



**School Administrative Unit 90**  
**Hampton**

**Special Education**  
**Policies and Procedures Manual**

Revised: July, 2011

School Administrative Unit 90  
Administration

**SUPERINTENDENT OF SCHOOLS**

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# School Administrative Unit 90

## Hampton

### Special Education Plan

#### Introduction

IDEA 2004 requires that the District of SAU 90 have in effect policies, procedures, and programs that are consistent with the State's policies and procedures and are established in accordance with IDEA 2004 and other relevant federal statutes.

The District of SAU 90 (Hampton) has developed this Special Education Plan and it serves as a tool for the Districts' implementation of IDEA 2004 requirements in providing programs for children with disabilities. In addition, it provides the required assurances necessary for application for federal special education funds.

Throughout this manual, there are references to state and federal special education laws and regulations. To ensure a more readable document, the following abbreviations are used:

**NH Rules** – Refers to New Hampshire Rules for the Education of Children with Disabilities – 2008. This Special Education Manual Template has been revised to align with NH Rules effective June 30, 2008.

**IDEA Regulations** – Refers to sections in 34 CFR Part 300 of the Assistance to States for the Education of Children with Disabilities – Final Rules – 8/14/06.

## 1. CHILD FIND - Ed1105

The District of SAU 90 (Hampton) ensure that all children who have disabilities from 2.5 to age 21, who reside in SAU 90, 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 though 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 SAU 90; as well as children who reside in SAU 90 who attend charter schools.

For those students who are transitioning from Early Supports and Services to preschool, the responsible district will participate in a transition planning meeting for the purposed 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 SAU 90 Child Find programs include, 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 to consider the need for assessment which may include formal evaluation. These procedures are found in Section 8 – Student Evaluation to Placement.
2. Any person may refer a child to the IEP team for reasons including but not limited to the following (list in 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 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 Districts in SAU 90. 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. On an annual basis, The District of SAU 90 publicizes and disseminates information, which describes its Child Find Program. This includes a description of The district's special education programs, 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.
6. The District of SAU 90 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 of SAU 90 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.
8. The District of SAU 90 ensures there are continuing efforts related to cultural competency in relationship to public awareness and child find activities, such as 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.
9. The District of SAU 90 shall coordinate with area agencies and family centered supports and services to establish a process for district notification of children served by these programs consistent with the interagency agreement between the Districts in SAU 90 and the area agencies providing family centered supports and services.
  - a. Ed 1105.04(a): The LEA 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 LEA shall ensure that an IEP is developed and implemented on/before the child's third birthday.
  - b. Ed 1105.04(b): The transition process in Ed 1105.04(a) shall include a written interagency agreement between the LEA 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.

## **2. CONFIDENTIALITY OF INFORMATION – Ed 1119**

The District of SAU 90 (Hampton) adhere to the Confidentiality of Information regulations set forth in the NH Rules, the Federal Family Educational Rights and Privacy Act of 1974 (FERPA), School District Policy JRA, JRA-E, and the Individuals with Disabilities Education Act (IDEA 2004; 34 CFR 300.610-627), with the implementation of federal regulations.

The Districts in SAU 90 provide written notice to fully inform parents and eligible students about the requirements of this section including:

1. a description of the extent that the notice is given in the native languages of the various population groups residing in the District;
2. a description of the children for whom personally identifiable information is maintained, the types of information sought, the methods the Districts in SAU 90 intend to use in gathering the information (including the sources from whom information is gathered), and how the information will be used;
3. a summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. a description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and IDEA and its regulations.

Before any major identification, location, or evaluation activity, the notice is published or announced in the local newspapers or other media, with circulation adequate to notify parents throughout the Districts in SAU 90 of the activity.

### **ACCESS RIGHTS**

The district permits parents and eligible students to inspect and review any education records relating to their child that are 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 a guardianship, separation or 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 9(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.

### **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 on request a list of the types and locations of education records collected, maintained, or used by the District.

### **FEEES**

The district may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. In such cases where the District will be providing parents with copies, a rate according to the fee schedule set by The District of SAU 90 will be applied. The SAU adopted fee for copies is \$.25/copy. The Districts in SAU 90 do not charge a fee to search for or to retrieve 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 involved 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 not to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of their right to a hearing.

### **OPPORTUNITY FOR HEARING**

The District, on 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 PROCEDURE**

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 of SAU 90 will not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99.

The District of SAU 90 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 Part 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):**

The District of SAU 90 must protect the confidentiality of personally identifiable information at collections, storage, disclosure, and destruction stages. One official at the 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. The 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 of SAU 90 informs the 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.



As part of the transition planning process at Winnacunnet High School, the student or parent of the graduating special education student (if the student is under the age of 18) receives a copy of the student's most recent Individual Education Program (IEP) and special education evaluation reports.

At the time of graduation or when the student leaves at age 21, the Winnacunnet School District informs the student or parent (if the student is under the age of 18) that the student's special education records will be retained until the student's 27<sup>th</sup> birthday. They are also informed that after that date, his/her special education file will be destroyed unless the file is requested prior to that time.

**CHILDREN'S RIGHTS (Ed 1119.03)**

The District of SAU 90 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.

**DISCIPLINARY INFORMATION (Ed 1119.04)**

The District of SAU 90 includes a statement of any current or previous disciplinary action that has been taken against the child in the records of a child with a disability. 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.

**EXCERPT from NH Department of Education Memo – 1998  
(Language has been changed to reflect current terminology)**

**STATE DEPARTMENT OF EDUCATION  
101 PLEASANT STREET  
CONCORD, NH 03301**

**RECORD RETENTION SCHEDULE**

TYPE RECORDS:      LOCAL RECORDS      STATE RECORDS      FEDERAL RECORDS

Student Records – Special Education

- Index of Documents contained in file
- Log of people who have accessed files
- All Notices of Team meetings
- Written Prior Notice Forms
- Student Referral Form
- Permission to Test Form
- Evaluation Summary Forms
  - Evaluation Reports
- Individualized Education Programs
- SPEDIS/NHSEIS Forms
- Teacher/Student Comments
- Correspondence
- Out of District Progress Reports

At a minimum the records for students with disabilities should be kept as long as the student is in a program and there is District liability for the education of the student. Given court decisions that are retroactive you might be prudent to preserve for at least six (6) years after termination or program completion.

### **3. FACILITIES, PERSONNEL, & SERVICES – Ed 1126.01 (b) (3)**

The District of SAU 90 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 of SAU 90 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.

The District of SAU 90 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 of SAU 90 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, Material 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 within the district must meet highly qualified teacher requirements for their respective teaching assignments, as designated by federal and state guidelines.

#### **Programs and Services**

##### **(Table 1100.4: Continuum of Alternative Learning Environment)**

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 required by the IEP

##### **Regular Classroom with Consultative Assistance**

- A child with a disability attends the regular class with consultative assistance being provided to the classroom teacher.

##### **Regular Classroom with Assistance by Specialists**

- A child with a disability attends the regular class with direct services provided by specialists or paraprofessionals working under the direction of professional teaching staff

##### **Regular Classroom plus Resource Room Help**

- A child with a disability attends the regular class and receives assistance in the Resource Room Program.

- When the regular education setting, with accommodations, modifications, supplementary aides and services is inadequate to meet the needs of a student with a disability, the student may receive assistance (by team agreement) in a resource setting within the public school system for a portion of the school day.
- The student can spend no more than 60% of the school day in this setting.
- Instruction provided in the resource setting will ensure each student continued access to the general curriculum.
- The total number of students with disabilities being serviced in the resource room at any given time shall not exceed 12 students without the assistance of support personnel. The maximum number of children in a Resource Room shall not exceed 20 (Ed 1113.10(f) (4)). The district shall ensure that the resource settings are staffed with personnel who meet state certification requirements as applicable.

**Regular Classroom plus part-time special class**

- A child with a disability attends a regular class and a self-contained special education classroom.

**Self-contained Special Education Class**

- A child with a disability attends a special education class for more than 60% of their day.
- The class is organized either by the needs of the students or by the degree of the severity of the disability.
- Self-contained special education classes serve students according to chronological age with a range of not more than four years.
- The number of students in a self-contained classroom cannot exceed 12.
- A minimum teacher-student ration of 1:8 or 2:12 shall be provided unless the severity of disabilities warrants the assignment of additional staff. Maintaining this ratio can be accomplished through the assignment of two teachers or a teacher and a paraprofessional.

**Full-time or part-time special day School**

- A child with a disability attends a public or privately operated special day program full-time or part-time.

**Full-time Residential Programs**

- The child attends a privately or publicly approved residential program on a full-time basis.

**Preschool Programs (Table 1100.3: Continuum of Alternative Learning Environments Pre-School)**

- 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 Districts preschool programs and services.
- **PLEASE NOTE:** 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
  - **Home:** a preschool child with a disability receives some or all 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.

**Home Instruction for School Aged Children (Ed 1111.05)**

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

- Home instruction for children at least six years of age but less than 21 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:
  - Describe, in writing, the specific circumstances resulting in the need for the home instruction;
  - Develop an IEP which includes all the required elements; and
  - 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 Ed315.
- 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 l(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 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 Ed1113.15 (see above: Length of School Day). Students with disabilities in need of extended school year programming shall be provided for through requirements described in Section 9 – Pupil Evaluation to Placement. Extended School Year Programming shall not be limited only to summer months.

### **Supervision and Administration**

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

- Paraprofessionals (Educational Associates) 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 (Educational Associates) 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. Paraprofessional performance will be evaluated yearly through a predetermined performance review process.

**Hampton School District  
Program Descriptions**

**Program Name: Hampton School District Preschool**

<b>Staff</b>	<b>Endorsements</b>
Sara Stetson: Director of Special Education	Sp. Ed. Admin.
Jenny Salvia: Preschool Special Education Teacher	Elementary Education/Early Childhood Special Education
Heather Cronin: Speech/Language Path.	CCC-SLP
Brantley Powers: Occupational Therapist	Occupational Therapist

Description: The Hampton School District Preschool is Team-taught by a special educator and a Speech/Language Pathologist. The program is in session four half-days per week, with some students receiving in-home services and/or consultation. Identified Children attend along with peers who are tuitioned from the community. The program uses a co-treatment model with individual therapies as designated by students' IEPs. Consultative Services include, but are not limited to, Physical Therapy, ABA Interventionists, Autism Consultant, and School Psychology.

Disabilities Served: Autism, Deaf-Blindness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Mental Retardation, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury and Visual Impairment/Blindness.

Age Range: Three to five year olds  
Current Enrollment: AM = 8; PM = 4

Related Services Available: Speech/Language Therapy, Occupational Therapy, Physical Therapy, Rehabilitative Assistance, and other services per student IEPs.

