

**New Hampshire  
Department of Education  
Bureau of Student Support  
Monitoring Review for Approval of Private  
Provider Special Education Programs**

**Mount Prospect Academy, Inc.:  
Ashuelot Valley Academy  
Mount Prospect Academy Day Program  
Squamscott River Academy  
Summary Report  
2020 – 2021**

**John Fulp, Director of Development  
Jeff Caron, President  
Karen Langley, Director of Academics**

**Coordinating Education Consultant;  
Heidi Clyborne**

**Monitoring Visit Conducted on February 1, 2 & 3, 2021  
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## **Overview of the Monitoring Review for Approval of Private Provider Special Education Programs Process**

The Monitoring Review for Approval of Private Provider Special Education Programs (Monitoring) process ensures that students with educational disabilities have access to; can participate in; and can demonstrate progress within the general education curriculum, thereby improving student learning. The primary focus of the monitoring review is to improve educational results and functional outcomes for all children with disabilities and is done on a cyclical basis.

During the year prior to monitoring, the New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) offers professional development opportunities to each private provider who is involved in the monitoring process. These include writing Measurable Annual Goals, Written Prior Notice, IEP Self-Assessment Data Review Form, and a topic selected by the private provider based on current need.

At the beginning of the school year in which the private provider is being monitored, the private provider will submit to the Bureau their completed application for renewal of special education program approval which includes each program's general application materials, special education procedures, curriculum, and personnel. Following a review of these documents, the monitoring team will conduct an on-site review in which student files are examined for evidence of implementation of the policies and procedures through the special education process. The Bureau will also conduct a follow-up review to verify the implementation of corrective actions as defined in this report.

As part of the Monitoring process the private provider was given the option to include a special education administrator from another private school who has been trained in the process by the Bureau.

The New Hampshire Department of Education, Bureau of Student Support review members for Mount Prospect Academy, Inc.'s on-site monitoring review included Heidi Clyborne and Elizabeth Graichen.

## **Overview of Mount Prospect Academy, Inc.'s Program(s)**

**Mount Prospect Academy, Inc.** offers three New Hampshire Department of Education, Bureau of Student Support Approved Special Education Programs, providing a trauma informed continuum of care, differentiated instruction and engaging extended learning opportunities for students with disabilities. Mount Prospect Academy Day Program, Ashuelot Valley Academy, and Squamscott River Academy provide instructional programs 220 days a year for students in grades 5-12. They award graduates with a high school diploma that meets the New Hampshire state minimum standards.

The mission of Mount Prospect Academy, Inc. is to “provide students a safe learning community that allows them to connect with others promoting student engagement, skill acquisition and personal growth to prepare students for the business of life.” Its vision is to “develop trusting relationships with students and facilitate experiences that promote their ability to self-regulate; manage thoughts and feelings; and develop feelings of safety, and skills that build confidence and competency.” The mission and vision of Mount Prospect Academy, Inc. are shared by all three programs.

Mount Prospect Academy, Inc. provides treatment and care to students with a variety of educational needs. Instructional programs are designed to effectively meet the academic and social/emotional goals of students with the educational disabilities of Autism, Emotional Disturbance, Hearing Disability, Intellectual Disability, Multiple Disabilities, Other Health Impairments, Specific Learning Disability, Speech-Language Impairments, Traumatic Brain Injury, and Visual Impairment. They also offer a phased based treatment approach which has demonstrated effectiveness in treating individuals who are challenged by psychiatric disorders including Anxiety Disorders, Mood Disorders, Attention Deficit Disorders, Conduct Disorders, Post-Traumatic Stress Disorder and Substance Use Disorders.

The three Mount Prospect Academy, Inc.'s programs provide safe and supportive environments, grounded in a variety of trauma informed and evidenced based practices, where students can begin to establish patterns of stability, engage within their environments, and start to heal. These treatment experiences are thoughtfully designed and are approached with the ultimate goal of achieving wellness and resilience across all life areas. Mount Prospect Inc. programs provide opportunities for students to actively engage in academic and vocational experiences, preparing them for life after high school.

