



**Frank Edelblut**  
Commissioner

**Christine M. Brennan**  
Deputy Commissioner

STATE OF NEW HAMPSHIRE  
**DEPARTMENT OF EDUCATION**  
25 Hall Street  
Concord, N.H. 03301

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Re: Special Education Complaint # 23-31*

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-31. 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 will 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 background information, the student has an Individual Education Plan (IEP) dated [REDACTED], which was consented to by the parent or [REDACTED]. The IEP included the following relevant service:

- 1:1 full time paraeducator for 5 sessions per week of 6 hours in the regular education setting

**Allegation 1- Substantiated**

The sole allegation in this matter is that the School District failed to comply with Ed 1109.03(a), which, in relevant part provides that:

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

Specifically, the complainant asserts that [REDACTED] has not provided the paraeducator supports in the IEP between [REDACTED],

In response to the parent allegation, the district agreed that the parent was correct, and that the student had not received the paraeducator supports as agreed upon, starting [REDACTED] when the paraeducator resigned. The district did attempt to provide some of the paraeducator support by utilizing different staff throughout the day. However, there is no documentation to support that claim.

In all, there were 17 days the student attended school during the complaint period, with no evidence of paraeducator support. Additionally, the student's progress report, and report card suggest that the student did not make adequate progress during the complaint period. However, combined with excessive absences and a medical absence [REDACTED] it is difficult to discern the cause for the lack of progress.

**Conclusion:**

The Department recognizes and understands the staffing issues districts are facing, especially related to paraeducators. The staffing shortage does not nullify the student's IEP and the agreed upon need for the support. It is the district's responsibility to communicate and collaborate with the family to find a way to support the student while simultaneously recruiting. However, this particular allegation was made more difficult due to the number of absences the student had during the complaint period. The Department cannot determine with certainty that the lack of paraprofessional support was a direct denial of a Free and Appropriate Public Education (FAPE) when there were also extenuating circumstances to consider. What is clear, is that the student needs support.

During the investigation, the district shared that they had come to an agreement with the student and parent to provide the student with the additional support of a special education teacher and extend the trimester, to allow the time to earn the missed credits. This resolution is satisfactory for the Department. No further corrective action is necessary at this time.

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