**Program Name: Hampton School District - Resource Room Support**

<b>Staff</b>	<b>Endorsements</b>
Sara Stetson: Director of Special Education	General Sp.Ed, LD, Assoc. School Psych., Sp. Ed. Admin
Jenny Salvia: Preschool Special Education Teacher	Elementary Education, Early Childhood Spec. Ed.
Carolyn Rudy: Special Education Teacher	Intellectual/Developmental Disabilities/Specific Learning Disab./ Emotional and Behavioral Dis./General Spec. Ed./Principal
Christel Plencner: Special Education Teacher	General Special Education/Elementary Education
Kathleen Adams: Special Education Teacher	General Special Education
Gale Stanley: Special Education Teacher	Elementary Education (K-8)/General Spec. Ed.
Allison Trofatter: Special Education Teacher	Elementary Education (K-8)/General Spec. Ed.
Judy Sullivan: Special Education Teacher	Elementary Education (K-8)/Specific Learning Dis./Emotional and Behavioral Dis./General Spec. Ed.
Joan Stamoulis: Special Education Teacher	Elementary Education (K-8)/General Spec. Ed.
Nancy Pietrantonio: Special Education Teacher	Elementary Education (K-8)/General Spec. Ed.
Shannon Adams: Special Education Teacher	Elementary Education (K-8)/General Spec. Ed.
Sheryl Blair: Special Education Teacher	General Special Education (K-8)/Learning Disabilities
Nancy Roessel: Special Education Teacher	General Special Education, Elementary Education (K-8)

Tiffany Tobey: Special Education Teacher	General Special Education (K-8) Specific Learn. Dis.
Maurine Duval: Special Education Teacher	General Special Education (K-8) Learning Disabilities
Sue Shea: Occupational Therapist	Occupational Therapy
Hilary Skovron: Speech/Language Pathologist	CCC-SLP
Patricia Frawley, School Psychologist	Psychology
Brantley Powers: Occupational Therapist	Occupational Therapy
Renee Ellicott: Speech/Language Pathologist	CCC-SLP
Heather Cronin: Speech/Language Pathologist	CCC-SLP
Leslie Masterman: School Psychologist	NH Psychology

**Brief Description:** The Resource program provides direct instruction as well as in-class support in academics, functional skills, ADL, behavior and self-care. Case Managers consult weekly with classroom teachers, specialists and Rehabilitative Assistants. In the Resource Program, students may be provided with re-teaching/remediation in core content and/or direct instruction in specialized research-based programs. Students may also receive assistance with projects, study skills/organizational coaching, self-advocacy coaching, processing of behavioral challenges, and assistance with class assignments and/or assessment accommodations.

**Staffing Pattern:** 14 Special Educators serve as Case managers with average caseloads from 10-12. A Reading Specialist/Special Educator serves as a literacy coach for grades K-3. An Autism Specialist, three contracted behaviorists, and two contracted psychologists conduct evaluations, FBAs, behavior plans and ongoing consultation. Two full time school psychologists provide direct services via students' IEPs. Two full time and one contracted Occupational Therapists provide direct and consultative services. Three full time Speech/Language pathologists and one Speech/Language assistant provide direct and consultative services to children. Physical Therapy and other Related Services such as Audiology; Vision Services, and Orientation and Mobility are provided as needed on a contract basis. Twenty-nine Rehabilitative Assistants provide direct support to students per their IEPs in the areas of academic tutoring, behavioral management, activities of daily living, and self-care.

**Disabilities Served:** Autism, Deaf-Blindness, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Mental Retardation, Multiple Disabilities, Orthopedic Impairment, Motor Ability, Other Health Impaired, Specific Learning Disability, Speech/Language Impairment, Traumatic Brain Injury and Visual Impairment/Blindness.

**Age Range:** K through grade 8.

**Current Enrollment:** 133

**Related Services Available:** Speech/Language Therapy, Occupational Therapy, Physical Therapy, Counseling, Crisis Intervention, parent Training, Audiology, Vision Specialist, Orientation and Mobility, Rehabilitative Assistance, School Psychology, Behaviorist, and other supports as needed per Individual Education Plans.

**Listing of Approved Private and other Non-District Programs for Special Education in which students from SAU 90 may be/are enrolled:**

**Pre-School:**

Birchtree Center for Children  
Cedarcrest

**Elementary:**

Beverly School for the Deaf  
Birchtree Center for Children  
Cedarcrest  
Learning Skills Academy  
New England Center for Children with Autism  
North shore Educational Consortium  
Robert B. Jolicoeur School  
Seacoast Learning Collaborative  
St. Ann's School

**Middle-Junior High School:**

Beverly School for the Deaf  
Birchtree Center for Children  
Cedarcrest  
KIDS Program, Portsmouth Middle School  
Learning Skills Academy  
Lighthouse School  
Longview School  
New England Center for Children with Autism  
Northshore Educational Consortium  
Pinehaven School for Boys  
Robert B. Jolicoeur School  
Seacoast Learning Collaborative  
St. Ann's School

**High School (9-12):**

Beverly School for the Deaf  
Birchtree Center for Children  
Cedarcrest  
Coastal Alternative School  
Dover Alternative School  
Eckerd Youth Alternatives  
Harbor Schools  
Learning Skills Academy  
Lighthouse School  
Longview School  
Merrimack Educational Collaborative Topsfield and Chelmsford, MA  
Mt. Prospect Academy  
New England Academy  
New England Center for Children with Autism  
Northshore Educational Consortium



Parker Academy  
Robert B. Jolicoeur School  
Robert A. Lister Alternative School  
Seacoast Academy  
Solstice School  
Virtual Learning Academy Charter School

#### **4. PERSONNEL DEVELOPMENT – Ed 12126.01 (4)**

The SAU 90 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 August 1, 2009 to June 30, 2014.

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 The District of SAU 90, including job-embedded activities, in-service workshops, conferences and/or formal coursework reimbursed through the District.

Staff members of the district shall participate in a child-specific training and professional consultation as required to help them understand various types of disabilities and meet the needs of individual students.

Appendix E contains the SAU 90 Professional Development Plan.

#### **5. Parent Involvement – Ed 1126.01 (b)(5)**

The District of SAU 90 shall actively involve parents and eligible students in all steps of the special education process. In addition to fulfilling legal requirements, The district recognizes the crucial and irreplaceable role parents play in the education of their children. Therefore, consistent efforts will be placed on keeping parents well informed within the context of a collaborative team process. In part this is accomplished by the dissemination of Procedural Safeguards Notice and Written Prior Notices.

##### **Procedural Safeguards Notice (Ed 1120)**

Parents of a child with disabilities will be given New Hampshire Procedural Safeguards in Special Education describing the procedural safeguards available to them under state and federal law on an annual basis. In addition, parents will be provided a copy of procedural safeguards:

- Upon initial referral or parent request for evaluation
- Upon receipt of the first State complaint and upon the receipt of the first due process complaint in a school year
- In accordance with discipline procedures
- Upon request by a parent.

##### **Written Prior Notice**

Parents will be officially notified in writing anytime the District:

- proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free and appropriate public education to the child; or

- refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free and appropriate public education to the child.

The notification shall include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the agency proposes or refuses to take the action
3. A description of each evaluation, procedure, assessment, record or report the district used as basis for the proposed or refused action.
4. A statement that the parents of the child with disabilities have protection under the procedural safeguards of IDEA (if this notice is not an initial referral for evaluation, the means by which a copy of the description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provisions of the law, a description of the other options that the IEP team considered and the reasons why those options were rejected, and
6. A description of the other options the team considered and the reasons why they were rejected, and
7. A description of other factors that is relevant to the agency's proposal or refusal.

**Ongoing parent involvement is supported through the following actions:**

- a. Parents shall receive formal notification when their child is referred for special services, except in the case where the parent was the referring party. Procedural Safeguards and information regarding the Special Education Process shall be provided to the parent at this time.
- b. Within 15 days of the receipt of the referral, the IEP Team (including the parents) will meet to determine the appropriate course of action.
- c. The IEP Team shall determine if the referral is appropriate and whether there is a need for a comprehensive evaluation. If so, specific evaluations shall be determined by the team. The district shall provide Written Prior Notice (WPN) and request written permission to proceed.
- d. The evaluation process, including a written summary report, shall be completed within 45 days after receipt of parental permission for testing or at the conclusion of any extension provided in ED 1107.01(c). Parents shall be included as part of the team which determines whether or not the child qualifies as a child with a disability. The team decision shall be provided Written Prior Notice to the parent with a request for written approval of the decision.

**PLEASE NOTE:** Only one extension of no more than 15 days may be granted in the evaluation process with written consent of both parties.

- e. If a child is determined to be a child with a disability and IEP will be developed within the next 30 calendar days. As members of the IEP team, parents are encouraged to be active participants in the IEP process. Parent concerns and input shall be considered in the development of the IEP. Written Prior Notice shall be provided to the parent. The parent must provide written approval before the IEP can be implemented.
- f. Upon approval of the IEP, the IEP Team, including parents, shall determine an appropriate placement for the child. Written Prior Notice is again completed and parents must agree in writing to the proposed placement prior to its implementation.
- g. Parents will receive 10 days notice for any meetings held for the purpose of developing or amending the child's IEP and/or determining placement, unless the notification requirement is waived in writing by the parent. All IEP Team meeting notices include the purpose, time, location, and participants expected to attend the meeting. The district shall take steps to ensure that one or both parents of the child with a disability are present at each meeting of the IEP Team and are afforded the opportunity to participate. This includes scheduling the meeting at a mutually agreed upon time and place. Parents and the District are encouraged to use alternative means of participation, such as video conferencing and conference calls in order to include the parent.

Meetings will be rescheduled at parent request, unless the parent requests that the meeting continue without him or her in attendance. It is recommended that the District contact the

- parent a minimum of 3 times and document the attempts to secure their participation. If these attempts have been unsuccessful, a meeting may proceed without the parents.
- h. The district's special education staff shall take whatever steps necessary to ensure that the parents understand the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.
  - i. The district shall provide copies of all written documents to parents including Written Prior Notice, evaluation summary report, and IEP.
  - j. The district shall file a request for appointment of a surrogate parent, to represent a child with a disability, when the parents or guardians are not known, or the student is a ward of the state.
  - k. For a student considered to be an unaccompanied homeless youth, as defined in the McKinney-Vento Homeless Assistance Act, who is or may be a youth with an educational disability, The district shall immediately enroll the child in school for the purposes of attending classes and participating fully in school activities. The District's local homeless education liaison shall have no more than 30 days from the initial date of school enrollment to appoint a surrogate parent for the unaccompanied homeless youth.
  - l. A parent, as defined in Ed 1102.04 (h) or an adult student may authorize an individual to act on their behalf pursuant to a duly executed power of attorney (Ed 1120.01(c))
  - m. The district has the authority to initiate court proceedings to authorize initial provision of services, but a due process hearing may not be used in this circumstance. (Ed 1120.05 (d)) (If a parent refuses consent for the initial provision of special education services, the LEA shall not pursue the initial provision of special education services by initiating a due process hearing under Ed 1123. The LEA shall have the authority to initiate court proceedings to authorize the initial provision of special education services.)
  - n. The district shall obtain informed parent consent annually and when there is a change in services paid for by public insurance. Parents may refuse permission, but this does not relieve the district of its responsibility to provide services detailed in the IEP. (Ed 1120.08 and Ed 1120.08 (a))
  - o. The LEA, upon a written request for an IEP team meeting by the parent, guardian, or adult student shall: schedule a mutually agreeable time and date for the meeting, convene the IEP team on the mutually agreeable upon time and date, OR provide to the parent/guardian/adult student with written prior notice, detailing why the LEA refuses to convene the IEP team that the parent, guardian, or adult student has requested. (Ed 1109.06 (b))

## **6. Public Participation – Ed 1126.01**

A copy of the SAU 90 Special Education Policies and Procedures Manual shall be available for review by parents, other agencies and the general public. Copies of the Manual shall be located at the SAU 90 office and the special education office of The District of SAU 90.