Mount Prospect Academy, Inc.'s array of adjunctive treatments and recreational activities cultivate feelings of confidence, competence, and mastery. The combined treatment approach employed by Mount Prospect Academy, Inc. aims to motivate, educate, and empower students to reach their highest potential, while providing them with the tools necessary to become contributing citizens within their community.

**Mount Prospect Academy Day Program (MPA):** MPA is an approved special education program with locations in the New Hampshire towns of Plymouth, Pike, Rumney, and Campton. Serving both male and female residential and day students in grades 5 through 12

with a primary educational disability of Autism, Emotional Disturbance, Intellectual Disability, Multiple Disabilities, Other Health Impairments, Specific Learning Disability, Speech-Language Impairments, and Traumatic Brain Injury, MPA's focus revolves around the connection, engagement, skill acquisition, and personal growth of their students. Students who attend MPA have typically had trouble finding success academically and/or behaviorally in the traditional school setting. In order to support a safe living and learning environment, students are assigned to the different MPA program locations based on their areas of need.

MPA cultivates personalized learning where educational plans are as unique as each individual student. They provide student choice and learning opportunities through traditional and experiential classrooms across their multiple spacious campuses. Traditional classrooms provide small class sizes with a supportive faculty to student ratio. In order to support personalized learning for each student, MPA employs project-based and problem-based activities, experiential classes, internships and student-to-student mentorship opportunities. Students can create posters and presentations to demonstrate proficiency, engage in student-run lessons, practice daily living skills by participating in learning labs, and explore their ideas and interests by participating in community based learning activities. Additionally, students can engage in self-paced online learning, digital artifacts, credit recovery, student portfolios, competency-based instruction and assessment, and student interest based ELO's.

Hands on learning and real-world experiential opportunities are provided through culinary arts, automotive technology, wood technology, science, art, physical fitness, adventure, animal science, and community service activities. At MPA students are encouraged to incorporate their passions into their learning. For example, they learn about the rate of speed by participating in the school ski club. They learn about maps when hiking and mountain biking. And they study ecology when kayaking.

MPA operates a farm where students learn and help take care of the animals. They also have a greenhouse where students grow and cultivate crops used in their meal preparation. Students use critical thinking and processing skills when engaging in a ropes course. They engage in the arts, developing a wide variety of skills, and have opportunity to share their talents. One way they showcase artistic talents is by creating films of their many outdoor adventures. MPA offers opportunities for overnight and out of state field trips which promote real-life adventures while supporting curricular based instruction.

Giving back to their community is something that provides a great sense of pride for MPA students. Students are provided opportunities to give back to families in need as well volunteer their time, energy, and talents to support their outdoor recreational community. They have donated wood to local families in need and helped with trail maintenance as a means to give back to the outdoor areas they enjoy.

MPA fosters a strong school culture and finds opportunities to celebrate student successes. They have an annual graduation ceremony and graduated twelve students in 2018, five students in 2019, and thirteen students in 2020. MPA supports cultural diversity awareness,

encourages student council-student voice, and provides opportunities for students and faculty to participate in surveys as a means to provide feedback. Spirit weeks, summer and winter carnival, themed days, faculty wellness week, and opportunities to give back, such as wearing pink to raise money for breast cancer awareness, are additional ways MPA supports and promotes a positive school culture.

**Ashuelot Valley Academy (AVA):** AVA is an approved special education program located in Keene, New Hampshire which serves male and female day students in grades 5-12 with primary educational disabilities of Autism, Emotional Disturbance, Hearing Disability, Intellectual Disability, Multiple Disabilities, Other Health Impairments, Specific Learning Disability, Speech-Language Impairments, and Visual Impairment. AVA engages in the “whole child” and realizes that emotional regulation is integral before a student can engage in learning. The forefront of their approach centers on building relationships as a means to promote a safe environment. Once the student feels safe they have the capacity to learn and engage in skill development. AVA utilizes positive reinforcements and supports a token economy for their students.

