

# Special Education Program Approval and General Supervision (PAGS)

Benton School District

Individualized Monitoring Plan

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# PAGS Overview & Bureau Responsibility

**New Hampshire Department of Education (NHED)**  
**Bureau of Special Education Support (BSES)**  
**Office of Training and Monitoring (OTM)**

The OTM is responsible for the monitoring of special education programs, special education environments, and preschool special education environments for compliance with state and federal special education regulations, as well as providing training for program improvement. The OTM's primary focus is improving results for children with disabilities while ensuring that all Local Educational Agencies (LEAs) and other public agencies meet the requirements of the Individuals with Disabilities Education Act (IDEA).

The OTM has developed the Program Approval and General Supervision (PAGS) process to ensure that the State Education Agency (SEA) is meeting the requirements of the Office of Special Education Programs (OSEP) to improve the educational results and functional outcomes for children with disabilities. The PAGS process will monitor all LEAs, at a minimum, one time during a six-year cycle. An LEA may be selected outside of the PAGS process for Due Diligence or Focused Monitoring at any time, as determined necessary by the BSES. OSEP requires that a reasonably designed State general supervision system should include the following eight integrated components: State Performance Plan, Policies, Procedures, and Effective Implementation, Integrated Monitoring Activities, Fiscal Management, Data on Processes and Results, Improvement, Correction, Incentives, and Sanctions, Effective Dispute Resolution, & Targeted Technical Assistance and Professional Development.

Each year the state also monitors LEAs through the Annual Performance Report (APR) data, State Performance Plan (SPP), Significant Disproportionality, LEA Determinations, and Timely and Accurate data submissions.

The OTM PAGS process utilizes a tiered monitoring and technical assistance system, which includes a focus on results. This system is designed to (a) ensure LEAs comply with IDEA requirements; (b) identify barriers that may negatively impact student results; and (c) identify technical assistance needs.

The PAGS monitoring processes uses the LEA Determinations to determine the level of intervention an LEA will receive. The intervention tier an LEA receives determines the breadth and depth of the student file reviews, specifically. The BSES may increase the level of intervention when determined appropriate via the review of other PAGS components or reporting processes within the NHED.

The Individualized Monitoring Plan is a collaborative, comprehensive reporting of information gleaned from the eight PAGS monitoring components. The Monitoring Plan is authored by the OTM Lead Consultant, and the District is provided the opportunity to review the Plan prior to its finalization and public posting.

# Special Education Program Presentation (Component I)

The Special Education Program Presentation is comprised of two focus areas. The first focus area is the administrative composition of the program, and the following items are required; LEA Special Education Organization Chart, Special Education Personnel List, Special Education Job Descriptions, Personnel certification review, Special Education Policies, Procedures, & Forms.

The second requirement of the Program Presentation component is the Program Narrative. Districts are asked to submit a narrative description of their special education program. The BSES suggests that the district consider including the following information in their narrative:

- A description of how the roles within the program intersect and work together,
- Program meeting schedule(s),
- Description of how challenges within the Special Education program are addressed as a team,
- Description of how student progress is being measured internally,
- Description of how student results are being measured internally,
- Description of how the LEA engages with its families and community,
- Description of how parent/guardian concerns with student's progress and programming are addressed with the parent/guardian.

**The Benton School District does not have any schools, and therefore was not required to complete this component of monitoring.**

# Federal Performance Indicators & Data Probe

## (Component II)

The Federal Performance Indicators & Data Probe is conducted by a team at the BSES who reviews all available data sources as one indicator of performance. This team is comprised of the State Director of Special Education, the Office of Training & Monitoring Administrator, the Office of Special Programs Administrator, the Office of Finance & Data Administrator, Performance Indicator Leads, Education Consultant, and the Office of Finance & Data Specialist. The BSES team reviewed the following data sources:

- LEA Determinations
- LEA Data Dashboards
- Complaints
- Due Diligence Review Results
- Focused Monitoring Results

At the time of the Indicators and Data Probe, the BSES used all data available up until that date. It is important to note that the 2024 Determinations and Data Dashboards have since been released, and the district should compare the current data to the data displayed below. The following information is identified by the BSES as areas of performance that the district may consider addressing as part of the Monitoring Plan.

The following performance areas were identified by the BSES team for the District to review as part of the Program Approval and General Supervision Monitoring Plan.

The BSES did not identify any areas of concern for the Benton School District regarding this Component.