The Special Education Policies and Procedures Manual shall be reviewed and revised as necessary under the supervision of the Special Education Administrator. When the plan is under review, the public shall be notified and given a minimum of 10 days to review the information and provide written input.

Notice regarding the availability of this plan and its revisions shall be disseminated to the public through formal school District postings and notices in local newspapers.

Each year, the District of SAU 90 will submit their "Annual Request for Federal Special Education Funds" to the NH Department of Education for approval. The District shall provide reasonable opportunities for participation of teachers, parents and other interested agencies, organizations, and individuals in the planning for and operation of this program. Prior to the submission of the application, the public will be notified through formal school District postings and notices in local newspapers and provided an opportunity to review the information and provide written input.

## 7. PROCEDURAL SAFEGUARDS – Ed 1120

The District of SAU 90 shall provide a copy of New Hampshire Procedural Safeguards in Special Education to the parents of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first request for a due process hearing filed in a school year;
- Upon receipt of the first State complaint in a school year;
- Upon request by a parent

The district shall ensure that the parents of children with disabilities are afforded all of the rights and procedural safeguards contained in federal law and described in the NH Rules (Ed1120.01-.08) including but not limited to the right to:

- Receive written prior notice of any action regarding their child which the District proposes or refuses.
- Grant or refuse consent for any District action regarding their child;
- Obtain an independent educational evaluation;
- Appeal specific proposals of the District regarding their child, and
- File a complaint

All of the rights and guarantees included under procedural safeguards shall apply to parents, adult students, and public agencies, which include school districts. These rights shall be transferred to children with disabilities who are emancipated minors or who have attained the age of 18 years and have not been adjudicated as incompetent by a court.

**PLEASE NOTE:** A parent, as defined in Ed 1102.04(h), or an adult student may authorize an individual to act on their behalf pursuant to a duly executed power of attorney (Ed 1120.01 (c)).

### **Written Prior Notice**

Parents will be officially notified in writing any time the District:

- proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free and appropriate public education to the child; or
- refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free and appropriate public education to the child

The notification shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the agency proposes or refuses to take the action
3. A description of each evaluation, procedure, assessment, record or report the district used as basis for the proposed or refused action;
4. A statement that the parents of the child with disabilities have protection under the procedural safeguards of IDEA (if this notice is not an initial referral for evaluation, the means by which a copy of the description of the procedural safeguards can be obtained;

5. Sources for parents to contact to obtain assistance in understanding the provisions of the law; a description of the other options that the IEP team considered and the reasons why those options were rejected and
6. A description of other options that the IEP team considered and the reasons why those options were rejected; and
7. A description of other factors relevant to the district's proposal or refusal.

### **Informed consent**

The district shall obtain informed, written consent from the parent of a child with a disability prior to:

- Conduction an initial evaluation
- Initial provision of special education and related services to a child with a
- Determining or changing the disability classification
- Changing the nature or extent of the special education or special education and related services, or
- Conducting a re-evaluation
- Annual access to public insurance or when changes in services paid by public insurance are made; and
- Each time the district proposes to access the public insurance

Parents of children with disabilities shall have 14 days after the receipt of written prior notice to sign documents included with the notice to indicate consent, consent with conditions, or denial of consent. The 14-day time limit shall be extended if the District and parent mutually agree to an extension.

The district shall advise the parent in writing of the necessity of signing documents that describe actions requiring the parent's consent for the purpose of ensuring the timely provision of appropriate services. Additionally, The district shall advise the parent of the right to access all of the rights and procedures outlined in this section if the parent disagrees with a proposal that the District makes.

The district shall take reasonable measures to obtain consent including, but not limited to phone contact, and letters. The district shall document all contacts made or attempted and the results of these contacts. Copies of all letters and responses received shall be kept in the student's confidential file.

A copy of any document the parent gives consent in writing shall be provided to the parent, and a copy of such document shall also be placed in the child's educational records.

Should a parent either deny consent or not respond to a request for written consent, then District is required to respond in the following ways:

#### **Initial evaluation/ Re-Evaluation**

The LEA is required to obtain informed consent for the initial evaluation. If a parent refused consent to a proposal included in Ed 1120.04(a)(1) the LEA shall have the authority to pursue the initial evaluation or re-evaluation by the initiation of a due process hearing under Ed 1123. (Ed 1120.05 (c)) Amendment ED 1120.05 effective 6/30/09

#### **Initial provision of services**

The LEA is required to obtain informed consent for the initial provision of services. If a parent refuses consent for the initial provision of special education services, the LEA shall not pursue the initial provision of special education services by initiating a due process hearing under Ed 1123. (Ed 1120.05 (d)) Amendment ED 1120.05 effective 6/30/09

#### **Continuation of Services, Change in Disability Classification, Change in Nature or Extent of Special Education and Related Services**

The LEA is required to obtain informed consent for continuation of services, a change in disability classification, or a change in the nature or extent of special education and related services. If the parent

fails to respond to the request for consent, the LEA, in order to assure FAPE to a child, shall initiate a due process hearing as specified in ED 1123. Amendment ED 1120.05 effective 6/28/09

### **Parent Failure to Respond; Implementation of Changes by LEA**

If a parent fails to respond within 14 days after sending of written prior notice pursuant to Ed 1120.04(b), the LEA shall implement its proposed changes if the LEA has taken reasonable measures to obtain written consent. Reasonable measures shall include:

1. Documentation of telephone calls to the parents made or attempted and results of those calls; and
2. Copies of correspondence sent to the parent and any responses received, correspondence shall be sent certified mail, return receipt requested.

### **Other Consent areas**

Public or Private Insurance – The district must obtain informed consent from the parent each time access to public insurance or private insurance is sought. The district must notify the parents that the refusal to allow access to their public or private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents. The district may not initiate dispute resolution processes if a parent refuses to grant consent.

Release of Records – The district must obtain informed consent for the release of education records. If the parent refuses consent, the District may initiate a court proceeding to obtain a court order for the release of information.

### **Independent Educational Evaluation**

Parents shall have the right to request an independent evaluation at the District's 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 (see below). 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 (see below) when it initiates the an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Results of an independent evaluation obtained at parents' expense may be presented as evidence at a hearing regarding the child.

### **SAU 90 Criteria for Special Education Evaluations**

The State and Federal special education laws require that the District of SAU 90 evaluate children with disabilities who are in need of special education and related services. The district evaluates children upon referral for special education and reevaluates educationally disabled children at least once every three years or when conditions warrant a reevaluation.

The District of SAU 90 is committed to ensuring that each child's IEP team bases its decision on high quality, reliable and educationally sound special education evaluations.

As a result, the district has established the following list of criteria for all special education evaluations the district conducts, obtains, or funds. Unique circumstances may justify deviation from these criteria. If a parent or district staff member is made aware of such unique circumstances, they should immediately inform the student's case manager or the district's special education director.

1. The evaluation must comply with the relevant provisions of the State and Federal special education laws, including 34 C.F.R.300.530-300.536 and NH Code of Administrative Rules Ed 1107.
2. The evaluation must be conducted in New Hampshire, by an evaluator whose principal office is located in New Hampshire, unless there is no qualified evaluator in New Hampshire.
3. The evaluator must hold a valid license from the State of New Hampshire in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of the evaluation results. In instances where no “applicable license” exists, the district must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
4. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations.
5. The school district will not pay for the evaluation until it receives the evaluator’s report.
6. The evaluator must review relevant educational records.
7. Unless otherwise determined by the child’s IEP team, the evaluator must either:
  - a. Observe the child in one or more educational settings; or
  - b. Make at least one contact with the child’s general education teacher for the purpose of determining how the child is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
8. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district’s special education director, and the director’s designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, the district’s special education director, and the director’s designees.
9. The district shall be entitled to inspect and obtain copies of the evaluator’s records, including any records created by third parties. However, these records will not be deemed accessible to any school district personnel other than the evaluator, unless and until the district exercises its right to inspect or obtain copies of those records from the evaluator.

### **Appeal Decisions**

The parent shall have the right to appeal any decision of the District or IEP team regarding the referral, evaluation, determination of eligibility, IEP, provision of a free and appropriate education, or placement of a child with a disability using the procedures detailed in the NH Rules – Ed 1122.

A due process hearing can be initiated by either party at any time and will be conducted in accordance with the NH Rules- Ed 1122. Alternative dispute resolution shall be voluntary and available to parents and the District in accordance with the NH Rules.

### **File Complaint**

The parent shall have the right to file a complaint, in accordance with the NH Rules – Ed 1121.01(a), to report actions taken by the District that are contrary to the provisions of state and federal requirements regarding the education of children with disabilities.

**Appendix E contains a copy of the NH Procedural Safeguard Handbook utilized by the District of SAU 90.**

## **Low-Cost or Free Legal and Other Relevant Services in New Hampshire**

### **Disabilities Rights Center, Inc.**

P.O. Box 3660  
Concord, NH 03302-3660  
228-0432 (toll free 1-800-852-3336)

### **New Hampshire Legal Assistance (Central Administration Office)**

15 Green Street  
Concord, NH 03301  
225-4700

### **New Hampshire Legal Assistance**

Simeon Smith House  
The Hill  
P.O. Box 778  
Portsmouth, NH 03802-0778  
431-7411 (toll free 1-800-639-5290)

### **New Hampshire Bar Assoc. Pro Bono Referral System**

112 Pleasant Street  
Concord, NH 03301-2947  
224-6934 (toll free 1-800-639-5290)

### **Parent Information Center**

P.O. Box 1422  
Concord, NH 03301-1422  
224-7005

### **Advocates for Families of Children with Disabilities**

P.O. Box 1422  
Concord, NH 03302-0119  
228-5897

### **New Hampshire State Department of Education, Special Education Department**

101 Pleasant Street  
Concord, NH 03301  
271-3741

### **Special Education Mediation**

NH State Department of Education  
101 Pleasant Street  
Concord, NH 03301  
271-2299

### **IEP Meeting Facilitation**

NH State Department of Education



## 8. PUPIL EVALUATION TO PLACEMENT

The District of SAU 90 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 21 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, District personnel are expected to follow their locally established Student Assistance Team procedures.

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 calendar 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 on 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

The district's 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 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 (Student Assistance or Child Study 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 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 laws 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 and district evaluation criteria (see Appendix F). 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 and identifying children with specific learning disabilities. (See Appendix SAU 90 Policy for Determining a Specific Learning Disability)

Written parental consent is required in order for the District to conduct the initial evaluation or re-evaluation as a part of an eligibility determination. If a parent refuses consent to a proposal included in Ed 1120.04(a)(1) the LEA 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 45 calendar days of receipt of written consent from the parent. When circumstances warrant additional time to complete evaluations, only one extension of UP TO 15 days may be granted upon written consent of the parties. A copy of this written agreement will be placed in the child's confidential file with the signed permission to test. When an extension is requested, the team shall make every effort to complete the evaluation in the shortest amount of time possible.

If a child with a disability moved into the district of SAU 90 from another NH District his/her disability identification will be honored without delay. An IEP team meeting will be convened as soon as possible to review the IEP and placement.

If the child is moving into the SAU 90 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 and district criteria (see Appendix F). 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 45 calendar days of receipt of parental permission to evaluate. The student will receive special education services comparable to those in 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) and district criteria (see Appendix F). Each evaluator shall prepare a test report reflecting the data and their conclusions.

