

Special Education Policies and Procedures Manual



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School Administrative Unit 21

Hampton Falls, North Hampton, Seabrook, South Hampton,
Winnacunnet Cooperative

Special Education Plan

Introduction

IDEA 2004 requires that the Districts of SAU 21 have in effect policies, procedures, and programs that are consistent with the State's policies and procedures and are established in accordance with IDEA 2004 and other relevant federal statutes.

The Districts of SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) have developed this Special Education Plan and it serves as a tool for the Districts' implementation of IDEA 2004 requirements in providing programs for children with disabilities. In addition, it provides the required assurances necessary for application for federal special education funds.

The Districts of SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative), in accordance with Ed 1101, insure that all children with disabilities have available to them a free, appropriate, public education pursuant to the Individuals with Disabilities Education Improvement Act of 2004.

Throughout this manual, there are references to state and federal special education laws and regulations. To ensure a more readable document, the following abbreviations are used:

NH Rules – Refers to New Hampshire Rules for the Education of Children with Disabilities – 2017. This Special Education Manual Template has been revised to align with NH Rules - 2017, Effective March 24, 2017, Amended June 14, 2018, Amended August 9, 2018.

IDEA Regulations – Refers to sections in 34 CFR Part 300 of the Assistance to States for the Education of Children with Disabilities – Final Rules – 8/14/06.

1. CHILD FIND - Ed1105

The Districts of SAU 21 ensure that all children who have disabilities, from 2.5 to age 21, who reside in SAU 21, and who are in need of special education and related services are identified, located and evaluated. This applies to all children with disabilities, including highly mobile children (such as migrant and homeless children), children placed in homes for children, health care facilities, or state institutions, and children who are suspected of being eligible under IDEA, even though they are advancing from grade to grade. In addition, this applies to those children attending approved, non-public/ non-profit private schools within the geographic boundaries of SAU 21; as well as children who reside in SAU 21 who attend charter schools.

For those students who are transitioning from Early Supports and Services to preschool, the responsible district will participate in a transition planning meeting for the purpose of affecting a smooth and timely transition and implementing an Individual Education Program (IEP) or Individual Family Support Plan by the child's third birthday.

All data and information collected and used under this section are subject to confidentiality requirements as described in **Section 2- Confidentiality**.

The SAU 21 Child Find programs include, at a minimum, the following:

1. Each District in SAU 21 has established referral procedures, which ensure that all students who are suspected or known to be a child with a disability are referred to the special education evaluation team to consider the need for assessment which may include formal evaluation. These procedures are found in **Section 8 – Student Evaluation to Placement**.
2. Any person may refer a child to the IEP (Individual Education Program) team for reasons including but not limited to the following (list is not exhaustive):
 - a. Failing to pass a hearing or vision screening;
 - b. Unsatisfactory performance on group achievement test or accountability measures;
 - c. Receiving multiple academic and/or behavioral warnings or suspensions/expulsions from a child care or after school program; and
 - d. Repeatedly failing one or more subjects;
 - e. Inability to progress or participate in developmentally appropriate preschool activities; and
 - f. Receiving services from family centered early supports and services.
3. On an annual basis, each District in SAU 21 contacts all approved nonpublic/ non-profit private schools (including religious elementary and secondary schools) within its geographic boundaries regardless of where the child resides. Each District shall conduct a consultation meeting and advise school officials of the District's responsibilities to identify and evaluate all students who are suspected of or known to be a child with a disability enrolled in such schools. Each District shall conduct child find activities that ensure equitable participation of private school students with disabilities and provide an accurate count of those students. All child find activities conducted for children enrolled in private schools by their parents shall be similar to those activities conducted for children who attend public schools in SAU 21. Referrals from approved nonpublic schools shall be forwarded to an appropriate special education team for further consideration.
4. On an annual basis, each District in SAU 21 contacts all community agencies and programs within its geographic boundaries that provide medical, mental health, welfare, and other human services, to advise them of the District's responsibility to identify and evaluate all students who may be a child with a disability. This includes homes for children, health care facilities, or state institutions within the boundaries of each District that may have knowledge of children with disabilities who are involved with the state court and for whom a special education program may be appropriate. Referrals from these agencies shall be forwarded to the special education evaluation team for further consideration.
5. On an annual basis, each District in SAU 21 publicizes and disseminates information, which describes its Child Find Program. This includes a description of each District's special education

programs, supports and services, including a contact person, his/her functions, and the manner by which he/she might be contacted for further information or referral.

6. Each District in SAU 21 shall annually provide all parents of children with disabilities information regarding their rights and responsibilities under federal and state special education laws.
7. Each District in SAU 21 ensures that all referrals from parents and others who suspect or know a child with a disability are forwarded to the special education evaluation team. Each District shall provide the parents with a written notice of any referral other than one initiated by the parent.
8. Each District in SAU 21 ensures there are continuing efforts related to cultural competency in relationship to public awareness and child find activities, such as the ability to communicate with and relate to parents and families in ways which are appropriate to their individual racial, ethnic, and/or cultural backgrounds.
9. Each District in SAU 21 shall coordinate with area agencies and family centered supports and services to establish a process for district notification of children served by these programs consistent with the interagency agreement between the Districts in SAU 21 and the area agencies providing family centered supports and services.
 - a. Ed 1105.04(a): Each District shall develop a written early transition process for children exiting family centered early supports and services which assures that any child who is potentially a child with a disability is evaluated and eligibility for special education is determined prior to the child's third birthday. If a child is determined to be a child with a disability eligible for special education and related services, the District shall ensure that an IEP is developed and implemented on/before the child's third birthday.
 - b. Ed 1105.04(b): The transition process in Ed 1105.04(a) shall include a written interagency agreement between the District and the local area agencies, as defined by RSA 171-A: 21-b, responsible for the provision of family centered supports and services in that community.

2. CONFIDENTIALITY OF INFORMATION – Ed 1119

Each District in SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) adhere to the Confidentiality of Information regulations set forth in the NH Rules, the Federal Family Educational Rights and Privacy Act of 1974 (FERPA), School District Policy JRA, JRA-E, and the Individuals with Disabilities Education Act (IDEA 2004; 34 CFR 300.610-627), with the implementation of federal regulations.

ACCESS RIGHTS

Each District in SAU 21 permits parents to inspect and review any educational records relating to their child which is collected, maintained, or used by the District under 34 CFR Part 300. The District will comply with a request without unnecessary delay and before any meeting regarding an IEP and its regulation and in no case more than 21 days after the request has been made.

The right to inspect and review education records under this section includes:

1. the right to a response from the District to reasonable requests for explanations and interpretations of the records;
2. the right to request that the District provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
3. the right to have a representative of the parent inspect and review the records.

Each District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

Record of Access

Each District keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Record on More Than One Child

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

List of Type and Location of Records

Each District provides parents, on request, a list of the types and locations of education records collected, maintained, or used by the District.

Seabrook, Hampton Falls, North Hampton, and Hampton school districts will transfer special education records of students enrolling in 9th grade at Winnacunnet High School who actively receive special education services to the Winnacunnet High School Special Services Department. Records of students attending Winnacunnet High School will be held at Winnacunnet until the student graduates or turns 21 and stored by Winnacunnet until the student's 26th birthday. Seabrook, Hampton Falls, North Hampton, Hampton will transfer records of students who are not eligible for special services (evaluated and discharged or found ineligible) to the student's cumulative file in the WHS Guidance Department.

The special education records of students who transfer to another school district in New Hampshire or out of state should follow the student. WHS Special Services will not retain or be responsible for records of students who do not attend Winnacunnet High School with the exception of students who live in the Winnacunnet Cooperative District and choose to be homeschooled or choose to attend a private school.

South Hampton school district's high school of record is Amesbury High School, in Amesbury, Massachusetts although students may elect to attend Winnacunnet High School. South Hampton works collaboratively with Amesbury High School regarding students who are receiving special education services. Copies of pertinent documents are shared. South Hampton holds Special Education records until the student graduates or turns 21 and stores them until the student's 26th birthday regardless of where the student attends high school. Amesbury High holds their own special education records. South Hampton does not transfer the records of students to receiving high schools for those who were found ineligible for special education.

Fees

Each District may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. In such cases where the District will be providing parents with copies, a rate according to the fee schedule set by each District in SAU 21 will be applied. The SAU 21 fee for copies is \$.25/copy. Each District in SAU 21 does not charge a fee to search for or to retrieve information.

Amendment of Record at Parent Request

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of their child, may request this information be amended. The District involved will determine whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the District decides not to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of their right to a hearing.

Opportunity for Hearing

Each District, on request from the parent, will provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

Result of Hearing

If, as a result of the hearing, the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, the District will amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the District. Any explanation placed in the records of the child under this section:

1. is maintained by the District as part of the records of the child as long as the record or contested portion is maintained by the District; and
2. if the records of the child or the contested portion are disclosed by the District to any party, the explanation is also disclosed to the party.

Hearing Procedure

A hearing held under this section is conducted according to the procedures under 34 CFR 99.22.

Consent

Except as to disclosures addressed in 34 CFR part 300.535(b) for which parental consent is not required by 34 CFR Part 99, parental consent is obtained before personally identifiable information is (1) disclosed to anyone other than officials of participating agencies collecting or using the information under 34 CFR Part 300, subject to this section; or (2) used for any purpose other than meeting a requirement of 34 CFR Part 300. Each District in SAU 21 will not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99.

Each District in SAU 21 protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. All persons collecting or using personally identifiable information will receive training or instruction regarding IDEA-B policies and procedures under 34 CFR Part 300.123 and 34 CFR Part 99. The District maintains, for public inspection, a current listing of the names and positions of those employees within the District who may have access to personally identifiable information.

Safeguards (34 CFR 300.623):

Each District in SAU 21 must protect the confidentiality of personally identifiable information at collections, storage, disclosure, and destruction stages. One official at each district must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policy and procedures under 34 CFR 300.123 and CFR part 99. Each district must maintain, for public inspection, a current listing of the names and positions of those employees who may have access to personally identifiable information.

Destruction of Information

Each District in SAU 21 informs the parents in writing when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. The information is destroyed at the written request of the parents or adult student. Each district in SAU 21 provides public notice of its documentation destruction policy at least annually.

However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed shall be maintained without time limitation.

As part of the transition planning process at Winnacunnet High School, the student or parent of the graduating special education student (if the student is under the age of 18) receives a copy of the student's most recent Individual Education Program (IEP) and special education evaluation reports.

At the time of graduation or when the student reaches the age of 21, whichever comes first, the Winnacunnet School District informs the student or parent (if the student is under the age of 18) that the student's special education records will be retained until the student's 26th birthday. The guardian/adult student may request destruction prior to the 26th birthday and may request in writing the district retain records until the student's 30th birthday.

Children's Rights (Ed 1119.03)

Each District in SAU 21 ensures the rights of privacy afforded to children are consistent with those afforded to parents, taking into consideration the age of the child and type or severity of disability. The age of majority in New Hampshire is eighteen (18) years, thus parental rights regarding educational records in IDEA and FERPA transfer to students at age 18. Each District in SAU 21 provides notification to both parents and the student of the transfer of child's rights at age of majority.

Disciplinary Information (Ed 1119.04)

Each District in SAU 21 includes a statement of any current or previous disciplinary action that has been taken against the child in the records of a child with a disability. Such statements shall be included in, and transferred with the disabled child's record to the same extent that the disciplinary information is included in, and transmitted with the student records of children without disabilities.

The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the child transfers from one school to another, the transmission of any of the child's records includes both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child.

3. FACILITIES, PERSONNEL, & SERVICES – Ed 1126.01 (b) (3)

Each District in SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) shall take steps to ensure that children with disabilities have equal access to the variety of educational programs and services available to non-disabled children. Each District in SAU 21 ensures that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with students who do not have disabilities. Special classes, separate classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the uses of supplementary aids and services cannot be achieved satisfactorily. Placement decisions for children with disabilities shall be made on an individual basis by the IEP team and in accordance with the procedures described in Section 8 – Pupil Evaluation to Placement.

Each District in SAU 21 shall provide a full range of opportunities, programs, and services to meet the unique needs of children with disabilities in the least restrictive educational setting. Each District shall ensure that every child with a disability shall have full access to the general curriculum with accommodations and modifications as delineated in the IEP. This includes the provision of non-academic and extra-curricular services. These opportunities shall be provided through public school programs within and outside of the boundaries of the District.

Each District in SAU 21 shall provide access to vocational training and transition services as appropriate. Vocational and transition services are provided primarily within the District and at the high school level. Other student specific circumstances may be addressed as determined by the IEP team.

Equipment, Material and Assistive Technology

- Each District shall provide appropriate instructional equipment and material, including assistive technology devices and assistive technology services appropriate to implement each student's IEP.

Personnel Standards

- Teachers of students with disabilities, prior to employment, shall have valid New Hampshire certification with an endorsement appropriate for the disabilities of the students they serve.
- Additionally, special education teachers within each District must meet requirements for their respective teaching assignments, as designated by federal and state guidelines.

Home Instruction for School Aged Children (Ed 1111.05)

- A child with a disability receives all or a portion of his/her special education program at home in accordance with Ed 1111.04.
- Home instruction for children at least six years of age but less than 21 years of age shall include no fewer than ten hours per week of specially designed instruction as specified in the child's IEP so that the child will progress in the general curriculum and meet IEP goals.
 - When a child is physically or mentally unable to attend school the IEP team can recommend that a school week of less than the required hours and the following must be provided:
 1. The superintendent shall provide written consent prior to implementation of the shortened school week;
 2. The parent shall provide written consent prior to implementation of the shortened school week;
 3. The LEA shall send a copy of the written consent to the state director of special education;
 4. The LEA shall send a copy of the written consent to the child's parent;
 5. The LEA shall place a copy of the consent in the child's school records.
- Home instruction will include related services in addition to the ten hours of specially designed instruction and will be delivered in accordance with the NH Rules.
- Home instruction shall NOT include parent designed home education programs as authorized in Ed315.
- Home instruction shall be implemented by personnel qualified in accordance with 34CFR300.156 and Section 2122 in the ESEA.

