

**New Hampshire
Department of Education
Bureau of Student Support**

**SPECIAL EDUCATION COMPLIANCE &
IMPROVEMENT MONITORING REVIEW
REPORT**

**Middleton School District
2020-2021**

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Compliance & Improvement Monitoring Visit
Conducted on March 3, 2021
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Overview of the Special Education Compliance & Improvement Monitoring Process

New Hampshire has a responsibility, under federal law, to have a system of general supervision that monitors the implementation of the Individuals with Disabilities Education Act (IDEA) by school districts. The general supervision system is accountable for enforcing IDEA, New Hampshire Statutes, and the New Hampshire Standards for the Education of Children with Disabilities (NH Standards) and for ensuring continuous improvement. As stated in section 616 of 2004 amendments to the IDEA, "The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on -

- (A) Improving educational results and functional outcomes for all children with disabilities; and
- (B) Ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities."

There are eight components that comprise New Hampshire's (NH) general supervision system. It is important to note that although the components are separate, the components connect, interact and articulate requirements to form a comprehensive system. The general supervision system for NH has the following components:

- State Performance Plan (SPP)
- Policies, Procedures, and Effective Implementation
- Data on Processes and Results
- Targeted Technical Assistance and Professional Development
- Effective Dispute Resolution
- Integrated Monitoring Activities
- Improvement , Correction, Incentives and Sanctions
- Fiscal Management

The Special Education Compliance & Improvement Monitoring review is one method that the New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) utilizes to implement the general supervision system. The Special Education Compliance & Monitoring review is comprised of:

- Special Education Procedures and Effective Implementation
- District Special Education Forms and Effective Implementation
- Special Education Personnel
- Program Visits
- Identification of Recommended Preventive Actions
- Monitoring of Special Education Process
- Improvement, Correction, Assistance, and Enforcement

The intent of the Compliance & Improvement Monitoring review is to improve student outcomes for students with IEPs by:

- Ensuring districts understand and are implementing special education requirements in accordance with the New Hampshire Standards for the Education of Children with Disabilities, New Hampshire State Statutes, and IDEA; and
- Improving special education procedures, and practices.
- Identifying and supporting correction of noncompliance, consistent with Office of Special Education Programs (OSEP) Memo 09-02.

The Bureau of Student Support followed a standard process to select districts to participate in the Special Education Compliance & Improvement Monitoring review. The Bureau utilized a multi-data approach which aligns with the OSEP differentiated monitoring approach to determine the district with the highest need based on the District Determinations; the State Performance Plan (SPP) Indicators: (3C) Performance of Children with IEPs on Statewide Assessments for both Reading and Math; (4B) Suspension/Expulsion, (5A) Education Environments, (6A) Preschool Environments, (11) Child Find, and (12) Early Childhood Transition; and state special education complaints.

Once a district was selected, the Bureau contacted the district to discuss the Special Education Compliance & Improvement Monitoring review with the school administration. The Middleton School District was selected through this process. The Middleton School District is comprised of one school: the Middleton Elementary School with a grade span of preschool through six. The Middleton School District is also responsible for students in grades seven through eight, attending Kingswood Regional Middle School, and grades nine through twelve, attending Kingswood Regional High School. The NHDOE reviewed files for Middleton students in grades preschool through six attending Middleton Elementary School, and for students in grades nine through twelve, attending Kingswood Regional High School. The Bureau did not conduct an onsite visitation at Kingswood Regional Middle School since the number of Middleton students attending this school did not meet the NHDOE minimum n=size.

The Bureau also provided targeted professional development regarding the Special Education Compliance & Improvement Monitoring review process and completion of the self-assessment data collection form. The district was provided with a list of 16 students with disabilities representative of the schools based on grade level, disability, gender, special education program, and case manager. At the time of the selection of students, the information entered into the New Hampshire Special Education Information System (NHSEIS) indicated that there were no students enrolled in charter schools. During the onsite visit, the monitoring team selected a total of 10 of the 16 student files to review.

The monitoring visit conducted on March 3, 2021 consisted of three NHDOE team members verifying district-identified evidence on the self-assessment data collection form. The district completed the entire self-assessment for 10 files (encompassing self-assessment questions #1-55).

