special education procedures the monitoring team found no evidence that the private provider shall have a written description of admissions policies and criteria which it shall provide to all placing agencies and shall make available to the parent of any child referred for placement.</p>	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must revise its special education procedures to include that the private provider shall have a written description of admissions policies and criteria which it shall provide to all placing agencies and shall make available to the parent of any child referred for placement.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 1114.07(b)	Behavioral Interventions
<p>Finding of Noncompliance: In reviewing the Clearway High School program's special education procedures the monitoring team found no evidence that the private facility shall have a written statement of the policies and procedures followed by the program in managing student behavior. This statement shall be provided to the sending LEA and the parent at the time each child with a disability becomes enrolled in the program, at the time of the annual review of the child's educational progress, and any time the facility or non-district program's policies and procedures for managing behavior are revised.</p>	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must revise its special education procedures to include that the private facility shall have a written statement of the policies and procedures followed by the program in managing student behavior. This statement shall be provided to the sending LEA and the parent at the time each child with a disability becomes enrolled in the program, at the time of the annual review of the child's educational progress, and any time the facility or non-district program's policies and procedures for managing behavior are revised.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 1114.21(e)	Behavioral Interventions
<p>Finding of Noncompliance: In reviewing the Clearway High School program's special education procedures the monitoring team found no evidence that the private provider shall have written procedures for behavioral interventions that outline staff responsibilities with regard to procedures for personnel who are qualified and trained in behavioral crisis intervention response so that quick, organized responses can occur.</p>	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must revise its special education procedures to include that the private provider shall have written procedures for behavioral interventions that outline staff responsibilities with regard to procedures for personnel who are qualified and trained in behavioral crisis intervention response so that quick, organized responses can occur.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

Section C: Curriculum and Effective Implementation Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted curriculum and, if applicable, program of studies, that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

Findings of Noncompliance and Required Corrective Actions for the Clearway High School program:

Curriculum:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 306.38(d)(2)(d)	Family and Consumer Science
<p>Finding of Noncompliance: In reviewing the Clearway High School program's Family and Consumer Science curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> • Textiles and design 	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must provide curriculum for all required Family and Consumer Science standards/competencies listed above.</p> <p>Provide the Family and Consumer Science curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 306.40(b)(2)(e)	Health Education
<p>Finding of Noncompliance: In reviewing the Clearway High School program’s Health Education curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> Family life and comprehensive sexuality education for instruction relative to abstinence. 	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must provide curriculum for all required Health Education standards/competencies listed above.</p> <p>Provide the Health Education curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 306.42(a)(5)	Information and Communication Technologies
<p>Finding of Noncompliance: In reviewing the Clearway High School program’s Information and Communication Technologies curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> Basic operations and concepts; Social, ethical, and human issues; Technology productivity tools; Technology communications tools; Technology research tools; and Technology problem solving and decision-making tools using a variety of artifacts as described in the standards; Proficient, ethical, responsible use of 21st century tools within the context of the core subjects. <p>Using digital artifacts including – (c)(1-4):</p> <ul style="list-style-type: none"> Standardized tests; observation; student work and reflective comments. 	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must provide curriculum for all required Information and Communication Technologies standards/competencies listed above.</p> <p>Provide the Information and Communication Technologies curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
4. Ed 306.43(c)(4)	Mathematics
<p>Finding of Noncompliance: In reviewing the Clearway High School program’s Mathematics curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> Opportunities for students to explore the historical development of mathematics. 	
<p>Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must provide curriculum for all required Mathematics standards/competencies listed above.</p> <p>Provide the Mathematics curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

Program of Studies:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 306.41	Program of Studies; Physical Education
Finding of Noncompliance: In reviewing the Clearway High School program's Program of Studies the monitoring team found no evidence of one additional course with a title and description for Physical Education.	
Corrective Action Regarding the Implementation of the Regulations: The Clearway High School program must submit a revised Program of Studies inclusive of one additional course with a title and description for Physical Education. Provide the revised Program of Studies as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.	

Section D: Personnel Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted personnel roster that was reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

Findings of Noncompliance and Required Corrective Actions for the Clearway High School program:

No findings of noncompliance

Section E: The Implementation of the Special Education Process Areas of Compliance and Findings of Noncompliance

The chart below identifies the areas of review for the student files that were reviewed by the monitoring team during the onsite visit. The chart is broken down into the **Compliance Citations, Area of Compliance, Review Status and Corrective Actions**.

The **Compliance Citations** and **Area of Compliance** are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the monitoring team.

The **Review Status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “5 out of 6 files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.” This means that 6 files were reviewed and 5 files were found to be in compliance.

There are three components to the **Corrective Actions**. The first component, **First Stage Corrective Action of Student Specific Instance(s) of Noncompliance** identifies any student specific areas of noncompliance that must be corrected at the student level. The Bureau will return to the private provider program to review all student files in which there were findings of noncompliance in order to verify compliance with the corrective action.