Facilities and Location

- Instructional areas for children with disabilities shall be located in classrooms with students of a similar chronological age and shall be comparable to other classrooms within the school. They shall be located in facilities that are, in the judgment of the IEP team, in the least restrictive environment.
- The physical space used for classrooms and other instructional programs and school activities for children with disabilities shall be of sufficient size to accommodate program modifications and accommodations necessary to implement the children's IEPs and to provide for all other learning activities.

Length of School Day

- **Preschool level** – The IEP team shall determine the length of the school day for preschool students with disabilities.
- **Elementary/High School** - The school day shall be a minimum of 180 days in each year or the equivalent number of hours approved by the Commissioner of Education, NHDOE, consistent with the provisions of RSA 189:1, 189:2, 189:24, and 189:25 and ED 306.18-306.21.

Length of School Year

Each district shall provide a standard school year of at least 180 days or the equivalent number of hours per Ed1113.15 (see above: Length of School Day). Students with disabilities in need of extended school year programming shall be provided for through requirements described in Section 9 – Pupil Evaluation to Placement. Extended School Year Programming shall not be limited only to summer months.

Supervision and Administration

The Superintendent of Schools, Assistant Superintendent of Student Services, the District's Special Education Director, and the building principals or their designees shall supervise the services and programs provided to students with disabilities.

- Paraprofessionals (Educational Associates) shall work under the direct supervision of appropriately certified personnel and be supervised by the professional under whom they work as often as deemed necessary by each District, but no less than once each week.
- Paraprofessionals (Educational Associates) shall implement plans designed by the supervising professionals and monitor the behavior of student(s) with whom they work. They may not design or evaluate the effectiveness of programs. Paraprofessional performance will be evaluated yearly through a predetermined performance review process.

Diplomas

The Winnacunnet School District shall ensure that each child with a disability is entitled to continue in an approved program until such time as the student has earned a regular high school diploma or has attained the age of 21, whichever occurs first, or until the District determines that the student no longer requires special education in accordance with **Section 8 – Student Evaluations to Placement**.

All children with disabilities shall have an equal opportunity to complete a course of studies leading to a regular high school diploma. A regular diploma shall be issued to all students who:

1. successfully achieve the minimum number of credits required for graduation at Winnacunnet
2. meet specific course requirements as described in the Winnacunnet High School Program of Studies.
3. meet all attendance requirements as stated in the Winnacunnet High School Program of Studies.

The term "regular high school diploma" does not include an alternative degree that is not fully aligned with the NH School Approval Standards, such as a certificate or a High School Equivalency Test (Hi-SET). Any student who receives a diploma/certificate other than the District's regular high school diploma remains eligible to receive a free appropriate public education until he or she reaches age twenty-one or until the IEP Team, through a formal evaluation process, determines that such student is no longer in need of, and thereby not eligible for, special education and related services.

Hampton Falls School District **Program Descriptions**

Staffing Pattern: Three certified special education teachers serve as case managers. Each case manager is assigned to a grade span and is responsible for case management and direct services within that grade span. A special education reading specialist provides direct individual and group support in both a special education setting as well as the regular education classroom. A school psychologist conducts special education assessments and provides individual and group counseling. A guidance counselor teaches the guidance curriculum and provides individual and group counseling. Occupational therapy, physical therapy, and speech & language services are provided on a contracted basis. A Board Certified Behavior Analyst (BCBA) provides direct service to support positive behavior. All services are determined through the IEP process.

Disabilities Served: Autism, Deaf-Blindness, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability(SLD), Speech/Language Impairment, Traumatic Brain Injury and Visual Impairment/Blindness.

Age Range: Pre - K through grade 8.

Related Services Available: Speech/Language Therapy, Occupational Therapy, Physical Therapy, Social Skill Training, Individual and Group Counseling, BCBA, Rehabilitative Assistant and Educational Associate Support

Brief Description: The Special Services Department provides special education and related services for children with IEPs in grades pre-kindergarten through 8th grade. The needs of each student are carefully assessed and plans are developed to meet each child's individual needs. Preschoolers may be placed in a local child care program if it is deemed appropriate by the child's IEP Team. A preschooler may also be placed in an area integrated special needs preschool if required to meet the child's needs. The special education program in kindergarten to grade 8 provides direct instruction individually or in small groups in the regular classroom, in a pull-aside or in a separate location. In-class support is provided by educational associates as needed according to the student's IEP. Special Educators consult regularly with Classroom Teachers and attend weekly special education meetings to problem-solve and plan assessment and intervention services.

North Hampton School District **Program Descriptions**

The Jolly Jaguar Preschool

The Preschool Program for 3-5 year olds currently enrolls students in morning and afternoon sessions. Children between the ages of three and five who are identified with educational disabilities attend along with peers tuitioned in from the community. Each session is 2.5 hours (8:35-11:05 am) and (12:00-2:30 pm) for four days per week (Monday, Tuesday, Wednesday, Thursday). Maximum class size is 12 students per session.

The North Hampton In-Class and Resource Support Program

A Special Education Teachers/Case Managers is assigned to a grade span from Kindergarten to Grade 8. Services are generally provided within the regular education classroom setting. Special Education Teachers/Case Managers work with classroom teachers to see that individual student goals and benchmarks are embedded into the flow of a typical day. If necessary, students may leave the classroom to work on specific skills with Special Education Teachers/Case Managers or related service personnel. Middle School students may have an organizational period that is considered a guided academic time when support is provided with their assignments.

Disabilities Served: Autism, Deaf-Blindness, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury and Visual Impairment/Blindness.

Related Services Typically Available: Students may receive individual or small group services in the following areas: Speech/Language Therapy, Occupational and Physical Therapy, Behavior Certified Behavior Analyst (BCBA), Rehabilitative Assistance (Educational Associates).

Seabrook School District **PROGRAM DESCRIPTIONS**

The Seabrook Developmental Preschool Seabrook's Development Special Education Preschool Program is available to all children with disabilities ages 3-5. Eligible children exhibit delays in one or more areas of development: Motor (physical), Adaptive, Communication and Language, Social and Emotional and Cognitive. Services include but are not limited to classroom programs, speech therapy, occupational therapy, physical therapy, audiological services, psychological counseling, and summer services.

The Developmental Preschool serves children with special needs ages 3-5 from Seabrook that will need to have an Individualized Education Program (or Individualized Education Plan) or already have an IEP in effect by their third birthday. Additionally, Seabrook's Developmental Special Education Preschool enrolls

a limited number of typically developing children who serve as peer models. Transportation is provided to the Special Education students enrolled in the Developmental Preschool.

Disabilities Served: Autism, Deaf-blindness, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury, and Visual Impairment/Blindness

Related Services Typically Available: Speech language therapy, behavior therapy, occupational therapy and physical therapy.

Brief Description: The Seabrook Developmental Preschool has two half day sessions, four days a week. Each session is 2.75 hours in length (8:00-10:45 and 11:45 –2:30).

Seabrook Elementary and Seabrook Middle School Resource Rooms

In class and specialized resource room support:

These programs serve students between the grade span from Kindergarten to Grade 8 at the elementary and middle schools.

Disabilities Served: Autism, Deaf- Blindness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury, and Visual Impairment/Blindness

Related Services Typically Available: Speech/language therapy, occupational therapy and physical therapy. Group and individual counseling services are also provided by a licensed clinical social worker (LCSW).

Brief Description: The Elementary and Middle School programs Resource Room programs are a special education program for students with disabilities enrolled in either a special class or general education class who are in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day. Resource room programs are for the purpose of supplementing the general education or special education classroom instruction of students with disabilities who are in need of such supplemental programs. This means that instruction is not provided in place of the student's regular academic instruction.

Resource room programming is based on a student's individual needs as outlined in their IEP. Specialized Instruction may include but is not limited to: Literacy, Reading, Writing, Math, Executive Functions, Social, Emotional, and Behavioral Skills.

South Hampton: Barnard School **PROGRAM DESCRIPTIONS**

The Special Services Department provides services for children with IEPs in Grades

PreKindergarten-8. Students in Grades K-8 receive services in class (inclusion), the Learning Center, and/or a Therapy Room. A 75% special education teacher along with the Director of Special Services provide inclusion support and specialized instruction in the Learning Center. The Director of Special Services also serves as Case Manager. A Home School Facilitator provides counseling to students, consultation to staff, and outreach to families. A Clinical Psychologist is contracted to carry out evaluations and consult with staff. A part time contracted Speech and Language Pathologist serves as a Case Manager and provides support to students in the regular education classroom as well as providing 1:1 and small group intervention. A contracted Occupational Therapist provides inclusion and pull out services on a weekly basis. Additional Related Services Providers are contracted as needed according to students' Individual Education Plans and may include Physical Therapists, Teachers of the Visually

Impaired, Board Certified Behavior Analysts and the like. Special Education Assistants provide support to students in regular education classes.

Disabilities Served: Autism, Deaf Blindness, Developmental Delay, Emotional Disturbance, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain/Acquired, Visual Impairment

Related Services Typically Available: Students may receive individual and/or small group services in the following areas: Speech/Language Therapy, Occupational Therapy, Physical Therapy, and Counseling.

Brief Description: Students receive services as prescribed in their Individualized Education Plans. Services vary from student to student but can include 1:1 instruction, small group instruction, support in the general classroom, and various therapies. All Service Providers consult with staff and parents.

Additional Information: South Hampton students attend Amesbury High School. South Hampton is not a part of the Winnacunnet Cooperative. Special Education services are delivered at Amesbury High School and the Director of Special Services from South Hampton works in conjunction with Amesbury High School.

Winnacunnet Cooperative High School PROGRAM DESCRIPTIONS

The Integrated Program (Learning Lab) typically enrolls students between the ages of 14-18 years old who are in grades 9-12; however, it is approved for students between the ages of 13-21. The maximum Learning Lab class size is typically 12 students.

Staffing Pattern:

Eleven certified special education teachers serve as case managers in the Integrated Program. In addition to case management, each special education teacher provides individual and group specialized instruction in the Learning Lab and facilitates successful integration in the regular education setting to the maximum degree possible. In certain cases, educational associates provide 1:1 and small group support to students in regular and special education classes throughout the day to further promote student skills acquisition, transfer and practice of skills, and successful integration. For some students, contracted, licensed occupational and physical therapists provide consultation and individual and group interventions, and contracted speech language pathologists provide individual and group speech and language therapy. Two full-time counselors and one school psychologist are available to provide individual and group school counseling services when warranted. All such services are determined through the IEP team process.

Disabilities Served: The Integrated Program is approved for the following disabilities: Autism, Deaf-Blindness, Deafness, Emotional Disturbance, Hearing Impairment, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury and Visual Impairment/Blindness.

Related Services Typically Available: The need for related services is determined by IEP teams. Students may receive individual and/or small group interventions in the following areas: Speech/Language Therapy, Occupational Therapy, Physical Therapy, counseling, psychological services, school health services, assistive technology services, vision services, and hearing services. Related services are not intended to replace any necessary medical or mental health treatment. Such services are intended to address specific disability or IEP team-identified deficit areas in order to support student access to other special education services and the general curriculum.

Brief Description: The Integrated Program provides direct instruction and academic support in the Learning Lab and in regular education classes. Support provided in the regular education setting may

include co-teaching, assistance provided by educational associates, and consultation with classroom teachers provided by special education teachers and related service providers.

- Learning Lab is a structured academic support and specialized instruction block in which students typically meet daily to work toward achieving their IEP goals through the regular curriculum. In addition to receiving specialized instruction in specified goal areas, students are supported with applying and practicing skills through the completion of class assignments. Techniques such as re-teaching, coaching, and executive functioning and study skills instruction are employed. In order to support successful integration and in order to promote increased self-sufficiency, students receive regular feedback about their class performance and assistance with self-advocacy, organization, problem-solving, and planning. As appropriate, students will participate in an ongoing coaching program in which they set daily goals, establish a plan, and evaluate their performance.
- Individual Skills Development is offered to students with unique needs in the areas of reading comprehension, basic reading skills, written expression, basic math, and organizational/executive functioning skills.

The Decisions Program (Challenge I) is staffed by two certified special education teachers who each also serve as case managers. The program is approved for students ages 14-21. One educational associate also assists students with reinforcing and transferring academic, social-behavioral, and self-sufficiency skills. Two full-time counselors provide crisis management and individual and group counseling services. All services are determined through the IEP team process.

Disabilities Served: The Decisions program is approved for the following disabilities: Autism, Deaf-Blindness, Deafness, Emotional Disturbance, Hearing Impairment, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury, and Visual Impairment/Blindness.

Related Services Typically Available: The need for related services is determined by IEP teams. Students may receive individual and/or small group interventions in the following areas: Speech/Language Therapy, Occupational Therapy, Physical Therapy, counseling, psychological services, school health services, assistive technology services, vision services, and hearing services. Related services are not intended to replace any necessary medical or mental health treatment. Such services are intended to address specific disability or IEP team-identified deficit areas in order to support student access to other special education services and the general curriculum.

Brief Description: The Decisions program is designed to provide students with emotional disabilities and behavioral concerns with a smaller, more structured, therapeutic academic setting in which they may develop and apply coping strategies and learn prosocial behaviors. Academic courses in English, math, social studies, and academic support are offered; however, all students are expected to take courses in the regular curriculum to the maximum extent possible. Students may also take Decisions, which is a course designed to further promote the development of prosocial behaviors, leadership, and community-building within the Decisions program. In addition to specialized academic instruction, staff members provide crisis intervention and behavior management services throughout the school day as needed.

The Transitions Program is staffed by two certified special education teachers who also serve as case managers. Where appropriate, educational associates provide necessary support to students in regular and special education settings to reinforce and transfer skills. An Occupational Therapist, Physical Therapist, and Speech/Language Pathologist provide individual and group interventions as warranted. The Transition Coordinator assists in the development and implementation of transition plans and facilitates pre-vocational and vocational activities within the school and in the community. All services are determined through the IEP team process.

Disabilities Served: The Transitions Program is approved for the following disabilities: Autism, Emotional Disturbance, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, Other Health Impaired, and Speech/Language Impairment.