### Identification Rates over Time

<b>Identified Area</b>	The BSES determined that <b>the district's identification rate over time is statistically higher than the state rate.</b>
<b>Monitoring Plan Recommendation</b>	The BSES recommends that the district conduct a root cause analysis to determine whether there is a cause for the higher rate.

**Least Restrictive Environment**

<b>Identified Area</b>	The BSES determined that <b>the percent of students inside the regular class greater than 80% of the day is statistically lower than that of the state.</b>
<b>Monitoring Plan Recommendation</b>	The BSES recommends that the district conduct a root cause analysis to determine why the rate of students inside the regular class greater than 80% of the day is so low.

# Educational Environment Analysis

## (Component III)

Per Ed. 1126.03, all special education programs operated by the districts must undergo approval through the NH special education approval process. This process evaluates various factors including the type of special education environment (Resource Room, Self-Contained, or Special Education Early Childhood Preschool), the credentials of assigned staff, whether students are receiving FAPE (Free Appropriate Public Education), considerations for the least restrictive environments, student-to-staff ratios, etc. Once the Bureau of Special Education Support (BSES) determines that the submitted information complies with federal and state standards, the educational environment is approved. The district must continually ensure that the educational environment adheres to these guidelines. If any new special education environments are created or if substantive changes occur that may affect the approval status, the district must report these changes to BSES.

**The Benton school district does not have any schools, and therefore, does not have any BSES approved educational environments.**

# Equitable Services Review

## (Component IV)

Children with disabilities placed in private schools by their parents where FAPE is a requirement do not have an individual entitlement to the special education and related services they would receive if they were enrolled in a public school or placed in a private school by the LEA as a means of ensuring FAPE is made available. Depending on State law, private schools may not be required to meet State personnel or curriculum standards. Further, children with disabilities placed by their parents in private schools do not have the right to all protections under IDEA.

While IDEA provides no individual entitlement to children with disabilities whose parents have placed them in a private school when FAPE is a requirement, the law does require that an LEA spend a proportionate amount of its IDEA Part B funds to provide equitable services to this group of children, which could include direct and/or indirect services. In making these decisions, IDEA requires that the LEA engage in timely and meaningful consultation to determine which children with disabilities from this group will be designated to receive special education and related services. Therefore, it is possible that some of these parentally placed private school children with disabilities will not receive any special education and related services. ([Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(PDF\)](#))

Districts completed a Microsoft Teams Form with the following questions:

**For LEAs who do not currently have any private schools in their jurisdiction:**

1. What process does your district have in place to be made aware in the event a private school opens in your geographic area?
2. In the event a private school opens what is your district's plan to address the requirements of equitable services in a timely manner?

**For LEAs with private schools in their jurisdiction:**

3. What is your district's process for locating, identifying, and evaluating (and reevaluating) all children with disabilities enrolled by their parents in private schools in your jurisdiction throughout the year?
4. What is your district's process for maintaining an accurate count of the number of parentally placed children with disabilities including the number evaluated, the number determined to be children with disabilities, and the number served?:
  - a. What is your current count of parentally placed children determined to be children with disabilities?
  - b. How many of those children have ISPs?
5. What is your district's process for meaningful (timely and ongoing) consultation between the LEA, private school officials, and representatives of parents of parentally placed private school children with disabilities?
6. What is your district's process for ensuring meaningful consultation with private school representatives and representatives of parents of parentally placed children with disabilities occurs, including:
  - a. The child find process overall and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;



- b. The determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities, including the determination of how the proportionate share of those funds was calculated
  - c. How the consultation process among representatives of the agency, the private schools, and the parents of parentally-placed private school children will take place, including how the process will operate throughout the school year to ensure that parentally-placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services
  - d. How, where, and by whom special education and related services will be provided, including a discussion of types of services, including direct services and alternate service-delivery mechanisms, as well as how the services will be apportioned if funds are insufficient to serve all children; and how and when decisions regarding services will be made
  - e. How, if LEA representatives disagree with the views of the private school officials on the provision of services or the types of services whether provided directly or through a contract, the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to adopt the recommendations of the private school officials
7. What is your district's process for maintaining documentation that the consultation has occurred, including a written affirmation signed by the representatives of the participating private schools?
  8. What is your district's process for developing, entering into NHSEIS, and at least annually reviewing and revising ISPs that describes the specific special education and related services that will be provided to the child?
    - a. How are you ensuring participation in these meetings by the private school?
    - b. How are the parents given the opportunity to participate in meetings to review and develop the ISP for their child?
  9. What is your district's process for ensuring all proportionate share funds are drawn down for their intended purpose within the period of performance?
  10. What is your district's process for verifying whether equitable services are provided according to the ISP
  11. What is your district's process for informing private school representatives and parents who place their children with disabilities in private schools about their limited dispute resolution options?

