



Frank Edelblut  
Commissioner

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Deputy Commissioner

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF EDUCATION  
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Re: Special Education Complaint # 23-52*

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-52. 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 information, the child had one Individualized Education Program (IEP) during the complaint period, covering from [REDACTED], which was signed by the parent on [REDACTED]. In sum, this allegation pertains to the timely processing of paperwork and meeting documentation, issues which were addressed with the addition of a new Director of Student Services.

**Allegation 1 - Unsubstantiated**

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 local education agency (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.

Specifically, the complainant asserts that the district did not provide her with a Written Prior Notice (WPN) related to discussions on [REDACTED], as well as for evaluation requests made on [REDACTED].

The IEP Team meeting that took place on [REDACTED], had relevant documentation including an electronic meeting notice, list of attendees, and meeting minutes. There was no WPN generated after this meeting because the meeting's purpose was to review the drafted IEP—no changes were proposed or refused, so there was no need for a WPN.

Upon request of the Department Investigator, the [REDACTED] District was able to produce the WPN documentation for both the [REDACTED] meetings.

### **Conclusion**

In a phone interview with the Department Investigator, the parent expressed her frustration about the timeliness in which the district would send her the WPNs from meetings—sometimes, she believes, a week or month after the meeting. The parent believes that the district would write the WPNs only after she requested them. While this is the parent's interpretation, the Department is pleased to hear that the current Director of Student Services has addressed any issue of timeliness and hopes that all families receive courteously prompt communication. Parents often rely on these written communications to help them internalize and process what can frequently be overwhelming, distressing, or complex meeting discussions.

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