#### **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 1017.03

Upon request from parents, the LEA 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.

#### **Evaluation requirements for Children with Specific Learning Disabilities – Ed. 1107.02 and CFR 300.307**

For purposes of evaluating whether a child has a specific learning disability each LEA shall adopt a policy describing the evaluation procedures and standards that will be used to evaluate whether a child has a specific learning disability which includes one or more of the following criteria:

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

#### **The District of SAU 90 has adopted the following policy for evaluating whether or not a child has a specific learning disability:**

In making determinations regarding whether a student has a specific learning disability under state and federal special education rules, The district shall evaluate students suspected of having a specific learning disability in a manner consistent with the procedures and standards included in the LD eligibility checklist, dated October 26, 2008, reflecting requirements set forth in NH Ed 1107.0 and .02 and 34 C.F.R. 300.301 to .311 (as applicable). See Appendix F

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. An IEP team 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 IEP team 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, observation, vision and hearing.

5. The IEP team 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 IEP team 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 setting 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

**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, at team member shall observe the child in an environment appropriate for a child of that age.

**Written Report (Eligibility Determination):**

- 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 one 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 education 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 evaluation criteria (see Appendix F).

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 LEA shall not be so restrictive that it effectively prohibits parents' 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. 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 LEA 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. IEP's 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 LEA 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 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 LEA 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.

- In accordance with IEDA 2004, if a parent refuses to consent to the initial provision of special education and related services, the District shall not initiate a request for mediation or a due process hearing. The LEA shall have the authority to initiate court proceedings to authorize the initial provision of special education services.
- 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. **Add Implied Consent**

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 a school district in SAU 90 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 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 towards 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 LEA 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 LEA refuses to convene the requested meeting. All of the above must be completed within 21 days.

### **Amendment / modification of IEPs**

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 IEP 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 or school District),
6. Transition service representative if applicable
7. If appropriate, the child.

## Placement Decisions (Ed 1111)

The decision about 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 LEA 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 age 6-21 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. 1111.05, temporary home-based programming shall not exceed 45 days in a school year.
5. Home-based programs described in Ed.1111.05(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.

When rare, unusual, and extraordinary circumstances are such that it may be appropriate to implement the IEP for a child with a disability at home for more than 45 days of a school year, the Districts shall submit all required information, including the child's IEP, minutes of the IEP team meeting at which the decision to implement the home instruction was made, to the State Director of Special Education for review at least 10 days prior to the 46<sup>th</sup> day of the home based program. A written plan for transition of the child into a less restrictive environment shall be developed and submitted as part of this process.

### **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.

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

1. **Early childhood program:** A preschool child with a disability attends an early childhood program
2. **Home:** A preschool child with a disability receive all or some of his/her supports and services in the child's home
3. **Special education program:** A preschool child with a disability attends a special education program.
4. **Service provider location:** A preschool child with a disability receives supports and services from a service provider.
5. **Separate school:** A preschool child with a disability attends a publicly or privately operated separate day school facility designed specifically for children with disabilities.
6. **Residential Facility:** A preschool child with a disability attends a publicly or privately operated residential school or residential medical facility on an inpatient basis

## **9. STATE DEPARTMENT OF EDUCATION MONITORING OF EDUCATIONAL SERVICES AND PROGRAMS FOR CHILDREN WITH DISABILITIES – Ed 1126**

The School District of SAU 90 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 SAU 90 School 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 alternative 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 assessment to be provided for all eligible students. If an IEP team determines that a student will take an alternate assessment to a district-wide assessment, the IEP team must detail in the IEP:

- Why the child cannot participate in the regular assessment, and
- Why the particular alternate assessment selected is appropriate for the child

LEAs are required to develop and implement guidelines for participation of children with disabilities in alternate assessments for those students whose individualized education programs indicate the student cannot participate in regular district-wide assessments with accommodations. See Appendix I for State Assessment Guidelines.

LEAs must report the results of district-wide assessments to the public with the same frequency and in the same detail as it reports on the assessments of non-disabled students.

Results of group assessments are formally analyzed by the 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 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. Systematic 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 the district's professional development activities.

All professional and paraprofessional staff members within the District are evaluated using a predetermined system aimed at professional growth and development. Please see the SAU 90 Supervision Master Plan for Teachers and the Agreement between the Seacoast Educational Support Personnel Association NEA – New Hampshire (SESPA) July 1, 2009 – June 30, 2010. In this way, the District of SAU 90 ensure 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 Focused Monitoring**

The findings and recommendations from the external program Approval and Improvement Process conducted by the NH Department of Education on (date) will be carefully considered and addressed by the members of the district's 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.

## **10. OTHER AGENCIES**

It is the practice of The District of SAU 90 to coordinate their efforts with other local and state agencies whenever possible, in order to meet the needs of children with disabilities and their families.

The district shall work cooperatively with all social service or other agencies within the surrounding area that provide medical, mental health, welfare, and other human services. Formal relationships with agencies are typically established through the Special Education Director.

The Director of Special Education for The District of SAU 90 shall contact all public and private agencies to explain the District's obligation to identify and evaluate all children suspected of being a child with a disability. Further, public and private agencies shall be notified of the process for their participation in the Districts' special education procedures as detailed in Section 2 Child Find of this Plan.

### **Children Placed in Homes for Children, Health Care Facilities, or State Institutions**

The district shall assure the provision of a free, appropriate public education to children with or who might have disabilities that are in residential placement or placements awaiting disposition of the courts and committed juvenile students with or who might have disabilities to the extent that such students are not covered under Ed. 1136. The district shall assure compliance with all regulations and procedures established under the NH Rules – Ed 1105.03.

### **Transition of Children from Part C to Preschool Programs**

Children participating in Family Centered Early Supports and Services (ESS) and who will participate in preschool special education shall experience a smooth and effective transition to those programs.

The Districts shall participate in transition planning conferences arranged by representatives of ESS. An IEP will be developed and will be in effect for eligible children by the third birthday.

## **11. PARENTALLY PLACED CHILDREN WITH DISABILITIES – Ed 1112**

The District of SAU 90 shall ensure that children with disabilities who are placed by their parents in private schools have equitable participation in special education programs pursuant to state and federal regulations.

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 of SAU 90. 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 Districts’ 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 of SAU 90. 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 with a 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.

## **12. INSTRUCTIONAL MATERIALS IN ACCESSIBLE FORMAT – Ed 1126.01 (b) (12)**

The District of SAU 90 ensures that children with disabilities who need instructional materials in accessible formats will receive those materials, as set forth in their IEPs 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.

# Other Resources

## Appendix A

### DISCIPLINE PROCEDURES Ed 1124 34CFR 300.530

#### **Suspensions of Ten Days or Less During the School Year**

Children with disabilities shall be entitled to the same protections and procedures that are available to children without disabilities. School personnel may remove a student with a disability, who violates the code of conduct, from his or her current educational placement under certain circumstances. A student may be removed to an interim alternative educational setting, another setting, or suspension, for not more than 10 school days at a time for a violation of school rules in accordance with the discipline policy of the District that is used for all students, unless it is determined that the removal constitutes a change of placement.

When a child is removed from his or her current placement for 10 or fewer days in the school year, the District shall not be required to provide any special or regular education services during the suspension, as long as those removals do not constitute a change of placement under 34 CFR 300.536.

When those removals (10 days or less at one time) accumulate to more than 10 days in a school year, school personnel, in consultation with at least one of the child's teachers, shall determine the extent of services needed to enable the child to progress in the general curriculum and toward the IEP goals, and the location in which the services will be provided.

School personnel may consider unique circumstances on a case-by-case basis whether a change in placement is appropriate for a student with a disability who violates the code of conduct. Change of placement includes removal for more than 10 consecutive days or a series of removals in excess of 10 days that constitute a pattern. When disciplinary action results in change of placement, notice shall be provided to parents the day the decision is made.

#### **Suspensions of More Than Ten Days**

When any change in placement is contemplated for more than 10 school days because of a violation of a code of student conduct, the District, the parent, and relevant members of the IEP Team shall convene no later than 10 school days after the school decides to suspend the child and review:

- All relevant information in the student's file;
- The child's IEP;



- Any teacher observations; and
- Any relevant information provided by the child's parents

To determine:

- If the conduct in question was caused by the child's disability or had a direct and substantial relationship to the child's disability; or
- If the conduct in question was a direct result of the District's failure to implement the IEP.

If either of the above determinations is affirmative, the conduct shall be determined to be a manifestation of the child's disability. If determined that the child's conduct is a direct result of the District's failure to implement the IEP, the District shall take immediate steps to remedy those deficiencies.

If the behavior is not a manifestation of the student's disability, relevant disciplinary procedures that apply to students without disabilities may be applied in the same manner as they would be applied to other students, except that appropriate educational services must continue.

### **Manifestation Determination Decision**

If the District, the parent, and relevant members of the IEP Team determine that the child's conduct was a manifestation of his/her educational disability, the IEP Team shall:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan for the child, or
2. If a behavioral intervention plan has been developed, the team shall review the existing plan and modify it as necessary to address the behavior, and
3. Except under "special circumstances" return the child to the placement from which he/she was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan

### **"Special Circumstances" allowing for removal to an Interim Alternative Educational Setting**

The child may be removed from his/her current placement by school personnel and placed by the IEP Team in an Interim alternative Educational Setting (IAES) for up to forty-five (45) school days without regard to the manifestation determination in cases where the child:

1. Carried or possessed a weapon to or at school, on school premises, or to or at a school function under jurisdiction of a state educational agency (SEA) or District;
2. Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or District; or
3. Inflicted serious bodily injury\* upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or District.

\*Serious Bodily injury: defined in USC 1365(g) means a bodily injury that involves a substantial risk of death; extreme physical pain, protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

No later than the date of the disciplinary decision, the District shall notify the parents of the decision and of the procedural safeguards. If parents disagree with the decision and request an appeal, the child shall remain in the alternative setting pending the appeal.

If there is a disagreement with the parents, the District may seek an order from a Hearing Officer for placement in an interim alternative educational setting when it believes that

maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

A child who has not been determined to have a disability and is subject to disciplinary action may assert the protections in this part if the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The district will consider cases on an individual basis and in accordance with CRF 300.534 – *Protections for Children Not Yet Eligible for Special Education and Related Services*.

Nothing in this part will prohibit employees of the District from reporting a crime committed by a child with a disability to appropriate authorities. Neither will it prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. If the District reports a crime committed by a child with a disability, then the District shall also ensure that copies of the special education and discipline records will be transmitted for consideration by the appropriate authorities, but only to the extent permitted by the Family Education Rights and Privacy Act (FERPA).

### **Attendance and Discipline**

It is expected that all students in the School District of SAU 90 will comply with the attendance and behavior expectations and rules of the schools. The District shall not discriminate against anyone on the basis of disability when administering attendance and discipline systems. To this end, a minority of students may require accommodations or modifications to the discipline or attendance policies because of their educational disabilities. If a student with a disability is in jeopardy of not meeting the attendance requirements or school rules, the Individualized Education Program (IEP) Team will convene and review and/or revise the student's Individualized Education Program as appropriate.

The district has instituted procedures for manifestation determination meetings. Additionally, a functional behavior assessment shall be conducted and/or reviewed as required.

