



**Frank Edelblut**  
Commissioner

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Deputy Commissioner

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Re: Special Education Complaint # 23-34*

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-34. 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, the student uses an Augmentative and Alternative Communication (AAC) device for communication. The student also has an Individual Education Plan (IEP) dated [REDACTED], that includes access to [REDACTED] communication device.

**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 deleted pecs (picture exchange communication system) symbols from the student's communication device on [REDACTED]

The student's communication device, although utilized at school is typically updated by his in-home supports. The student's device has separate home and school folders, however, the in-home supports placed some of the updated home specific symbols (swimming, mom, etc.) on the school screen.

On [REDACTED], the student had become agitated when his requests, such as swimming, were not being honored at school. The staff, working with the student, decided to move the symbols to the home page, instead of the school page to prevent further confusion and agitation of the student. The staff members also acknowledged that some were deleted with the intention of placing them in the correct section later in the day but did not have a chance to do so.

Later that day, when the student returned home, the complainant sent an email to the student's case manager alleging they deleted all of the new symbols that she and the in-home service providers had spent the last 2 weeks creating. As previously stated, the staff acknowledged that they moved a majority of the symbols and deleted a few with the intention of replacing them. There was no indication that the act was done in malice and the school district attempted to remedy the situation immediately, by not only replacing the symbols, but also providing training to staff.

**Conclusion:**

Although the removal of some symbols was not communicated to the parent, there is no indication that it denied the student access to a Free and Appropriate Public Education (FAPE). While the Department's understands the good intentions of the school staff to try to avoid confusion and agitation of the student, their failure to complete the task and to communicate with the family had the opposite effect for the student's parents.

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