

**SAU 9 School District Special Education
Procedures Manual**

Albany, Bartlett, Chatham, Conway, Eaton, Hart's Location, Jackson

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Special Education Procedures Plan Ed 1126.01(b)

This Special Education Procedures Plan (Plan) describes SAU 9 School Districts' (Albany, Bartlett, Chatham, Conway, Eaton, Hart's Location, Jackson) (LEA) procedures regarding the provision of a free and appropriate public education (FAPE) to all children with disabilities. The LEA will annually review this special education procedural plan so that the procedures reflect current federal and state regulations.

This Plan has been developed to assure the SEA that the LEA has procedures to meet the eligibility requirement of Part B of the IDEA for purposes of receiving federal funds.

This Plan is aligned with 34 CFR Part 300 of the Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities - Final Rules - August 14, 2006 (IDEA 2004) and The New Hampshire Rules for the Education of Children with Disabilities adopted March 23, 2017 (NH Rules) amended June 14, 2018, amended August 9, 2018 (NH Standards).

Child Find Procedure
34 CFR 300.111 Ed 1126.01(b)(1) Ed 1105
Participation with Other Agencies
Ed 1126.01(b)(10)

SAU 9 School District understands that we have an obligation to find children who are potentially a child with a disability who is 2.5 years of age up to 22 years of age. This responsibility is known as child find, and is defined in the NH Rules for the Education of Children with Disabilities under section Ed 1105.

The SAU 9 member school districts (The District) ensure that all children who have disabilities, from 2.5 years of age to age 22 years, who reside in The Districts, 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 when they are advancing from grade to grade. In addition, this applies to those children attending approved, non-public private schools within the geographic boundaries of the District.

For those students who are transitioning from Early Supports and Services to preschool, the District will participate in a transition planning meeting for the purposes of affecting a smooth and timely transition and implementing an Individual Education Program 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 District's child find program includes, at a minimum, the following:

1. The District 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 for further evaluation. These procedures are found in Section 8 – Pupil Evaluation to Placement.
2. Any person may refer a child to the IEP 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, the District contacts all (if any) approved nonpublic private schools (including religious elementary and secondary schools) within its geographic boundaries regardless of where the child resides. The 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. The 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 the District. Referrals from approved nonpublic schools shall be forwarded to an appropriate special education team for further consideration.
 4. On an annual basis, the District 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 the 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. At least on an annual basis, the District publicizes and disseminates information, which describes its Child Find Program through notices at public libraries, at medical providers offices and public schools. This includes a description of the District's special education program, 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. All Child Find activities will be completed within applicable timelines beginning with a Disposition of Referral meeting within 15 business days of receipt of referral.
 6. The District shall annually provide all parents of children with disabilities information regarding their rights and responsibilities under federal and state special education laws.
 7. The District 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. The District shall provide the parents with a written notice of any referral other than one initiated by the parent.

The District ensures there are continuing efforts related to cultural competency in relation to public awareness and child find activities, including 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.

8. The District shall coordinate with area agencies and family centered supports and services to establish a process of district notification of children served by these programs consistent with the interagency agreement between the District and the area agencies providing family centered supports and services.
 - i. Ed 1105.04(a): The 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 or before the child's third birthday.
 - ii. 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.

Confidentiality of Information Ed 1126.01(b)(2) Ed 1119

SAU 9 School District adheres to the Confidentiality of Information regulations set forth in the NH Rules, the Federal Family Educational Rights and Privacy Act of 1974 20 U.S.C. 1232G, (FERPA) and its implementing regulations in 34 CFR Part 99 and the Individuals with Disabilities Education Act (IDEA 2004; 34 CFR 300.610-627).

ACCESS RIGHTS

The District permits parents to inspect and review any education records relating to their child that 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, or any hearing pursuant to IDEA and its regulations and in no case more than 45 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.

The 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

The 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.

The District identifies authorized employees of the participating agency on a list posted by the secure files/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 TYPES and LOCATION OF RECORDS

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

FEES

The District does not charge a fee for copies of records that are made for parents and does not prevent the parents from exercising their right to inspect and review those records. The District does not charge a fee to search for, to retrieve or to copy information.

AMENDMENT OF RECORDS 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 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 to not amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing.