The traditional classroom education provided at AVA revolves around individual learning plans which are developed for each student and provides the framework for unique and varied approaches to classroom instruction. Such instruction may include self-paced online learning, small group instruction, digital artifacts, interest based projects, student portfolios, and student interest based ELO's.

Experiential and project-based learning supports and promotes student interest and engagement. Students have opportunities to design and develop electronic presentations and posters for content areas as a way to demonstrate proficiency. Student-run lessons enable students to share their passion and working knowledge in content areas where they excel and feel pride. Students have opportunities for experiential based learning in professional blacksmithing courses. They participate in learning labs and have access to a full kitchen where they work on daily living skills. Each week students develop meal plans, provision ingredients, and prepare hot lunches for the school wide population. Students are encouraged to engage in the arts where they develop a wide array of skills they can share with other students and staff. Community-based learning opportunities enable students to access their ideas and interests on a weekly basis.

AVA promotes a strong, positive school culture by engaging with its Parent Advisory Counsel, conducting faculty surveys, developing and implementing a School Improvement Plan, conducting student surveys to inform experiential options and internships, and planning Fun Fridays and community-based learning experiences. AVA encourages and fosters relationship building while learning and engaging in instructional and recreational activities and celebrates student successes. AVA has quarterly student awards, including academics and superlatives, and graduated their first student in June 2020.

**Squamscott River Academy (SRA)** - SRA is an approved special education program located in North Hampton, New Hampshire which serves both day and residential female students in grades 5-12 with primary educational disabilities of Autism, Emotional Disturbance,

Hearing Disability, Intellectual Disability, Multiple Disabilities, Other Health Impairments, Specific Learning Disability, Speech-Language Impairments, and Visual Impairment. SRA is a therapeutic school that understands the difficulties students have accessing instruction in an academic setting if they are preoccupied with underlying emotional or mental health needs. SRA seeks to treat the underlying factors that have led to school avoidance or disruptive behaviors through their therapeutic support services and safe and supportive environment.

SRA curriculum development include goals toward cross-curricular collaboration. Traditional classroom instruction is differentiated, individualized, and multi-modal and includes small group sessions, individual sessions, hand-on projects, appropriate accommodations and modifications to access content, demonstrations, peer modeling, and online programming. Learning is made to be fun with various experiential and project based learning activities such as making small boats out of cardboard and testing floatability, designing and constructing bridges and testing their strength, educational visits to local farms, and team activities in PE class.

SRA stresses personalized learning. Graduation requirements can be met through independent studies using approved online programs. Course assignments are student driven to encourage and support individual strengths. Individualized point sheets, used for tracking pro-social skills, target specific behavioral needs of each student and ties into a rewards system.

SRA is committed to fostering a positive school culture. They engage in the pro-social skills program, Building Resilience in Children and Teens by Kenneth R. Ginsburg, which encourages confidence, coping, character, control, connection, and contribution. SRA has Spirit Days, employs fun, socially distanced activities (such as Yoga class in the hallways) during the COVID pandemic, and connects with students during its Rocking Chair Morning Circle. SRA celebrates students' talents and successes. They have an annual talent show and holiday gingerbread house competition, and had their first student graduate in January 2021. SRA has site specific weekly and monthly staff enhancements and conducts weekly individual and team activities to promote staff wellness.

## Noteworthy Practices

During the virtual monitoring visit, it had been revealed that Mount Prospect Academy Inc. include several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- Students engage in personalized learning using project-based and problem-based activities
- Learning plans are developed for each student
- Programs provide multiple opportunities for experiential and hands-on learning
- The passions and interests of students are included in the curriculum
- Faculty are engaged and supported
- Mount Prospect Academy Inc. promotes and facilitates professional growth and collegiality of its staff by supporting a multitude of professional development offerings for all teachers, teaching assistants and paraprofessionals in all three of their programs
- Mount Prospect Academy Inc. fosters strong school cultures in all three of their programs by employing Pillars of Characters curriculum and promotes shared values monthly
- Programs provide multiple opportunities for social experiences such as themed days, summer and winter carnival, spirit weeks, and field trips
- Student successes are celebrated
- All Mount Prospect Academy Inc. uses the data system, Kaleidacare, for logging and tracking all special education services
- All three programs were extremely organized for the virtual on-sites and their preparations demonstrated a high regard for the monitoring and program approval process
- The organizational charts for all three programs start with students/clients/families at the top followed by teachers, paraprofessionals, and counselors. This is not the traditional alignment for organizational charts and reads very positively, emphasizing the importance of their students and staff



## Areas in Need of Refinement

No areas in need of refinement were observed.

