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Bureau of Student Support FY'21 Memo #22

Date: February 12, 2021

To: Superintendents of Schools  
Administrators of Special Education

From: Office of the Commissioner of Education

Division of Learner Support  
Bureau of Student Support

RE: Indicator 12 Review Procedures & Timeline

The New Hampshire Department of Education (Department), Bureau of Student Support (Bureau) is beginning the review process for Indicator 12 – Transitions from Family-Centered Early Supports & Services (FCESS) to Preschool Special Education for the 2020-2021 school year. The process begins by providing districts the opportunity to review and make any necessary corrections to their data prior to the Bureau generating the final report to determine compliance.

**Report Review Process and Timelines**

The timeframe for determining compliance is based on timely transition from FCESS to preschool special education for children who turn three between July 1-October 31 of each year. In NHSEIS Advanced Reporting, districts will generate the report summarizing key data points along the early childhood transition timeline, including FCESS referral date, parental consent, eligibility determination date, and IEP creation date as well as a calculation indicating timeliness either a non-eligibility determination or IEP creation. A child who is found not eligible prior to age three is considered timely and in compliance. A child who is found eligible for special education is considered timely and in compliance if the IEP is fully developed and implemented by the child's third birthday. This is based on the date the parent signs the IEP. There may be situations in which the eligibility determination and/or IEP are not timely but are still in compliance. Districts will be able to provide evidence to support exceptions to the identified timelines. Please note that parents are allowed up to 14 days to agree to eligibility and to the IEP. Districts should factor this in when scheduling meetings as it is not an exception if the eligibility/IEP is untimely due to parents taking 14 days to consider the proposed action.

While we typically review this data in December, transitions at the state have pushed the review to March. Between March 1<sup>st</sup> and March 15<sup>th</sup>, districts will review their early transition data for children who transition from FCESS to special education who turn three between July 1, 2020 through October 31, 2020. Districts will make any corrections to the data in the system during the review period. The NHDOE will pull the final report after March 16<sup>th</sup> **with the understanding that all district data is complete, has been verified and is accurate.**

### **Review and Reporting Timeline**

In order to review their data prior to the Bureau generating the final compliance report, districts should:

#### **Between March 1<sup>st</sup> – March 15<sup>th</sup>**

- Districts may use Advanced Reporting in NHSEIS to generate a report regarding Indicator 12- Transitions from Family-Centered Early Supports & Services to Preschool Special Education for the children who turn three years of age between July 1-October 31, 2020. Instructions for generating this report (originally published with FY18 Memo #17) are attached to this memo.

#### **On or before April 9<sup>th</sup>**

- Districts will provide supplementary information via the following link (<https://forms.gle/ojf5g6w51hvkTM8P7>) for any transitions identified as untimely. This information will include documentation (if available) for any potentially valid exception to the timeline for an individual student (i.e. late referral to Family-Centered Early Supports and Services, parent delay or child no longer in the district's jurisdiction). Only exceptions received on or before April 9<sup>th</sup> will be considered. For technical assistance with completing the form, please contact Race2K at 224-7005 or [mlewis@picnh.org](mailto:mlewis@picnh.org)

#### **By May 28<sup>th</sup>**

- The Bureau will determine the final compliance of Indicator 12 for each district based on a review of the data in NHSEIS and a review of any exceptions provided. The Bureau will provide a letter to each district determined to be out of compliance with Indicator 12 by May 28<sup>th</sup>.

### **Compliance Measurement**

- a) # of children who have been served in Family-centered Early Supports & Services and referred to preschool special education for special education eligibility determination.
- b) # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c) # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d) # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301 (d) applied.
- e) # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.

Account for children included in (a), but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

$$\text{Percent} = [(b + c + d + e)/(a)] \times 100$$

### Trainings Available

Two virtual trainings will be held to provide guidance and technical assistance regarding the review of Indicator 12 data for compliance. The training will also be recorded and posted on our website at <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/performance-plans>.

Webinar Date and Time	Registration Link
February 18 <sup>th</sup> – 9:00am - 10:00 am	<a href="https://zoom.us/meeting/register/tJcpfu-urz8pGNPioKTFC0uYYkGZzo4VPgK">https://zoom.us/meeting/register/tJcpfu-urz8pGNPioKTFC0uYYkGZzo4VPgK</a>
February 22 <sup>nd</sup> – 1:00 pm– 2:00pm	<a href="https://zoom.us/meeting/register/tJArfu-vrDsiG9lcNA9bTbE5gXXBQfhTViH3">https://zoom.us/meeting/register/tJArfu-vrDsiG9lcNA9bTbE5gXXBQfhTViH3</a>

Should you need any further clarification or have specific questions, please contact Christina MacDonald at 271-4680 or [Christina.A.MacDonald@doe.nh.gov](mailto:Christina.A.MacDonald@doe.nh.gov).