Related Services Typically Available: The need for related services is determined by IEP teams. Students may receive individual and/or small group interventions in the following areas: Speech/Language Therapy, Occupational Therapy, Physical Therapy, counseling, psychological services, school health services, assistive technology services, vision services, and hearing services. Related services are not intended to replace any necessary medical or mental health treatment. Such services are intended to address specific disability or IEP team-identified deficit areas in order to support student access to the general curriculum.

Brief Description: The Transitions Program provides case management, transition services and specialized instruction in Functional Reading and Writing, Functional Math, Activities of Daily Living, Transition Preparation, and Individual Skills Development. Support for students in the general curriculum, community, and extracurricular activities are provided by educational associates where appropriate. Occupational Therapy and Physical Therapy are contracted through outside agencies. Speech and language therapy is provided by a contracted, licensed SLP.

In addition to schools within SAU 21, SAU 90 sends transitioning 8th grade students from Hampton Academy to Winnacunnet High School.

4. PERSONNEL DEVELOPMENT – Ed 12126.01 (4)

Each District in SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) has adopted a Professional Learning Master Plan to serve as a basic guideline for the operation of its professional development for the five-year period of 2019-2024.

Each District in SAU 21 shall work to promote a climate that encourages the continuing education and training of all staff within the District. The Professional Learning Master Plan shall advance an educational environment in which students receive high exposure to stimulating teachers, instructional materials and activities. Professional learning activities that enhance the knowledge and skills of all staff related to the education of children with disabilities and increase their understanding of the diverse needs of all students shall be offered to all teachers, specialists, paraprofessionals, administrators and other IEP team members.

A variety of professional learning opportunities shall be available to each district in SAU 21, including job-embedded activities, in-service workshops, conferences and/or formal coursework reimbursed through the District. The Special Services Directors from each school meet monthly to discuss personnel development as well as expand their own professional knowledge and skills.

Please consult each district's special education director annually for their annual professional learning goals. Professional learning initiatives include activities which foster the implementation of best practices.

Staff members of each District shall participate in a child-specific training and professional consultation as required to help them understand various types of disabilities and meet the needs of individual students.

Appendix D contains the link to the current **SAU 21 Professional Learning Plan**.

5. PARENT INVOLVEMENT – Ed 1126.01 (b)(5)

Each District in SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) shall actively involve parents and eligible students in all steps of the special education process. In addition to fulfilling legal requirements, each District recognizes the crucial and irreplaceable role parents play in the education of their children. Therefore, consistent efforts will be placed on keeping parents well informed within the context of a collaborative team process. In part this is accomplished by the dissemination of Procedural Safeguards Notice and Written Prior Notices.

Procedural Safeguards Notice (Ed 1120)

Parents of a child with disabilities will be given New Hampshire Special Education Procedural Safeguards Handbook (Appendix C) describing the procedural safeguards available to them under state and federal law on an annual basis. In addition, parents will be provided a copy of procedural safeguards:

- Upon initial referral or parent request for evaluation
- Upon receipt of the first State complaint and upon the receipt of the first due process complaint in a school year
- In accordance with discipline procedures
- Upon request by a parent.

Written Prior Notice

Parents will be officially notified in writing anytime the District:

- proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free and appropriate public education to the child; or
- refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free and appropriate public education to the child.

The notification shall include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the agency proposes or refuses to take the action
3. A description of each evaluation, procedure, assessment, record or report the district used as basis for the proposed or refused action.
4. A statement that the parents of the child with disabilities have protection under the procedural safeguards of IDEA (Individual with Disabilities Education Act) and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provisions of the law, a description of the other options that the IEP team considered and the reasons why those options were rejected, and
6. A description of the other options the team considered and the reasons why they were rejected, and
7. A description of other factors that is relevant to the agency's proposal or refusal.

Ongoing parent involvement is supported through the following actions:

- a. Parents shall receive formal notification when their child is referred for special services, except in the case where the parent was the referring party. Procedural Safeguards and information regarding the Special Education Process shall be provided to the parent at this time.
- b. Within **15 business days** of the receipt of the referral, the IEP Team (including the parents) will meet to determine the appropriate course of action.
- c. The IEP Team shall determine if the referral is appropriate and whether there is a need for a comprehensive evaluation. If so, specific evaluations shall be determined by the team. The district shall provide Written Prior Notice (WPN) and request written permission to proceed.
- d. The evaluation process, including a written summary report, shall be completed within **60 calendar days** after receipt of parental permission for testing or at the conclusion of any

extension provided in ED 1107.01(c). The evaluation report shall be shared with the parent at least five calendar days prior to the meeting unless waived by the parent. Only one extension of no more than 30 days may be granted in the triennial evaluation process with written consent of both parties.

- e. Parents shall be included as part of the team which determines whether or not the child qualifies as a child with a disability. The team decision shall be provided in a Written Prior Notice to the parent with a request for written approval of the decision.
- f. If a child is determined to be a child with a disability, an IEP will be developed within the next **30 calendar days**. As members of the IEP team, parents are encouraged to be active participants in the IEP process. Parent concerns and input shall be considered in the development of the IEP. Written Prior Notice shall be provided to the parent. The parent must provide written approval before the IEP can be implemented.
- g. Upon approval of the IEP, the IEP Team, including parents, shall determine an appropriate placement for the child. Written Prior Notice is again completed and parents must agree in writing to the proposed placement prior to its implementation.
- h. Parents will receive 10 days notice for any meetings held for the purpose of developing or amending the child's IEP and/or determining placement, unless the notification requirement is waived in writing by the parent. All IEP Team meeting notices include the purpose, time, location, and participants expected to attend the meeting. Each District shall take steps to ensure that one or both parents of the child with a disability are present at each meeting of the IEP Team and are afforded the opportunity to participate. This includes scheduling the meeting at a mutually agreed upon time and place. Parents and the District are encouraged to use alternative means of participation, such as video conferencing and conference calls in order to include the parent.

Meetings will be rescheduled at parent request, unless the parent requests that the meeting continue without him or her in attendance. It is recommended that the District contact the parent a minimum of 3 times and document the attempts to secure their participation. If these attempts have been unsuccessful, a meeting may proceed without the parents.

- i. Each District's special education staff shall take whatever steps necessary to ensure that the parents understand the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.
- j. Each District shall provide copies of all written documents to parents including Written Prior Notice, evaluation summary report, and IEP.
- k. Each District shall file a request for appointment of a surrogate parent, to represent a child with a disability, when the parents or guardians are not known, or the student is a ward of the state.
- l. For a student considered to be an unaccompanied homeless youth, as defined in the McKinney-Vento Homeless Assistance Act, who is or may be a youth with an educational disability, each District shall immediately enroll the child in school for the purposes of attending classes and participating fully in school activities. The District's local homeless education liaison shall have no more than **30 days** from the initial date of school enrollment to appoint a surrogate parent for the unaccompanied homeless youth.
- m. A parent, as defined in Ed 1102.04 (h) or an adult student may authorize an individual to act on their behalf pursuant to a duly executed power of attorney. (Ed 1120.01(c))
- n. The district has the authority to initiate court proceedings to authorize initial provision of services, but a due process hearing may not be used in this circumstance. (Ed 1120.05 (d))

(If a parent refuses consent for the initial provision of special education services, the LEA shall not pursue the initial provision of special education services by initiating a due process hearing under Ed 1123. The LEA shall have the authority to initiate court proceedings to authorize the initial provision of special education services.)

- o. Each District shall obtain informed parent consent annually and when there is a change in services paid for by public insurance. Parents may refuse permission, but this does not relieve the district of its responsibility to provide services detailed in the IEP. (Ed 1120.08 and Ed 1120.08 (a))
- p. Each District, upon a written request for an IEP team meeting by the parent, guardian, or adult student shall: schedule a mutually agreeable time and date for the meeting, convene the IEP team on the mutually agreeable upon time and date, OR provide to the parent/guardian/adult student with written prior notice, detailing why the LEA refuses to convene the IEP team that the parent, guardian, or adult student has requested. (Ed 1109.06 (b))

6. PUBLIC PARTICIPATION – Ed 1126.01

A copy of the **SAU 21 Special Education Policies and Procedures Manual** shall be available for review by parents, other agencies and the general public. Paper copies will be provided to parents upon request. Online access is available on each school district's website.

The SAU 21 Special Education Policies and Procedures Manual shall be reviewed and revised as necessary under the supervision of the Special Education Administrator. When the plan is under review, the public shall be notified and given a minimum of 10 days to review the information and provide written input.

Notice regarding the availability of this plan and its revisions shall be disseminated to the public through formal school district postings and notices in local newspapers.

Each year, the Districts in SAU 21 submit their "Annual Request for Federal Special Education Funds" to the NH Department of Education for approval. The District shall provide reasonable opportunities for participation of teachers, parents and other interested agencies, organizations, and individuals in the planning for and operation of this program. Prior to the submission of the application, the public will be notified through formal school District postings and notices in local newspapers and provided an opportunity to review the information and provide written input.

7. PROCEDURAL SAFEGUARDS – Ed 1120

Each District in SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) shall provide a copy of the **New Hampshire Special Education Procedural Safeguards Handbook (Section C)** to the parents of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first request for a due process hearing filed in a school year;
- Upon receipt of the first State complaint in a school year;
- Upon request by a parent

Each District shall ensure that the parents of children with disabilities are afforded all of the rights and procedural safeguards contained in federal law and described in the NH Rules (Ed1120.01-.08) including but not limited to, the right to:

- Receive written prior notice of any action regarding their child which the District proposes or refuses;
- Grant or refuse consent for any District action regarding their child;
- Obtain an independent educational evaluation;
- Appeal specific proposals of the District regarding their child, and
- File a complaint

All of the rights and guarantees included under procedural safeguards shall apply to parents, adult students, and public agencies, which include school districts. These rights shall be transferred to children with disabilities who are emancipated minors or who have attained the age of 18 years and have not been adjudicated as incompetent by a court.

PLEASE NOTE: A parent, as defined in Ed 1102.04(h), or an adult student may authorize an individual to act on their behalf pursuant to a duly executed power of attorney (Ed 1120.01 (c)).

Written Prior Notice

Parents will be officially notified in writing any time the District:

- proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free and appropriate public education to the child; or
- refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free and appropriate public education to the child

The notification shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the agency proposes or refuses to take the action
3. A description of each evaluation, procedure, assessment, record or report the district used as basis for the proposed or refused action;
4. A statement that the parents of the child with disabilities have protection under the procedural safeguards of IDEA (if this notice is not an initial referral for evaluation, the means by which a copy of the description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provisions of the law; a description of the other options that the IEP team considered and the reasons why those options were rejected and
6. A description of other options that the IEP team considered and the reasons why those options were rejected; and
7. A description of other factors relevant to the district's proposal or refusal.

Informed consent

Each District shall obtain informed, written consent from the parent of a child with a disability prior to:

- Conducting an initial evaluation
- Initial provision of special education and related services to a child with a disability
- determining or changing the disability classification
- changing the nature or extent of the special education or special education and related services, or
- conducting a re-evaluation
- annual access to public insurance or when changes in services paid by public insurance are made; and
- each time the district proposes to access the public insurance

Parents of children with disabilities shall have **14 days** after the receipt of written prior notice to sign documents included with the notice to indicate consent, consent with conditions, or denial of consent. The 14-day time limit shall be extended if the District and parent mutually agree to an extension.

Each District shall advise the parent in writing of the necessity of signing documents that describe actions requiring the parent's consent for the purpose of ensuring the timely provision of appropriate services. Additionally, each District shall advise the parent of the right to access all of the rights and procedures outlined in this section if the parent disagrees with a proposal that the District makes.

Each District shall take reasonable measures to obtain consent including, but not limited to phone contact, and letters. Each District shall document all contacts made or attempted and the results of these contacts. Copies of all letters and responses received shall be kept in the student's confidential file.

A copy of any document the parent gives consent in writing shall be provided to the parent, and a copy of such document shall also be placed in the child's educational records.

Should a parent either deny consent or not respond to a request for written consent, then each District is required to respond in the following ways:

Initial evaluation

Each District is required to obtain informed written consent for the initial evaluation. If a parent refuses consent to a proposal included in Ed 1120.04(a)(1) each District shall have the authority to pursue the initial evaluation or reevaluation by the initiation of a due process hearing under Ed 1123. (Ed 1120.05 (c)) Amendment ED 1120.05 effective June 30, 2009

Initial provision of services

Each District is required to obtain informed written consent for the initial provision of services. If a parent refuses consent for the initial provision of special education services, the District shall **not** pursue the initial provision of special education services by initiating a due process hearing under Ed 1123 (Ed 1120.05 (d)) Amendment ED 1120.05 effective November 10, 2010

Parental Revocation of Consent

If, at any time subsequent to the initial provision of special education and related services, that parent of a child revokes consent in writing for the continued provision of special education and related services, pursuant to 34 CFR 300.300(b)(4) the school district:

1. may not continue to provide special education and related services to the child;
2. provide a Written Prior Notice before ceasing the provision of special education and related services to the child;
3. may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
4. may not be considered in violation of the requirement to provide FAPE; and
5. need not be required to convene an IEP team meeting.

Re-evaluation and Continuation of Services

Each District is required to obtain informed written consent for both the re-evaluation and continuation of services. If the parent fails to respond to the request for consent, the District shall implement the proposed changes if the District has taken reasonable measures to obtain informed written consent. If the parent refuses consent for a re-evaluation or the continuation of services, the District shall pursue the re-evaluation or continuation of services through dispute resolution processes.

Other Consent areas

Public Insurance - The district must obtain informed parental consent once, the first time the district seeks to access the child's public insurance. The district must provide an annual notification pursuant to 34 CFR 300.154(d)(2)(v). The annual notification includes a withdrawal of consent provision. The withdrawal of consent provision terminates the district's authority to access the child's state public

benefits or insurance program. This withdrawal of consent provision is effective upon the district's receipt of the parent's signed withdrawal. The district must notify the parents that the refusal to allow access to their public insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents. The district may not initiate dispute resolution processes if a parent refuses to grant consent.

Private Insurance-The district must obtain informed parental consent each time it proposes to access private insurance and notify the parents that the refusal to allow access to their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.

