

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

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NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION



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 21st year (up to 22nd 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.) [NH Standards In Excess Chart](#)
- ▶ Major responsibilities of public-school districts under IDEA: must provide special education to qualifying students meeting the following criteria:
- ▶ FAPE (Free Appropriate Public Education)
- ▶ LRE (in the Least Restrictive Environment)
- ▶ Which allows the student to make appropriate progress in light of their unique circumstances
- ▶ “Appropriate” is the benchmark for the district’s obligation



NH Special Education Process, Rules, Procedures

- ▶ You can ask to see your district's Special Education Manual (optional policy IHBAM) which outlines district specific procedures, etc. with relevant contacts and local processes
- ▶ 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 significant parental consent requirements and dispute resolution options, as needed

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




NH Special Education Process and Considerations in District Planning

- ▶ Each child is unique, and learning needs are unique= Individualized Education Program
- ▶ Team decisions with parental consent requirements
- ▶ Some programming, accommodations, modifications can have benefit for multiple needs/multiple students
- ▶ Low incidence/High need disability impacts
- ▶ District size and resources
- ▶ Geographical location and access to other supports and services
- ▶ Can only place students in NHED 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 ~ (603) 224-7005 or (800) 947-7005, or email info@picnh.org

<p>1 Referral to Consider Special Education</p> <p>Anyone, including a parent may refer a child to be evaluated for special education. A best practice is to make a referral in writing. If a parent makes a referral, they should write a letter, include the date & keep a copy for their records. If the referral is made by anyone other than the parent, the school must immediately notify the parent in writing.</p>	<p>2 Decision-Making Meeting (Disposition of Referral)</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>3 Evaluation</p> <p>After receiving written parental consent, the school district will evaluate the child to determine eligibility & 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. 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 & assessment report(s) at least 5 days prior to the IEP Team meeting at which the reports will be discussed. 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>4 Eligibility Determination</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>
<p>5 Development of the IEP (Individualized Education Program)</p> <p>Within 30 days after a child is determined eligible for special education, the IEP team meets to develop the IEP. The IEP is reviewed & revised, as necessary, at least once each year, and must be in place at the start of each school year. 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>6 Determination of Educational Placement</p> <p>After the IEP has been signed by the parent & the school district, the IEP team determines the child's educational placement to implement the IEP. 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>7 Monitoring</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. The IEP team must meet to review and revise the IEP at least once each year. 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>	<p> Some Additional Parent Rights</p> <ul style="list-style-type: none"> ▪ Participate in all team meetings as a member of the IEP team ▪ Request an IEP meeting & have the meeting held within 21 days or be given written prior notice as to why the school will not meet ▪ Give, withhold or revoke written consent ▪ Access their child's educational records within 14 days ▪ Be notified about important decisions regarding their child's education (Written Prior Notice) ▪ Receive written notice of IEP meetings 10 days before the meeting (5 days notice for a manifestation determination meeting) ▪ Receive information in understandable language, and be given an interpreter or translator, if needed ▪ File a complaint, request a facilitated IEP team meeting, mediation, neutral conference or due process hearing



Board Member Roles in Special Education



Vision and Strategic Planning

Assessment analysis and impacts
on broad programming decisions

Budget Development and Impacts/
Policy Development

Discipline Hearings

Reminder-Use caution when being
approached with individual
student issues

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

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

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

-District Report Card

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

-Need to remind ourselves that Special Education 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



▶ 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

▶ **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.



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)



Developing Budgets Which Can Account for Fluctuations and Planning for Programming and District Needs:



- ▶ Ages 3 through age 21 (planning begins for some at age 2 ½)
- ▶ Abilities and needs may change over time and as the student ages (also potentially more complex)
- ▶ Environments change (school buildings, grade expectations, teaching structures, social groups)
- ▶ Planning for adulthood/transition planning starts at age 14



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 To Schools Reimbursement/Special Education Aid (understanding how these impact planning)





Policy Considerations

- ▶ Special Education Procedures/ Manual (IHBA, IHBAM)
- ▶ Restraint and Seclusion (JKAA)
- ▶ Learning Disability Determination (criteria for data considered when determining eligibility) (IHBAA)
- ▶ Developmental Delay Determination (using this category is optional) (IHBAC)
- ▶ Independent Educational Evaluations (what criteria are being used for in-district evaluations) (IHBAB)
- ▶ Suspensions/Expulsions (Manifestation determinations for students accessing Section 504 and Special Education) (JIC, JICD, JICK, etc.)
- ▶ Nondiscrimination/Title IX Policies (AC, ACAC, ACE)



Other Considerations For Board Members

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

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

-Ability to impact instruction as a whole

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

-Compensatory Ed/Catch Up Growth due to pandemic

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





Questions?



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