The district fall enrollment for October 1, 2019 showed that there was a total of 142 students enrolled in the Middleton School District. The Child Count for October 1, 2019 indicated that there were 49 students in the Middleton School District who were identified with disabilities receiving special education services.

The district invited their diagnostic prescriptive teachers and special education staff to attend the review. For all those who attended the review, this provided another targeted professional development opportunity. Staff members were provided the opportunity to learn about implementing IDEA, New Hampshire Statutes, and the New Hampshire Standards for the Education of Children with Disabilities, and to engage in a professional discussion of best practices for ensuring improved outcomes for students with disabilities.

The NHDOE review members for this Compliance & Improvement Monitoring review included: Joanne DeBello, Heidi Clyborne, and Danielle Pellitier.

Special Education Procedures and Effective Implementation

Each district must have special education procedures and effective implementation of practices that are aligned and support the implementation of IDEA, New Hampshire Statutes, and the New Hampshire Standards for the Education of Children with Disabilities. As part of the special education Compliance & Improvement Monitoring review, the NHDOE reviewed the district's special education procedures plan for compliance.

The NHDOE reviewed the district's special education procedures plan for the following components.

- Procedures based on the current New Hampshire Standards for the Education of Children with Disabilities pursuant to Ed 1101.01
- Child find activities pursuant to Ed 1126.02(b)(3)(d):
 - Child Find pursuant to:
 - Ed 1105.01(b) Responsibilities of the Local Education Agency
 - Ed 1105.02 LEA Child Find Program
 - Ed 1105.03 Child Find For Children Placed in Homes for Children, Health Care Facilities, or State Institutions
 - Ed 1105.04 Child Find for Children Currently Receiving Family Centered Early Supports and Services
- Procedures for handling confidential information pursuant to Ed 1126.02(b)(3)(a):
 - Confidentiality Requirements pursuant to Ed 1119.01
- Due process guarantees pursuant to Ed 1126.02(b)(3)(b):
 - Referral and Disposition of Referral pursuant to Ed 1106.01 Process; Provision of FAPE
 - Procedural Safeguards pursuant to Ed 1120.05(c) Parent Refusal of Consent; Initiation of Due Process Hearings by LEA
 - Administrative Due Process Hearing Procedure pursuant to:
 - Ed 1123.02(a) Sequence of an Administrative Due Process Hearing
 - Ed 1123.03(a) Filing a Due Process Hearing Complaint

- Least restrictive environment processes pursuant to Ed 1126.02(b)(3)(c):
 - Placement of Children with Disabilities pursuant to:
 - Ed 1111.01 Placement in the Least Restrictive Environment
 - Ed 1111.02 Continuum of Alternative Educational Environments
 - Ed 1111.03 Placement Decisions
- Non-discriminatory testing practices pursuant to Ed 1126.02(b)(3)(e):
 - Evaluation Procedures pursuant to 34 CFR 300.304 (c)(1)(i), (ii) Other evaluation procedures
- IEPs pursuant to Ed 1126.02(b)(3)(f):
 - The Individualized Education Program pursuant to Ed 1109.06(a) Monitoring and Annual Review of IEPs

Based on the review of the Middleton School District’s special education procedures plan, the NHDOE determined there was **1 finding of noncompliance** that must be corrected as soon as possible but no later than six months from the date of this report.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1101.01	New Hampshire Standards for the Education of Children with Disabilities
<p>Finding of Noncompliance: When the NHDOE was verifying the evidence of compliance, the special education procedures plan described the district’s policy verification that the procedures plan is based upon the current New Hampshire Standards for the Education of Children with Disabilities. The policy does not comply with Ed 1101.01, whereby the amendments were not included.</p>	
<p>Corrective Action Regarding the Implementation of the Regulations: The Middleton School District must revise its special education procedures plan to reflect IDEA, NH Statutes, and the NH Standards for the Education of Children with Disabilities, <i>effective March 24, 2017, Amended June 14, 2018, Amended August 9, 2018</i>, as well as, inform staff of the new practice.</p> <p>The Middleton School District submitted their revised special education procedures plan to the NHDOE on May 11, 2020 for subsequent review of corrective actions for noncompliance. The revision to the Middleton School District’s special education procedures plan resulted in verification of correction; thereafter, informing all staff on May 11, 2020. As a result, this finding is corrected and no further action is required.</p>	