Release of Records - Each district must obtain informed consent for the release of education records. If the parent refuses consent, the district may initiate a court proceeding to obtain a court order for the release of information.

Parent Failure to Respond; Implementation of Changes by LEA Ed 1120.06

If a parent fails to respond within **14 days** after sending of written prior notice pursuant to Ed 1120.04(b), the LEA shall implement its proposed changes if the LEA has taken reasonable measures to obtain informed written consent. Reasonable measures shall include:

1. Documentation of telephone calls to the parents made or attempted and results of those calls; and
2. Copies of correspondence sent to the parent and any responses received, correspondence shall be sent certified mail, return receipt requested.

Independent Educational Evaluation

Parents shall have the right to request an independent evaluation at the District's expense if they disagree with an evaluation conducted by the District. If parents request an independent educational evaluation at public expense, the District shall either initiate a due process hearing to show that its evaluation is appropriate or ensure that an independent educational evaluation is provided at public expense, unless it has demonstrated at a hearing that the evaluation obtained by the parent does not meet the District's criteria.

The District may ask for the reason why parents object to the District's evaluation; however, the explanation shall not be required and the District shall not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the District's evaluation.

If a parent obtains an independent educational evaluation at private expense, the District shall consider the results of the evaluation if it meets the District's criteria (**see Appendix E**). If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses (**see Appendix E**) when it initiates the an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Results of an independent evaluation obtained at parents' expense may be presented as evidence at a hearing regarding the child.

Appeal Decisions

The parent shall have the right to appeal any decision of the District or IEP team regarding the referral, evaluation, determination of eligibility, IEP, provision of a free and appropriate education, or placement of a child with a disability using the procedures detailed in the NH Rules – Ed 1122.

A due process hearing can be initiated by either party at any time and will be conducted in accordance with the NH Rules- Ed 1122. Alternative dispute resolution shall be voluntary and available to parents and the District in accordance with the NH Rules.

File Complaint

The parent shall have the right to file a complaint, in accordance with the NH Rules – Ed 1121.01(a), to report actions taken by the District that are contrary to the provisions of state and federal requirements regarding the education of children with disabilities.

Appendix C contains a link to the *NH Special Education Procedural Safeguards Handbook* used by all Districts in SAU 21.

Low-Cost or Free Legal and Other Relevant Services in New Hampshire

Disabilities Rights Center, Inc.

64 North Main Street, Suite 2, 3rd Floor
Concord, NH 03301-4913
228-0432 (toll free: 1-800-834-1721)
www.drcnh.org; email: advocacy@drcnh.org

New Hampshire Legal Assistance (Administration Office)

117 North State Street
Concord, NH 03301
224-4107 (toll free: 1-800-639-5290)
www.nhlegalaid.org

New Hampshire Legal Assistance (Local Office)

154 High Street
Portsmouth, NH 03801
431-7411 (toll free: 1-800-334-3135)
<http://www.nhla.org/content/portsmouth-31>

Parent Information Center

54 Old Suncook Road
Concord, NH 03301-1422
224-7005
<https://www.picnh.org/>

Advocates for Families of Children with Disabilities

129 Pleasant Street
Concord, NH 03301
271-4525 Toll Free: **1-800-852-3345 x4525** Email: nhfamilyvoices@nhfv.org
<http://nhfv.org/resources/advocates-for-families-of-children-with-disabilities/>

New Hampshire State Department of Education, Special Education Department

101 Pleasant Street
Concord, NH 03301
271-3741

Special Education Mediation

NH State Department of Education
101 Pleasant Street
Concord, NH 03301
271-3494 e-mail: info@doe.nh.gov

IEP Meeting Facilitation

NH State Department of Education
101 Pleasant Street
Concord, NH 03301
271-3494 e-mail: info@doe.nh.gov

8. PUPIL EVALUATION TO PLACEMENT

Each District in SAU 21 (Hampton Falls, North Hampton, Seabrook, South Hampton, Winnacunnet Cooperative) implements the Special Education Process utilizing the following sequence:

- a. Referral
- b. Evaluation
- c. Determination of eligibility
- d. Development and approval of IEP;
- e. Placement
- f. Ongoing monitoring of the IEP; and
- g. Annual review of the IEP

Referral (Ed 1106)

Any student aged 2.5 to 21 years suspected of having a disability may be referred to the District by parents, district personnel, or any other concerned party. A child's parents may also contact their child's teacher(s) or other school professional to request an evaluation. This request may be verbal or in writing however, parents will be asked to place their request in writing and submit it to the building principal or designee. District personnel are expected to follow their locally established Student Assistance Team procedures.

Upon receipt of a referral from someone other than a parent, and prior to the evaluation of a child suspected of being a child with a disability, each District shall immediately send written notification of the referral to the parent. Procedural Safeguards will be included with the parent notification.

A meeting will be scheduled and held within **15 business days** of receipt of the referral to review the referral and determine the appropriate course of action. At a minimum, the following people shall be invited to be part of the referral team:

- One or both of the student's parents, guardian, and/or surrogate parent
- A representative of the School District other than the student's teacher who is qualified to provide or supervise the provision of special education services
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment.)
- Not less than one special education teacher or, when appropriate, not less than one special education provider of the child
- The student (if of the age of majority) and where otherwise appropriate
- Other individuals at the discretion of the parent or School District who have knowledge or expertise regarding the child

Each District's representative shall be qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, knowledgeable about the availability of District resources.

The team will review concerns raised in the referral and decide which of the following actions should occur:

1. **Determination that student is not suspected to be a child with a disability**
 - a. The IEP team considers information available, including parent concerns, and determines that no evaluation is needed.
 - b. The IEP team may recommend intervention strategies to be used in the regular class or other District options (Student Assistance or Child Study Team; 504 Team, etc).
 - c. The IEP team shall document its decision in meeting notes and Written Prior Notice
2. **Determination that child may be a child with a disability**
 - a. The IEP team considers information available, including parent concerns, and determines that further evaluation is needed to determine if the child is eligible for special education and related services.
 - b. The IEP team may request additional information from outside sources. Parents will be asked to provide written consent for the District to obtain this information.

- c. The IEP team shall document its decision(s) in meeting notes and Written Prior Notice, and request written parental consent for evaluation.

In either situation, if the child's parent disagrees with the team's disposition of the referral, the parent or District may activate the due process procedures (**described in Section 15 – Complaint/Dispute Resolution Procedures; Ed 1120**). Each District shall comply with federal and state laws and regulations when accepting referrals and transitioning children from early supports and services programs to preschool programs.

Evaluation (Ed 1107)

When the team determines that additional information is necessary, a full and individual evaluation is provided to determine if the child is a "child with a disability" and to determine the educational needs of the child. The IEP team plans initial evaluations and reevaluations, and parents are active participants in the evaluation planning process. Evaluations will be provided based on the suspected disability (or disabilities), and in accordance with the NH Rules and district evaluation criteria (**see Appendix E**). The child's educational history shall be reviewed, including identification of the child's past opportunities to have acquired important skills and information.

Each District in SAU 21 shall comply with state and federal laws and regulations relative to initial evaluations, evaluation procedures and re-evaluations, including the additional procedures required for evaluating and identifying children with specific learning disabilities. (**See Appendix E for the SAU 21 Learning Disability Eligibility Checklist**)

Written parental consent is required in order for the District to conduct evaluations as a part of an eligibility determination. If a parent refuses consent to a proposal included in Ed 1120.04(a)(1) the district shall have the authority to pursue the initiation of a due process hearing under ED 1123. (Ed 1120.05 (c)) Written parental consent shall also be required for individual evaluations that are necessary to further diagnose the needs of a child who has previously been determined to be a child with a disability. The District shall complete all evaluations within 60 calendar days of receipt of written consent from the parent. When circumstances warrant additional time to complete evaluations, only one extension of UP TO 30 days may be granted upon written consent of the parties. A copy of this written agreement will be placed in the child's confidential file with the signed permission to test. When an extension is requested, the team shall make every effort to complete the evaluation in the shortest amount of time possible.

If a child with a disability moves into a district in SAU 21 from another NH District his/her disability identification will be honored without delay. An IEP team meeting will be convened as soon as possible to review the IEP and placement.

If the child moves into an SAU 21 District from another state, an IEP team meeting will be convened as soon as possible to review the types of evaluations that have previously been conducted and to plan any further evaluations necessary to determine eligibility in accordance with the NH Rules and district criteria (**see Appendix E**). If evaluations are not sufficient or current, further evaluations will be conducted as per team agreement. Formal eligibility as a child with a disability, as defined in the NH Rules, shall be determined within 60 calendar days of receipt of parental permission to evaluate. The student will receive special education services comparable to those in the out of state IEP during this interim period.

Evaluation Requirements

Each District shall ensure that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child:

1. Are selected and administered so as not to be racially or culturally discriminatory;
2. Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally unless it is clearly not feasible to do so;
3. Are used for purposes for which assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel, and
5. Are administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

Each District shall periodically review and consistently update test materials to the most current editions. Examiners shall be expected to use all test materials for their intended purpose. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report. Each District shall ensure that all evaluators are qualified according to the NH Rules (See Table 1100.1) and district criteria (**see Appendix E**). Each evaluator shall prepare a test report reflecting the data and their conclusions.

Determination of Eligibility (Ed 1108)

Upon the completion of the administration of tests and other evaluation materials, a team of qualified professionals and the parent of the child will meet to review the results and recommendations of the evaluations and to determine whether the child is a child with a disability and that the child requires specialized instruction. At this meeting, team members will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. They must ensure that the information obtained from all of these sources is documented and carefully considered. The team will complete a written summary containing the results of the various diagnostic findings and forward a copy of the report to the parent and maintain a copy for the child's records. The report shall include, at a minimum:

1. The results of each evaluation procedure, test record, or report
2. A written summary of the findings of the procedure, test, record, and/or report; and
3. Information regarding the parent's rights of appeal in accordance with the NH Rules – Ed 1120 and a description of the parent's right to an independent evaluation in accordance with the NH Rules – Ed 1017.03

Each district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation.

The District shall provide test results and other relevant educational records **5 calendar days** prior to the IEP team meeting. (Ed 1107.04 (d))

A child may not be determined to be eligible if the determining factor for that eligibility decision is lack of instruction in reading or math, limited English proficiency, or the child does not otherwise meet the eligibility criteria under state guidelines. If a determination is made that a child has a disability and needs special education and related services, a meeting to develop an IEP shall be conducted within 30 calendar days of the eligibility meeting.

Evaluation requirements for children with Specific Learning Disabilities (Ed. 1107.02)

a. For purposes of evaluating whether a child has a specific learning disability one or more of the following criteria will be used:

1. A discrepancy model between intellectual skills and achievements
2. A process that determines if a child responds to scientific, research-based intervention as part of the evaluation procedures; and
3. Other alternative research-based procedures as described in 34 CFR 330.307(a)(3)

b. Each District shall adopt a policy describing the evaluation procedures and standards that will be used to evaluate whether a child has a specific learning disability.

The Districts in SAU 21 have adopted the following policy for evaluating whether a child has a Specific Learning Disability:

In making determinations regarding whether a student has a specific learning disability under state and federal special education rules, each District shall evaluate students suspected of having a specific learning disability in a manner consistent with the procedures and standards included in the **Specific Learning Disability Eligibility Checklist**, reflecting requirements set forth in NH Ed 1107.0 and .02 and 34 C.F.R. 300.301 to .311 (as applicable). (**See Appendix E**)

When a child is suspected of having a specific learning disability, each District shall comply with the **additional** evaluation requirements for this disability category.

- A. An IEP team may determine that a child has a specific learning disability if:
1. The child does not achieve adequately for his/her age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - Oral Expression
 - Reading Fluency Skills
 - Listening Comprehension
 - Reading Comprehension
 - Written Expression
 - Mathematics Calculation
 - Basic Reading Skill
 - Mathematics Problem Solving
 2. The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above when using a process based on his or her response to scientific, research-based intervention, or
 3. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, and
 4. The IEP team determines that the evaluation findings are not primarily the result of:
 - A visual, hearing, or motor impairment;
 - Intellectual Disability;
 - Emotional disturbance;
 - Cultural factors;
 - Environmental or economic disadvantage; or
 - Limited English proficiency.

The NHDOE clarifies that the initial evaluation of a child suspected of having a specific learning disability requires an intelligence test. Academic achievement, classroom observation, and vision and hearing are also required.

5. The IEP team must consider the student's achievement measured against expectations for the child's age and grade level standards/expectations set by the state.
- B. In order to ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the IEP team must consider, as part of its evaluation:
1. data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education setting delivered by qualified personnel; and
 2. data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents
- C. Each district shall promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and shall adhere to the established timeframes (unless extended by mutual written agreement of the child's parents and the District)
1. if, prior to a referral, the child has not made adequate progress after an appropriate period of time when provided instruction; and

2. whenever a child is referred for an evaluation

Observation

- A. At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.
- B. The District must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.
- C. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

Written Report (Eligibility Determination)

- A. For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility shall include a statement of:
 1. Whether the child has a specific learning disability;
 2. The basis for making the determination;
 3. The relevant behavior noted during the observation of the child;
 4. The relationship of that behavior to the child's academic functioning, and educationally relevant medical findings, if any;
 5. Whether the child does not achieve adequately for the child's age or to meet state-approved grade-level standards; and the child does not make sufficient progress to meet age or state-level standards, or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade level standards or intellectual development.
 6. The determination of the group concerning the effects of visual, hearing, or motor disability; intellectual disability, emotional disturbance, cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level (300.311) and
 7. If the child has participated in a process that assesses the child's response to scientific, research based intervention – strategies, uses, data collected, strategies for increasing learning, and parents right to request an evaluation
- B. Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her concerns.

Re-Evaluation

Each District shall ensure that a re-evaluation of each child with a disability is conducted at least one every three years or sooner if the child's parent or teacher requests a re-evaluation.

The IEP team, including parents as active participants and other qualified professionals as appropriate, shall plan re-evaluations. The Team may determine that previous assessments used to determine eligibility are still considered to be valid. Such decisions must be documented in the Written Prior Notice form.