The second component, **First Stage Corrective Action Regarding the Implementation of the Regulations** informs the private provider program of any practices or procedures which need to be corrected and requires appropriate personnel participate in professional development in areas found to be noncompliant to ensure the correct implementation of the regulations going forward.

The third component, **Second Stage Corrective Action Regarding the Implementation of the Regulations**, informs the private provider of the number of new student files that may need to be selected at the program for review to verify correct implementation of the regulations for the section of the self-assessment in which noncompliance was found. For Second Stage Corrective Actions the Bureau will verify compliance through a subsequent on-site review of new files within one year from the date of the report. **The total number of student files selected for the Second Stage Corrective Action Regarding the Implementation of the Regulation will not exceed the original number of files reviewed at the private provider program.**

Areas of Review and any Findings of Noncompliance and Required Corrective Actions for the Clearway High School program:

When determining compliance, the NHDOE reviews the currently agreed upon/signed IEP at the on-site monitoring visit. During the on-site monitoring visit there were **no files** which could not be reviewed for sections B(#2), D(#11-17), E(#18-22), F(#23), G (#24-26), H(#27), I(#29), J(#30-31), K(#32-41), L(#42), and M(#43-45) as there was no parent and/or LEA signature indicating consent / approval of the provisions of the IEP.

The monitoring team reviewed 2 files at the Clearway High School program (Student Codes A & B).

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.05		A. Record of Access; Confidentiality Requirements
Self-Assessment Question Number & Regulatory Component		Review Status
1.	34 CFR 300.614 Ed 1119.01(a)	2 out of 2 IEP files demonstrated evidence of a record of parties that have obtained access to the education records collected, maintained or used under Part B of the Act, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		B. Individualized Education Program
Self-Assessment Question Number & Regulatory Component		Review Status
2.	Ed 1109.04(a)	2 out of 2 IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.
3.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	2 out of 2 IEP files demonstrated evidence that the IEP was reviewed at least annually. <i>(No student files were of students with initial IEPs or moved from another state or district.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321 Ed 1103.01		C. IEP Team; Participants in the Special Education Process
Self-Assessment Question Number & Regulatory Component		Review Status
4.	34 CFR 300.321(a)(1) Ed 1103.01(a)	2 out of 2 IEP files demonstrated evidence that one or both of the parents are present at the IEP team meeting or are afforded the opportunity to participate

5.	34 CFR 300.321(a)(2) Ed 1103.01(a)	2 out of 2 IEP files demonstrated evidence that not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) participated in the meeting. <i>(No student files had regular education teacher(s) excused per 34 CFR 300.321(e).) (No student files were of students that are not and will not participate in the regular education environment.)</i>
6.	34 CFR 300.321(a)(3) Ed 1103.01(a)	2 out of 2 IEP files demonstrated evidence that not less than one special education teacher or, where appropriate, not less than one special education provider of the child participated in the meeting. <i>(No student files had special education teacher(s) or special education provider(s) excused per 34 CFR 300.321(e).)</i>
7.	34 CFR 300.321(a)(4) Ed 1103.01(a)	2 out of 2 IEP files demonstrated evidence that the IEP Team included an LEA representative.
8.	Ed 1103.01(d)	0 out of 0 IEP files demonstrated evidence that, if vocational, career or technical education components are being considered, the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(2 student files were students for whom vocational education/CTE were not considered.)</i>
9.	Ed 1103.02(a),(c), (d)	0 out of 0 IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants or the parent agreed in writing that the LEA could satisfy this requirement via transmittal by electronic mail <u>or</u> demonstrated evidence of written consent of the parent(s) that the notice requirement were waived [Ed 1103.02(b)]. <i>(2 student files were students for whom the written invitation is the responsibility of the LEA.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320		D. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number & Regulatory Component		Review Status
10.	34 CFR 300.324(a)(1)(i)	2 out of 2 IEP files demonstrated evidence that the team considered the strengths of the child.
11.	34 CFR 300.324(a)(1)(iv)	2 out of 2 IEP files demonstrated evidence that the team considered the academic, developmental, and functional needs of the child.
12.	34 CFR 300.324(a)(1)(ii)	2 out of 2 IEP files demonstrated evidence that the concerns of the parents for enhancing the education of their child were considered.
13.	34 CFR 300.324(a)(1)(iii)	2 out of 2 IEP files demonstrated evidence that the results of the initial or most recent evaluation of the child were considered.
14.	34 CFR 300.320(a)(1)(i)	2 out of 2 IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum. <i>(No student files were preschool age students.)</i>
15.	34 CFR 300.320(a)(4)(ii)	2 out of 2 IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects non-academic areas.
16.	34 CFR 300.320(a)(1)(ii)	For preschool children, 0 out of 0 IEP files demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities. <i>(2 student files were not of preschool age students.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		E. Courses of Study
Self-Assessment Question Number & Regulatory Component		Review Status
17.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 2 out of 2 IEP files demonstrated evidence a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education, or career technical education.. <i>(No student files were students aged 13 or younger who will not be turning 14 during the IEP period and no evidence the IEP team determined this is necessary.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		F. Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number & Regulatory Component		Review Status
18.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	0 out of 2 IEP files demonstrated evidence of a statement of measurable annual goals, including academic and functional goals. For student code(s) A & B there was insufficient evidence demonstrating compliance with this requirement.
19.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	0 out of 2 IEP files demonstrated evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum as well as the child's other educational needs that results from the child's disability. For student code(s) A & B there was insufficient evidence demonstrating compliance with this requirement.
20.	Ed 1109.01(a)(6)	2 out of 2 IEP files demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals.