## **Appendix B DISPUTE RESOLUTION**

### **Complaint Procedures Ed 1121**

Individuals or organizations may file a complaint to report alleged violations of state and federal special education requirements that may have been committed by the School District of SAU 90 regarding the education of children with disabilities. Individuals who live out of state may also file a complaint.

The NH Department of Education has a form available to file a complaint, which may be found on the Department's website ([www.ed.state.nh.us](http://www.ed.state.nh.us)). Use of this form is not required but all complaints must:

1. Be in writing and signed, including contact information for the signer;
2. Include a statement that the school district has violated a state or federal requirement regarding the education of a child with a disability under Part B of the Act or 34 CFR 300; and

3. Contain the facts on which the statement is based; and
4. Allege a violation that occurred not more than one year prior to the date the complaint was received; and
5. The complaint must indicate how the complaining party would like to see this complaint resolved.
6. A copy of the complaint must be sent to the District.

Complaints shall be directed to:

**Commissioner of Education  
Attn: Special Education Complaints Office  
101 Pleasant Street  
Concord, NH 03301**

All complaints received by the Bureau of Special Education will be reviewed by the Complaints Office. If the issues are determined appropriate for the complaint procedures, an investigation of the alleged violation(s) will take place, in accordance with Ed 1127.02.

### **Dispute Resolution Procedures Ed 1122**

The District of SAU 90 shall promote collaboration between teachers and parents. Communication between parents and teachers forms the basis for positive working relationships and may often prevent the need to use a more formal dispute process. When differences arise, parties will be encouraged to work to resolve them through informal problem-solving meetings whenever possible.

Several options are available for the informal resolution of differences regarding the provision of special education and special education related services. These methods of alternative dispute resolution include the following:

#### **Facilitated Special Education Team Meetings**

Facilitation of a special education team meeting is a free service offered by the NH Bureau of Special Education upon request by the District or parent. A trained facilitator is sent by the Bureau to attend and conduct a regular special education team meeting scheduled and arranged by the District. The facilitator has no "interest" in the content or the outcome of the meeting; he/she is there to conduct the meeting and keep it moving forward. Facilitators are volunteers from various fields who receive training through the Department of Education.

**PLEASE NOTE: The school district will apply rules of confidentiality to any Facilitated IEP meeting. Any discussion held during that team meeting must be kept confidential and cannot be used in a due process hearing unless the parent and LEA agree otherwise. (RSA 186-C: 23)**

#### **Mediation**

Mediation is a voluntary, confidential and informed dispute resolution process that is guided by a trained professional (mediator). The mediator helps the parents and the District engage in discussions of issues related to the child's free appropriate public education in order to reach a mutually acceptable solution to their dispute. Either party may request mediation by writing to the commissioner of Education. The mediation conference is conducted within 30 calendar days after receipt of the written request. The mediator is appointed by the Department of Education and the process is provided at no expense to the parent.

If mediation results in an agreement between parents and the District, a mediation agreement containing the details of the resolution is written and signed by both parties. If no agreement is reached, either party may decide to request an impartial due process hearing to resolve the matter.

If both parties agree to participate in mediation, the District shall file a request with the NH Department of Education.

### **Neutral Conference**

A neutral conference is a voluntary, confidential process presided over by a trained professional (neutral) who listens to both sides of a dispute and makes a recommendation, which both sides may either adopt or refuse. The neutral's recommendation should guide both parties in determining whether to proceed with a due process hearing. The neutral's recommendation is non-binding unless both parties agree to it.

If both parties agree to initiate a neutral conference, the District will file a request with the NH Department of Education.

### **Impartial Due Process Hearing**

This is the most formal process with which to resolve a dispute between the school District and the parent. If the parent and the District cannot agree on a special education issue relating the identification, evaluation, or educational placement of a child with a disability, or the provision of a fee and appropriate public education, either one has the option of requesting an impartial due process hearing. The one exception to this is with regard to disagreements relating to the initial provision of services. The hearing is conducted by a hearing officer appointed by the State Department of Education. A due process hearing can be requested by either the school District or the parent on any matters relating to special education.

If either party requests a due process hearing, the District shall inform the parents of free or low cost legal services. The district will offer mediation and if the parents request due process, the District will schedule a resolution session.

Requests for a due process hearing must be made in accordance with state statutes of limitations. The following is a brief list of the important time limits:

- A parent must request a due process hearing within 2 years of the date on which the alleged violation was discovered or reasonably should have been discovered
- A parent must request a due process hearing within 90 days of a unilateral placement in order to recover the costs of the unilateral placement.
- Any appeal of a Hearing Officer's final decision must be filed in either state superior court or federal court within 120 days from the receipt of the final hearing Officer decision.
- A parent must file an action to recover their attorney's fees and reasonable court costs in state superior court or federal court within 120 days from the receipt of the final Hearing Officer decision.

## Appendix C

### SAU 90 Hampton

#### Brief Overview of the Special Education Process Information for Parents

##### **Referral**

The IEP Team is required to meet within 15 days from 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 to your child in the classroom. If the team determines that your child will be evaluated, a meeting will be convened within 45 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 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.

You may contact the Special Education office at your child's school with any questions.
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Parents of a child with a disability have certain protections under the procedural safeguards of Part B of the IDEA (Section 615 (d) (1) (a)). A copy of these safeguards may be obtained by contacting your child's school.

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

New Hampshire Department of Education  
101 Pleasant Street, Concord, NH 03301  
Telephone (603) 271-2741

Disabilities Rights Center in Concord  
PO Box 3660, Concord, NH 03302  
Telephone (603) 228-0432 or (800) 834-1721

The Parent Information Center (PIC)

PO Box 2405, Concord, NH 03302  
Telephone (603) 224-7005

### **Individualized Education Program**

The District of SAU 90 establishes an individual education program (IEP) team for each child referred to the local educational agency. All meetings involving the identification, evaluation, educational placement, and provision of a free appropriate public education involve the IEP Team.

#### **Participants**

The IEP Team for each child consists of the following:

- The parents of the child;
- Not less than one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- Not less than one special education teacher, or when appropriate, not less than one special education provider of the child
- A representative of the local educational agency:
  - Who is qualified to provide or supervise the provision of special education
  - Who is knowledgeable about the general curriculum
  - Who is knowledgeable about the availability of and authorized to commit the resources of the local educational agency and
  - Who may be another local educational agency member of the IEP team if the criteria above are met
- An individual who can interpret the instructional implications of evaluation results, who may otherwise be a team participant;
- When determining the child's educational placement, individuals who are knowledgeable about the child and the placement options;
- At the discretion of the parent or local education agency, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate (the determination of the individual's knowledge or special expertise is made by the party {parents or public local educational agency} who invited the individual to be a member of the individualized education program);
- Whenever appropriate the child;
- When transition is being discussed, other agencies who may be responsible for the provision or payment of transition services; and
- When the purpose of the meeting will be consideration of transition services, the student.

If an invited agency does not send a representative to the meeting, the local education agency takes other steps to obtain the agency's participation in planning transition services. If the student does not attend the individualized education program meeting, the local educational agency takes other steps to ensure consideration of the student's preferences and interests.

#### **Parent Participation in Individualized Education Program Team Meetings**

The SAU 90 School District takes steps to ensure that one or both of the parents of a child with a disability are present at each individualized education program meeting or are afforded the opportunity to participate; including:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and
- Scheduling the meeting at a mutually agreed on time and place

The notice required in these procedures:

- Indicates the purpose, time, and location of the meeting and who will be in attendance and
- Informs the parent of the provisions in these policies relating to the participation of other individuals on the individualized education program team who have knowledge or special expertise about the child.

For a student with a disability beginning at age 14, or younger, if appropriate, the notice also:

- Indicates that a purpose of the meeting will be the development of the required statement of the transition services needs of the student and
- Indicates that the local educational agency will invite the student.

For a student with a disability beginning at age 16, or younger, if appropriate, the notice:

- Indicates that a purpose of the meeting is the consideration of needed transition services for the student;
- Indicates the local educational agency will invite the student, and
- Identifies any other agency that will be invited to send a representative as long as you have been notified and have given your permission for that representative to attend.

If neither parent can attend, the local educational agency uses other methods to ensure parent participation, including individual or conference telephone calls.

The local educational agency conducts meetings without a parent in attendance if the public agency is unable to convince the parents they should attend. In this case the local educational agency has a record of its attempts to arrange a mutually agreed on time and place, such as;

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

The local educational agency takes whatever action is necessary to ensure that the parent understands the proceedings at the individualized education program meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. The local educational agency gives the parent a copy of the child's individualized education program at no cost to the parent.

### **Ed 1103.01 IEP Team**

Certain individuals must be involved in writing a student's Individualized Education Program (IEP). An IEP team member may fill more than one of the team positions if properly qualified. The basic team is comprised of the following individuals:

- 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 on the age of majority) and where otherwise appropriate
- Vocational education representatives, if appropriate

- A member of the multidisciplinary team – if the student is newly identified or for initial placement decision
- Other individuals at the discretion of the parent or School District
- A representative of any other agency that is likely to be responsible for providing or paying for transition services WITH PERMISSION of the parent/guardian/adult student.

The regular education teacher must be involved in developing appropriate positive behavioral interventions and strategies, as well as assisting the team in determining the supports necessary for school personnel to implement the IEP. While only one regular education teacher is required to attend the IEP team meeting, it is important for the case manager to consult with or gather additional information from the child's other teachers.

**Appendix D  
New Hampshire Procedural Safeguards Handbook for Special Education**

**Appendix E  
SAU 90 PROFESSIONAL DEVELOPMENT PLAN  
2009-2014**

**Appendix F  
LEARNING DISABILITY ELIGIBILITY CHECKLIST  
10/26/2008**

**LEARNING DISABILITY ELIGIBILITY CHECKLIST**

<b>Student:</b>		<b>School/Grade:</b>		<b>Date:</b>	
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**Specific Learning Disability Definition:**

The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

**Eligibility Questions – Answer All Of Them**

<b>1. Is there a disorder in one or more of the basic psychological processes?</b>	<b>YES</b>	<b>NO</b>
<b>Verification:</b>		

*To be eligible, the answer to Question 1 must be yes. Proceed to next question.*



<b>2. Is the student failing to achieve adequately for the student's age or to meet State-approved grade level standards in any of the areas below, when provided with learning experiences and instruction appropriate for the student's age or State approved grade level standards?</b>	YES	NO
<p><b>If so, identify the area(s):</b></p> <p> <input type="checkbox"/> oral expression                      <input type="checkbox"/> reading fluency skills  <input type="checkbox"/> listening comprehension           <input type="checkbox"/> reading comprehension  <input type="checkbox"/> written expression                   <input type="checkbox"/> mathematics calculation  <input type="checkbox"/> basic reading skill                   <input type="checkbox"/> mathematics problem solving </p> <p><b>Verification:</b></p>		

*To be eligible, the answer to Question 2 must be yes. Proceed to next question.*

<p><b>3. a. Has the student failed to make sufficient progress to meet age or State-approved grade level standards in one or more of the areas identified in Question 2 when using a process based on the student's response to scientific, research based intervention (RTI);</b></p> <p><b><u>or</u></b></p> <p><b>b. Does the student exhibit 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 IEP team to be relevant to the identification of a specific learning disability, using appropriate assessments?</b></p>	YES	NO	N/A
<p><b>Verification:</b></p>			

*To be eligible, the answer to Question 3 must be yes. Proceed to next question.*