District Special Education Forms and Effective Implementation

As part of the review of the Middleton School District’s forms implementing the special education process, the NHDOE also looked for evidence that the policies and procedures were effectively being implemented. The NHDOE reviewed the following district forms to ensure the implementation of the special education process:

- Record of Access pursuant to 34 CFR 300.614; Ed 1119.01(a)
- Notice of **IEP Team** Meeting pursuant to 34 CFR 300.322; Ed 1103.02
- Written Prior Notice pursuant to 34 CFR 300.503; Ed 1120.03
- Evaluation Report pursuant to Ed 1107.05(a),(b)
- Parental Permission to Waive Time Limits IEP Team Meeting pursuant to Ed 1103.02(d)
- Specific Learning Disability Eligibility Determination Documentation pursuant to 34 CFR 300.311; Ed 1107.02(a)

- Procedural Safeguard Notice pursuant to 34 CFR 300.504; Ed 1120
- Annual Notification when Proposing Accessing Public and Private Insurance pursuant to 34 CFR 300.154(d)(2)(v); Ed 1120.08(a)

Based on the review of the Middleton School District's special education forms, the NHDOE determined that there were **no findings of noncompliance**.

Special Education Personnel

The NHDOE reviewed the Middleton School District special education staff certifications using the New Hampshire Educator Information System. The review process was for special education staff employed during 2020-2021 school year.

The data for Middleton School District was generated on January 5, 2021. Each special education staff member's endorsement was compared to the subject/assignment. This process was used for special educators who hold Education Intern License 4 (INT4), Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the endorsement was appropriate to the subject/ assignment then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and the subject/assignment, the district was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1113.12 and 34 CFR 300.156.

Based on the review of the special education staff certifications, the NHDOE determined there were **no findings of noncompliance**.

Equitable Services

The NHDOE reviewed the Middleton School District for provision of equitable services for students who are parentally placed in non-profit non-public, including religious, (private), elementary schools and secondary schools geographically located in the school district per 34 CFR 300.130-144.

The Middleton School District does not have any non-profit non-public, including religious, (private) elementary schools and secondary schools geographically located within their school district jurisdiction.

Program Visits

The purpose of the program visits has been to observe the district's full range of opportunities for the child with a disability that cannot be met in a regular education setting. Per Ed 1111, districts shall ensure that children with disabilities are educated with children who do not have disabilities to the maximum extent appropriate and that removal from the regular educational environment occurs only when the nature or severity of the disability is

such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. School districts shall comply with the requirements of 34 CFR 300.115, relative to continuum of alternative placements.

The Middleton School District submitted a description of the special education program on December 22, 2020. Based on the review, the NHDOE found that the school district was in compliance with Ed 1111.

Monitoring of Special Education Process

Districts are responsible for implementing the special education process in accordance with IDEA, New Hampshire Statutes, and the New Hampshire Standards for the Education of Children with Disabilities. The self-assessment data collection form highlights the district's understanding of the requirements of IDEA and the New Hampshire Standards for the Education of Children with Disabilities and was reviewed during the monitoring visit. Each area of compliance on the self-assessment data collection form clearly outlines whether the compliance is either a requirement of both IDEA and the New Hampshire Standards or a requirement of solely the New Hampshire Standards for the Education of Children with Disabilities. During the monitoring visit, the compliance & improvement monitoring team verified the evidence of compliance based on the review of the student file, using the district's self-assessment as a resource.

Based on this review, the compliance & improvement monitoring team identified findings of noncompliance with IDEA and the New Hampshire Standards for the Education of Children with Disabilities. The findings include the compliance citation, the area of compliance, the specific component of the regulation, and the required corrective actions, which include timelines for demonstrating correction of noncompliance. Student specific information is not included in the report but will be provided to the district's Special Education Director.