If a parent fails to respond within 14 days after sending of written prior notice pursuant to Ed 1120.04(b), the LEA shall implement its proposed changes if the LEA has taken reasonable measures to obtain written consent. Reasonable measures shall include:

3. Documentation of telephone calls to the parents made or attempted and results of those calls;
and
4. Copies of correspondence sent to the parent and any responses received, correspondence shall be sent certified mail, return receipt requested.

Independent Educational Evaluations (Ed 1107.03)

Parents of a child with a disability have the right to obtain an independent education evaluation at public expense if they disagree with an evaluation conducted by the District. If parents request an independent educational evaluation at public expense, the District shall either initiate a due process hearing to show

that its evaluation is appropriate or ensure that an independent educational evaluation is provided at public expense, unless it has demonstrated at a hearing that the evaluation obtained by the parent does not meet the District's criteria (**See Appendix E**).

The District may ask for the reason why parents object to the District's evaluation; however, the explanation shall not be required and the District shall not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the District's evaluation.

If a parent obtains an independent educational evaluation at private expense, the District shall consider the results of the evaluation if it meets the District's evaluation criteria (**see Appendix E**). If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. The agency criteria determined by the LEA shall not be so restrictive that it effectively prohibits parents' choice Ed 1107.03(c). Results of an independent evaluation obtained at parents' expense may be presented as evidence at a hearing regarding the child.

Development of the Individualized Education Program (IEP) – Ed 1109

A meeting to develop an Individualized Education Program (IEP) for the child shall be conducted within **30 calendar days** of a determination that the child needs special education and related services. For previously identified children with disabilities, the IEP must be in place at the beginning of the school year.

Each District shall take steps to ensure that one or both of the child's parents attend each IEP meeting or are afforded the opportunity to participate. IEP meetings will be scheduled during the day at a mutually convenient time and place. Each District shall ensure that parents of a child with a disability receive written notice no fewer than **10 calendar days** before an IEP meeting is to occur. The notice shall include the purpose, time, location, and identification of the participants. The 10-day notice requirement may be waived with the written consent of the parent or upon the written request of the parent. If the parent is unable to attend a meeting, they may ask for it to be rescheduled or held in a different location. Each District shall consider alternative ways for a parent to participate if he or she is not able to physically attend a meeting, such as a telephone conference call. If for some reason parents cannot take part in scheduled meetings, documentation of the attempts made to include the parent shall be kept.

The IEP Team (Ed1103.01 (a))

A team approach shall be used to develop an IEP for each child with a disability. The IEP team shall include:

1. The parents of the child
2. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
3. Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child
4. A representative of the public agency who
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities
 - b. Is knowledgeable about the general curriculum; and
 - c. Is knowledgeable about the availability of resources of the public agency
5. An individual who can interpret instructional implications of evaluation results,
6. Other individuals who have knowledge or special expertise regarding the child (at the discretion of the parent or School District).
7. Transition service representative if applicable
8. If appropriate, the child.

A team member may be excused from the whole or part of the meeting if the parent and the District agree the member's area of curriculum or related services is not being modified or discussed. The District or parent shall notify the other party **72** hours before a scheduled meeting or upon learning of the expected absence of a team member, whichever is earlier. (Ed 1103.01 (d))

The team member may be excused only if the parent and the district provide written consent to the excusal. The team member must submit written suggestions about the development of the IEP to the parent and IEP team prior to the meeting.

In the case of a child who was previously provided services Early Supports and Services (Part C of the IDEA) an invitation to the initial IEP Team meeting shall, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

Team members may, at times, fulfill more than one role. IEP's shall be developed collaboratively and include all necessary components as designated in state and federal laws and regulations. Transition goals, related services and/or supports shall be included in the discussion and incorporated into the IEP as appropriate. This includes transition to adult life as well as transitions from grade to grade, school to school or from one agency to another. Necessary supports to ensure successful transitions will be documented.

When a vocational education component is being considered for a child with a disability, vocational assessment(s) shall be administered to the child by diagnosticians qualified as specified by the publisher of the assessment. The IEP team membership shall include an individual knowledgeable about the vocational program(s) being considered. If the IEP team determines that vocational education is to be provided, a vocational education component shall be included as an integral part of the IEP. Goals and objectives, as well as any appropriate accommodations and/or modifications, will be developed for the IEP unless the student will participate in the vocational class/program without the need for modifications. Transition goals related to vocational programming will be reflected in the Individual Transition Plan and in the summary of the child's academic achievement and functional performance (completed before graduation from secondary school with a regular diploma or exceeding the age of eligibility for FAPE).

Each District shall ensure that each child with a disability has access to appropriate instructional equipment and materials for the proper and timely implementation of the IEP, including assistive technology devices or aids.

Each District shall provide each teacher and service provider listed as having responsibilities for implementing the IEP with a copy of the complete IEP for working and monitoring purposes. In addition, the LEA shall provide a private school or non-district provider responsible for implementing the IEP with a copy of the IEP on or before the first day of placement. *The IEP may be provided electronically or a hard copy if desired by either the district or the provider.*

Each District shall maintain written evidence documenting implementation of the child's IEP, including but not limited to (Ed 1109.04 (b)):

1. all special education and related services provided;
2. any supplementary aids and services provided;
3. program modifications made; and
4. supports provided for school personnel implementing the IEP.

The IEP team shall determine the appropriate duration of an IEP, which shall not exceed **12 months**. The IEP shall be reviewed at least annually and, if necessary, revised. The District shall conduct annually, at or near the end of the term of the IEP, a meeting for the purpose of assessing the effectiveness of the present program, and to design an IEP, including Extended Year Services if determined by the IEP team to be necessary for FAPE.

Each District shall seek to obtain informed written consent from a parent on the IEP before the initial provision of special education and related services to a child.

If at any time subsequent to the initial provision of special education and related services, the parent of the child revokes consent in writing for the continued provision of special education and related services, the district:

- may not continue to provide special education and related services to the child;
- will provide a written prior notice before ceasing the provision of special education and related services;
- will not initiate a request for mediation or a due process procedures to obtain agreement or ruling that the services may be provided to the child;
- will not be considered in violation of the requirement to make FAPE available to the child; and
- need not convene an IEP team meeting or develop an IEP for the child.

If a parent refuses to consent to the provision of special education and related services other than initial provision of such services, the District shall initiate a due process hearing as specified in Ed 1123.

At any time the parent or District may request another meeting to discuss any areas of concern regarding the provisions in the IEP.

IEP Development for Students who Transfer

If a child with a disability who had an IEP that was in effect in a previous New Hampshire school district transfers to a school district in SAU 21 during the same year, the District shall consult with the child's parents and provide services comparable to those described in the child's IEP from the previous District, until it either adopts the child's previous IEP, or develops, adopts and implements a new IEP for the student.

If a child with a disability transfers from a district outside of New Hampshire, the District shall additionally determine if an evaluation is necessary in order to complete the previously described IEP process for the new student. The District shall provide a free appropriate public education, including services comparable to those described in the child's IEP from the previous District during this process.

Monitoring and Re-Evaluation (Ed 1109.06)

The District shall develop and implement procedures to ensure that IEPs are monitored in a regular and systematic manner. Student progress shall be monitored continually so that adjustments can be made as needed to ensure that each student is progressing adequately toward the goals and benchmarks/objectives in his or her IEP. Progress shall be monitored in accordance with the IEP through a variety of means such as consultation, observation, work samples and post testing. Parents will be notified of their child's progress throughout the year at least as often as parents of children without disabilities are notified of their child's progress. If a student is not progressing adequately towards the goals and benchmarks/objectives in the IEP, a meeting shall be called to discuss possible IEP or program adjustments which may facilitate progress. Conversely, if a student has met or exceeded the goals and benchmarks/objectives in the IEP, the IEP will be amended to reflect new goals.

The IEP team may be reconvened at any time to review the provisions of the IEP. The LEA shall, upon a written request for an IEP team meeting, schedule a mutually agreeable time and date, convene the IEP team, or provide the parent/guardian/adult student with written prior notice detailing why the LEA refuses to convene the requested meeting. All of the above must be completed within **21 calendar days**.

Amendment / modification of IEPs

Both IDEA (34CFR300.324 (a)(4)) and NH Rules allow the parents and district to agree to amend or modify the IEP without a meeting and to develop a written plan to amend or modify the IEP which must be shared with all IEP team members.

Placement of Children with Disabilities

The Districts of SAU 21 shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities shall be educated with children who do not have disabilities. Special classes, separate classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or

severity of the disability is such that education in regular classes with the uses of supplementary aids and services cannot be achieved satisfactorily.

IEP Team

The IEP Team (including the parents) shall make placement decisions in accordance with state and federal laws and rules. For each child with a disability, the IEP team shall include:

1. The parents of the child
2. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
3. Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child
4. A representative of the public agency who
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities
 - b. Is knowledgeable about the general curriculum; and
 - c. Is knowledgeable about the availability of resources of the public agency
5. Other individuals who have knowledge or special expertise regarding the child (at the discretion of the parent or school District),
6. Transition service representative if applicable
7. If appropriate, the child.

Placement Decisions (Ed 1111)

The decision about where a child with a disability receives supports and services shall occur after the development and approval of the individualized education program (IEP). The placement decision shall be based on the unique educational needs of the child as specified in the individualized education program and the requirements for placement in the least restrictive environment.

In making placement decisions, the IEP team shall:

1. Draw upon information from a variety of sources, including but not limited to aptitude and achievement tests and teacher recommendations;
2. Consider information about the student's physical condition, social or cultural background, and adaptive behavior;
3. Ensure that information obtained from all of these sources is documented and carefully considered;
4. Ensure that the placement decision is made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
5. Each LEA shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private providers of special education, are educated with children who do not have disabilities and that, consistent with 34 CFR 300.114 special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or the severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Ed 1111.01 (a))

Each District shall offer a continuum of alternative learning environments from least restrictive to most restrictive. These learning environments shall range from regular classes to a home environment and shall be available for children with disabilities including children of preschool age. Supplementary services shall be provided in conjunction with regular class placement.

Each child's educational placement shall be reviewed annually and shall be based on his/her individualized education program (IEP). The placement shall be as close as possible to the child's home. If possible, a child with a disability shall be educated in the school he/she would attend if a disability did not exist. The least restrictive environment shall be selected with consideration given to any potentially harmful effects to the child or on the quality of services described in the child's individualized education program.

Each District shall ensure that children with disabilities participate with non-disabled peers, to the maximum extent possible, in non-academic activities such as recess, lunch and specials (art, music).

Each District shall ensure that parents are afforded the same notification for placement meetings as they receive for IEP meetings, including a minimum of **10-day notice**, unless the 10-day notice requirement is waived in writing. Special education placements shall require written consent from parents prior to implementation, and shall be determined at least annually.

Graduation from high school with a regular high school diploma shall constitute a change in placement, requiring written prior notice and parental consent. Graduation from high school with a regular high school diploma does not, however, require evaluations to discharge from special education services. A summary of performance which describes the student's academic achievement, functional performance and recommended accommodations will be developed by the student, IEP team and parents to facilitate information sharing after the student leaves school.

Home Instruction

Each District shall provide students with home instruction as follows:

1. Preschool students with disabilities may receive all or a portion of their special education program at home depending upon the need as specified in the IEP.
2. Children with disabilities age 6-21 may receive a home instruction program on a temporary basis. Such programs shall minimally include 10 hours per week of specially designed instruction as specified in the student's IEP and shall also include educationally related services as specified in the child's IEP. Related services to be provided shall be in addition to the 10 hours of specially designed instruction. Services shall be implemented by qualified personnel.
3. Home instruction for children at least 6 years of age but less than 21 years of age shall offer access to the general curriculum and allow students to participate with non-disabled children to the maximum extent appropriate to the needs of the student.
4. Except as noted in Ed. 1111.05, temporary home-based programming shall not exceed 45 days in a school year.
5. Home-based programs described in Ed.1111.05(c) shall not include parent designed home education programs as authorized in Ed 315.
6. A child with a disability who is in a hospital or institution shall receive special education or special education and educationally related services in that setting.

Extended School Year Services (ESY) (Ed 1110)

Extended school year services are special education and related services provided to a child with a disability beyond the normal school year and in accordance with the child's IEP, and at no cost to the parents of the child. Each District shall ensure that ESY services will be available as necessary to provide each child with a disability a free, appropriate public education.

The child's IEP team shall determine the child's need for extended school year services. The District shall not limit extended school year services to particular categories of disability or unilaterally limit the type, amount or duration of those services. The District shall provide extended school year services at times during the year when school is not in session, if determined by the IEP team to be necessary for the provision of FAPE, and shall not limit ESY services to the summer months.

ESY services provided in non-special education or non-district programs shall be supervised on site by appropriately certified LEA personnel no less than once a week. (Ed 1110.01 (c)) The certification requirements for ESY personnel are the same as during the school year.

Continuum of Education Environments

Ed 1111.03

(c) Preschool children with disabilities may receive their special education program in any environments listed in Table 1100.2 as follows:

<u>Preschool Educational Environments</u>	<u>Description</u>
Early childhood program	A preschool child with a disability attends an early childhood program that includes at least 50% nondisabled children.
Home	A preschool child with a disability receives some or all of his/her supports and services in the child's home.
Early childhood special education program	A preschool child with a disability attends an early childhood special education program which can include any of the classrooms described in Ed 1113.10(c)(5).
Service provider location	A preschool child with a disability receives supports and services from a service provider.
Separate school	A preschool child with a disability attends a publicly or privately operated separate day school facility designed specifically for children with disabilities.
Residential facility	A preschool child with a disability attends a publicly or privately operated residential school or residential medical facility on an inpatient basis.

(d) Children age 6-21 may receive their special education program at any of the environments listed in Table 1100.3 as follows:

<u>Educational Environments</u>	<u>Description</u>
Regular Education Setting	A child with a disability attends regular class with supports and services required in the IEP.
Resource room	A child with a disability attends a regular class and receives assistance at or through the special education resource room for no more than 60% of the child's school day.
Self-contained Special Education Class	A child with a disability attends a self-contained special class for more than 60% of their school day.
Separate Approved Special Education Program/School	A child with a disability attends a publicly or privately operated special education program/school.
Residential placement	A child with a disability attends a publicly or privately operated residential program.
Home Instruction	A child with a disability receives all or a portion of his or her special education program at home.
Hospital or institution	A child with a disability receives special education while in a hospital or institution.