Information regarding the Equitable Services Component was collected via a Microsoft Form. The Office of Finance & Data performed a review of the district's responses to the Form. The Benton School District **does not have an approved IDEA Equitable Services Procedure on file** with the Bureau of Special Education Support, Office of Finance and Data.

#### Monitoring Plan Recommendation

The BSES requires that the district develop and implement a procedure that outlines what process the district has in place to be made aware in the event a private school opens in the jurisdiction, including cross-referencing the non-public approved schools list with the profit and nonprofit status list, and how the district plans to address the requirements of equitable services in a timely manner, and submit the procedure to the Office of Finance and Data for review and approval within 90 days of the date of the Monitoring Plan.

Additionally, the BSES requires that the district attend an Equitable Services training, when offered by the Office of Finance and Data.

# Student IEP Reviews

## (Component V)

The BSES reviewed three IEPs for compliance in the following areas and requires additional information to complete the review. The BSES reviewed three student files and found **no instances of noncompliance.**

Tier II: Needs Assistance
Evidence that the team drew upon information from a <b>variety of sources</b> , including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.
Evidence that the <b>qualified examiners</b> for specific disabilities as set forth in Table 1100.1 "Required Assessments and Qualified Examiners by Type of Disability".
Evidence that the IEP was <b>reviewed at least annually</b> .
Evidence that the IEP was <b>in place at the beginning of the school year</b> .
Evidence that the IEP team considered <b>the strengths of the child</b> .
Evidence that the IEP team considered <b>the academic, developmental, and functional needs of the child</b> .
Evidence that the IEP team considered <b>the concerns of the parents</b> for enhancing the education of their child.
Evidence that <b>the results of the initial or most recent evaluation of the child</b> were considered.
Evidence that the IEP describes <b>how the student's disability affects the student's involvement and progress in the general education curriculum</b> .
Evidence of a statement in the IEP that describes <b>how the student's disability affects participation in extracurricular and non-academic activities</b> .
Evidence of a statement, as appropriate, in the IEP that describes <b>how the disability affects the child's participation in appropriate activities</b> , for preschool children.
Evidence that, if the student with a disability beginning at <b>age 14</b> or younger, and determined appropriate by the IEP team, the student's IEP focuses on the student's <b>courses of study</b> such as participation in advanced-placement courses, vocational education, or career and technical education.
Evidence of a <b>statement of special education</b> .
Evidence of a <b>statement of related services</b> .
Evidence of a <b>statement of supplementary aids and services</b> .
Evidence of a <b>statement of the supports for school personnel</b> .
Evidence of an explanation of the extent, if any, to which the <b>child will not participate with nondisabled children</b> in the regular class and in the activities described in the supports and services section of the IEP.
Evidence of a statement of any individual appropriate <b>accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments</b> .
Evidence that, if the IEP Team determines that the child <b>must take an alternate assessment</b> instead of a particular regular State or district wide assessment of student achievement, a statement of why the child cannot participate in the regular assessment.

# Fiscal & Financial Profile

## (Component VI)

The BSES Office of Finance and Data (OFAD) compiled the Fiscal & Financial Profile based on the following information:

**Status of Monthly IDEA Grant Reporting:** When receiving federal funds, the district must submit reports for reimbursement of their approved activities. The OFAD requires that the district submit these reports monthly.

Identified Area	Monitoring Plan Recommendation
<p>The OFAD reviewed the history of district’s report submissions and determined that <b>the district had not submitted reports monthly</b> for the FY22/23, and FY23/24 IDEA grants.</p> <p>The district was required to submit a narrative summary addressing the cause for not submitting monthly reports timely and how they would ensure timely submission of monthly grant reports in the future.</p>	<p>The OFAD approved the district’s proposed action plan and requires that the district submit reports monthly.</p> <p>No further action is required.</p>

**Allocation Spending Rate (% Unspent):** The OFAD monitors the district’s spending rate, or percent of total allocation unspent, to ensure a timely expenditure of funds, and to prevent the return of funds at the end of the grant period.