There are two main components to the corrective actions entitled, "*Corrective Action of Individual Instance of Noncompliance*" and "*Corrective Action Regarding the Implementation of the Regulations*". The first component, "corrective action of individual instance of noncompliance," is for any noncompliance concerning a child-specific requirement. There must be evidence that the district has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district. These areas must be corrected as soon as possible with state timelines given in the report for each area. The NHDOE will return to the district, typically within three months of the date of the report, to verify compliance for each individual instance identified in the report. The second component, "corrective action regarding the implementation of the regulations" would typically involve the district's providing professional development training to appropriate staff with regards to areas found to be in noncompliance. The NHDOE will review updated data collected after the identification of noncompliance to demonstrate that the district is correctly implementing the specific requirement. This involves a follow-up on-site review of new student files, selected typically within seven to eight months of the original on-site compliance & improvement monitoring.

Overview of the Student Specific Findings of Noncompliance

The chart below identifies the area of compliance based on student files that were reviewed by the compliance & improvement monitoring team during the onsite visit. The chart is broken down into the **compliance citations** and **area of compliance**. The compliance citations are based on the *CFR* found in the federal regulations of IDEA and the *Ed* found in the administrative rules of the New Hampshire Standards for the Education of Children with Disabilities. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the Compliance & Improvement Monitoring team.

The **review status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “*1 out of 3 files demonstrated a record of parties that have obtained access to the education records collected or used under Part B of the Act. For student files A & B, there was insufficient evidence demonstrating compliance with this requirement*” This means that 3 files were reviewed and 1 file was found to be in compliance and students A & B were found to be noncompliant.

In cases where there was a finding of noncompliance for a particular student, the chart identifies the **First Stage Corrective Action of Student Specific Instance(s) of Noncompliance**. In the case of an individual instance of noncompliance, the corrective action would generally involve the IEP team convening to resolve the finding of noncompliance. Timelines for these corrective actions are also noted. For the First Stage Corrective Actions, the NHDOE will return to the district within three months following the district receiving written notification of noncompliance (the report) to review all student files in which there were findings of noncompliance in order to verify compliance with the corrective action stated in the report.

In cases where there was a finding of noncompliance for a particular student, the next section of the chart identifies the **First Stage Corrective Action Regarding the Implementation of the Regulation**. This section will also include a reference to a student file that was used as evidence to support the noncompliance of the regulation, if applicable. This section informs the district of any practices or procedures which need to be corrected as well as trainings for staff to inform them of the corrections as a result of the findings of noncompliance. The required corrective action by the district and a timeline for the corrective action is also provided.

In cases where there was a finding of noncompliance for a particular student, the final section of the chart identifies the **Second Stage Corrective Action Regarding the Implementation of the Regulation**. Identified in this section will be the number of new student files that will be selected at each school to demonstrate correct implementation of the regulations for the section of the self-assessment in which noncompliance was found. For the Second Stage Corrective Actions, the NHDOE will verify compliance through a subsequent on-site review of the new files within five to six months from the date of the report. **The total number of student files selected for the Second Stage Corrective Action Regarding the**

Implementation of the Regulation will not exceed the original number of files reviewed at each school.

Student Specific Findings of Noncompliance

When determining compliance, the compliance & improvement monitoring team reviews the currently agreed upon/signed IEP at the on-site monitoring visit.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.614 Ed 1119.01(a)		A. Record of Access; Confidentiality Requirements
Self-Assessment Question Number & Regulatory Component		Review Status
1.	34 CFR 300.614 Ed 1119.01(a)	10 out of 10 files demonstrated evidence of a record of parties that have obtained access to the education records collected, maintained or used under Part B of the Act.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.504(a) Ed 1120.03(b)		B. Procedural Safeguards
Self-Assessment Question Number & Regulatory Component		Review Status
2.	34 CFR 300.504(a) Ed 1120.03(b)	10 out of 10 IEP files demonstrated evidence that a copy of the procedural safeguards , available to the parents of a child with a disability, was given to the parent one time in the school year.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.306; 34 CFR 300.304 Ed 1108.01; Ed 1107		C. Evaluation; Determination of Eligibility for Special Education
Self-Assessment Question Number & Regulatory Component		Review Status
3.	34 CFR 300.306(a)(1) Ed 1108.01(b)	Upon completion of assessments, 10 out of 10 IEP files demonstrated evidence that a group of qualified professionals and the parent of the child determined whether the child is a child with a disability.
4.	34 CFR 300.306(c)(1)(i)	10 out of 10 IEP files demonstrated evidence that the team drew upon, information from a variety of sources , including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.
5.	34 CFR 300.304(c)(1)(iv) Ed 1107.04(b)	10 out of 10 IEP files demonstrated evidence that qualified examiners for specific disabilities as set forth in Table 1100.1, administered the assessment.