OPPORTUNITY FOR HEARING

The District, upon 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 PROCEDURES

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. The District will not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99.

The District 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 §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 must protect the confidentiality of personally identifiable information at collection, 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

The District informs parents 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 request of the parents. 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.

NH Standards, adopted March 23, 2017, reformed April 10, 2020, includes a retention and destruction requirement pursuant to Ed 1119.01 and RSA 186-C:10-a. This requirement indicates the following: Ed 1102.04 Definitions: "Parent" means a biological or adoptive parent, surrogate parent, or a guardian pursuant to 34 CFR 300.30. Parent does not mean the state when the state is the guardian.

CHILDREN'S RIGHTS (Ed 1119.03) (CFR 300.625)

The District 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. If the rights accorded to parents are transferred to a student who reaches the age of majority, the rights regarding education records are also transferred to the student. The LEA will provide any notice required to the student and the parents.

DISCIPLINARY INFORMATION (Ed 1119.04)

The District includes in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child. 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.

The school district employee who is responsible for ensuring the confidentiality of any personally identifiable information is:

Pamela L. Stimpson, SAU 9 Director of Special Services

Facilities, Personnel & Services **Ed 1126.01(b)(3)**

The SAU 9 member school districts (the District) 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. The District 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 (pg19).

The District 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. The 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.

The District 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, Materials and Assistive Technology

- The 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 and evaluators within the District must meet qualified teacher requirements for their respective teaching assignments, as designated by federal and state guidelines.
- All qualified examiners must hold the appropriate license or certification for required assessments.

Programs and Services (Table 1100.4): Continuum of Alternative Learning Environment); students ages 6-22

The District provides educational services to students with disabilities along a continuum of environments including the following:

Regular Classroom

- A child with a disability attends the regular class with supports and services as required by the IEP

Resource Room

- A child with a disability attends the regular class and receives assistance at or through the special education resources 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 their special education program at home

Hospital or institution

- A child with a disability receives special education while in a hospital or institution

Preschool Programs 1111.03(c) (Table 1100.2: Continuum of Alternative Learning Environments Pre-school); students ages 3-5

Children in preschool programs shall be grouped by age levels with a range of not more than three years. Children with disabilities shall be provided with appropriate special education and related services through the District's preschool programs and services.

The maximum number of preschool children in an early childhood special education program shall be 12, regardless of the number of staff members assigned to the program (Ed 1113.10 (d) (3)).

- **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 a 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

Home Instruction for School Aged Children (Ed 1111.04)

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 22 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.
- 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-based programs shall not exceed 45 days in a school year unless individual circumstances warrant an extension to this time period. If the IEP team determines that home instruction should be implemented for more than 45 days of a school year, the District will complete the following requirements:
 1. Describe, in writing, the specific circumstances resulting in the need for the home instruction;
 2. Develop an IEP which includes all the required elements; and
 3. Develop a written plan of the transition of the child into a less restrictive environment.
- Home instruction shall NOT include parent designed home education programs as authorized in Ed 315.
- 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.

When, due to a student's limited physical and/or emotional stamina, the special education placement team recommends a school day of less than the minimum hours listed above, written consent shall be obtained from the Superintendent of Schools and the parent prior to implementing a shortened school day. A copy of the written consent shall be sent to the State Director of Special Education, a copy to the parent, and another placed in the student's school records. If it would cause a serious adverse effect upon a child's educational progress pursuant to RSA 193:1 I(c), the Superintendent shall not excuse a child from the required minimum school day. The District's obligation to provide a free and appropriate public education to a child shall still be in effect even if the child attends school for a shortened school day.

Length of School Year

The District shall provide a standard school year of at least 180 days or the equivalent number of hours per ED 1113.15 (see above: Length of School Day). Students with disabilities in need of extended school year programming shall be provided for through the requirements described in Section 9 – Pupil Evaluation to Placement. Extended School Year programming shall not be limited only to the summer months.

Supervision and Administration

The Superintendent of Schools, the Special Education Administrator/Director of Special Services, and the building Principals or their designees shall supervise the services and programs provided to students with disabilities.

Paraprofessionals 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 the District, but no less than once each week.

Paraprofessionals 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.

Diplomas

The SAU 9 School Districts 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 22 whichever occurs first, or until the District determines that the student no longer requires special education in accordance with Section 8 – Pupil Evaluations to Placement.