9. STATE DEPARTMENT OF EDUCATION MONITORING OF EDUCATIONAL SERVICES AND PROGRAMS FOR CHILDREN WITH DISABILITIES – Ed 1126

Each School District in SAU 21 is committed to providing effective, high quality special education services to all children with disabilities. Each District continually evaluates the special education and educationally related services it provides to children with disabilities to ensure that all students' unique needs are met.

Each District determines, at least annually, the degree to which special education and related services being provided for children with disabilities are effectively meeting the students' needs. As part of its evaluation activities, the District also identifies program deficiencies and plans for future needs.

Evaluation of the overall functioning, efficiency and success of the special education programs offered by each District is conducted through a combination of objective and subjective techniques. This process includes an internal monitoring and review component that considers both individual and general program impact, as well as an external review process, which consists of the NH Department of Education Program Approval and Improvement Process.

Individual Program Impact

The effectiveness of students' individualized education programs is determined through a careful analysis conducted by each child's IEP team. The IEP team monitors the child's progress toward achieving the measurable goals, including post-secondary goals when age appropriate, detailed in the student's IEP. Evaluation measures may include:

- Curriculum based measurement
- Student observation
- Post testing and diagnostic reevaluations
- IEP progress reports
- Report cards
- Input from parents
- Student movement from more restrictive to less restrictive educational settings

General Program Impact

Participation in state and district-wide assessments is part of the statewide accountability system that helps to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education through the New Hampshire Curriculum. Each School District in SAU 21 ensures that all students with disabilities have the opportunity to participate in state and district-wide assessments with appropriate accommodations as necessary, to show what they know and can do, and how they are progressing, based upon challenging state academic achievement standards.

Decisions about accommodations are determined by IEP teams and are specified in each student's IEP. Students currently in grades 2, 3, 4,5,6,7, and 10, who are identified by their IEP teams as appropriate for alternative statewide assessment based upon alternate achievement standards, will be included in New Hampshire's alternate Portfolio Assessment of Reading, Writing, and Mathematics skills, also known as: NH-ALP. This process begins each school year in September and ends in April for all participating students.

In a similar manner the IEP team determines alternate forms for district-wide assessments to be provided for all eligible students.

Results of group assessments are formally analyzed by District staff to determine trends and patterns that may reflect areas in need of improvement. Instructional decisions are made in accordance with the analysis of assessment results in order to more effectively meet the needs of all students. Alternate assessments are examined in order to reflect on progress, programming needs and potential adjustments that may be needed for students with more significant disabilities.

The following strategies are included in those utilized to assess general program effectiveness in the special education department:

- Parent Surveys
- General Staff Surveys
- Special Education Focus Group Meetings
- Professional Development Needs Survey
- New Hampshire Special Education Information System data
- Other – as determined by District

The above information will be used to identify program needs, training needs and any gaps in services that may exist. Systemic changes for the upcoming school year will be considered and planned for, based on the information gathered. Additionally, the information will be used to plan District professional development activities.

All professional and paraprofessional staff members within the District are evaluated using a predetermined system aimed at professional growth and development. Feedback is provided to all in the form of (*commendations and recommendations; summative evaluation; annual Educational Associate Evaluations*). In this way, each district in SAU 21 ensures that all staff may continue to improve their knowledge and skills in order to effectively meet the needs of all students. Please see the SAU 21 Educator Appraisal Plan for Teachers and the current Agreement between the Seacoast Educational Support Personnel Association NEA – New Hampshire (SESPA).

NH Department of Education Special Education Monitoring

The findings and recommendations from the external “Special Education Compliance and Improvement Monitoring,” process conducted by the NH Department of Education, will be carefully considered and addressed by all members of each District’s Administrative Team. Team members/District officials will analyze the final report and implement the necessary activities to ensure full compliance with state and federal laws and regulations. Upon notification from the NH Department of Education regarding areas of non-compliance, all corrective action activities shall be completed as soon as possible, but in no case later than one year.

10. OTHER AGENCIES

It is the practice of each District in SAU 21 to coordinate their efforts with other local and state agencies whenever possible, in order to meet the needs of children with disabilities and their families.

Each District shall work cooperatively with all social service or other agencies within the surrounding area that provide medical, mental health, welfare, and other human services. Formal relationships with agencies are typically established through the Director of Special Services.

The Director of Special Services for each district in SAU 21 shall contact all public and private agencies to explain the District’s obligation to identify and evaluate all children suspected of being a child with a disability. Further, public and private agencies shall be notified of the process for their participation in the Districts’ special education procedures as detailed in Section 2 Child Find of this Plan.

Children Placed in Homes for Children, Health Care Facilities, or State Institutions

Each District shall assure the provision of a free, appropriate public education to children with or who might have disabilities that are in residential placement or placements awaiting disposition of the courts and committed juvenile students with or who might have disabilities to the extent that such students are not covered under Ed. 1136. Each District shall assure compliance with all regulations and procedures established under the NH Rules – Ed 1105.03.

Transition of Children from Part C to Preschool Programs

Children participating in Family Centered Early Supports and Services (ESS) and who will participate in preschool special education shall experience a smooth and effective transition to those programs.

Each District shall participate in transition planning conferences arranged by representatives of ESS. An IEP will be developed and will be in effect for eligible children by their third birthday.

The transition process must include a written interagency agreement (Memorandum of Understanding) between the district and the local area agency responsible for family centered supports and services in the community.

11. PARENTALLY PLACED CHILDREN WITH DISABILITIES – Ed 1112

Each District in SAU 21 shall ensure that children with disabilities who are placed by their parents in private schools have equitable participation in special education programs pursuant to state and federal regulations.

In accordance with the New Hampshire Education Rules, children who are receiving home education shall not be considered to be children attending a private school.

Child Find

Each District must locate, identify, and evaluate all children with disabilities attending all private schools, including religious schools, **within the geographic boundaries of the District**. Private schools must be approved as “elementary” or “secondary” schools as listed in NHSEIS.

On an annual basis, each District consults with representatives of private schools and representatives of parentally placed students to decide:

1. How parentally placed private school children will participate equitably, and
2. How parents, teachers, and private school officials will be informed of the District’s year-round child find activities.

All child find activities conducted for children enrolled in private schools by their parents are similar to those activities conducted for children who attend public schools within the Districts of SAU 21. Each District maintains records and reports the number of private school students evaluated, the number of children determined to be children with disabilities, and the number of parentally placed private school children with disabilities who are served to the NH Department of Education on an annual basis.

A “**Notice to Parents of Private School Children**” is distributed to local newspapers for publication, as well as posted at each private school located within the boundaries of each District each year. This notice fulfills the Districts’ obligation to invite representatives of parents of the children with disabilities who are enrolled in the school to the consultation meeting.

Consultation

Each District conducts timely and meaningful consultation with representatives of private schools and representatives of parents of parentally placed private school children with disabilities in order to design and develop special education and related services for eligible children who attend private schools within the Districts of SAU 21. The consultation process operates throughout the school year to ensure that parentally placed children have the opportunity to meaningfully participate in special education and related services.

Through the consultation process, the District decides:

1. Which children will be served,
2. What services will be provided,
3. How and where the services will be provided, and
4. How the services will be evaluated.

Each District documents these decisions on the **Affirmation of Consultation** form. The completed form is sent to each private school with a rationale of the District’s decisions.

Provision of Services

Services to parentally placed private school children are provided by personnel meeting the same standards as those required in the Districts. Eligible children have no individual right to services and they may receive different amounts of services than those provided to students in the public schools. An Individual Service Plan (ISP) will be developed for each child eligible to receive services.

Private elementary and secondary school teachers who are providing equitable services to parentally placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements.

12. INSTRUCTIONAL MATERIALS IN ACCESSIBLE FORMAT – Ed 1126.01 (b) (12)

Each District in SAU 21 ensures that children with disabilities who need instructional materials in accessible formats will receive those materials, as set forth in their IEPs or dictated by their disabilities, at the same time other non-disabled children receive their instructional materials.

Such Materials may include, but are not limited to, Braille texts, books-on-tape, specialized software, etc.

13. PARTICIPATION IN STATE AND DISTRICT-WIDE ASSESSMENTS

The Districts of SAU 21 ensure that ALL students with disabilities participate in state and district wide academic assessment programs with appropriate accommodations as necessary. Exceptions to this rule are rare and extremely limited.

District-wide Assessments **Accommodations**

Students with educational disabilities are eligible to utilize appropriate assessment accommodations on any district wide assessment. Any accommodations utilized for the assessment of individual students must be:

- the result of a decision made prior to the test by the IEP team that includes, whenever possible, the student's parent(s) or guardian(s)
- based on the individual student's needs.
- consistent with those accommodations used during the student's regular classroom instruction, including test-taking and, if applicable, the student's IEP.
- documented at the appropriate local level.

Statewide Assessment System

ALL students will be assessed on academic progress made in English Language Arts and Mathematics during grades 3-8 and Science during grades 5, 8. Students in 11th grade take the Scholastic Aptitude Test (SAT) as the required state assessment.

The Districts of SAU 21 support the use of appropriate accommodations to enable the vast majority of all students to participate in the large-scale, statewide general assessment based on grade-level achievement standards.

The IEP team, in partnership with parents, will make the final decision on which assessments a student will participate in and what accommodations will need to be used, based on student needs. The state of New Hampshire allows students to opt-out of state assessments at parent request. Alternate assessments for those students with severe cognitive disabilities will be offered as an option through the IEP process.

At an IEP meeting, the student's IEP team will determine how the student will participate in the statewide assessment program. The student with disabilities will:

- participate in the general statewide assessment with accommodations
 - participate in the general statewide assessment without accommodations
- OR
- If the student cannot meet the general education standards of performance, participate in the Dynamic Learning Maps (DLM) for English Language Arts and Mathematics and / or the Science NH Alternate Learning Progressions Assessment (NH-ALPs).
 - Each district will document any decision related to the student's participation in the general statewide assessment with or without accommodations or in the Dynamic Learning Maps (DLM) for English Language Arts and Mathematics and / or the Science NH Alternate Learning Progressions Assessment (NH-ALPs).

Statewide Assessment and Science NECAP Accommodations

All students are eligible to utilize appropriate assessment accommodations from the **Statewide Assessments** and the **Table of Standard Test Accommodations for the Science NECAP assessment**.

Any accommodations utilized for the assessment of individual students must be:

- the result of a decision made prior to the test by the IEP team that includes, whenever possible, the student's parent(s) or guardian(s) and the special and regular educators involved in supporting the student
- based on the individual student's needs.
- consistent with those accommodations used during the student's regular classroom instruction, including test-taking and, if applicable, the student's IEP.
- documented at the appropriate local level.

Test accommodations are changes in format, administration, response, setting, timing, or scheduling that do not alter in any significant way what the test measures or the comparability of results. When used properly, appropriate test accommodations remove barriers to participation in the assessment and provide students with diverse learning needs an equitable opportunity to demonstrate their knowledge and skills.

Accommodation Decisions

The Districts of SAU 21 ensure that decisions about accommodations are made by the student's IEP team utilizing the guidelines and procedures outlined in the **Statewide Assessment Usability, Accessibility and Accommodations Guidelines, CollegeBoard**, and the **New England Common Assessment Program (NECAP) Accommodations, Guidelines and Procedures: Administrator Training Guide**.

If the IEP team believes the student needs an accommodation that is not listed, the district will contact appropriate personnel at the Department of Education to request approval. The DOE will determine if the proposed testing accommodation will preserve the comparability of the test items to which it applies. If the accommodation is determined to be non-comparable, it will be treated as an accommodation and all affected sessions using the modification are counted as incorrect.

Dynamic Learning Maps (DLM) for English Language Arts and Mathematics and / or the Science NH Alternate Learning Progressions Assessment (NH-ALPs) Decisions

In order to participate in the Dynamic Learning Maps (DLM) for English Language Arts and Mathematics or the Science NH Alternate Learning Progressions Assessment, a student's IEP team must determine that the student meets all of the following participation criteria:

1. The student has an IEP.
2. The student has a significant cognitive disability that significantly impacts intellectual functioning and adaptive behavior.
3. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade and age-appropriate curriculum.

14. DISPUTE RESOLUTION

Complaint Procedures Ed 1121

Individuals or organizations may file a complaint to report alleged violations of state and federal special education requirements that may have been committed by any of the Districts of SAU 21 regarding the education of children with disabilities. Individuals who live out of state may also file a complaint.

The NH Department of Education has a form available to file a complaint, which may be found on the Department's website (www.ed.state.nh.us). Use of this form is not required but all complaints must:

1. Be in writing and signed, including contact information for the signer;
2. Include a statement that the school district has violated a state or federal requirement regarding the education of a child with a disability under Part B of the Act or 34 CFR 300; and
3. Contain the facts on which the statement is based; and
4. Allege a violation that occurred not more than one year prior to the date the complaint was received; and
5. The complaint must indicate how the complaining party would like to see this complaint resolved.
6. A copy of the complaint must be sent to the District.

Complaints shall be directed to:

**Commissioner of Education
Attn: Special Education Complaints Office
101 Pleasant Street
Concord, NH 03301**

All complaints received by the Bureau of Special Education will be reviewed by the Complaints Office. If the issues are determined appropriate for the complaint procedures, an investigation of the alleged violation(s) will take place, in accordance with Ed 1121.02.

Any party to the complaint may, within 10 days of receipt of the commissioner's written decision, make a written request to the commissioner for reconsideration of the decision.

Within 20 days of receipt of the written request for reconsideration, the Commissioner shall:

- 1) Review the investigator's report;
- 2) Review the evidence presented in the investigation
- 3) If necessary, gather additional evidence
- 4) Review the decision; and
- 5) Issue a final written decision.

Any party who is aggrieved by the final written decision of the commissioner may appeal in accordance with RSA 541.