<b>4. Is the underachievement due to the lack of appropriate instruction in reading or math?</b>	YES	NO
<p><i>In making this determination, the Team must consider:</i></p> <p><i>a) Data that demonstrates 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</i></p>		

*b) 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.*

*To be eligible, the answer to Question 4 must be no. Proceed to next question.*

<b>5. Is the student's lack of achievement primarily the result of:</b>		
<b>a. Visual, Hearing or Motor Disability</b>	<b>YES</b>	<b>NO</b>
<b>Verification:</b>		
<b>b. Mental Retardation</b>	<b>YES</b>	<b>NO</b>
<b>Verification:</b>		
<b>c. Emotional Disturbance</b>	<b>YES</b>	<b>NO</b>
<b>Verification:</b>		
<b>d. Environmental, Cultural or Economic Disadvantage and/or Limited English proficiency?</b>	<b>YES</b>	<b>NO</b>
<b>Verification:</b>		

*To be eligible, the answer to all of Question 5 must be no. Proceed to next question.*

<b>6. Relevant behavior noted during the observation(s) and its relationship to academic functioning:</b>
<i>The child must be observed in learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.</i>

<b>7. Educationally relevant medical findings:</b>	<b>YES</b>	<b>NO</b>
<b>If yes, specify:</b>		

<b>8. Are evaluations utilized valid and reliable assessments and performed by qualified individuals, consistent with Ed 1107.04, Table 1100.1?</b>	<b>YES</b>	<b>NO</b>
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**Eligibility Conclusions:**

<b>1. Does a learning disability exist?</b> <i>To be eligible, answers to questions 1, 2, and 3 must each be “Yes,” and the answers to questions 4 and 5 must each be “No.”</i>	<b>YES</b>	<b>NO</b>
<b>Summarize basis for decision:</b>  		

*To be eligible, the answer to Question 1 must be yes. Proceed to Question 2.*

<b>2. If there is a learning disability, does the child require special education and related services because of that disability?</b>	<b>YES</b>	<b>NO</b>
<b>Verification:</b>  		

*If the answers to questions 1 and 2 are “yes,” the student qualifies as a child with a specific learning disability. If the answer to either question is “no,” then the student is ineligible under this coding. Team members should certify their agreement or disagreement by signing below.*

I certify that this report reflects my conclusions:	
NAME and TITLE:	NAME and TITLE:

I certify that this report does not reflect my conclusions:	
NAME and TITLE:	NAME and TITLE:

**Dissenting members shall submit a separate written statement within 5 calendar days of this meeting date.**

As parents of a student with a disability you have protections under the procedural safeguards, which are enclosed, of the New Hampshire Special Education Rules. Sources for parents to contact to obtain assistance in understanding the provisions of these regulations call: [Sara Stetson, Hampton School District, sstetson@sau90.org](mailto:Sara.Stetson@hampton-schools.org); or contact New Hampshire Dept. of Education, Bureau of Special Education, State Office Park

South, 101 Pleasant St. Concord, NH, 03301 (603) 271-2299, Fax: (603) 271-1953. Web: [www.ed.state.nh.us/education/doe/organization/instruction/bose.htm](http://www.ed.state.nh.us/education/doe/organization/instruction/bose.htm)

Adopted: \_\_\_\_\_

Legal References: NH Ed 1107.01, .02 (2008); 34 C.F.R. § 300.307, .309 (2006).

Parents shall have the right to appeal any decision of the LEA regarding the referral, evaluation, determination of eligibility, IEP, provision of FAPE, or placement of a child with a disability using the procedures delineated in Ed 1123. Please see pages 14-15 of the NH Special Education Procedural Safeguards Handbook.

Parents shall have the right to request an independent evaluation at the District's expense if they disagree with an evaluation conducted by the District. Please see pages 8-9 of the NH Special Education Procedural Safeguards Handbook.

## **Appendix F**

### **SAU 90 Criteria for Special Education Evaluations**

The State and Federal special education laws require that the District of SAU 90 evaluate children with disabilities who are in need of special education and related services. The district evaluates children upon referral for special education and reevaluates educationally disabled children at least once every three years or when conditions warrant a reevaluation.

The District of SAU 90 is committed to ensuring that each child's IEP team bases its decision on high quality, reliable and educationally sound special education evaluations.

As a result, the district has established the following list of criteria for all special education evaluations the district conducts, obtains or funds. Unique circumstances may justify deviation from these criteria. If a parent of district staff member is aware of such unique circumstances, they should immediately inform the student's case manager or the district's special education director.

1. The evaluation must comply with the relevant provisions of the State and Federal special education laws, including 34 CFR 300.530-300.536 and NH Code of Administrative Rules ED 1107.
2. The evaluation must be conducted in New Hampshire, by an evaluator whose principal office is located in New Hampshire, unless there is no qualified evaluator in New Hampshire.
3. The evaluator must hold a valid license from the State of New Hampshire in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of the evaluation results. In instances where no "applicable license" exists, the district must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
4. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations.
5. The school district will not pay for the evaluation until it receives the evaluator's report.
6. The evaluator must review relevant educational records.
7. Unless otherwise determined by the child's IEP team, the evaluator must either:
  - a. Observe the child in one or more educational settings; or
  - b. Make at least one contact with the child's general education teacher for the purpose of determining how the child is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
8. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's special education director, and the director's designees. The evaluator must also release the assessments and results, including any

parent and teacher questionnaires, to members of the IEP team, the district's special education director, and the director's designees.

9. The district shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, these records will not be deemed accessible to any school district personnel other than the evaluator, unless and until the district exercises its right to inspect or obtain copies of those records from the evaluator.

## **Appendix G**

### **SAU 90 FORMS**

**Appendix H**  
**ASSURANCES**

<b>Federal Assurance</b>	<b>Document Name</b>	<b>Document Location</b>	<b>Page</b>
<b>Free Appropriate Public Education (FAPE)</b>	Written school board policy that ensures FAPE District procedures that describe the process to ensure that all eligible students aged 3-21 have a right to FAPE, including children with disabilities who have been suspended or expelled from school	District Policy Manual located in the SAU Office  District Plan located at SAU Office	Section 3 Section 8
<b>Child Find</b>	Written District procedures for implementing Child Find Program <u>Sample Documents:</u> <ul style="list-style-type: none"> <li>• Newspaper notice Child Find</li> <li>• Child Find excerpt from Parent/ Student Handbook</li> <li>• Sample letters to children who have refused services</li> <li>• Notices for Child Find screenings / data on number screened</li> <li>• Brochures</li> </ul>	District Plan located at SAU Office  Document file that includes copies of all child find documents – Special Education Office  HSD Policy	Section 1   Section I
<b>Confidentiality of Information</b>	FERPA Notice Written school board confidentiality policy and / or District policies District forms: Access to Records; List of persons having access to records; Permission to Release Information; Amendment of records at parent request	Student Handbook District Policy Manual located at the SAU Office District Plan located at the SAU Office	Section 2 Section J/JRA
<b>Individualized Education Programs</b>	Written Procedures for developing District IEP form Forms for gathering information for writing IEPs Forms used to document IEP process (notices, minutes etc.)	District Policy & Procedures Manual District Plan located at SAU Office	Section 8
<b>Procedural Safeguards</b>	Procedural Safeguards Handbook for Special Education Forms (e.g., WPN; access to records, informed consent)	District Plan located at SAU Office	Appendix D
<b>Participation in LRE</b>	Written procedures used by District IEP teams for determining student placements Forms used to document the placement decision, the process by which it was reached, and the information on which it was based.	District Plan located at SAU Office District Policy and Procedures Manual School Board Policy Manual	Section 7  Section I/IHBA
<b>Participation in Assessment</b>	Written procedures to include children with disabilities in general, state and district-wide assessment programs with appropriate accommodations if necessary. List of approved accommodation District guidelines for participation in the NH-ALT and district-wide alternate assessments School District policy for including children with disabilities in general state and district-wide assessments District policy regarding evaluation of students suspected of having learning disabilities	District Plan located at SAU Office  NH DOE Guidelines located at District Special Education Office  School Board Policy Manual	Section 9   Section I/ILBA
<b>Parent Participation</b>	Written procedures and notifications for including parents in the special education process Written policies and procedures that address participation of children with disabilities in the special education process Handbooks and manuals developed for parental use, which explain their role in the special education process Newspaper articles inviting parents to participate in Child Find Written Prior Notice	District Plan located at SAU Office District Policy and Procedures Manual School Board Policy Manual  District flyers, brochures; manuals located at the SAU Office and each district school Copies of website information Document file located at SAU office	Section 5
<b>Full Educational Opportunity Goal and Timetable</b>	School District policy (or procedure)  Detailed written timetable for accomplishing goal	District Plan located at SAU Office  SAU Office- Special Education	Section A/ACE

<b>National Instructional Materials Accessibility Standard (NIMAS)</b>	Annual Request for Federal Special Education Funds (current FY) District Purchase Orders / Contract language including NIMAS	Administrator's files SAU / District Office- Special Education Administrator  SAU Office – Business Office	Hampton IDEA Grant Assurances
<b>McKenney Vento Homeless Act</b>	School District policy (or procedures)	School Board Policy at SAU Office Copies of website information Student/ Parent Handbook	Section J/JFA-R Section J/JFABD



# New England Common Assessment Program

## *Accommodations Guide* *~ NH Edition ~*



Revised - August 2010  
NH Edition  
(Request for "O-Other" Form Included)

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## Measured Progress

If you have any questions regarding materials or administering the NECAP Assessment, contact the Measured Progress Service Center at 1 877-632-7774.

## Foreword

This *NECAP Accommodations Guide* is a revision of the *NECAP Accommodations, Guidelines, and Procedures: Administrator Training Guide*, originally published prior to the initial administration of the grade 3 through 8 NECAP tests in October 2005. Like the original, this document is intended to supplement test administration information contained in the *NECAP Principal Test Coordinator Manual* and grade-specific *Test Administrator Manual* produced for each administration of the NECAP tests. Also like the original, this document is a joint product of the NECAP states and is the result of input and the efforts of personnel from each of the NECAP states, the Center for Assessment (NCIEA), and Measured Progress.

This document follows a review of the *NECAP Table of Standard Test Accommodations* that was completed during the spring of the 2008-2009 school year. Fortuitously, the timing of that scheduled 5-year review of accommodations coincided with the addition of Maine to New Hampshire, Rhode Island, and Vermont as the fourth NECAP state. As originally planned, the review included three phases. One phase of the review included consultation with the national *NECAP Technical Advisory Committee* on the latest research, best practices, and federal requirements on the use of accommodations in large-scale testing programs such as NECAP – particularly for English language learners and students with disabilities. A second phase of the review involved a review by the NECAP states of the use of accommodations on NECAP tests since October 2005. The third phase involved obtaining feedback from local educators on the use of accommodations on the NECAP tests – paying particular attention to the appropriateness and practicality of accommodations and the clarity with which their use was described. In each NECAP state, feedback from local educators was gathered through the use of electronic surveys, focus groups, and/or feedback solicited at workshops and professional development activities. The addition of Maine allowed the states to also incorporate Maine’s experiences and practices with accommodations into the review process.