All children with disabilities in the District 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 25 credits,
2. meet specific course requirements as described in the Kennett High School Program of Studies, and
3. meet all attendance requirements as stated in the Kennett High School Program of Studies (and/or Local District Policy).

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 (HiSET). 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.

Personnel Development Ed 1126.01(b)(4)

Personnel Development

The SAU 9 member school districts(the District) has adopted a [Professional Development Master Plan](#) to serve as a basic guideline for the operation of its professional development for the five-year period of July 2021 - June 2026.

The District shall work to promote a climate that encourages the continuing education and training of all staff within the District. The Professional Development Master Plan shall advance an educational environment in which students receive high exposure to stimulating teachers, instructional materials and activities. Professional development 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 development opportunities shall be available to District staff, including job-embedded activities, in-service workshops, conferences and/or formal coursework reimbursed through the District.

Professional development initiatives for the current and upcoming school year include:

Action Research

Book Reading

Conference Attendance

Coursework

Curriculum Development and Adaptation

Data Analysis and Reporting

Independent Study

Institutes

Mentoring

Partnerships with Practitioners in Business, Industry, or College/University

Peer Coaching

Professional Networks

Pilot Projects

Professional Presentations

Seminars or Retreats

Site Visits

Study Groups

Technology for Professional Learning

Training of Trainers

Workshops and/or Webinars

Procedural Safeguards
34 CFR 300.504 Ed 1126.07(b)(7) Ed 1120

The Individuals with Disabilities Education Act includes a section entitled "Procedural Safeguards". These safeguards are designed to protect the rights of children with disabilities and their parents. They also provide families and schools the means for resolving disputes that may arise throughout the special education process.

SAU 9 School District will give a copy of the current procedural safeguards notice to parents, including plain language explanations of parents' procedural rights, at least once per year, but at a minimum upon:

1. Initial referral for evaluation or parental request for an evaluation
2. The first time in a school year that a request for a due process hearing is filed
3. The first time in a school year that a complaint is filed
4. The date in which the decision is made to make a removal that constitutes a change in placement of a child with a disability because of a violation of a code of student conduct, in accordance with the discipline procedures in 34 CFR 300.536.
5. Upon request by the parent

LEA Procedural Safeguards (includes Administrative Due Process Hearing Procedure)

• The New Hampshire Department of Education has created a Procedural Safeguards Handbook. Here is the link:

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/procedural-safeguards>

**Pupil Evaluation to Placement
Ed 1126.01(b)(8)
Parent Involvement
Ed 1126.01(b)(5)**

PUPIL EVALUATION TO PLACEMENT

The SAU 9 School District 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 age 2.5 to 22 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). Assistance in completing this written request shall be available to parents upon request.

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, the 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 at 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

This District 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 general curriculum, and 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 (*SAT 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 address concerns and 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 Appendix B – Complaint/Dispute Resolution Procedures; Ed 1120). The District shall comply with federal and state law 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 re-evaluations, 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. The child’s educational history shall be reviewed, including identification of the child’s past opportunities to have acquired important skills and information.

The District 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 children with specific learning disabilities.

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. A copy of this written agreement will be placed in the child’s confidential file with the signed permission to test. In the case of a triennial evaluation, when an extension is requested, the team shall complete the evaluation in the shortest amount of time possible and not greater than 30 days.

If a child with a disability moves into the District from another NH District his/her disability identification will be honored without delay.

If the child is moving into the 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. 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 services in accordance with the out of state IEP during this interim period.

The District shall ensure that evaluation materials and instructions are presented in the child’s native language or other mode of communication and in the form most likely to yield information on what the child knows, and can do academically, developmentally and functionally, unless it is clearly not feasible. Standardized tests and materials in

the child's native language shall be used whenever possible. If it is not possible to administer a test in this manner, the test will not be used.

Examiners shall be responsible for selecting current assessment tools that have been demonstrated to be reliable and valid. The 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. The District shall ensure that all evaluators are qualified according to the NH Rules. (See Table 1100.1) Each evaluator shall prepare a test report reflecting the data and their conclusions. Reports will be shared with IEP team members, including parents, at least 5 days prior to the eligibility determination meeting.

