

# Overview of Special Education Procedures, Laws, Practices and Impacts for School Boards

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NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION



# How to Participate

- To close or reopen your panel.
- To download today's presentation or any additional documents. Use this to also submit text questions.
- If time permits, we will have a brief Q&A session at the end of this presentation.



# Special Education- Individuals with Disabilities Education Act (IDEA)

- ▶ National/Federal Special Education Law
- ▶ Provides rights and protections to students with disabilities
- ▶ In New Hampshire, covers students ages 3 through the 21<sup>st</sup> year (up to 22<sup>nd</sup> birthday)
- ▶ Important to note that New Hampshire special education rules EXCEED the federal standard in several areas (some tighter timelines, increased parental consent requirements in some areas, etc.)
- ▶ Major responsibilities of public-school districts under IDEA: must provide special education to qualifying students in order to provide a:
  - ▶ FAPE (Free Appropriate Public Education)
  - ▶ LRE (in the Least Restrictive Environment)
  - ▶ To allow the student to make appropriate progress in light of their unique circumstances
  - ▶ “Appropriate” is the district’s obligation



# NH Special Education Process, Rules, Procedures

- ▶ You can ask to see your district's Special Education Manual (optional policy IHBAM)
- ▶ You can also review the NH Procedural Safeguards (Parent Information Center version includes notes for clarification)
- ▶ <https://picnh.org/wp-content/uploads/2022/09/Ed-1100-Guide-to-NH-Standards-9.5.22.pdf>
- ▶ Collaborative team processes, with parental consent requirements/dispute resolution as needed
- ▶ Some confusion can come from the educational model versus the medical model of disability/treatment
- ▶ Important to remember that NH Special Education Rules EXCEED the federal IDEA rules in some areas (not all states are the same)

## **Guide to the *New Hampshire Standards for the Education of Children with Disabilities***



# Why does it cost so much? Individual is the key...

- ▶ Each child is unique, learning needs are unique= Individualized Education Program
- ▶ Team decisions with parental consent
- ▶ Some programming, accommodations, modifications can have benefit for multiple needs
- ▶ Low incidence/High need disability impacts
- ▶ District size and resources
- ▶ Geographical location and access to other supports and services
- ▶ Can only place in approved programs

## BASIC OVERVIEW OF THE NH SPECIAL EDUCATION PROCESS

For more in-depth information about the special education process, parent/educator partnerships, disability awareness and other related topics, please contact the Parent Information Center at [www.picnh.org](http://www.picnh.org) ~ (603) 224-7005 or (800) 947-7005, or email [info@picnh.org](mailto:info@picnh.org)