Dispute Resolution Procedures Ed 1122

Each District in SAU 21 shall promote collaboration between teachers and parents. Communication between parents and teachers forms the basis for positive working relationships and may often prevent the need to use a more formal dispute process. When differences arise, parties will be encouraged to work to resolve them through informal problem-solving meetings whenever possible.

Several options are available for the informal resolution of differences regarding the provision of special education and special education related services. These methods of alternative dispute resolution include the following:

Facilitated Special Education Team Meetings

Facilitation of a special education team meeting is a free service offered by the NH Bureau of Special Education upon request by the District or parent. A trained facilitator is sent by the Bureau to attend and conduct a regular special education team meeting scheduled and arranged by the District. The facilitator has no “interest” in the content or the outcome of the meeting; he/she is there to conduct the meeting and keep it moving forward. Facilitators are volunteers from various fields who receive training through the Department of Education.

Due to recent changes in state regulations, the rules of confidentiality (RSA 186-C: 23) no longer apply to any facilitated IEP meeting. Any discussion held during a facilitated IEP team meeting is not considered confidential and may be used in a due process hearing.

Informal Third Party Discussion Led by Moderator

Since 2014 the NH Department of Education has offered another alternate dispute resolution option, the “Informal Third Party Discussion Led by Moderator;”. Any discussion held during a third party discussion must be kept confidential and cannot be used in a due process hearing unless the parent and LEA agree otherwise. (RSA 186-C: 23).

Mediation

Mediation is a voluntary, confidential and informed dispute resolution process that is guided by a trained professional (mediator). The mediator helps the parents and the District engage in discussions of issues related to the child’s free appropriate public education in order to reach a mutually acceptable solution to their dispute. Either party may request mediation by writing to the Commissioner of Education. The mediation conference is conducted within 30 calendar days after receipt of the written request. The mediator is appointed by the Department of Education and the process is provided at no expense to the parent.

If mediation results in an agreement between parents and the District, a mediation agreement containing the details of the resolution is written and signed by both parties. If no agreement is reached, either party may decide to request an impartial due process hearing to resolve the matter.

If both parties agree to participate in mediation, the District shall file a request with the NH Department of Education.

Neutral Conference

A neutral conference is a voluntary, confidential process presided over by a trained professional (neutral) who listens to both sides of a dispute and makes a recommendation, which both sides may either adopt or refuse. The neutral’s recommendation should guide both parties in determining whether to proceed with a due process hearing. The neutral’s recommendation is non-binding unless both parties agree to it.

If both parties agree to initiate a neutral conference, the District will file a request with the NH Department of Education.

Impartial Due Process Hearing

This is the most formal process with which to resolve a dispute between the school District and the parent. If the parent and the District cannot agree on a special education issue relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a free and appropriate public education, either one has the option of requesting an impartial due process hearing. The one exception to this is with regard to disagreements relating to the initial provision of services. The hearing is conducted by a hearing officer appointed by the NH Department of Education. A due process hearing can be requested by either the District or the parent on any matters relating to special education.

If either party requests a due process hearing, the District shall inform the parents of free or low cost legal services. The NH Department of Education proactively offers mediation when a party requests a due process hearing. The district will offer mediation and if the parents request due process, the District will schedule a resolution session.

Requests for a due process hearing must be made in accordance with NH statutes of limitations. The NH Department of Education will schedule a pre-hearing prior to a special education due process hearing.

The following is a brief list of the important time limits:

- A parent must request a due process hearing within **2 years** of the date on which the alleged violation was discovered or reasonably should have been discovered
- A parent must request a due process hearing within **90 days** of a unilateral placement in order to recover the costs of the unilateral placement.
- Any appeal of a Hearing Officer's final decision must be filed in either state superior court or federal court within **120 days** from the receipt of the final hearing Officer decision.
- A parent must file an action to recover their attorney's fees and reasonable court costs in state superior court or federal court within **120 days** from the receipt of the final Hearing Officer decision.

Appendix A

Brief Overview of the Special Education Process Information for Parents

Referral

The IEP Team is required to meet within **15 business days** from the date on which the referral was received to determine what will be done in response to this referral and to determine the best course of action regarding your child's educational program.

Evaluation

If the IEP Team determines that your child does not need to be evaluated, they will provide you with some ideas/suggestions/modifications pertaining to the reason for referral that may be helpful to your child in the classroom. If the team determines that your child will be evaluated, a meeting will be convened within **60 days** of receipt of your written consent to discuss the results of the evaluation and to determine the educational needs of the student, including possible eligibility for special education services.

IEP

If the IEP Team determines that your child is a child with disability, a meeting to develop an Individualized Education Program will be conducted within **30 days**. You will be notified of the date and time of the IEP meeting at least **10 days** in advance.

Placement

Once an IEP has been developed and approved, the IEP Team will meet to determine an appropriate placement within the least restrictive environment for your child. You will be notified of the placement meeting at least ten days in advance.

You may contact the Special Education office at your child's school with any questions.

Parents of a child with a disability have certain protections under the procedural safeguards of Part B of the IDEA (Section 615 (d) (1) (a)). A copy of these safeguards may be obtained by contacting the Special Education office at your child's school.

Additional agencies that can provide assistance in understanding the provisions of Part B of the IDEA:

New Hampshire Department of Education
101 Pleasant Street, Concord, NH 03301
Telephone (603) 271-2741

Disabilities Rights Center in Concord
PO Box 3660, Concord, NH 03302
Telephone (603) 228-0432 or (800) 834-1721

The Parent Information Center (PIC)
PO Box 2405, Concord, NH 03302
Telephone (603) 224-7005

Individualized Education Program

Each District in SAU 21 establishes an individual education program (IEP) team for each child referred to the local educational agency. All meetings involving the identification, evaluation, educational placement, and provision of a free appropriate public education involve the IEP Team.

Participants

The IEP Team for each child consists of the following:

- The parents of the child;
- Not less than one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- Not less than one special education teacher, or when appropriate, not less than one special education provider of the child
- A representative of the local educational agency:
 - Who is qualified to provide or supervise the provision of special education
 - Who is knowledgeable about the general curriculum
 - Who is knowledgeable about the availability of and authorized to commit the resources of the local educational agency **and**
 - Who may be another local educational agency member of the IEP team if the criteria above are met
- An individual who can interpret the instructional implications of evaluation results, who may otherwise be a team participant;
- When determining the child's educational placement, individuals who are knowledgeable about the child and the placement options;
- At the discretion of the parent or local education agency, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate (the determination of the individual's knowledge or special expertise is made by the party {parents or public local educational agency} who invited the individual to be a member of the individualized education program);
- Whenever appropriate the child;
- When transition is being discussed, other agencies who may be responsible for the provision or payment of transition services; **and**
- When the purpose of the meeting will be consideration of transition services, the student.

If an invited agency does not send a representative to the meeting, the local education agency takes other steps to obtain the agency's participation in planning transition services. If the student does not attend the individualized education program meeting, the local educational agency takes other steps to ensure consideration of the student's preferences and interests.

Parent Participation in Individualized Education Program Team Meetings

Each District in SAU 21 takes steps to ensure that one or both of the parents of a child with a disability are present at each individualized education program meeting or are afforded the opportunity to participate; including:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and
- Scheduling the meeting at a mutually agreed on time and place

The notice required in these procedures:

- Indicates the purpose, time, and location of the meeting and who will be in attendance and
- Informs the parent of the provisions in these policies relating to the participation of other individuals on the individualized education program team who have knowledge or special expertise about the child.

For a student with a disability beginning at **age 14**, or younger, if appropriate, the notice also:

- Indicates that a purpose of the meeting will be the development of the required statement of the transition services needs of the student and

- Indicates that the local educational agency will invite the student.

For a student with a disability beginning at **age 16**, or younger, if appropriate, the notice:

- Indicates that a purpose of the meeting is the consideration of needed transition services for the student;
- Indicates the local educational agency will invite the student, and
- Identifies any other agency that will be invited to send a representative as long as you have been notified and have given your permission for that representative to attend.

If neither parent can attend, the local educational agency uses other methods to ensure parent participation, including individual or conference telephone calls.

The local educational agency conducts meetings without a parent in attendance if the public agency is unable to convince the parents they should attend. In this case the local educational agency has a record of its attempts to arrange a mutually agreed on time and place, such as;

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

The local educational agency takes whatever action is necessary to ensure that the parent understands the proceedings at the individualized education program meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. The local educational agency gives the parent a copy of the child's individualized education program at no cost to the parent.

IEP Team Ed 1103.01

Certain individuals must be involved in writing a student's Individualized Education Program (IEP). An IEP team member may fill more than one of the team positions if properly qualified.

The basic team is comprised of the following individuals:

- One or both of the student's parents, guardian, and/or surrogate parent
- A representative of the School District other than the student's teacher who is qualified to provide or supervise the provision of special education services.
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
- Not less than one special education teacher or, when appropriate, not less than one special education provider of the child
- The student (if on the age of majority) and where otherwise appropriate
- Vocational education representatives, if appropriate
- A member of the multidisciplinary team – if the student is newly identified or for initial placement decision
- Other individuals at the discretion of the parent or School District
- A representative of any other agency that is likely to be responsible for providing or paying for transition services WITH PERMISSION of the parent/guardian/adult student.

The regular education teacher must be involved in developing appropriate positive behavioral interventions and strategies, as well as assisting the team in determining the supports necessary for school personnel to implement the IEP. While only one regular education teacher is required to attend the IEP team meeting, it is important for the case manager to consult with or gather additional information from the child's other teachers.

FLOW CHART OF SPECIAL EDUCATION PROCESS

REFERRAL

- Notice of Receipt of Special Education Referral
- Procedural Safeguards to Parent(s)

DISPOSITION OF REFERRAL MEETING
(within 15 business days of referral)

- Notification of Special Education
- Team Meeting Written Prior Notice – Disposition of Referral

EVALUATION PLANNING TEAM MEETING
(including parent)

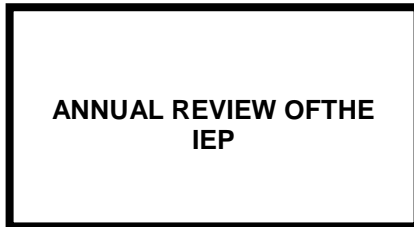
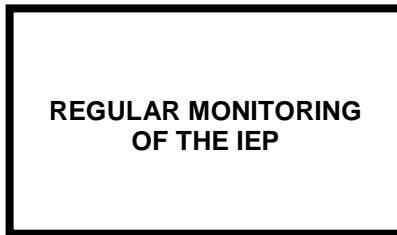
- Proposal for Individual Evaluation
- Permission to Evaluate Consent Form
- Written Prior Notice
- Parents have 14 calendar days to agree/disagree

DETERMINATION OF ELIGIBILITY TEAM MEETING
(including parent)

- Individual Examiner Reports
- Evaluation Summary report
- Parent's Response to Special Education Proposal
- Written Prior Notice
- Parents have 14 calendar days to agree/disagree

IEP DEVELOPMENT
(within 30 days of identification as a child with a disability)

- Parent Notification of Special Education Team Meeting – 10 days in advance
- Documentation of efforts to ensure parent participation in meeting(s)
- Parent participation in IEP development
- IEP – Written Prior Notice – Parent's Response to Special Education Proposal
- Parent have 14 calendar days to agree/disagree



- Determine placement in least restrictive environment
- Written Prior Notice
- Placement Proposal
- Parent's Response to Special Education Proposal
- Parents have 14 calendar days to agree/disagree

- Ensure progress toward goals
- Consultation, observation, work samples, post-testing
- Regular notification of progress to parents

- IEP/Program adjustments to facilitate progress
- Amendments to accommodate for met/exceeded goals

Appendix B

DISCIPLINE PROCEDURES Ed 1124 34CFR 300.530

Suspensions of Ten Days or Less During the School Year

Children with disabilities shall be entitled to the same protections and procedures that are available to children without disabilities. School personnel may remove a student with a disability, who violates the code of conduct, from his or her current educational placement under certain circumstances. A student may be removed to an interim alternative educational setting, another setting, or suspension, for not more than 10 school days at a time for a violation of school rules in accordance with the discipline policy of the District that is used for all students, unless it is determined that the removal constitutes a change of placement.

When a child is removed from his or her current placement for **10 or fewer days** in the school year, the District shall not be required to provide any special or regular education services during the suspension, as long as those removals do not constitute a change of placement under 34 CFR 300.536.

When these removals (**10 days or less at one time**) accumulate to **more than 10 days** in a school year, school personnel, in consultation with at least one of the child's teachers, shall determine the extent of services needed to enable the child to progress in the general curriculum and toward the IEP goals, and the location in which the services will be provided.

School personnel may consider unique circumstances on a case-by-case basis whether a change in placement is appropriate for a student with a disability who violates the code of conduct. **Change of placement includes removal for more than 10 consecutive days or a series of removals in excess of 10 days that constitute a pattern.** When disciplinary action results in a change of placement, notice shall be provided to parents the day the decision is made.

Suspensions of More Than Ten Days

When any change in placement is contemplated for more than 10 school days because of a violation of a code of student conduct, the District, the parent, and relevant members of the IEP Team shall convene no later than 10 school days after the school decides to suspend the child and review:

- all relevant information in the student's file;
- the child's IEP;
- any teacher observations; and
- any relevant information provided by the child's parent

To determine:

- if the conduct in question was caused by the child's disability or had a direct and substantial relationship to the child's disability; or
- if the conduct in question was a direct result of the District's failure to implement the IEP.

If either of the above determinations is affirmative, the conduct shall be determined to be a manifestation of the child's disability. If determined that the child's conduct is a direct result of the District's failure to implement the IEP, the District shall take immediate steps to remedy those deficiencies.

If the behavior is not a manifestation of the student's disability, relevant disciplinary procedures that apply to students without disabilities may be applied in the same manner as they would be applied to other students, except that appropriate educational services must continue.