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 1107.03.

The District shall provide access to test results and other relevant educational records 5 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.

Additional Procedures for Evaluating Children with Specific Learning Disabilities (CFR 300.307)

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 shall be used:

- (1) A discrepancy model between intellectual skills and achievements;
- (2) A process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in 34 CFR 300.307 (a)(2); and
- (3) Other alternative research-based procedures as described in 34 CFR 300.307 (a)(3),

(b) the 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.

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

A. A group 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 group determines that the evaluation findings are not primarily the result of:
 - A visual, hearing, or motor impairment;
 - Mental retardation;
 - 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 learning disability requires an intelligence test. Also required: academic achievement, classroom observation, vision screening and hearing screening.

5. Teams 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 group 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 settings 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. The 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.

Classroom 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:

- 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; mental retardation; 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

The District shall ensure that a re-evaluation of each child with a disability is conducted at least once 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.

INDEPENDENT EDUCATIONAL EVALUATIONS (Ed 1107.03)

Parents of a child with a disability have the right to obtain an independent educational 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.

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. 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 District, shall not be so restrictive that it effectively prohibits parent 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.

The 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. The 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. The 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, video meetings. 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. IEPs 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).

The 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.

The 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 District 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 NHDOE interprets this to mean a paper copy. (Ed 1109.04)

The 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 accommodations and 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.

The District shall seek to obtain informed consent from a parent on the IEP before

providing 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 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 service;
- will not use the mediation or due process procedures to obtain an 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 can request another meeting to discuss any areas of concern regarding 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 the SAU 9 School District 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 SAU 9 School 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 toward 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 District 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 District refuses to convene the requested meeting. All of the above must be completed within 21 days.

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 EP team members.

PLACEMENT OF CHILDREN WITH DISABILITIES

The District 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 of school District),

6. Transition service representative if applicable
7. If appropriate, the child.

Placement Decisions (Ed 1111.03)

The decision 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 district 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))

The 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.

The 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).

The 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 shall be developed by the student, IEP team and parents to facilitate information sharing after the student leaves school.

HOME INSTRUCTION

The 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 ages 6-22 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 need of the student.
4. Except as noted in Ed. 1111.04, temporary home-based programming shall not exceed 45 days in a school year.
5. Home-based programs described in Ed. 1111.04(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. The 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.

NOTE: ESY services provided in non-special education or non-district programs shall be supervised on site by appropriately certified district 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

The following is a list of the educational environments to be considered when making placement decisions after agreement to the Individualized Education Program (IEP). The IEP Team shall keep in mind that all children with disabilities must be placed in the least restrictive environment for implementing the student's specialized instruction as detailed in their IEP.

Regular Classroom: A child with a disability attends regular class with supports and services required by the IEP.

Regular Classroom with consultative assistance: A child with a disability with assistance being provided to the classroom teacher by consulting specialists.

Regular classroom with assistance by specialists: A child with a disability attends a regular class with services provided to the child by specialists.

Regular classroom plus resource room help: A child with a disability attends a regular class and receives assistance at or through the resource room program.

Regular classroom plus part-time special class: A child with a disability attends a regular class and a self-contained special education classroom.

Full-time special class: A child with a disability attends self-contained special class full-time.

Full-time or part-time special day school: A child with a disability attends a publicly or privately operated special day program full-time or part-time.

Full-time residential placement: A child with a disability attends a publicly or privately operated residential program full-time.

Home Instruction: A child with a disability receives all or a [portion of her/his special education program at home in accordance with Ed 1111.05.

Hospital or institution: A child with a disability receives special education while in a hospital or institution.

For a complete description of the above placement options, see the NH Rules - Ed 1111.01(b), **Table 1100.4** Continuum of Alternative Learning Environments.

Preschool children shall be educated in a setting that is appropriate to implement the IEP or IFSP. (Ed 1111.02 (b)) Preschool children with disabilities may receive their special education program in any of the settings listed below. (Ed 1111.02 (c) and Table 1100.3 Continuum of Alternative Learning Environments – Pre-school)

Early childhood program: A preschool child with a disability attends an early childhood program.

Home: A preschool child with a disability receives all or some of his/her supports and services in the child's home.

Special education program: A preschool child with a disability attends a special education program.

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.