Reviewer Response	Monitoring Plan Recommendation
<p>The OFAD reviewed the most recently closed IDEA Federal Grant awarded to the district.</p> <p>The district was awarded \$6,682.68 in IDEA funds and \$964.25 for IDEA Preschool in the 2022-2023 school year. The OFAD calculated the districts Allocation Spending Rate and reviewed their Alignment with the IDEA Grant Funds Intent to Spend.</p> <p><b>The OFAD determined that the district has 7.11%% or \$475.46 of IDEA and 100% or \$964.25 of preschool funds not spent for the 22/23 grant, and 100% or \$969.28 of preschool funds unbudgeted for the 23/24 grant years.</b></p>	<p>The OFAD requires that the district allocate their grant funds at a rate that will ensure full expenditure prior to the end of the grant period.</p> <p>If the district is not going to spend their preschool funds, please request that the OFAD removes the funds from the grant management system so that they can be redistributed.</p> <p>No further action is required.</p>

**Alignment with the IDEA Grant Funds Intent to Spend:** At a certain point in the grant period, the OFAD requires districts to complete an Intent to Spend for any funds not allocated or budgeted. At this time, the district can either return unspent funds for redistribution or assure that they intend to spend the funds by the end of the grant period.

Reviewer Response	Monitoring Plan Recommendation
The OFAD determined that <b>the district did not return any grant funds, which aligned with the Intent to Spend submitted.</b>	The OFAD requires that the district continue to align spending with their Intent to Spend.  No action is required.

**Compliance with First In/First Out spending requirement:** The OFAD monitors grants to ensure that districts are spending down their oldest grant award prior to spending down the newest grant award.

Reviewer Response	Monitoring Plan Recommendation
The OFAD determined that <b>the district is following the First In-First Out spending requirement</b> and has been drawing down the 2022/2023 grant funds prior to drawing down the 2023/2024 funds.	The OFAD requires that the district continue to comply with the First In/First Out spending requirement.  No action is required.

# Classroom Observation

## (Component VII)

The BSES conducts classroom observations in special education environments within a school district for several crucial purposes: to monitor classrooms attended by students on IEPs, ensure equitable access to education in the least restrictive environment for all students, identify areas requiring additional teacher and staff training to enhance instructional practices, ensure compliance with federal and New Hampshire regulations governing special education, and communicate notable strengths to stakeholders to enhance student outcomes.

Through these observations, the BSES aims to assist schools in delivering high-quality, fair education to every student, ensuring that the educational needs of students with disabilities are met and promoting their academic and social success.

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**The Benton school district does not have any schools, and therefore, does not have any BSES approved educational environments in which were selected to observe. Students within the Benton School District attend other schools within the SAU which may have been observed. Those observations are reflected in the corresponding district's PAGES Monitoring Plans.**

# Staff Surveys & Parent/Caregiver Listening Session (Component VIII)

## Staff Surveys

**The Benton School District does not have any district-funded special education program staff.**

## Listening Session

The BSES, in collaboration with the Parent Information Center (PIC), hosted two Listening Sessions for parents and caregivers of students with disabilities in the Haverhill Cooperative School District (Bath) on Wednesday, May 29 from 6:00p-7:00p and Thursday, May 30 from 6:00p-7:00p.

### IMPROVING EDUCATIONAL OUTCOMES FOR STUDENTS WITH DISABILITIES HAVERHILL COOPERATIVE SCHOOL DISTRICT SPECIAL EDUCATION PROGRAM

The NH Department of Education, Bureau of Special Education Support (Bureau) is required to monitor school districts for compliance with the Individuals with Disabilities Education Act (IDEA) and ensure that all children have access to a free, appropriate public education.

The Bureau of Special Education Support wants to hear from families and caregivers of students receiving special education supports and services in the Haverhill Cooperative School District Join us to:

- Learn about the Department monitoring process.
- Provide feedback on your district's special education programming.
- Address specific areas of successes in programming in your district.
- Answer questions about the Special Education process in your district.

### WEDNESDAY MAY 29; 6-7 PM



Or Register here: <https://bit.ly/4avC2Ny>

A collaboration between the NH Department of Education (NHED) and The Parent Information Center of NH (PIC).

PARENT INFORMATION CENTER

NH Department of Education  
Bureau of Special Education Support

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### THURSDAY MAY 30; 6-7 PM



Or Register here: <https://bit.ly/3W2ac55>

A collaboration between the NH Department of Education (NHED) and The Parent Information Center of NH (PIC).

