



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
25 Hall Street
Concord, NH 03301
TEL. (603) 271-3495

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: Special Education Complaint # 23-54

Dear [REDACTED]:

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 23-54. 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 an Individualized Education Program (IEP) that was dated [REDACTED], and was signed in consent by the parent on [REDACTED]. The following meetings were held to propose an annual review and discuss the child's placement for the [REDACTED] school year:

[REDACTED]

[REDACTED]

The child's current proposed IEP for the student was created on [REDACTED]; the IEP was dated as active from [REDACTED].

Allegation 1 - Substantiated

The first allegation in this matter is that the [REDACTED] District failed to comply with Ed 1109.06(d), which, in relevant part provides that:

The local education agency (LEA) will conduct a meeting for the purpose of assessing the effectiveness of the present plan and to design an IEP.

Specifically, the complainant asserts that the child's IEP expired on [REDACTED], and a new IEP had yet to be proposed at the time the complaint was filed on [REDACTED].

While the IEP team did meet several times around the time of the end of the IEP period, no proposed IEP was drafted until [REDACTED], despite the child's IEP having expired approximately 6 weeks prior.

Allegation 2 - Substantiated

The second allegation in this matter is that the [REDACTED] District failed to comply with 34 CFR 300.116(b)(1) which, in relevant part provides that:

The child's placement must be determined annually.

Specifically, the complainant asserts that the child's placement was not proposed within the annual timeline.

The parents did not receive an IEP proposing placement until [REDACTED], approximately 7 weeks after the last placement proposal had expired.

Allegation 3 - Substantiated

The second allegation in this matter is that the [REDACTED] 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 [REDACTED] District did not provide a written prior notice (WPN) regarding proposals discussed at the [REDACTED], IEP team meeting.

The investigator was provided with a Special Education Team Meeting Notice that was dated for [REDACTED]; however, there was no WPN document to accompany that meeting paperwork which would have contained any proposed changes discussed during the meeting.

Conclusion

The [REDACTED] District allowed for some administrative lapses in the development of an updated, proposed IEP, and, subsequently, important educational decisions like placement were not finalized within proper timelines. It is imperative that safeguards be developed by the district to prevent this from reoccurring.

Corrective Action

The [REDACTED] 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 Attn: Special Education Complaints, 25 Hall Street, Concord, NH 03301 by [REDACTED]

The [REDACTED] District will review their internal polices related to special education responsibility and revise, if necessary, to ensure compliance with state and federal requirements. Evidence of this corrective action must be submitted to the Department of Education Attn: Special Education Complaints, 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