### General Program Approval Requirements Review

Each private provider must meet the requirements for special education program approval pursuant to The Individuals with Disabilities Education Improvement Act (IDEA) (2004), The New Hampshire Standards for the Education of Children with Disabilities, and New Hampshire State Statutes (RSA 186-C:5, RSA 189:64).

The monitoring review for the approval of private provider special education programs includes a review of the private provider's general application materials that must be submitted to the Bureau by October 15 in the year they are monitored. These include the following; Program Description(s), Written Job Descriptions, Consultation Model, School Fire & Life Safety Inspection(s), School Health Inspection(s), Proof of Insurance, Non-Profit or For-Profit Status, School Calendar and class schedule, Governing Body, Professional Development Master Plan, and Secretary of State Registration & Good Standing.

Based on the review of the Ashuelot Valley Academy program's application materials, the monitoring team determined there were **no findings of noncompliance**.

Based on the review of the Mount Prospect Academy Day Program's application materials, the monitoring team determined there were **no findings of noncompliance**.

Based on the review of the Squamscott River Academy program's application materials, the monitoring team determined there were **no findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section A](#) of this Report.*

### Special Education Procedures and Effective Implementation Review

Each approved special education program must have special education procedures that are aligned and support the implementation of IDEA and the New Hampshire Standards for the Education of Children with Disabilities.

The monitoring team reviewed the following special education procedures for compliance with State and Federal regulations regarding administration; confidentiality of information; program requirements; responsibilities of private providers of special education implementation of IEPs; behavioral interventions; RSA 126-U Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities; qualifications and requirements for

instructional, administrative and support personnel; change in placement or termination of enrollment; physical facilities; health and medical care; photography and audio-visual recording; and emergency planning and preparedness.

Based on the review of the Ashuelot Valley Academy program's special education procedures the monitoring team determined there was **1 finding of noncompliance**.

Based on the review of the Mount Prospect Academy Day Program's special education procedures the monitoring team determined there were **2 findings of noncompliance**.

Based on the review of the Squamscott River Academy program's special education procedures the monitoring team determined there was **1 finding of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section B](#) of this Report.*

## **Curriculum and Effective Implementation Review**

As part of the review, the monitoring team looked for evidence that Mount Prospect Academy, Inc. is providing students with access to the general curriculum. The monitoring team reviewed the grades 3 – 12 curriculum provided by Mount Prospect Academy, Inc. for compliance with learning areas in Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.261(b)(1) and (2) & Ed 306.27(c).

Based on the review of the Ashuelot Valley Academy program's curriculum, the monitoring team determined that there were **no findings of noncompliance**.

Based on the review of the Mount Prospect Academy Day Program's curriculum, the monitoring team determined that there were **no findings of noncompliance**.

Based on the review of the Squamscott River Academy program's curriculum, the monitoring team determined that there were **no findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section C](#) of this Report.*

## **Personnel Review**

Pursuant to The New Hampshire Standards for the Education of Children with Disabilities all administrative, instructional, and related service staff shall hold appropriate certification or licensure for the position in which they function. In order to provide access to a Free and

Appropriate Public Education the private provider must also have the required certified staff or consultants as detailed in the application.

The Bureau has reviewed Mount Prospect Academy, Inc.'s staff and consultants' certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2020 – 2021 school year.

The personnel roster that was provided by Mount Prospect Academy, Inc. was compared to the Required Certified Staff or Consultants chart and to the New Hampshire Educator Information System. Each listed staff or consultant's endorsement was also compared to the subject/assignment. This process was used for personnel that hold Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the staff's certification and endorsement or certified and endorsed consultant 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 subject/assignment, the private provider 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 1114.10(a), 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the Ashuelot Valley Academy program's personnel certifications, the monitoring team determined there were **no findings of noncompliance**.