PARENT INFORMATION CENTER

NH Department of Education  
Bureau of Special Education Support

The Listening Sessions are conducted as facilitated discussions, with a set list of questions. The questions are broken up in to two categories' Family & Community Engagement, and the Special Education Program. **One family of a student with a disability attended the Haverhill Cooperative School District Listening Session.** The results of the listening session are as follows:

### Family & Community Engagement

#### How did you hear about this listening session?

The parent received a flyer in their student's folder and knew of another parent in the class whose child has an IEP, and that parent did not get a flyer in the child's folder.

#### What do you feel your district does well when it comes to family and community communication?

The parent reports that it depends on the teacher. The parent will send emails to the principal, other parent, case manager, and classroom teacher and sometimes get a response, but sometimes does not.

#### Does your district host family nights/community nights/family & community engagement events? Do you attend these events? What are barriers to attending these events?

The district does host family nights – Game nights, reading nights, free book giveaway. All nights have fallen on that's that the parent did not have childcare so could not attend. The district did host a transition to middle school night which the parent did attend. They noted there were no special education case managers there or at least no one identified themselves as special education staff.

### Special Education Program

#### How does the school provide you with information in ways that you understand?

The parent has asked about how the student learns a content area, and reports that the District has not been able to answer. Parent has had to secure an outside tutor, as the student keeps falling behind.

#### How are your knowledge and opinions included in discussions about how well special education services are meeting your child's needs?

The parent reported that they feel as though their knowledge and opinions are included in discussions not much is changing in relation to math. In reading and writing the IEP team made decisions together and the student is now at or above grade-level. The district



promised the student would be caught up and is not. The student continues to struggle in math, and it appears the school does not know how to help.

**What are some barriers to accessing special education supports and related services that you have encountered?**

The main barrier is communication. The parent frequently gets no response from her emails to the teacher, principal, and case manager. Last year it was different as classroom teacher very responsive, and student made progress. Also, a barrier appears to be that they do not know how to teach the student a content area in a way that he understands.

**How are you made aware of your student's progress with their IEP goals?**

The IEP Team meets three times per year; Fall, Winter, and Summer. When asked about progress reports, the parent could not identify that they had received one specific to IEP Goals.

# Conclusion & Next Steps

## Correction of Noncompliance and Improved Performance

Instances of noncompliance that are not corrected after the 90-day pre-finding correction period, or that are not able to be corrected during the 90-day pre-finding correction period will be added to the Individualized Monitoring Plan (IMP) on the website and be available to the public. The Monitoring Plan Recommendations must be completed within the designated time. In some instances, specific documentation may be required to demonstrate the implementation of corrective actions.

Individual LEAs may be required to conduct a self-review of policies, procedures, and practices to address identified deficiencies with the corresponding timelines for review to gauge the effectiveness of their implementation of corrective actions. The OTM staff monitoring the LEA's effectiveness will require revisions to the plan if the efforts appear ineffective. Before determining that the LEA has substantially corrected the non-compliance, additional follow-up and/or review of more recent data will occur to verify the correction of non-compliance.

A District that does not complete the requirements of the Monitoring Plan within the designated time enters a status of long-standing non-compliance. The OTM will issue a letter to the LEA informing them of the status and outlining the next required corrective actions, sanctions, or enforcement actions. The required actions will be included as Specific conditions to the LEA's IDEA Part B Federal award and will include a timeline for the completion of each required action (2 CFR 200.208). Required actions could include, but are not limited to:

- Required components of the CAP that the LEA failed to complete.
- Increased reporting requirements
- Additional Monitoring
- Additional technical assistance or training
- Required use of funds for specific actions

## Closeout

A Closeout letter will be sent to the LEA upon the completion of the IMP. The closeout letter will include the date timeframe of the LEAs next monitoring term. All findings of noncompliance must be corrected within one year of the Letter of Finding date.

## Ongoing Technical Assistance

The Office of Training & Monitoring will prioritize LEAs during their monitoring term for targeted technical assistance and training as requested and deemed necessary by the Lead Consultant.

BSES will be available to provide ongoing technical assistance as determined in the IMP. BSES has Education Consultants assigned to each Performance Indicator, PAGS Component, and special focus/program areas. The Bureau can provide trainings either through Canvas, virtually, or in person, as needed and as requested by the LEA.