1 Referral to Consider Special Education	2 Decision-Making Meeting (Disposition of Referral)	3 Evaluation	4 Eligibility Determination
<p>Anyone, including a parent may refer a child to be evaluated for special education.</p> <p>A best practice is to make a referral in writing. If a parent makes a referral, they should write a letter, include the date &amp; keep a copy for their records.</p> <p>If the referral is made by anyone other than the parent, the school must immediately notify the parent in writing.</p>	<p>The school must schedule an Individual Education Program (IEP) team meeting, which includes the parent, within 15 business days after receiving a referral. At this meeting, called the "disposition of referral" meeting, the IEP team will determine whether the child's needs can be met through regular education services or if the child should be evaluated for special education, and what testing will be done. Written parental permission is needed before the school can evaluate.</p>	<p>After receiving written parental consent, the school district will evaluate the child to determine eligibility &amp; identify the child's educational needs. For initial evaluations, the evaluation process must be completed within 60 days (no extension). For reevaluations, parents and the school district may agree to an extension of not more than 30 days.</p> <p>This means the school district has 60 days to complete the evaluations, reevaluations and assessments, develop a written summary report, and hold an IEP Team meeting to review the results of the evaluations and assessments to determine eligibility. The school district must provide parents (by mail unless the parent and school district agree on another method) copies of each examiner's evaluation &amp; assessment report(s) at least 5 days prior to the IEP Team meeting at which the reports will be discussed.</p> <p>If a parent disagrees with the school's evaluations, they may request an independent educational evaluation (IEE) at public expense or they may pay for their own IEE.</p>	<p>Based on the evaluation results, the IEP team decides if the child is eligible for special education and determines a disability classification. To be eligible for special education, the child's disability must negatively impact his/her educational performance.</p>
5 Development of the IEP (Individualized Education Program)	6 Determination of Educational Placement	7 Monitoring	★ Some Additional Parent Rights
<p>Within 30 days after a child is determined eligible for special education, the IEP team meets to develop the IEP.</p> <p>The IEP is reviewed &amp; revised, as necessary, at least once each year, and must be in place at the start of each school year.</p> <p>The parent has 14 calendar days to sign the IEP, or any other document for which their consent is requested. The parent may give consent, refuse consent, or give partial consent.</p>	<p>After the IEP has been signed by the parent &amp; the school district, the IEP team determines the child's educational placement to implement the IEP.</p> <p>Placement options include a variety of settings but must be in the child's Least Restrictive Environment (LRE). LRE means the child is to be educated in the same setting as nondisabled peers, unless his/her needs cannot be met in that setting.</p>	<p>The IEP includes a statement of how the child's progress towards the annual goals will be measured and when and how it will be reported. Parents may request an IEP team meeting if they have concerns about their child's progress.</p> <p>The IEP team must meet to review and revise the IEP at least once each year.</p> <p>A child is formally reevaluated at least once every 3 years, unless the parent and school district agree it is not needed or a parent or teacher requests a reevaluation be done sooner.</p>	<ul style="list-style-type: none"> <li>☐ Participate in all team meetings as a member of the IEP team</li> <li>☐ Request an IEP meeting &amp; have the meeting held within 21 days or be given written prior notice as to why the school will not meet</li> <li>☐ Give, withhold or revoke written consent</li> <li>☐ Access their child's educational records within 14 days</li> <li>☐ Be notified about important decisions regarding their child's education (Written Prior Notice)</li> <li>☐ Receive written notice of IEP meetings 10 days before the meeting (5 days notice for a manifestation determination meeting)</li> <li>☐ Receive information in understandable language, and be given an interpreter or translator, if needed</li> <li>☐ File a complaint, request a facilitated IEP team meeting, mediation, neutral conference or due process hearing</li> </ul>