Based on the review of the Mount Prospect Academy Day Program's personnel certifications, the monitoring team determined there were **no findings of noncompliance**.

Based on the review of the Squamscott River Academy program's personnel certifications, the monitoring team determined there were **no findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section D](#) of this Report.*

## **Implementation of Special Education Process Review**

Private providers are responsible for implementing the special education process in accordance with IDEA and the New Hampshire Standards for the Education of Children with Disabilities. The Individualized Education Program (IEP) Self-assessment Data Collection form highlights the private providers' understanding of the requirements of IDEA and the New Hampshire Standards for the Education of Children with Disabilities for Record of Access/Confidentiality Requirements; IEP; IEP Team/Participants in the Special Education Process; Present Levels of Academic Achievement and Functional Performance; Courses of Study; Measurable Annual Goals & Short-term Objectives or Benchmarks; Review and Revision of IEPs; Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs; Accessibility of Child's IEP to Teachers and Others;

and Definition of Individualized Education Program and was reviewed during the monitoring visit.

The private provider cites the evidence of compliance in the self-assessment form prior to the monitoring visit. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the private providers' self-assessment as a resource. In the case of student specific finding(s) of noncompliance, the sending District is cited for noncompliance, as well as the private provider.

Student specific information will not be included in the report but will be provided to the private provider and the LEA's administrator of special education.

Based on the review of the Ashuelot Valley Academy program's Implementation of Special Education Process, the monitoring team determined there was **1 finding of noncompliance**.

Based on the review of the Mount Prospect Academy Day Program's Implementation of Special Education Process, the monitoring team determined there were **no findings of noncompliance**.

Based on the review of the Squamscott River Academy program's Implementation of Special Education Process, the monitoring team determined there were **3 findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section E](#) of this Report.*

## **Section A: General Program Approval Requirements Findings of Noncompliance**

The chart below identifies any findings of noncompliance based on the Provider's submitted application materials that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### **Findings of Noncompliance and Required Corrective Actions for the Ashuelot Valley Academy program:**

No findings of noncompliance

### **Findings of Noncompliance and Required Corrective Actions for the Mount Prospect Academy Day Program:**

No findings of noncompliance

### **Findings of Noncompliance and Required Corrective Actions for the Squamscott River Academy program:**

No findings of noncompliance

## Section B: Special Education Procedures and Effective Implementation Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted special education procedures that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### Findings of Noncompliance and Required Corrective Actions for the Ashuelot Valley Academy program:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1114.05(a)	Program Requirements
<p><b>Finding of Noncompliance:</b> In reviewing the Ashuelot Valley Academy program's special education procedures the monitoring team found no evidence that admissions policies are made available to the parent of any child referred for placement.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Ashuelot Valley Academy program must revise its special education procedures to include that admissions policies are made available to the parent of any child referred for placement.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

### Findings of Noncompliance and Required Corrective Actions for the Mount Prospect Academy Day Program:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1114.05(a)	Program Requirements
<p><b>Finding of Noncompliance:</b> In reviewing the Mount Prospect Academy Day Program's special education procedures the monitoring team found no evidence that admissions policies are made available to the parent of any child referred for placement.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Mount Prospect Academy Day Program must revise its special education procedures to include that admissions policies are made available to the parent of any child referred for placement.</p>	

Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 1114.21(b)	Emergency Planning and Preparedness
<p><b>Finding of Noncompliance:</b> In reviewing the Mount Prospect Academy Day Program’s special education procedures the monitoring team found no evidence that all personnel on all shifts are familiar with the use of the fire-fighting equipment available at the program.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Mount Prospect Academy Day Program must revise its special education procedures to include that all personnel on all shifts are familiar with the use of the fire-fighting equipment available at the program</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