6.	Ed 1107.05(a) Ed 1107.05(b)	10 out of 10 IEP files demonstrated evidence of an evaluation report . The report shall include but not be limited to, the results of each evaluation procedure, test, record, or report; a written summary of the findings of the procedure, test, record, or report; and information regarding the parent's rights of appeal in accordance with Ed 1123 and a description of the parent's right to an independent evaluation in accordance with Ed 1107.03.
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COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323; 34 CFR 300.324 Ed 1109		D. Individualized Education Program
Self-Assessment Question Number & Regulatory Component		Review Status
7.	Ed 1109.01(a)(5)	10 out of 10 IEP files demonstrated evidence of the signature of the parent or, where appropriate, student, and a representative of the LEA stating approval of the provisions of the IEP.
8.	34 CFR 300.323(c)(1) Ed 1109.03(a)	For an initial IEP, 0 out of 0 IEP files demonstrated evidence that there was a meeting to develop an IEP for the student conducted within 30 days of a determination that the child needs special education and related services. <i>(No files were of students with an initial IEP.)</i>
9.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	10 out of 10 IEP files demonstrated evidence that the IEP was reviewed at least annually .

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321(a); 34 CFR 300.322; Ed 1103.01		E. IEP Team; Participants in the Special Education Process
Self-Assessment Question Number & Regulatory Component		Review Status
10.	34 CFR 300.321(a)(1) 34 CFR 300.322 Ed 1103.01(a)	10 out of 10 IEP files demonstrated evidence that one or both of the parents are present at the IEP team meeting or are afforded the opportunity to participate
11.	34 CFR 300.321(a)(2) Ed 1103.01(a)	10 out of 10 IEP files demonstrated evidence that the IEP Team included at least one regular education teacher of the child.
12.	34 CFR 300.321(a)(3) Ed 1103.01(a)	10 out of 10 IEP files demonstrated evidence that the IEP Team included at least one special education teacher of the child, (or where appropriate), at least one special education provider of the child.
13.	34 CFR 300.321(a)(4) Ed 1103.01(a)	10 out of 10 IEP files demonstrated evidence that the IEP Team included an LEA representative .
14.	Ed 1103.01(d)	If vocational, career or technical education was being considered, 2 out of 2 IEP files demonstrated evidence that the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(Eight student files were of students for whom vocational education/CTE was not considered.)</i>

15.	34 CFR 300.322(a) Ed 1103.02(a), (c), (d)	10 out of 10 IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants or the parent agreed in writing that the LEA could satisfy this requirement via transmittal by electronic mail <u>or</u> demonstrated evidence of written consent of the parent(s) that the notice requirement were waived [Ed 1103.02(b)].
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COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a); 34 CFR 300.324(a)(1); Ed 1109.01(a)(1)		F. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number & Regulatory Component		Review Status
16.	34 CFR 300.324(a)(1)(i) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence of a statement of the child's strengths .
17.	34 CFR 300.324(a)(1)(iv) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence of a statement of the child's academic, developmental, and functional needs .
18.	34 CFR 300.324(a)(1)(ii) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence of a statement of the parent's concerns for enhancing the student's education in the IEP.
19.	34 CFR 300.324(a)(1)(iii) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence that the results of initial or most recent evaluations of the child were included in the IEP.
20.	34 CFR 300.320(a)(1)(i) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a statement in the IEP that describes how the child's disability affects the student's involvement and progress in the general education curriculum . <i>(Two student files were preschool age students.)</i>
21.	34 CFR 300.320(a)(4)(ii) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence of a statement that describes how the child's disability affects participation in extracurricular and non-academic areas .
22.	34 CFR 300.320(a)(1)(ii) Ed 1109.01(a)(1)	For preschool children, as appropriate, 2 out of 2 IEPs demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities . <i>(Eight student files were not of preschool age students.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		G. Courses of Study
Self-Assessment Question Number & Regulatory Component		Review Status
23.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, 3 out of 4 IEPs demonstrated evidence of a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses, vocational education, or career and technical education. <i>(Six student files were students aged 13 or younger who will not be turning 14 during the IEP period.)</i> For student G, there was insufficient evidence demonstrating compliance with this requirement.