# Individualized and Unique can create fluctuations budgetarily and within programming/district needs:

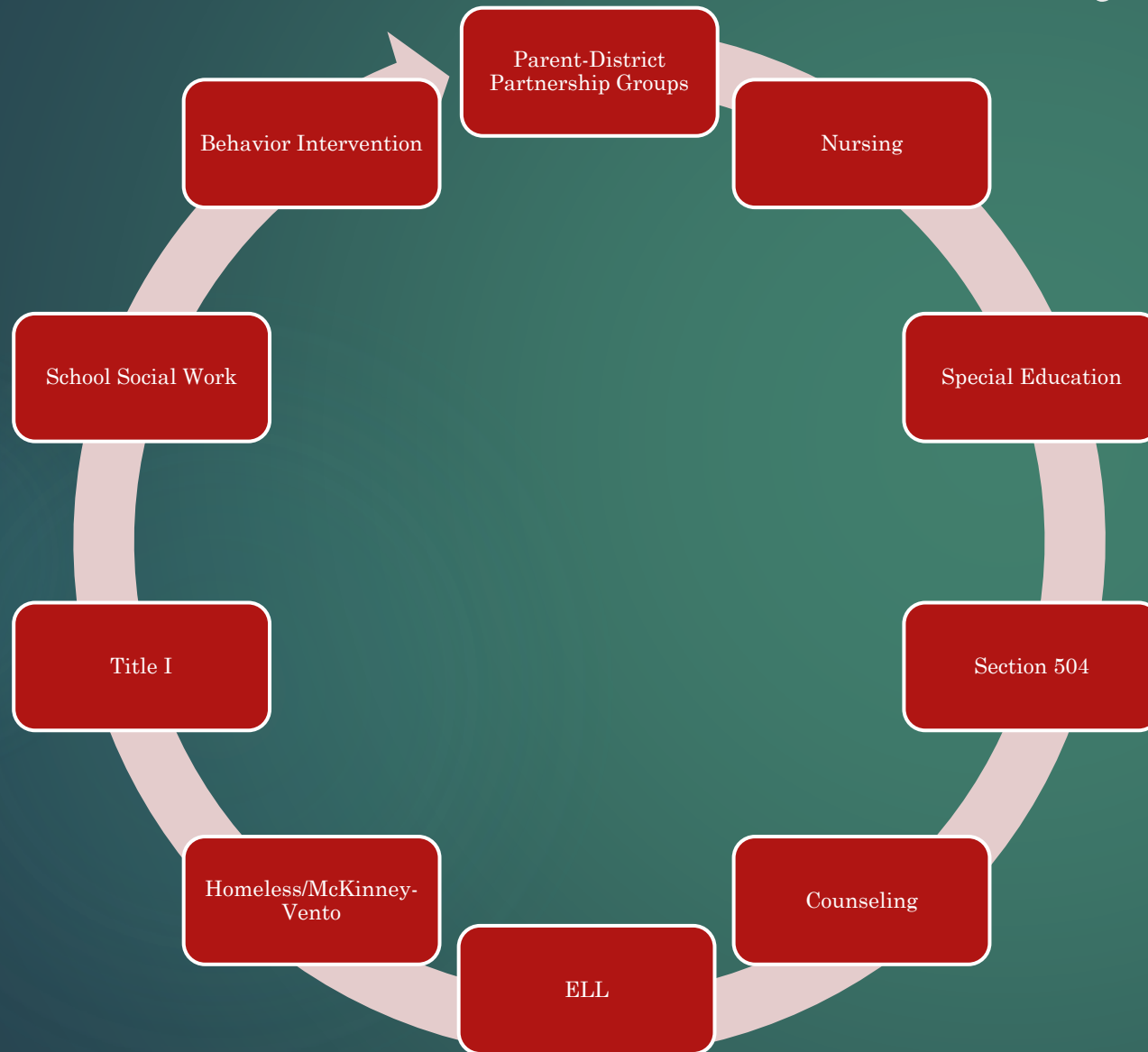


- ▶ Ages 3 through age 21 (planning begins for some at age 2 ½ )
- ▶ Abilities and needs change over time and as the student ages
- ▶ Environments change (school buildings, grade expectations, teaching structures, social groups)
- ▶ Planning for adulthood/transition planning



# Resources and Roles in your District

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- ▶ What Roles/Programs are overseen by your Student Services Director/Special Education Director?
- ▶ Directors are often involved with and/or oversee areas which are distinctly “regular education” (RTI, MTSS-B, Title 1, etc.)
- ▶ Need to be clear when discussing needs in the district, as to what are general education needs and what are special education needs (especially with budgetary and staffing impacts)



Creating a  
**strong,  
accessible  
General  
Education  
program** can  
have a positive  
impact and can  
**potentially**  
affect a district's  
Spec. Ed. Costs  
(can decrease or  
increase)

-if all students have access to differentiated instruction, access to “help” and the ability to demonstrate knowledge in different ways, this can potentially impact the referrals or specialized services necessary to have needs met

-What is your data telling you? Referrals, assessments in district, programming, etc.

-District Report Card

-True disability need vs. gaps in the system leading to students needing services

-Need to remind ourselves that Spec Ed is about access to general education

-Students MAY have disability but may NOT necessarily require specially designed instruction to access general education curriculum (can potentially qualify for other programs, 504, Title 1, etc.)