**Findings of Noncompliance and Required Corrective Actions for the Squamscott River Academy program:**

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1114.05(a)	Program Requirements
<p><b>Finding of Noncompliance:</b> In reviewing the Squamscott River Academy program’s special education procedures the monitoring team found no evidence that admissions policies are made available to the parent of any child referred for placement.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Squamscott River Academy program must revise its special education procedures to include that admissions policies are made available to the parent of any child referred for placement.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

## **Section C: Curriculum and Effective Implementation Findings of Noncompliance**

The chart below identifies any findings of noncompliance based on the Provider's submitted curriculum and, if applicable, program of studies, that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### **Findings of Noncompliance and Required Corrective Actions for the Ashuelot Valley Academy program:**

No findings of noncompliance

### **Findings of Noncompliance and Required Corrective Actions for the Mount Prospect Academy Day Program:**

No findings of noncompliance

### **Findings of Noncompliance and Required Corrective Actions for the Squamscott River Academy program:**

No findings of noncompliance



## **Section D: Personnel Findings of Noncompliance**

The chart below identifies any findings of noncompliance based on the Provider's submitted personnel roster that was reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### **Findings of Noncompliance and Required Corrective Actions for the Ashuelot Valley Academy program:**

No findings of noncompliance

### **Findings of Noncompliance and Required Corrective Actions for the Mount Prospect Academy Day Program:**

No findings of noncompliance

### **Findings of Noncompliance and Required Corrective Actions for the Squamscott River Academy program:**

No findings of noncompliance

## **Section E: The Implementation of the Special Education Process Areas of Compliance and Findings of Noncompliance**

The chart below identifies the areas of review for the student files that were reviewed by the monitoring team during the onsite visit. The chart is broken down into the **Compliance Citations, Area of Compliance, Review Status and Corrective Actions**.

The **Compliance Citations** and **Area of Compliance** are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance. 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 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 “5 out of 6 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.” This means that 6 files were reviewed and 5 files were found to be in compliance.

There are three components to the **Corrective Actions**. The first component, **First Stage Corrective Action of Student Specific Instance(s) of Noncompliance** identifies any student specific areas of noncompliance that must be corrected at the student level. The Bureau will return to the private provider program to review all student files in which there were findings of noncompliance in order to verify compliance with the corrective action.

The second component, **First Stage Corrective Action Regarding the Implementation of the Regulations** informs the private provider program of any practices or procedures which need to be corrected and requires appropriate personnel participate in professional development in areas found to be noncompliant to ensure the correct implementation of the regulations going forward.

The third component, **Second Stage Corrective Action Regarding the Implementation of the Regulations**, informs the private provider of the number of new student files that may need to be selected at the program for review to verify correct implementation of the regulations for the section of the self-assessment in which noncompliance was found. For Second Stage Corrective Actions the Bureau will verify compliance through a subsequent on-site review of new files within one year 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 the private provider program.**

**Areas of Review and any Findings of Noncompliance and Required Corrective Actions for Ashuelot Valley Academy program, Mount Prospect Academy Day Program & Squamscott River Academy program:**

When determining compliance, the NHDOE reviews the currently agreed upon/signed IEP at the on-site monitoring visit. During the on-site monitoring visit there were **no files** which could not be reviewed for sections B(#2), D(#10-16), E(#17), F(#18-20), G(#21), H(#23), I(#24-25), J(#26-33), K(#34), and L(#35-37) as there was no parent and/or LEA signature indicating consent / approval of the provisions of the IEP.

The monitoring team reviewed **3 files at the Ashuelot Valley Academy program** (*Student Codes A, B & C*), **6 files at the Mount Prospect Academy Day Program** (*Student Codes D, E, F, G, H & I*), and **2 files at the Squamscott River Academy program** (*Student Codes J & K*)

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.05		A. Record of Access; Confidentiality Requirements
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
1.	34 CFR 300.614 Ed 1119.01(a)	<b>11 out of 11</b> IEP 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, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		B. Individualized Education Program
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
2.	Ed 1109.04(a)	<b>11 out of 11</b> IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.
3.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	<b>11 out of 11</b> IEP files demonstrated evidence that the IEP was reviewed at least annually. ( <i>No student files were of students with initial IEPs or moved from another state or district.</i> )

