



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]

[REDACTED]

[REDACTED]

[REDACTED]

Re: Special Education Complaint # 23-45

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-45. 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.

Allegation 1 - Substantiated

The sole allegation in this matter is that [REDACTED] 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 student with the paraeducator support as required by the IEP.

By way of relevant background information, the student's consented to IEP dated [REDACTED] [REDACTED] included the following paraeducator support:

- Rehabilitative Services by a paraeducator, 5 sessions per week of 6 hours in a regular education setting

Although the IEP went through additional amendments which were consented to by the parent, the paraeducator support from the original IEP remained consistent.

On [REDACTED], the parent contacted the school upon learning that the paraeducator was not attending math with the student. The district acknowledged the parent's concern and expressed that it was due to difficulties with staffing issues, but that the district would try to get the paraeducator in during the math class as much as possible. At that time, it seems that the math class was the only time the paraeducator was not providing consistent coverage.

On [REDACTED], the parent contacted the school again to inquire whether the paraeducator was going out on leave and if there was a plan for coverage. The paraeducator did in fact go out on leave beginning [REDACTED]. The student was subsequently without the required paraeducator support until [REDACTED], at which time a new paraeducator was hired. In total, the student was without paraeducator support for no more than 6 school days within the complaint period.

Conclusion:

Although the Department understands the parent's concern and acknowledges that there was a gap in paraeducator support as required by the IEP, the Department also acknowledges the district's prompt attention to address the parent's concerns. It is difficult to ascertain that one week without paraeducator support denied the student access to a Free and Appropriate Public Education (FAPE). The Department is concerned about the lack of support during math. The Department is also concerned about a lack of proactivity on the part of the district regarding the lack of services. The district should be communicating such things with parents to encourage an open dialogue and collaborative problem-solving.

Corrective Action:

The School District will convene an IEP team meeting to determine if the student made adequate progress in math during the school year. If not, a plan will be created to ensure progress will be made. Evidence of the 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