STATE DEPARTMENT OF EDUCATION MONITORING OF EDUCATIONAL SERVICES AND PROGRAMS FOR CHILDREN WITH DISABILITIES

Ed 1126

The SAU 9 School District is committed to providing effective, high quality special education services to all children with disabilities. The 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.

The 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 the 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. The District 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 alternate 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-Alt. 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

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 *summative evaluation*. In this way, the SAU 9 School District ensures that all staff may continue to improve their knowledge and skills in order to effectively meet the needs of all students.

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 the SAU 9 School District 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.

Children with Disabilities Enrolled by Their Parents in Private Schools Ed 1126.01(b)(11)

SAU 9 School District has procedures in place that are designed to ensure the equitable participation of children with disabilities who are enrolled by their parents in private schools that are located within the jurisdiction of the SAU 9 School District in accordance with 34 CFR 300.131 (Child find for parentally-placed private school children with disabilities), 34 CFR 300.111 (Child Find) and 34 CFR 300.201 (Consistency with state policies). 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

The 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, the 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 District. The 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 the District each year. This notice fulfills the District’s obligation to invite representatives of parents of the children with disabilities who are enrolled in the school to the consultation meeting.

Consultation

The 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 District. 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.

The District documents these decisions on the **Affirmation of Consultation** form. The completed form is sent to each private school providing and 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 District. 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.

Accessible Instructional Materials Ed 1126.01(b)(12)

The SAU 9 District ensures that children with disabilities who need instructional materials in accessible formats will receive those materials, as set forth in their IEP's 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.

Appendixes

Appendix A

Brief Overview of the Special Education Process

Referral

The IEP Team is required to meet within 15 days of 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 for 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 (IEP) will be conducted within 30 days. You will be notified of the date and time of the IEP meeting at least ten 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.

Parents of a child with a disability have certain protections under the procedural safeguards of Part of the IDEA (Section 615 (d)(1)(a)). A copy of these safeguards may be obtained by contacting:

SAU #9 Special Services Department 176 A Main Street Conway, NH 03818 603-447-8951

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

Bureau of Special Education
New Hampshire Department of Education
101 Pleasant Street
SAU 9 Special Education Procedures Plan

Concord, New Hampshire 03301-3860

Telephone: (603) 271-3741

Fax: (603) 271-1099

Website: <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education>

Disabilities Right Center, Inc.

P.O. Box 3660

Concord, New Hampshire 03301

Telephone: (603) 228-0432 or 1-800-834-1721

Fax: (603) 225-2077

E-mail: advocacy@drcnh.org

New Hampshire Bar Association/Pro Bono

112 Pleasant Street

Concord, New Hampshire 03301

Telephone: (603) 224-6942 or 1-800-852-3799

(Intake is through the Disabilities Rights Center)

Parent Information Center (PIC)

54 Old Suncook Road

Concord, New Hampshire 03301

(603) 224-7005 or 1-800-947-7005

Fax: (603) 224-4365

Web Site (connects to staff e-mail): <https://picnh.org/>

Parent Information Center offers a free booklet called [“Steps in the Special Education Process”](#) which provides details about the special education process and the laws.

Appendix B

Written Notification Regarding Use of Public Benefits or Insurance

WRITTEN NOTIFICATION REGARDING USE OF PUBLIC BENEFITS OR INSURANCE

Dear Parent or Guardian,

You are receiving this written notification to give you information about your rights and protections under the federal special education law, the Individuals with Disabilities Education Act (IDEA), regarding the use of your or your child's public benefit or insurance. In New Hampshire "public benefit or insurance" is Medicaid, which is provided through the State's Medicaid to Schools program, including Medicaid programs provided through a managed care organization. Through the Medicaid to Schools Program, NH school districts statewide receive millions of dollars each year that would otherwise have to come from State or local funding sources.

IDEA funds pay a portion of your child's special education and related services. Funds from a public benefits or insurance program, which in NH is Medicaid, also may be used by your school district to help pay for special education and related services based on your child's IEP, but only if you choose to provide your consent. Your school district cannot access your child's Medicaid benefits if it would result in a cost to you, such as a decrease in your benefits or an increase in your premiums.