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months of the date of this report, the private provider must amend the IEPs to include measurable annual goals; and measurable goals that meet the child's needs that result from the child's disability and the child's other educational needs.

The NHDOE will verify this through a subsequent on-site review.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to address writing measurable annual goals; including goals that meet the child's needs that result from the child's disability and other educational needs.

Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 2 new student files at the Clearway High School program for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(8)		G. Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number & Regulatory Component		Review Status
21.	Ed 1109.01(a)(8)	2 out of 2 IEP files demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.06(b)		H. Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs
Self-Assessment Question Number & Regulatory Component		Review Status
22.	34 CFR 300.325(b) Ed 1109.05 Ed 1114.06(a);	For the purpose of initiating the process for all matters concerning possible changes and/or modification in the identification, evaluation, development and/or revision of an IEP or changes in placement of a child with a disability, 1 out of 1 IEP files demonstrated evidence that the private provider contacted the sending school district. <i>(1 student file had no changes in the child's identification, evaluation, development or revision of the IEP or placement)</i>
23.	Ed 1114.06(i), (j), (k)	1 out of 1 IEP files demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program. <i>(1 student file had no reports required yet due to the start date of the current IEP)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1109.03(a); Ed 1109.03(v); Ed 1102.01(b)		I. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number & Regulatory Component		Review Status
24.	Ed 1102.01(b)	If accommodations are included, 2 out of 2 IEP files demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor, validity, or both of the subject matter being taught or assessed. <i>(No student files were students with no accommodations.)</i>
25.	Ed 1102.03(v)	If modifications are included, 0 out of 0 IEP files demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impact the rigor, validity, or both of the subject matter being taught or assessed. <i>(2 student files were students with no modifications.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		J. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
Self-Assessment Question Number & Regulatory Component		Review Status
26.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	1 out of 2 IEP files demonstrated evidence of a statement of special education. For student code(s) A there was insufficient evidence demonstrating compliance with this requirement.
27.	Ed 1109.04(b)(1)	0 out of 2 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided. For student code(s) A & B there was insufficient evidence demonstrating compliance with this requirement.
28.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	1 out of 1 IEP files demonstrated evidence of a statement of related services. <i>(1 student file was a student for whom there was no evidence that the IEP team determined this is necessary.)</i>
29.	Ed 1109.04(b)(1)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided. <i>(1 student file was a student for whom there were no related services in the IEP.) (1 student file was a student for whom the transportation service has not yet been needed due to COVID)</i>
30.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	0 out of 0 IEP files demonstrated evidence of a statement of supplementary aids and services. <i>(2 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
31.	Ed 1109.04(b)(2)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(2 student files were students for whom there were no supplementary aids and services in the IEP.)</i>
32.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	0 out of 0 IEP files demonstrated evidence of a statement of the supports for school personnel. <i>(2 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
33.	Ed 1109.04(b)(4)	0 out of 0 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports for school personnel. <i>(2 student files were students for whom there were no supports for personnel in the IEP.)</i>
<p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the private provider must convene the IEP teams to review the IEPs and provide evidence of a statement of special education.</p> <p>As soon as possible, but no later than 2 months from the date of this report, the private provider will provide documentation for evidence of the implementation of special education services provided.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p>		

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that the IEP includes applicable special education services.

Provide training to appropriate staff for ensuring that there is written evidence documenting implementation of the IEP with regards to all special education services provided.

Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 2 new student files at the Clearway High School program for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		K. Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number & Regulatory Component		Review Status
34.	34CFR 300.320(a)(5) Ed 1109.01(a)(1)	<p>0 out of 2 IEP files demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.</p> <p>For student code(s) A & B there was insufficient evidence demonstrating compliance with this requirement.</p>
<p>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months of the date of this report, the private provider must amend the IEPs to include the explanation of the extent, if any, to which the child did not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p>		
<p>First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to address the explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.</p>		
<p>Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 2 new student files at the Clearway High School program for updated data demonstrating compliance with this requirement.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		L. Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number & Regulatory Component		Review Status
35.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	Evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments. Due to changes in the New Hampshire Special Education Information System (NHSEIS) this question was not reviewed for compliance
36.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, 0 out of 0 IEP files demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(2 student files were of students not taking an alternate assessment.)</i>
37.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the child is taking an alternate assessment, 0 out of 0 IEP files demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(2 student files were of students not taking an alternate assessment.)</i>