As a result of the review process, several changes were made to the *NECAP Table of Standard Test Accommodations*. The most noticeable changes were made to the look and feel of the document with the relabeling of accommodation categories A-F to better reflect the type of accommodations offered and the inclusion in the *Table* of details on the delivery of accommodations to enhance its usefulness and promote the appropriate use of accommodations. Overall, there were few changes to the actual accommodations listed as standard test accommodations on the NECAP tests. In several cases, supports previously classified as separate accommodations were collapsed into a single accommodation. There were also three cases where a support previously classified as an accommodation was reclassified as a general support allowable to all students as needed without the requirement to classify it as an accommodation. There were only two cases, both related to test directions, in which supports previously listed as a standard test accommodation are no longer allowed and have been replaced by a new accommodation.

## Section 1: Purpose of the Accommodations Guide

This guide is supplementary to the Principal/Test Coordinator Manual and the Test Administrator Manuals. It is to be used in conjunction with these manuals. The Manuals include overall administration information for all students.

It is important to remember that this guide also contains information that is relevant for all students. On the NECAP tests, standard test accommodations are allowable for all students if determined by a school team. In order to make sure that all students are given access to test accommodations that they may need during state testing, it is vital for test administrators to become familiar with allowable accommodations and the appropriate ways to administer them.

The NECAP Accommodations Guide has been created to...

- ensure a standardized accommodation administration process is followed.
- help schools make appropriate accommodation choices for students and understand what, if any, consequences are attached to their decisions.
- help schools provide students with the best opportunity to show what they know within the state testing environment.
- help building administrators and test coordinators train school personnel involved in the administration of accommodations.

### REMINDER

Testing accommodations should be decided for individual students by a team; they are not designed for use with entire classrooms. They should not give students unfair advantages. Rather they are meant to remove barriers that may exist due to a student's learning style or disability. Students should have had experience using an accommodation during routine instruction and/or test-taking, as appropriate, in the classroom prior to its use on a NECAP test.

## Section 2: Introduction to NECAP Accommodations

**All students are eligible to utilize appropriate assessment accommodations listed in the Table of Standard Test Accommodations when participating in the NECAP tests. Any accommodation(s) utilized for the assessment of individual students must be:**

- the result of a decision made by the IEP, Section 504, or other school team that includes, whenever possible, the student's parent(s) or guardian(s). Under most circumstances accommodation decisions should be made prior to testing. There always will be emergencies and unforeseen cases that require an accommodation decision to be made during the test administration window. These cases should be rare and should not preclude the accommodation decision being made by an appropriate school team.
- based on the individual student's needs.
- consistent with those accommodations used during the student's regular classroom instruction, including test-taking and, if applicable, consistent with the student's IEP or 504 Plan.
- documented at the appropriate local level.

Test accommodations are changes in setting, timing (including scheduling), presentation format, or response format that do not alter in any significant way what the test measures or the comparability of results. When used properly, appropriate test accommodations remove barriers to participation in the assessment and provide students with diverse learning needs an equitable opportunity to demonstrate their knowledge and skills.

Most students who need accommodations can be supported successfully by using one or more of the standard accommodations listed in the timing (T), setting (S), presentation (P), and response (R) categories on the NECAP Table of Standard Test Accommodations.

The accommodations included in the *Table of Standard Test Accommodations* are based on research, best practice, and educators' experiences administering the NECAP tests over several years. However, the *Table of Standard Test Accommodations* is not an exhaustive list of allowable accommodations. Individual students may have particular needs that require the use of an accommodation not included in the *Table of Standard Test Accommodations*. In such cases, school personnel may contact the Department of Education to request verification of the comparability of a proposed accommodation using the procedures described under Other Accommodations on pages 20-21.

## Section 3: Making Accommodation Decisions

Decisions about the use of accommodations should not be made by an individual. Decisions should be made by the school team responsible for planning the student's academic program and should include parent participation. It is recommended that every school identify a process to determine how accommodation decisions are made for students who do not have IEPs or 504 plans. Many schools already have Student Support or Child Study Teams in place for the purpose of addressing the individual needs of students in general education.

The role of the team is to discuss the accommodations that a student may need for NECAP testing, decide which accommodations will be used by the student, and document the process.

These teams would typically involve the following individuals:

For students in general education:

- Educators involved in supporting the student
- Parent(s) and/or guardian(s)
- Student (as appropriate)

For students with 504 Plans, the student's existing 504 Team, including:

- Educators involved in supporting the student
- Parent(s) and/or guardian(s)
- Student (as appropriate)

For students with disabilities, the student's existing IEP Team, including:

- Special and general educators involved in supporting the student
- Parent(s) and/or guardian(s)
- Student (as appropriate)

For students who are English language learners (ELL):

- Teachers of English language learners or bilingual students and general educators involved in supporting the student
- Interpreter (as appropriate)
- Parent(s) and/or guardian(s)
- Student (as appropriate)

**NOTE:** Please refer to Section 5 of this document for more information about Accommodation Decision Teams.

## ***Assessment Supports that are not Accommodations***

When making decisions about accommodation use for an individual student, the team should be aware of the many assessment supports allowable for **all students** during NECAP testing that are not considered accommodations. Although these supports are not considered accommodations and their use does not need to be recorded on the Student Answer Booklet, thoughtful planning and preparation for the student's test-taking experience should include consideration of these available supports including how and when they can be used appropriately. General test supports include the basic minimum conditions that should be provided to create an appropriate testing environment. Some limited individualization is permitted within these general supports. .

The following are examples of assessment supports that are not accommodations:

### **Before Testing, the Test Administrator:**

- Reviews and shares “*Test Taking Tips for Teachers to Share with Students*”
- Provides students with a “*NECAP Practice Test*” experience that is appropriate to their tested grade level (if school personnel believe this will help the students to become familiar with the test format and test taking procedures), or to give students a chance to practice good test taking strategies as suggested in the ‘Tips’ documents.
- Encourages and reminds students to get a good night’s rest and a healthful breakfast prior to test administration to help them focus and give their best effort.
- Is familiar with (and to) the students who are being tested
- Schedules group test sessions during the normal school day with distractions minimized

### **During Testing, the Test Administrator:**

- Provides a quiet, appropriate group testing space equipped with testing materials students will need. Note: A list of standard NECAP test materials (including required reference sheets and tools) is provided in the grade appropriate Test Administrator Manual.
- As needed provides appropriate furniture and placement, including as appropriate, preferential seating for certain students, or assigns all student seating. Study carrels may be assigned to minimize testing distractions, if needed.
- As needed provides motor and balance supports, Special individualized pencil grips, positioning or balance equipment, wheelchairs, walkers, or occupational or physical therapy supports that permit motor movement enabling a student to interact with the test are allowed and are not treated as a test accommodation - provided that they do not provide any academic function for the student.
  - Note: In general, assistive communication technology devices ARE treated as accommodation supports. For more information, refer to the NECAP *Table of Standard Test Accommodations* or contact the Department of Education.
- Allows individually prescribed corrective lenses, glasses, or hearing aids without accommodation. For other special purpose auditory or visual supports & aids, see NECAP *Table of Standard Test Accommodations*.
- Provides the scripted general test directions (from the test administrator’s manual) to all students,
  - **During the Introduction to the Session, Test Administrators may:**
    - A. repeat scripted directions for students as needed, and may check for understanding of scripted test directions before proceeding,
    - B. clarify only the scripted directions (general procedures) that are read to the entire class, and



- **During Testing, Test Administrators may:**
  - answer questions about the very few test navigation directions found inside the test booklet (such as: 'Mark your answer to number 15 on page 4'; 'Go on to the next page'; or 'Stop'.)
- Provide active, 'walk-around' proctoring during testing, to ensure that students remain productively on task and focused
- May, upon student request, pronounce single words (*not during reading test*)
  - With the exception of the reading test – students may ask the test administrator to pronounce single words they do not recognize. Test administrators may pronounce single written words in English, but, may not pronounce mathematical symbols or numbers written as numerals.
  - **Note:** Test administrators should not read entire sentences as a general support. This level of support should be treated as an accommodation for any test other than reading. Any word pronunciation is treated as a modification of the reading test. Support that involves reading entire sentences to the student must be determined and planned by the educational team before testing, consistent with routine practice, and documented appropriately as either an accommodation or a modification, depending upon tested content area.

**During Testing, a Student may -**

- Circle, underline, or mark text in the Student Test Booklet that he or she finds to be important to him or her during the test. This is a test taking strategy and not an accommodation *if the student is doing this independently* (highlighters may not be used at grades 3 and 4 because they may bleed through, pencils may be used at these grades)
- Use post-it notes to flag test session stop signs they must not go beyond or may use a plain (non-ruler) straight edge (e.g., scrap paper) to assist with visual tracking while they read.
  - **Note:** It is very important that any post-it notes or similar inserted material be removed before the booklet is returned for scoring.
- Select and use NECAP permitted calculation supports (Mathematics Sessions 2 & 3 only), as consistent with local school policy. For some students, this may include the NECAP Hundreds Chart and NECAP Multiplication Table. Other students may be better served by using a permitted calculator. Combined use of the charts *together with a calculator is not* recommended and is often unmanageable for students. It's best to choose between these tools. For more information on the use of calculation aides or tools permitted during testing, see: NECAP Calculator Policy available on your state's NECAP website.

**After Testing, a Test Administrator may -**

- Permit or provide appropriate reading or other quiet activity material for those students who finish early while others are still working. This must be planned before testing.
- ❖ **General Note:** Many supports that exceed the limits of the procedures described above are considered to be formal accommodations and are included in the NECAP *Table of Standard Accommodations*. However, if a procedure provides so *much* support that it prevents the student from demonstrating the construct being tested, then it changes the very academic content the test is attempting to measure, and for this reason it will be treated as a modification. It is very important to understand the difference between accommodations and modifications. Please read this manual completely and, if you need more information, contact your state education assessment office.

Additional information on allowable assessment supports and general test information is available in the following documents posted on the Department of Education Website:

- *Tips for Teachers to Share with Students*
- *NECAP Practice Tests, Posted by content area and grade level*
- *NECAP Writing Rubrics*
- *NECAP Calculator Policy*
- *NECAP Hundreds Chart*
- *NECAP Multiplication Table*
- *NECAP Mathematics Reference Sheets*
- *NECAP Released Items and Teacher Support Materials*

## *The Appropriate Use of an Accommodation: Finding the Balance*

There is an important distinction between instructional accommodations and testing accommodations. Supports provided at the beginning of the instructional process are designed to help students' first experience, learn, and practice a new skill. The long term purpose of **instructional accommodations** or other early supports is to ultimately help the student learn to become as fluent and as independent as possible in performing that skill. For this reason, instructional accommodations should incorporate a scaffolded *fading process* that provides much more support early in the learning process as skill acquisition is just beginning. Later in the instructional process the need for early levels of support should be challenged or tested to see how much control can be assumed by the student. The intensive supports used very early in instruction may at times greatly simplify or may even *modify* the skill the student is learning. These supports may help to guide, shape, and successively approximate the student's behavior to ensure that he or she experiences some early success while moving closer to real skill performance. When planning instructional supports, the path to student independence must always be kept in mind. Plan with the end in mind, always move toward independence.

As effective instruction continues, early intensive supports (or modifications) are faded, allowing the student to demonstrate the academic skill with increasing independence. As higher levels of skill independence are achieved, supports are faded back further still until **the least intrusive accommodation** or, perhaps even full independence is achieved. The least intrusive accommodation is the level of support that will allow the student to demonstrate the skill in the most independent manner possible for that student.