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months from the date of this report, the district must convene an IEP team to review the IEP and provide evidence that for the student with a disability beginning at age 14 that the the IEP includes a statement of the transition service needs of the student under the applicable components of the student’s IEP that focuses on the student’s courses of study such as participation in advanced-placement courses, vocational education, or career and technical education.

The NHDOE will verify this through a subsequent on-site review.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, that the IEP includes a statement of the transition service needs of the student under the applicable components of the student’s IEP that focuses on the student’s courses of study such as participation in advanced-placement courses, vocational education, or career and technical education.

Provide the dates, names of attendees, and a description of the trainings, which defines the district’s procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 2 new student files at Kingswood Regional High School for Self-Assessment Question 23 for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		H. Measurable Annual Goals; Short-term Objectives or Benchmarks
Self-Assessment Question Number & Regulatory Component		Review Status
24.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	9 out of 10 IEPs demonstrated evidence of a statement of measurable annual goals , including academic and functional goals. For student J, there was insufficient evidence demonstrating compliance with this requirement.
25.	34 CFR 300.320(a)(2)(i)(A), (B) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence that the measurable annual goals meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum as well as the child’s other educational needs that results from the child’s disability.
26.	Ed 1109.01(a)(6)	10 out of 10 IEPs demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child’s annual goals.

First Stage Corrective Action of Student Specific Instance(s) of Noncompliance: As soon as possible, but no later than 2 months of the date of this report, the district must amend the IEP to include measurable annual goals.

The NHDOE will verify this through a subsequent on-site review.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to address writing measurable annual goals.

Provide the dates, names of attendees, and a description of the trainings, which defines the district’s procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 2 new student files at Kingswood Regional High School for Self-Assessment Question 24 for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(3)(ii); Ed 1109.01		I. Review and Revision of IEPs (Measuring Progress)
Self-Assessment Question Number & Regulatory Component		Review Status
27.	34 CFR 300.320(a)(3)(ii) Ed 1109.01(a)(8)	10 out of 10 IEPs demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents.
28.	34 CFR 300.320(a)(3)(ii) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence that the periodic reports were provided to parents on the progress the child is making towards meeting the annual goals (such as through the use of quarterly or other periodic reports , concurrent with the issuance of report cards). <i>(For two student files, the first reporting period was after the date of the initial onsite visit.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1102.01(b) Ed 1102.03(v)		J. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
Self-Assessment Question Number & Regulatory Component		Review Status
29.	Ed 1102.01(b)	If accommodations are included, 10 out of 10 IEPs demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that do not impact the rigor, validity or both of the subject matter being taught or assessed.
30.	Ed 1102.03(v)	If modifications are included, 2 out of 2 IEPs demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team that impacts the rigor, validity or both of the subject matter being taught or assessed. <i>(Eight student files were students with no modifications.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01		K. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
Self-Assessment Question Number & Regulatory Component		Review Status
31.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	10 out of 10 IEPs demonstrated evidence of a statement of special education.
32.	Ed 1109.04(b)(1)	10 out of 10 IEP files demonstrated written evidence documenting implementation of the IEP with regards to special education services provided.
33.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	8 out of 8 IEPs demonstrated evidence of a statement of related services. <i>(Two student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
34.	Ed 1109.04(b)(1)	8 out of 8 IEP files demonstrated written evidence documenting implementation of the IEP with regards to related services provided. <i>(Two student files were students for whom there were no related services in the IEP.)</i>