Manifestation Determination Decision

If the District, the parent, and relevant members of the IEP Team determine that the child's conduct was a manifestation of his/her educational disability, the IEP Team shall:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan for the child, or

2. If a behavioral intervention plan has been developed, the team shall review the existing plan and modify it as necessary to address the behavior; and
3. Except under “special circumstances” return the child to the placement from which he/she was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

“Special Circumstances” allowing for removal to an Interim Alternative Educational Setting

The child may be removed from his/her current placement by school personnel and placed by the IEP Team in an Interim Alternative Educational Setting (IAES) for up to forty-five (45) school days without regard to the manifestation determination in cases where the child:

1. Carried or possessed a weapon to or at school, on school premises, or to or at a school function under jurisdiction of a state educational agency (SEA) or District;
2. Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or District; or
3. Inflicted serious bodily injury* upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or District.

* Serious Bodily Injury: defined in 18 U.S.C: 1365(h)(3) means a bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

No later than the date of the disciplinary decision, the District shall notify the parents of the decision and of the procedural safeguards. If parents disagree with the decision and request an appeal, the child shall remain in the alternative setting pending the appeal.

If there is a disagreement with the parents, the District may seek an order from a Hearing Officer for placement in an interim alternative educational setting when it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

A child who has not been determined to have a disability and is subject to disciplinary action may assert the protections in this part if the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The District will consider cases on an individual basis and in accordance with CFR 300.534 – *Protections for Children Not Yet Eligible for Special Education and Related Services*.

Nothing in this part will prohibit employees of the District from reporting a crime committed by a child with a disability to appropriate authorities. Neither will it prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. If the District reports a crime committed by a child with a disability, then the District shall also ensure that copies of the special education and discipline records will be transmitted for consideration by the appropriate authorities, but only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Attendance and Discipline

It is expected that all students in each District will comply with the attendance and behavior expectations and rules of the schools. The District shall not discriminate against anyone on the basis of disability when administering attendance and discipline systems. To this end, a minority of students may require accommodations or modifications to the discipline or attendance policies because of their educational disabilities. If a student with a disability is in jeopardy of not meeting the attendance requirements or school rules, the Individualized Education Program (IEP) Team will convene and review and/or revise the student’s Individualized Education Program (IEP) as appropriate.

The District has instituted procedures for manifestation determination meetings. Additionally, a functional behavior assessment shall be conducted and/or reviewed as required.

School Administrative Unit 21
Special Education Services

MANIFESTATION DETERMINATION MEETING CHECKLIST

1. A manifestation determination IEP Team meeting must be held within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct. A "change of placement" generally means A) a disciplinary removal from school for more than 10 consecutive school days in a row; or B) a series of removals totaling more than 10 school days in the school year that constitutes a pattern: i) because the behavior is substantially similar to the previous incidents that resulted in removals, and ii) because of additional factors such as length of each removal, the total removal time, and proximity of removals.
2. The manifestation determination must be made by the relevant members of the student's IEP Team, including the parent, and not simply by school personnel. At the IEP Team, the Team must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents.

<i>Name of Student</i>	<i>Date</i>	<i>Educational Disability</i>
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DESCRIPTION OF THE MISCONDUCT

3. The IEP Team should answer the following questions:

- | | | |
|-----|----|--|
| YES | NO | A) Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability? |
| YES | NO | B) Was the conduct in question a direct result of the local school district's failure to implement the student's IEP as written? |

If the answer to either of these two questions is **YES**, then the behavior in question must be considered a manifestation of the student's disability.

If the IEP Team determines that the misconduct **IS** a manifestation of the student's disability, then the IEP Team must conduct and / or review a functional behavior assessment and behavior intervention plan for the student. In addition, the Team must return the child to his or her prior placement, unless the School and Parent agree that a change of placement is warranted.

If the Team determines that the misconduct **IS NOT** a manifestation of the student's disability, then the school may use the regular disciplinary procedures applied to children without disabilities, except that the student must continue to receive educational services during any suspension or expulsion that may be ordered. These services need to target the behavior to limit its reoccurrence and enable the student to participate in the general education curriculum as well as to progress toward meeting the student's IEP goals.

Regardless of the manifestation determination, school officials may remove a disabled student for 45 school days if the student 1) carries or possesses a weapon to or at school, on school premises, or to or

at a school function; 2) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or 3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Definitions:

Weapon: a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

Serious bodily injury: 1) a substantial risk of death; 2) extreme physical pain; 3) protracted and obvious disfigurement; or 3) protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Manifestation Determination Meeting Team Members

Signature

Position

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signature indicates agreement with manifestation determination decision.

Appendix C
New Hampshire Special Education Procedural Safeguards Handbook
Updated April 2018

https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/2020-04/procedural_safeguards_handbook.pdf

Appendix D
SAU 21 PROFESSIONAL LEARNING PLAN
2019-2024

<https://www.sau21.org/curriculum/certification-and-evaluation>

Appendix E

SAU 21 Criteria for Special Education Evaluations

The State and Federal special education laws require that the Districts of SAU 21 evaluate children with disabilities who are in need of special education and related services. The district usually evaluates children upon referral for special education and reevaluates educationally disabled children at least once every three years or when conditions warrant a reevaluation.

The Districts of SAU 21 are committed to ensuring that each child's IEP team bases its decision on high quality, reliable and educationally sound special education evaluations.

As a result, the district has established the following list of criteria for all special education evaluations. These criteria consequently apply to all evaluations conducted by school district personnel, all evaluations the district asks outside contractors to conduct and all independent evaluations parents expect the school district to review, consider, and/ or fund.

Unique circumstances may justify deviation from these criteria. If a parent or district staff member is made aware of such unique circumstances, they should immediately inform the student's case manager or the district's special education director.

1. The evaluation must comply with the relevant provisions of the State and Federal special education laws, including 34 C.F.R.300.301-300.311 and NH Code of Administrative Rules Ed 1107.
2. The evaluation must be conducted in New Hampshire, by an evaluator whose principal office is located in New Hampshire, unless there is no qualified evaluator in New Hampshire.
3. The evaluator must hold a valid license from the State of New Hampshire in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of the evaluation results. In instances where no "applicable license" exists, the district must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
4. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations.
5. The school district will not pay for the evaluation until it receives the evaluator's report.
6. The evaluator must review relevant educational records.
7. Unless otherwise determined by the child's IEP team, the evaluator must either: (a) observe the child in one or more educational settings; or (b) make at least one contact with the child's general education teacher for the purpose of determining how the child is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
8. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's special education director, and the director's designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, the district's special education director, and the director's designees.
9. The district shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, for purposes of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g(a)(4)(B)(i), records will not be deemed accessible to any school personnel other than the evaluator, unless and until the district exercises its right to inspect or obtain copies of those records from the evaluator.

School Administrative Unit 21 Special Education Services

SPECIFIC LEARNING DISABILITY ELIGIBILITY CHECKLIST

Student Name:	Grade:
Date of Birth:	Date of Meeting:

Specific Learning Disability Definition:

Pursuant to *NH Code of Administrative Rules* Ed 1102.01, incorporating 34 C.F.R. § 300.8(c)(10)(i), a specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. 20 U.S.C. § 1401(30)(A)

In order to qualify under the special education laws, a child must also, by reason of the disability, need: (a) special education; or (b) special education and related services. 20 U.S.C. § 1401(30)(A); 34 C.F.R. § 300.8(a)(1). A child who requires only related services, but not special education, does not qualify under the special education laws. 34 C.F.R. § 300.8(a)(2)(i).

Eligibility Questions – Answer ALL of Them. Do NOT Stop until ALL are Answered.

1. Is there a disorder in one or more of the basic psychological processes involved in understanding or in using language?	YES	NO
Evidence:		

2. Is the student failing to achieve adequately for the student’s age or to meet State-approved grade level standards in any of the areas below, when provided with learning experiences and instruction appropriate for the student’s age or State approved grade level standards?	YES	NO								
If yes, identify the area(s): <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> oral expression</td> <td style="width: 50%;"><input type="checkbox"/> reading fluency skills</td> </tr> <tr> <td><input type="checkbox"/> listening comprehension</td> <td><input type="checkbox"/> reading comprehension</td> </tr> <tr> <td><input type="checkbox"/> written expression</td> <td><input type="checkbox"/> mathematics calculation</td> </tr> <tr> <td><input type="checkbox"/> basic reading skill</td> <td><input type="checkbox"/> mathematics problem solving</td> </tr> </table> Evidence:			<input type="checkbox"/> oral expression	<input type="checkbox"/> reading fluency skills	<input type="checkbox"/> listening comprehension	<input type="checkbox"/> reading comprehension	<input type="checkbox"/> written expression	<input type="checkbox"/> mathematics calculation	<input type="checkbox"/> basic reading skill	<input type="checkbox"/> mathematics problem solving
<input type="checkbox"/> oral expression	<input type="checkbox"/> reading fluency skills									
<input type="checkbox"/> listening comprehension	<input type="checkbox"/> reading comprehension									
<input type="checkbox"/> written expression	<input type="checkbox"/> mathematics calculation									
<input type="checkbox"/> basic reading skill	<input type="checkbox"/> mathematics problem solving									

3(a). Has the student failed to make sufficient progress to meet age or State-approved grade level standards in one or more of the areas identified in Question 2 when using a process based on the student’s response to scientific, research based intervention (RTI);	YES	NO	N/A
<u>OR</u>			
3(b). Does the student exhibit a pattern of strengths and weaknesses in performance, achievement, or both, relative to age or State approved grade level standards, or intellectual development, that is determined by the IEP team to be relevant to the identification of a specific learning disability, using appropriate assessments?			
Evidence:			

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4. Is the underachievement due to the lack of appropriate instruction in reading or math?	YES	NO
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In making this determination, the Team must consider:
a) Data that demonstrates that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

5. Is the student's lack of achievement primarily the result of:		
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a. Visual, Hearing or Motor Disability	YES	NO
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Explain:

b. Intellectual Disability	YES	NO
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Explain:

c. Emotional Disturbance	YES	NO
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Explain:

d. Environmental, Cultural or Economic Disadvantage and/or Limited English proficiency?	YES	NO
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Explain:

6. Relevant behavior noted during the observation(s) and its relationship to academic functioning:		
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The child must be observed in a learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.

7. Educationally relevant medical findings:	YES	NO
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If yes, specify:		
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8. Are evaluations utilized valid and reliable assessments and performed by qualified individuals, consistent with NH Ed 1107.04(b), Table 1100.1?	YES	NO
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Eligibility Conclusions:

A. Does a specific learning disability exist?	YES	NO
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To be eligible, answers to questions 1, 2, 3, and 8 must each be "Yes," and the answers to questions 4 and 5(a) through 5(d) must each be "No."

B. If there is a specific learning disability, does the child require special education, or special education and related services, because of that disability?	YES	NO
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Explain:

If the answers to Questions A and B are "yes," the student qualifies for special education as a child with a specific learning disability. If the answer to either question is "no," then the student is ineligible under this disability category.

C. CONCLUSION: The child qualifies for special education based on a specific learning disability.	YES	NO
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Team members should certify their agreement or disagreement by signing below.

****All team members were asked to verbally acknowledge agreement or disagreement with the district's proposal.***

I certify that this report reflects my conclusions:

NAME & TITLE:	NAME & TITLE:

I certify that this report does not reflect my conclusion.

NAME & TITLE:	NAME & TITLE:

Dissenting members shall submit a separate statement.

Appendix F

NH STATEWIDE ASSESSMENT SYSTEMS

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-instructional-support/office-of-assessment>

Appendix G

SAU 21 Admission of Homeless Students

Book Winnacunnet
Section Winnacunnet - Section J - Students
Title Education of Homeless Children and Unaccompanied Youth
Code JFABD
Status Active
Adopted July 31, 2006 Last Revised October 22, 2019

Category: Priority/ Required by Law

CODE: JFABD

EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students

A. Homeless Students.

Under the federal McKinney-Vento Homeless Assistance Act ("McKinney-Vento"), and guidance provided by the New Hampshire Department of Education ("NHDOE"), the term "homeless children and youths" means "individuals who lack a fixed, regular and adequate nighttime residence." Under both section 752(2) of McKinney-Vento and the NHDOE guidance*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms "unaccompanied youth," "school of origin," "enrollment," and "attendance area school" shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act ("McKinney-Vento") and guidance provided by the New Hampshire Department of Education ("NHDOE"). For purposes of this policy and its accompanying regulation, "homeless students" shall refer to and include "homeless children and youth" and "unaccompanied youth."

**Note:* under RSA 193:12, IV, the definition of "homeless children and youth" also includes children "awaiting foster care placement", see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the definition of a homeless student if they meet other criteria as set forth above.

Each homeless student shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including career

and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

B. Enrollment and School Stability.

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

C. Homeless Liaison.

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the "Homeless Liaison" or the "District Homeless Liaison"). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District's obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

1. assist in requesting the student's records;
2. mediate and assist with disputes concerning school enrollment and homelessness determinations;
3. assist in making transportation arrangements;
4. ensure that homeless students receive the educational services for which they are eligible or entitled;
5. coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
6. ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
7. work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
8. ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
9. assure that notice is publicly disseminated of the educational rights of homeless children and youths;
10. coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
11. assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
12. work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

D. Enrollment Determinations for Homeless Students.

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless student's best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.

E. Transportation of Homeless Students.

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin

within the District, or, if a homeless student is located within this District, but a determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

F. Dispute Resolution.

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those requests to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate fully in school and receive all services for which they would be eligible, as the definition of enrollment includes "attending classes and participating fully in school activities."

1. Notification of Appeal Process.

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless ("eligibility decision"), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child's placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent's right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

2. Appeal to the District Homeless Liaison – Level I.

- a. If the parent or unaccompanied youth disagrees with the District's placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal ("appeal") with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District's placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.
- d. Within five business days of receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent's right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an "appeals package" consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

3. Appeal to the Superintendent – Level II.

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the Superintendent's designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
 - b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.
 - c. The Superintendent/designee shall provide a copy of the Superintendent's decision to the District's Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.
- G. Records
The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

Legal

20 U.S.C. 1232g (Family Educational Rights and Privacy Act – "FERPA")

20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – "EEOA")

20 U.S.C. 6313(c)(3) (reservation of Title I funding for homeless children and youths)

42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)

Plyler v. Doe, 457 U.S. 202 (1982)

RSA 193:12, Legal Residence Required

NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students