



**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 # 23-37*

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-37. 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 was attending a public charter school when the IEP dated [REDACTED] was proposed. The parent(s) consented to the IEP on [REDACTED]. The agreed upon IEP included the parent's choice to place the student at the public charter school.

**Allegation 1 - Substantiated**

The first allegation in this matter is that the [REDACTED] School District failed to comply with Ed 1120.03(a), which, in relevant part provides that:

Parent(s) of a child with a disability shall be notified in writing within a reasonable time, but not less than 14 days, before the LEA proposes to initiate or change, or refuses to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement of the child or the provision of FAPE to the child.

Specifically, the complainant asserts that the school district has not provided the required Written Prior Notices (WPN) between [REDACTED], including but not limited to for a placement meeting held during [REDACTED].

Upon further investigation, it was discovered that a WPN was provided for all relevant meetings during the complaint period, except for a meeting held on [REDACTED].

On [REDACTED], the parent had emailed the school district requesting a "placement meeting" for the [REDACTED] school year. On [REDACTED] a meeting was held via Google Meet. During that meeting the parents expressed that they felt their child needed an out-of-district placement. However, both parties agree that the parents cautiously verbally agreed to the child's placement at [REDACTED] School. Although the meeting was recorded and shared with the parents, there was no documentation related to a WPN in relation to this meeting. The district stated they did not consider the meeting on [REDACTED] to be a placement meeting, hence the lack of formal documentation. However, since the IEP at that time indicated that the student was attending a public charter school, the placement did need to be updated to indicate the student would be attending [REDACTED] School.

**Allegation 2- Substantiated**

The second allegation in this matter is that the [REDACTED] School District failed to comply with Ed 1120.04(a), which, in relevant part provides that:

An LEA shall obtain informed, written consent from the parent of a child with a disability prior to annual renewal of the IEP and placement of a child with a disability.

Specifically, the complainant asserts that they were not provided an opportunity to provide informed, written consent during the complaint period.

As stated above, all required documentation was provided except in relation to the meeting on [REDACTED]. Since, there was no WPN related to the placement discussion, the parent subsequently did not have the opportunity to provide informed written consent.

**Conclusion:**

Although the allegations are substantiated, it is important to acknowledge that they are procedural in nature. Although the parent's rights were violated, there is no evidence to indicate that the specific procedural insufficiencies denied the student access to a Free and Appropriate Public Education (FAPE).

**Corrective Action:**

The School District will review their policies and procedures for Written Prior Notices to ensure compliance with federal and state regulations. Evidence of the corrective action must be submitted to the Department of Education, 25 Hall Street, Concord, NH 03301 by [REDACTED]

The School District will ensure that all necessary documentation is completed for the current IEP and conduct a team meeting if any documentation is missing. Evidence of this corrective action must be submitted to the Department of Education, 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