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321 Ed 1103.01		C. IEP Team; Participants in the Special Education Process
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
4.	34 CFR 300.321(a)(1) Ed 1103.01(a)	<b>11 out of 11</b> 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

5.	34 CFR 300.321(a)(2) Ed 1103.01(a)	<b>11 out of 11</b> IEP files demonstrated evidence that not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) participated in the meeting. <i>(No student files had regular education teacher(s) excused per 34 CFR 300.321(e).) (No student files were of students that are not and will not participate in the regular education environment.)</i>
6.	34 CFR 300.321(a)(3) Ed 1103.01(a)	<b>11 out of 11</b> IEP files demonstrated evidence that not less than one special education teacher or, where appropriate, not less than one special education provider of the child participated in the meeting. <i>(No student files had special education teacher(s) or special education provider(s) excused per 34 CFR 300.321(e).)</i>
7.	34 CFR 300.321(a)(4) Ed 1103.01(a)	<b>11 out of 11</b> IEP files demonstrated evidence that the IEP Team included an LEA representative.
8.	Ed 1103.01(d)	<b>0 out of 0</b> IEP files demonstrated evidence that, if vocational, career or technical education components are being considered, the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(11 student files were students for whom vocational education/CTE were not considered.)</i>
9.	Ed 1103.02(a),(c), (d)	<b>0 out of 0</b> 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)]. <i>(11 student files were students for whom the written invitation is the responsibility of the LEA.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320		D. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number & Regulatory Component		Review Status
10.	34 CFR 300.324(a)(1)(i)	<b>11 out of 11</b> IEP files demonstrated evidence that the team considered the strengths of the child.
11.	34 CFR 300.324(a)(1)(iv)	<b>11 out of 11</b> IEP files demonstrated evidence that the team considered the academic, developmental, and functional needs of the child.
12.	34 CFR 300.324(a)(1)(ii)	<b>11 out of 11</b> IEP files demonstrated evidence that the concerns of the parents for enhancing the education of their child were considered.
13.	34 CFR 300.324(a)(1)(iii)	<b>11 out of 11</b> IEP files demonstrated evidence that the results of the initial or most recent evaluation of the child were considered.
14.	34 CFR 300.320(a)(1)(i)	<b>11 out of 11</b> IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum. <i>(No student files were preschool age students.)</i>
15.	34 CFR 300.320(a)(4)(ii)	<b>11 out of 11</b> IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects non-academic areas.
16.	34 CFR 300.320(a)(1)(ii)	For preschool children, <b>0 out of 0</b> IEP files demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities. <i>(11 student files were not of preschool age students.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		E. Courses of Study
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
17.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, <b>9 out of 9</b> IEP files demonstrated evidence 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 or a vocational education, or career technical education.. (2 student files were students aged 13 or younger who will not be turning 14 during the IEP period and no evidence the IEP team determined this is necessary.)

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		F. Measurable Annual Goals; Short-term Objectives or Benchmarks
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
18.	<b>34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)</b>	<b>9 out of 11</b> IEP files demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.  For <b>student code(s) C &amp; J</b> there was insufficient evidence demonstrating compliance with this requirement.
19.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	<b>11 out of 11</b> IEP files 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.
20.	Ed 1109.01(a)(6)	<b>11 out of 11</b> IEP files 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.
<p><b>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance:</b> As soon as possible, but no later than 2 months of the date of this report, the private provider must amend the IEPs to include measurable annual goals.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p>		
<p><b>First Stage Corrective Action Regarding the Implementation of the Regulations:</b> Provide training to appropriate staff to address writing measurable annual goals.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.</p>		
<p><b>Second Stage Corrective Action Regarding the Implementation of the Regulations:</b> The NHDOE will review 4 new student files (2 at Ashuelot Valley Academy program and 2 at Squamscott River Academy program) for updated data demonstrating compliance with this requirement.</p>		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(8)		G. Review and Revision of IEPs (Measuring Progress)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
21.	Ed 1109.01(a)(8)	<b>11 out of 11</b> IEP files 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.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.06(b)		H. Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
22.	34 CFR 300.325(b) Ed 1109.05 Ed 1114.06(a);	For the purpose of initiating the process for all matters concerning possible changes and/or modification in the identification, evaluation, development and/or revision of an IEP or changes in placement of a child with a disability, <b>11 out of 11</b> IEP files demonstrated evidence that the private provider contacted the sending school district. <i>(No student files had no changes in the child's identification, evaluation, development or revision of the IEP or placement)</i>
23.	<b>Ed 1114.06(i), (j), (k)</b>	<b>8 out of 10</b> IEP files demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program.  For <b>student code(s) J &amp; K</b> there was insufficient evidence demonstrating compliance with this requirement.
<b>First Stage Corrective Action Regarding the Implementation of the Regulations:</b> Provide training to appropriate staff to ensure that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program.  Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.		
<b>Second Stage Corrective Action Regarding the Implementation of the Regulations:</b> The NHDOE will review 2 new student files (2 at Squamscott River Academy program) for updated data demonstrating compliance with this requirement.		