The school district is responsible for ensuring that your child receives all of the services in his/her IEP, regardless of whether you give consent for the school district to use your or your child's public insurance or benefits. If you do not give consent, or withdraw your consent after you have given it, your child's services will not be affected; all of the services in your child's IEP will continue to be provided. You are also not required to apply for or enroll in Medicaid for your child to receive special education services.

WHEN WRITTEN NOTIFICATION MUST BE PROVIDED

Before your school district can ask you to provide your consent to access your child's Medicaid for the first time, it must provide you with this notification of the rights and protections available to you under IDEA.

- IDEA requires that you be provided with this notice before the school district seeks to use your child's Medicaid for the first time,
- Before it obtains your consent to use those benefits for the first time; and
- Annually thereafter.

This written notification must be written, in a language understandable to the general public and in your native language or in another mode of communication you use, unless it is clearly not feasible to do so.

PARENTAL CONSENT

Before your school district can use your or your child's public benefits or insurance for the first time to pay for special education and related services under IDEA, they must obtain your signed and dated written consent. Your school district will provide you with a consent form for you to sign and date. Your school district is only required to obtain your consent *one* time.

The consent requirement has two parts:

1.) Consent for disclosure of your child's personally identifiable information to the state agency

responsible for administering Medicaid.

- To access your child's Medicaid, certain personally identifiable information will be disclosed for billing purposes by the school district to the State Medicaid agency or Medicaid billing agent. Under federal law, your written consent is required before the school district can disclose personally identifiable information (such as your child's name, address, student number, IEP, or evaluation results) from your child's education records to a party other than your school district, with some exceptions. Your initial consent, for the use of your child's Medicaid, allows your school district to disclose the personally identifiable information, required for Medicaid reimbursement, to the State Medicaid agency or Medicaid billing agent.

2.) A statement to access your child's Medicaid:

- Your consent to allow the school district to use your child's Medicaid will not cost you anything, and it will not have a negative impact on any other medically necessary services your child may receive through the Medicaid system. There are specific protections regarding the use of Medicaid:
 - The school district must obtain written parental consent before it can use your child's Medicaid for the first time.

- Your school district cannot access (use) your child's Medicaid if that use would:
 - Decrease available lifetime coverage or any other Medicaid benefit;
 - Result in the family paying for medically necessary services (whether provided in school or other setting) that would otherwise be covered by the child's Medicaid.
 - Increase premiums (where applicable) or lead to the discontinuation of benefits or insurance; or
 - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

- **WITHDRAWAL OF CONSENT**

- If you provided your consent for your school district to disclose your child's personally identifiable information to the State agency that is responsible for administering your child's Medicaid, you have the right under federal law to withdraw that consent at any time.
- If you do not want your school district to continue to bill your or your child's public benefits or insurance program for special education and related services under IDEA, you would need to withdraw your consent that allows the school district to access your child's Medicaid benefits. By withdrawing your consent you are terminating the school district's authority to access the child's State public benefits or insurance program. This withdrawal of consent is effective upon the school district's receipt of your signed withdrawal.

Complete the section below ONLY if parent/guardian is withdrawing consent to access to the child's Medicaid

WITHDRAWAL OF CONSENT

Student Name: _____ Date of
Birth ____/____/____

Medicaid ID Number _____

As the parent/guardian of the above student, I withdraw my consent to allow the school district to access the child's Medicaid. I understand that this means that the school district will no longer be able to use my child's Medicaid to help pay for my child's special education and related services. This withdrawal of consent is effective upon the school district's receipt of the parent/guardian's signed *Withdrawal of Consent* form.

