



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 # 23-32

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-32. 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, 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.

The student had two Individual Education Plans (IEPs) relevant during the complaint period:

- IEP 1, [REDACTED], signed in consent by the parent and legal age student on [REDACTED]; and
- IEP 2, dated [REDACTED], signed in consent by the parent (guardian) on [REDACTED].

Allegation 1- Unsubstantiated

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 the district is not consistently providing the supports and services within the student's IEP during the complaint period, [REDACTED].

On its surface, the parent's complaint was vague and did not specify the services they felt were provided inconsistently. However, during interviews with the parent, the concerns were specified as follows:

- The student not being escorted at dismissal; and
- The Extended Learning Opportunity (ELO), listed in the Secondary Transition Courses of Study section of the IEP had not begun.

In relation to the concern regarding the student not being escorted at dismissal, the parent spoke of a single instance where the student was not escorted to the parent's car at dismissal. The student is not picked up daily and will take the bus some days, but based upon this incident, the parent became concerned that not escorting the student was the normal practice. However, upon further investigation it was discovered that the practice of escorting the student at dismissal was not part of the formal IEP. Rather it had been agreed upon during conversations and emails. In addition, the district stated that the incident in the complaint was isolated. Given that the escort is not part of the IEP, it cannot be investigated further under Ed 1121. Going forward, if that practice is determined to be necessary for the student to access their education, the IEP team should consider adding it to the IEP to avoid any future issues or confusion.

As for the Extended Learning Opportunity, it is included in the IEP, under courses of study to be completed as part of the student's programming during their 18- 21 inclusive, years of attendance. There is nothing in the IEP that specifies which year that will occur, just that it will occur prior to the student's anticipated graduation date [REDACTED].

Information was provided by the parent and district that demonstrates almost monthly IEP team meetings occur as well as frequent email communications. The parent admits the district is responsive to any concerns she brings up but is also concerned that things may not be implemented properly if she does not bring them up.

Conclusion:

Despite regular communications both electronically and in person, it is clear there is a communication break down between the district and parent impacting a collaborative approach for the best interest of the student. Although the concerns raised in the complaint do

not constitute a denial of a Free and Appropriate Public Education (FAPE), the Department would like to encourage the parties to work towards a more collaborative communication



process. There are resources available such as an IEP Facilitator to assist with this should the parties wish.

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