# How are we doing? State and District Determination Process (Annual)

<https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/nh-01-spp-part-b-ffy-2020-21-6-24-22-final-review.pdf>

[https://secure.panoramaed.com/nhed/understand/11596526/survey\\_results/20385096\\_-\\_questions/topics/54366](https://secure.panoramaed.com/nhed/understand/11596526/survey_results/20385096_-_questions/topics/54366)



## ▶ LEA Determinations

▶ *As required by the Individuals with Disabilities Education Act (IDEA), 34 CFR section 300.600, States are required to make determinations annually on the performance of each public school district regarding the implementation of IDEA.*

▶ **State Education Agencies (SEAs) are required to determine whether LEAs are meeting the requirements of IDEA (34 CFR 300.600(a)(2)).** LEA determinations are one way the state monitors each LEA's implementation of IDEA, as part of our state's general supervision system. Federal requirements require a focus on improving education results with specific SPP Indicators as well as additional areas of need identified by each state. These areas make up our NH LEA Determination Rubric.

▶ **School district determinations are made using the same four categories that the Office of Special Education Programs (OSEP) used when making the determination of States.** The four categories of determination based on the rubric criterion are:

- **Meets the requirements** and purposes of the IDEA;
- **Needs assistance** in implementing the requirements of the IDEA;
- **Needs intervention** in implementing the requirements of the IDEA; or
- **Needs substantial intervention** in implementing the requirements of the IDEA or **substantial failure to comply** with the requirements of IDEA.



# Board Member Roles in Special Education



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Vision and Strategic Planning

Assessment analysis and impacts  
on broad programming decisions

Budget Development and Impacts/  
Policy Development

Discipline Hearings

Use caution when being  
approached with individual  
student issues

# Common Special Education Budget Drivers for NH School Boards (in no particular order and not an exhaustive list)

- ▶ Transportation (Busses, Monitors, etc.)
- ▶ Placements and Programming (in and out of district) remembering LRE (80% of day in regular class, or less than 40% in regular class, or homebound/special schools, etc.)
- ▶ Services for Public Charter School Students (district of residence is responsible- NH is the only state currently using this method)
- ▶ Unanticipated programming and placements (Court ordered, move ins or unanticipated need)
- ▶ Overall Staffing (need to consider that in district/out of district both have cost, availability of service providers, reg ed or spec ed?)
- ▶ Medicaid Reimbursement/Spec Ed Aid (understanding how these impact planning)





## Policy Considerations

- ▶ Special Education Procedures Manual
- ▶ Restraint and Seclusion
- ▶ Learning Disability Determination (criteria for data considered when determining eligibility)
- ▶ Developmental Delay Determination (using this category is optional)
- ▶ Independent Educational Evaluations (what criteria are being used for in-district evaluations)
- ▶ Suspensions/Expulsions (Manifestation determinations for students accessing Section 504 and Special Education)
- ▶ Nondiscrimination/Title IX Policies



# Other Considerations

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-Accessibility of Approved Trips/Field Trips, playgrounds, facilities

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-Overall impacts of special education on all staff- required meetings, communication, protecting personal information of students/families

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-Ability to impact instruction as a whole

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-Relationships- some families will have a 20+ year relationship with the district, there are bound to be moments of disagreement/discourse

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-Compensatory Ed/Catch Up Growth due to pandemic

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-Specialized programs CAN impact data (such as restraint/seclusion, etc.) and context is important





# Questions?



**Barrett M. Christina**, *Executive Director*  
[bchristina@nhsba.org](mailto:bchristina@nhsba.org)

**Will Phillips**, *Director of Policy Services & Staff Attorney*  
[wphillips@nhsba.org](mailto:wphillips@nhsba.org)

**Becky Wilson**, *Director of Governmental Relations*  
[bwilson@nhsba.org](mailto:bwilson@nhsba.org)

NHSBA  
25 Triangle Park Drive, Suite 101  
Concord, NH 03301  
(603) 228-2061