Parent's Signature

Today's Date

Original to student's file-----copy to parent/guardian

Appendix C

Required Evaluations for a Given Disability

AUTISM	Academic Performance Adaptive Behavior Communicative Skills Health
DEAF-BLINDNESS	Academic Performance Hearing Vision
DEAFNESS	Academic Performance Hearing
DEVELOPMENTAL DELAY <i>In order to identify a child as educationally disabled as the result of a developmental delay the IEP Team must determine that there are clear indicators present that the child may have one of the other educationally disabling conditions. Therefore, the required assessments and qualified examiners are the same as for the suspected disabling condition. Examiners must be qualified to evaluate the specific disabilities suspected of causing the developmental delay.</i>	Varies based on the suspected disability
EARLY IDENTIFICATION (BIRTH -3)	At least one assessment by a qualified examiner
EMOTIONAL DISTURBANCE	Academic Performance Social/Emotional Status
HEARING IMPAIRMENT	Academic Performance Hearing
MENTAL RETARDATION	Academic Performance Adaptive Behavior Intelligence
MULTIPLE DISABILITIES <i>Requires at least two concomitant disabilities which are evaluated and documented in the student's evaluation record. This primary disability refers to concomitant impairments which cause severe educational problems (see definition: Ed 1102.31 (g))</i>	Varies based on the two or more disabilities suspected
ORTHOPEDIC IMPAIRMENT	Academic Performance Health Motor Ability
OTHER HEALTH IMPAIRED	Academic Performance Health
SPECIFIC LEARNING DISABILITY	Academic Performance Hearing Intelligence Observation Vision
SPEECH-LANGUAGE IMPAIRMENT	Academic Performance Communicative Skills
TRAUMATIC BRAIN INJURY <i>A minimum of 2 of the following assessments must also be completed:</i> <i>Adaptive Behavior</i> <i>Communicative Skills</i> <i>Intelligence</i> <i>Social/Emotional Status</i>	Academic Performance Health
VISUAL IMPAIRMENT/BLINDNESS	Academic Performance Vision
VOCATIONAL ASSESSMENTS	Vocational

Appendix D
Definition of Days and Type of “Days”
Types of Days Used in the
New Hampshire Rules for the Education of Children with Disabilities

“Day” is defined in Section 300.9 of IDEA as:

- (a) **Day** means calendar day unless otherwise indicated as business day or school day;
- (b) **Business day** means Monday through Friday, except for Federal and State holidays
(unless holidays are specifically included in the designation of business day, as in Section 300.403(d)(1)(ii); and
- (c) (1) **School day** means any day, including a partial day that children are in attendance
at school for instructional purposes

CALENDAR DAYS	
DAYS	
60	Evaluation completed – Ed 1107.01(c)-(d)
30	Meeting is held to develop an initial IEP within 30 days of determination of eligibility – 34 CFR 300.323(c) (1)-(2)
10	Written notice of IEP Team meeting given by LEA to parents – Ed 1103.02(a)
5	Written notice of meeting given by LEA to parents – Manifestation Determination Meeting – Ed 1103.02(a)
10	Prior to the 46 th day – LEA submits to the Director of Special Education documentation to support continuation of home – instruction – Ed 1111.05(h)
45	Duration of change to placement to IAES by LEA for drugs and weapons – Ed 1124.01
45	Duration of change of placement to IAES by hearing officer for safety reasons – Ed 1124.01
45	Decision mailed to parties within 45 days in expedited hearing – Ed 1123.25
30	Determination by LEA of need for surrogate within 30 days of referral – Ed 1115.03(g)
30	Termination of appointment of surrogate parent after an investigation by the Commissioner of Education – Ed 1115.05(d)
30	Written notice by DoE to LEA and surrogate parent ending surrogate parent relationship – Ed 1115.05(d)
55	If parent objects to surrogate appointment, decision is made within 55 days – Ed 1115.09(b)(2)
14	Days parent has to respond to a request for consent from date WPN mailed by LEA – Ed 1120.03(a)
14	Days parent has to refuse consent from date WPN mailed by LEA receipt of WPN from LEA – Ed 1120.04(c)
14	Days after which LEA may implement proposed change if parent fails to respond to request for consent – Ed 1120.06(a)
60	Complaint resolution time limit – Ed 1121.02(e)
95	Complaint resolution if reconsideration requested – Ed 1121.04
20	Request Commissioner reconsideration complaint findings within 10 days – Ed 1121.04(a)
15	Commissioner completes reconsideration of complaint – Ed 1121.04(b)
5	Notice of who is coming to a mediation – RSA 186-C:24 I(b)
30	Mediation conducted within 30 days request – RSA 186-C:24 II(b)
10	Prior to mediation parties submit summary of significant aspects of their case – ED 205.03(h)
30	Mediator reports to the office of legislation and hearings the status of the mediation within 30 days of the initial medication session – ED 205.03(m)
5	Prior to neutral conference mediation parties submit summary of significant aspect of their case – RSA 186:C:23-b II(a)