

Understanding Special Education in New Hampshire's Chartered Public Schools



New Hampshire

Department of Education

What is special education and who is it for?

- Special Education is an adaptation of content or methodology that is provided by a certified special education teacher to support students (ages 3-21), identified with academic disabilities, in accessing the general curriculum.
- The written plan that outlines what kind of specially designed instruction, services, accommodations and/or modifications will be provided to the student to support access to the general curriculum is called an Individualized Education Program (IEP).
- Students identified with academic disabilities are entitled to a free and appropriate education (FAPE)
- Special Education is governed by federal and state laws and standards

Special Education Laws and Standards

- Federal: the Individuals with Disabilities Education Act (IDEA)
- State : NH RSA 186-C and Ed 1100 the NH Standards for the Education of Children with Disabilities

NH RSA 194-B

Chartered Public Schools

- Governs the operation of chartered schools to include the funding and educational decision making responsibilities relative to children with disabilities.
- “:11, III (a) In accordance with current department of education standards, the funding and educational decision-making process for children with disabilities attending a chartered public school shall be the responsibility of the **resident district** and shall retain all current options available to the parent and to the school district.”
- The responsible district is required to provide a FAPE to a child enrolled by his/her parents in a chartered public school.

RSA 194-B:11,III

Addresses the responsibility of the district to:

- Convene an IEP team meeting
- Determine how to ensure a FAPE is provided
- Implement the IEP

Convening an IEP team meeting

- RSA 194-B:11,III. (b)“When a child is enrolled by a parent in a chartered public school, the local education agency of the child's resident district shall
 - convene a meeting of the individualized education program (IEP) team and shall
 - invite a representative of the chartered public school to that meeting
 - determine how to ensure provision of FAPE in accordance with the child’s IEP
- The IEP team meeting must be held in accordance with Ed 1103.01(Participants in the Special Education process), Ed 1130.02 (Parent Participation) and 34 CFR 300.321 (The IEP team) and 34CFR 300.322 (Parent Participation)

Determining how to ensure a FAPE is provided

RSA 194-B,III(b) continued“...At the meeting, the IEP team shall determine how to ensure the provision of a free and appropriate public education in accordance with the child's IEP...”

- The last IEP to which the parent gave consent is the IEP that must be followed regardless of where the student is enrolled.
- At the meeting, the team reviews the IEP and makes a proposal to the parent for what, if any, changes are necessary to provide the child with a FAPE in light of the access that is given to the child by virtue of their enrollment at the chartered school.
- Supports and services in an IEP **must be based on student need** as evidenced with data such as evaluations and assessments.

Implementation of the IEP

- Pursuant to Ed 1109.03 (a) “The LEA shall provide special education, related services, supplementary aids and services, accommodations, and modifications to a child with a disability in accordance with the child’s IEP. IEPs shall be in effect in accordance with 34 CFR 300.323.”

Implementation of the IEP

- RSA 194-B:11,III. (b)continued“...The child's special education and related services shall be provided using any or all of the methods listed below **starting with the least restrictive environment:**
 - (1) The resident district may send staff to the chartered public school; or
 - (2) The resident district may contract with a service provider to provide the services at the chartered public school; or
 - (3) The resident district may provide the services at the resident district school; or
 - (4) The resident district may provide the services at the service provider's location; or
 - (5) The resident district may contract with a chartered public school to provide the services; and
 - (6) If the child requires transportation to and/or from the chartered public school before, after, or during the school day in order to receive special education and related services as provided in the IEP, the child's resident district shall provide transportation for the child.”

Consistency with existing laws

RSA 194-B:11,III. (c) “Consistent with section 5210(1) of the Elementary and Secondary Education Act and section 300.209 of the Individuals with Disabilities Education Act, when a parent enrolls a child with a disability in a chartered public school, the child and the child's parents shall retain all rights under federal and state special education law, including the child's right to be provided with a free and appropriate public education, which includes all of the special education and related services included in the child's IEP. The child's resident district shall have the responsibility, including financial responsibility, to ensure the provision of the special education and related services in the child's IEP, and the chartered public school shall cooperate with the child's resident district in the provision of the child's special education and related services.

Dispute Resolution & Special Education Complaints

- Alternative Dispute Resolution and Special Education Due Process Hearings as outlined in Ed1122
 - Mediation: a session as a remedy for disputes between parents and school districts the outcome of which may be a written agreement
 - Due process hearing: final administrative remedy for disputes between parents and school districts; the outcome of which is a hearing officer decision in the form of an order
- https://www.education.nh.gov/legislation/special_ed_due_process.htm
- Special Education Complaints process outlined in Ed 1121
https://www.education.nh.gov/instruction/special_ed/complaint.htm

Questions?

FOR QUESTIONS ABOUT THIS PRESENTATION CONTACT

ELIZABETH GRAICHEN ELIZABETH.GRAICHEN@DOE.NH.GOV