35.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a statement of supplementary aids and services . <i>(Seven student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i>
36.	Ed 1109.04(b)(2)	3 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supplementary aids and services provided. <i>(Seven student files were students for whom there were no supplementary aids and services in the IEP.)</i>
37.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	3 out of 3 IEPs demonstrated evidence of a statement of the supports for school personnel . <i>(Seven student files were students for whom there was no evidence that the IEP team determined this was necessary.)</i>
38.	Ed 1109.04(b)(4)	3 out of 3 IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports provided for school personnel . <i>(Seven student files were students for whom there were no supports for personnel in the IEP.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		L. Definition of Individualized Education Program (Justification for Non-Participation)
Self-Assessment Question Number & Regulatory Component		Review Status
39.	34 CFR 300.320(a)(5) Ed 1109.01(a)(1)	10 out of 10 IEP demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		M. Definition of Individualized Education Program (State and District Wide Assessments)
Self-Assessment Question Number & Regulatory Component		Review Status
40.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1)	Evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments . Due to changes in the New Hampshire Special Education Information System (NHSEIS), this question was not reviewed for compliance.
41.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement. Evidence of a statement of why the child cannot participate in the regular assessment . Due to changes in the New Hampshire Special Education Information System (NHSEIS), this question was not reviewed for compliance.
42.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1)	When the child is taking an alternate assessment, Evidence describing why the particular alternate assessment selected is appropriate for the child . Due to changes in the New Hampshire Special Education Information System (NHSEIS), this question was not reviewed for compliance.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 (d)(2)(i),(ii) Ed 1109.03(a) Ed 1109.04(a)		N. Copy of IEP Provided to Each Teacher/Provider
Self-Assessment Question Number & Regulatory Component		Review Status
43.	34 CFR 300.323(d)(2)(ii) Ed 1109.03(a) Ed 1109.04(a)	10 out of 10 IEPs demonstrated evidence that a copy of the IEP has been provided to each teacher and provider so that they are informed of their specific responsibilities for implementing the IEP and specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03(b)		O. Procedural Safeguards (Written Prior Notice for IEP)
Self-Assessment Question Number & Regulatory Component		Review Status
44.	34 CFR 300.503(b)(1) Ed 1120.03(b)	10 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
45.	34 CFR 300.503(b)(2) Ed 1120.03(b)	9 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action. For student G, there was insufficient evidence demonstrating compliance with this requirement.
46.	34 CFR 300.503(b)(3) Ed 1120.03(b)	7 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. For students G, H, & J, there was insufficient evidence demonstrating compliance with this requirement.
47.	34 CFR 300.503(b)(6) Ed 1120.03(b)	10 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected.
48.	34 CFR 300.503(b)(7) Ed 1120.03(b)	9 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal. For student J, there was insufficient evidence demonstrating compliance with this requirement.
49.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	10 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to staff on completing the written prior notice for IEP in order for staff to appropriately document each component of a written prior notice.

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 2 new student files at Kingswood Regional High School for Self-Assessment Questions 44-49 for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.503 Ed 1120.03(b)		P. Written Prior Notice (Placement)
Self-Assessment Question Number & Regulatory Component		Review Status
50.	34 CFR 300.503(b)(1) Ed 1120.03(b)	10 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of the action proposed or refused by the agency.
51.	34 CFR 300.503(b)(2) Ed 1120.03(b)	9 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included an explanation of why the agency proposed or refused to take the action. For student G, there was insufficient evidence demonstrating compliance with this requirement.
52.	34 CFR 300.503(b)(3) Ed 1120.03(b)	6 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. For students G, H, I, & J, there was insufficient evidence demonstrating compliance with this requirement.
53.	34 CFR 300.503(b)(6) Ed 1120.03(b)	8 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other options that the IEP team considered and the reasons why those options were rejected. For students G & H, there was insufficient evidence demonstrating compliance with this requirement.
54.	34 CFR 300.503(b)(7) Ed 1120.03(b)	7 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability included a description of other factors that were relevant to the LEA's proposal or refusal. For students G, H, & I, there was insufficient evidence demonstrating compliance with this requirement.
55.	34 CFR 300.503(c)(1)(ii) Ed 1120.03(b)	10 out of 10 IEP files demonstrated evidence that the notice given to the parents of a child with a disability was provided in the native language of the parent or other mode of communication used by the parent, unless it was clearly not feasible to do so.

First Stage Corrective Action Regarding the Implementation of the Regulations: Provide training to staff on completing the written prior notice for placement in order for staff to appropriately document each component of a written prior notice.

Provide the dates, names of attendees, and a description of the trainings, which defines the district's procedure for complying with this specific rule, to the NHDOE within three months from the date of this report.

Second Stage Corrective Action Regarding the Implementation of the Regulations: The NHDOE will review 3 new student files at Kingswood Regional High School for Self-Assessment Questions 50-55 for updated data demonstrating compliance with this requirement.