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1109.03(a); Ed 1109.03(v); Ed 1102.01(b)		I. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
24.	Ed 1102.01(b)	If accommodations are included, <b>10 out of 10</b> IEP files demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that <b>do not impact</b> the rigor, validity, or both of the subject matter being taught or assessed. <i>(1 student files was a student with no accommodations.)</i>

25.	Ed 1102.03(v)	If modifications are included, <b>1 out of 1</b> IEP files demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team <b>that impact</b> the rigor, validity, or both of the subject matter being taught or assessed. <i>(10 student files were students with no modifications.)</i>
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COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		J. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
26.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>11 out of 11</b> IEP files demonstrated evidence of a statement of special education.
27.	Ed 1109.04(b)(1)	<b>11 out of 11</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
28.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>7 out of 7</b> IEP files demonstrated evidence of a statement of related services. <i>(4 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
<b>29.</b>	<b>Ed 1109.04(b)(1)</b>	<b>6 out of 7</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided. <i>(4 student files were students for whom there were no related services in the IEP.)</i>  For <b>student code(s) J</b> there was insufficient evidence demonstrating compliance with this requirement.
30.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>9 out of 9</b> IEP files demonstrated evidence of a statement of supplementary aids and services. <i>(2 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
31.	Ed 1109.04(b)(2)	<b>9 out of 9</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(2 student files were students for whom there were no supplementary aids and services in the IEP.)</i>
32.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement of the supports for school personnel. <i>(9 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
33.	Ed 1109.04(b)(4)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports for school personnel. <i>(9 student files were students for whom there were no supports for personnel in the IEP.)</i>
<p><b>First Stage Corrective Action of Student Specific Instance(s) of Noncompliance:</b> As soon as possible, but no later than 2 months from the date of this report, the private provider will provide documentation for evidence of the implementation of related services provided.</p> <p>The NHDOE will verify this through a subsequent on-site review.</p> <p><b>First Stage Corrective Action Regarding the Implementation of the Regulations:</b> Provide training to appropriate staff for ensuring that there is written evidence documenting implementation of the IEP with regards to all related services provided.</p> <p>Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the NHDOE within 3 months from the date of this report.</p>		

**Second Stage Corrective Action Regarding the Implementation of the Regulations:** The NHDOE will review 2 new student files (2 at Squamscott River Academy program) for updated data demonstrating compliance with this requirement.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		K. Definition of Individualized Education Program (Justification for Non-Participation)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
34.	34CFR 300.320(a)(5) Ed 1109.01(a)(1)	<b>11 out of 11</b> IEP files 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)		L. Definition of Individualized Education Program (State and District Wide Assessments)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
35.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	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.  <b>Due to changes in the New Hampshire Special Education Information System (NHSEIS) this question was not reviewed for compliance</b>
36.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	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, <b>0 out of 0</b> IEP files demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(11 student files were of students not taking an alternate assessment.)</i>
37.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the child is taking an alternate assessment, <b>0 out of 0</b> IEP files demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(11 student files were of students not taking an alternate assessment.)</i>