For example, if a student has a certain type of visual processing difficulty, he or she may need (for some years) to use a straight edge to guide visual tracking while reading, but eventually learns to perform the actual reading task with full independence to the extent of his or her capability. At the point of testing, this student no longer has a person holding the tracking tool or reading the passage to him or her. This has become the independent responsibility of the student; yet remaining student needs for support are still being met. Independent use of the visual tracking tool has become the least intrusive accommodation for the student at this point.

**Testing accommodations** should be those accommodations that *are the least intrusive accommodations possible* to meet the needs of the student while *allowing the maximum level of independence possible* for that student. They represent the current balance point the instructional fading process has achieved. Testing accommodations, therefore, represent the highest point of independent skill acquisition that has been achieved with that student *to date* through the instructional process. Testing accommodations do not necessarily represent the instructional end point, but they do represent a point in time that lies beyond the earliest phases of skill acquisition. Some skill independence should be seen if instruction has been effective. Teams must remember to carefully consider *long term independence* and thoughtfully design the process of fading supports when choosing and planning instructional methods.

**The key is finding the right balance of supports for a given student and actively, consistently, and constructively supporting the growth of student independence.**

## Section 4: Standard Test Accommodations

This section of the Accommodations Guide contains a copy of the NECAP Table of Standard Test Accommodations and a discussion of each of the six categories of accommodations in the table: Timing (T), Setting (S), Presentation (P), Response (R), Other Accommodations (O), and Modifications (M). For each category, there is a list of the standard accommodations, an overview of the category, explanations of the use of selected accommodations as needed, and examples and procedures to be followed as needed.

The Table of Standard Test Accommodations is a list of accommodations that are available to all students on an individual basis, regardless of disability status, if their use has been approved by a team. Following procedures previously outlined in Section 3 (Making Accommodation Decisions), school teams will refer to the Tables of Standard Test Accommodations when making decisions for NECAP testing.

All accommodations must be recorded by the test administrator on the Student Answer Booklet. Please be sure to bubble in only those accommodations that the student actually used for the NECAP test for each content area in which they were used.

**It is important to note that if the team believes a student needs an accommodation that is not listed, the school must contact appropriate personnel at the Department of Education to discuss the proposed accommodation (see contact information on page ii). The approval process and any consequences that result from the use of that accommodation will be discussed.**

## NECAP Table of Standard Accommodations

Revised August 2009

Any accommodation(s) used for the assessment of an individual student will be the result of a team decision made at the local level. All decisions regarding the use of accommodations must be made on an individual student basis – not for a large group, entire class, or grade level. Accommodations are available to all students on the basis of individual need regardless of disability status and should be consistent with the student’s normal routine during instruction and assessment. This table is not intended to be used as a stand-alone document and should always be used in conjunction with the *NECAP Accommodations Guide* and/or *Test Administrator* manuals.

T. Timing		
Code	Tests were administered	Details on Delivery of Accommodations
T1	with time to complete a session extended beyond the scheduled administration time within the same day.	NECAP tests are not designed to be timed or speeded tests. The scheduled administration time already includes additional time and the vast majority of students complete the test session within that time period. Extended time within a single sitting may be needed by students who are unable to meet time constraints. A test session may be extended until the student can no longer sustain the activity.
T2	so that only a portion of the test session was administered on a particular day.	In rare and severe cases, the extended time accommodation (T1) may not be adequate for a student not able to complete a test session within a single day. A test session may be administered to a student as two or more “mini-sessions” if procedures are followed to maintain test security and ensure that the student only has access to the items administered on that day (see the <i>NECAP Accommodations Guide</i> for details).
T3	with short, supervised breaks.	Multiple or frequent breaks may be required by a student whose attention span, distractibility, or physical condition, requires shorter working periods.
T4	at the time of day or day of week that takes into account the student’s medical needs or learning style.	Individual scheduling may be used for a student whose school performance is noticeably affected by the time of day or day of the school week on which it is done. This accommodation may not be used specifically to change the order of administration of test sessions. This accommodation must not result in the administration of a test session to an individual student prior to the regularly scheduled administration time for that session for all students.

S. Setting		
Code	Tests were administered	Details on Delivery of Accommodations
S1	in a separate location within the school by trained school personnel.	A student or students may be tested individually or in small groups in an alternative site within the school to reduce distractions for themselves or others, or to increase physical access to special equipment.
S2	in an out-of-school setting by trained school personnel.	Out-of-school testing may be used for a student who is hospitalized or tutored because they are unable to attend school. The test must be administered by trained school personnel familiar with test administration procedures and guidelines. Relatives/guardians of the student may not be used as the test administrator.

P. Presentation		
Code	Tests were administered	Details on Delivery of Accommodations
P1	individually.	Individual or small group testing may be used to minimize distractions for a student or students whose test is administered out of the classroom or so that others will not be distracted by other accommodations being used (e.g., dictation)
P2	in a small group.	
P3	with test and directions read aloud in English or signed to the student. <b>(NOT allowed for the Reading test.)</b>	A reader may be used for a student whose inability to read would hinder performance on the Mathematics, Science, or Writing test. Words must be read as written. Guidelines for reading mathematical symbols or numbers written as numerals must be followed. No translations (with the exception of signed language) or explanations are allowed. Trained personnel may use sign language to administer the test.
P4	with only test directions read aloud or signed to the student.	A reader may be used for a student whose inability to read or locate directions would hinder performance on the test. Note that most directions on the NECAP test occur at the beginning of the test session and are already read aloud by the test administrator. Guidelines for what are and are not “test directions” must be followed. With the exception of sign language and the case of students enrolled in a program where the test administrator routinely presents information in a foreign language, directions may not be translated.
P5	with administrator verification of student understanding following the reading of test directions.	After <u>test directions</u> have been read, the test administrator may ask the student to explain what he/she has been asked to do. If directions have been misunderstood by the student, the <u>test directions</u> may be paraphrased or demonstrated. Test items <b>MUST NOT</b> be paraphrased or explained.
P6	using alternative or assistive technology that is part of the student’s communication system.	The test may be presented through his/her regular communication system to a student who uses alternative or assistive technology on a daily basis. Technology may not be used to “read” the Reading test to the student.
P7	by trained school personnel known to the student other than the student’s classroom teacher.	A student may be more comfortable with a test administrator who works with the student on a regular basis, but is not the student’s regular teacher for the general curriculum, or other staff assigned as test administrator. All test administrators must be trained school personnel familiar with test administration and accommodations procedures and guidelines.
P8	using a large-print version of assessment.	Both large-print and Braille versions of the assessment require special preparation and processing and must be pre-ordered. Directions for ordering these materials are included in communications sent to school principals prior to the test.
P9	using Braille version of assessment.	
P10	using a word-to-word translation dictionary for ELL students. <b>(NOT allowed for the Reading test.)</b>	A student with limited English proficiency may have a word-to-word dictionary available for individual use as needed. A word-to-word dictionary is one that does not include any definitions. Information on acceptable dictionaries is provided on the departments’ websites.
P11	using visual or auditory supports.	The test may be presented using visual aids such as visual magnification devices, reduction of visual print by blocking or other techniques, or acetate shields; or auditory devices such as special acoustics, amplification, noise buffers, whisper phones, or calming music.

R. Response		
Code	Tests were administered	Details on Delivery of Accommodations
R1	with a student <u>dictating</u> responses to school personnel. <b>(NOT allowed for the Writing test.</b> See O2 – using a scribe for the Writing test.)*	A student may dictate answers to constructed-response or short-answer questions to locally trained personnel or record oral answers in an individual setting so that other students will not benefit by hearing answers or be otherwise disturbed. Policies regarding recorded answers must be followed prior to returning test materials.
R2	with a student <u>dictating</u> responses using alternative or assistive technology/devices that are part of the student’s communication system. <b>(NOT allowed for the Writing test.</b> See O2 – using a scribe for the Writing test.)*	Technology is used to permit a student to respond to the test. When using a computer, word processing device, or other assistive technology, spell and grammar checks must be turned off. Policies regarding recorded answers must be followed prior to returning test materials.
R3	with a student using approved tools or devices to minimize distractions.*	Noise buffers, place markers, etc. may be used to minimize distractions for the student. This accommodation does NOT include assistive devices such as templates, graphic organizers, or other devices intended specifically to help students organize thinking or develop a strategy for a specific question.
R4	with a student <u>writing</u> responses using separate paper, a word processor, computer, braille, or similar device.*	A student may use technological or other tools (e.g., large-spaced paper) to write responses to constructed-response, short-answer, and extended response items. A key distinction between this accommodation and R2 is that the student using this accommodation is responding in writing rather than dictating. When using a computer, word processing device, or other assistive technology, spell and grammar checks must be turned off, as well as access to the Web. This accommodation is intended for unique individual needs, not an entire class. Policies regarding recorded answers must be followed prior to returning test materials.
R5	with a student indicating responses to multiple-choice items to school personnel.*	A student unable to write or otherwise unable to fill-in answers to multiple-choice questions may indicate a response to trained school personnel. The school personnel records the student’s response in the student answer booklet.
R6	with a student responding with the use of visual aids.*	Visual aids include any optical or non-optical devices used to enhance visual capability. Examples include magnifiers, special lighting, markers, filters, large-spaced paper, color overlays, etc. An abacus may also be used for student with severe visual impairment or blindness on the Mathematics and Science tests. Note that the use of this accommodation still requires student responses to be recorded in a student answer booklet.
R7	with a student with limited English proficiency responding with use of a word-to-word dictionary. <b>(NOT allowed for the Reading test.)</b>	A student with limited English proficiency may have a word-to-word dictionary available for individual use as needed when responding. A word-to-word dictionary is one that does not include any definitions. Information on acceptable dictionaries is provided on each Department’s website.

**\* Transcription of student responses is required under certain accommodation circumstances.**

See: “**After Testing: Special Materials**” Section of the Test Coordinator Manual or Test Administrator Manual for details. Materials that need to be transcribed and are not, will not be scored and will not earn credit.

O. Other		
These accommodations require DOE approval. All “Other (O)” accommodations used without DOE approval result in no credit being given.		
Code	Tests were administered	Details on Delivery of Accommodations
O1	using other accommodation(s) not on this list, requested by the accommodations team.	An IEP team or other appropriate accommodation team may request that a student be provided an accommodation not included on this standard list of accommodations. Like all other accommodations, these should be consistent with the student’s normal routine during instruction and/or assessment. Requests should be made to the DOE when accommodation plans are being made for a student prior to testing. DOE approval must be received for the requested accommodation to be coded as an O1 accommodation. Non-approved accommodations used during test administration will be coded as an M3 modification.
O2	with a scribe used on the Writing test.	The use of a scribe for students dictating a response to the Writing test may only be used under limited circumstances and must be approved by the DOE. When approved as an accommodation, the scribe must follow established guidelines and procedures.

M. Modifications		
All modifications in no credit being given for impacted items.		
Code	Tests were administered	Details on Delivery of Accommodations
M1	using a calculator and/or manipulatives on Session 1 of the Mathematics test or using a scientific or graphing calculator on Session 3 of the Science test	Inappropriate use of a calculator or other tools will result in impacted items being scored as incorrect.
M2	with the test administrator reading the Reading test.	The read aloud accommodation (P3) is not allowed for the Reading test. If it is used, all reading items in the sessions that are read aloud will be scored as incorrect.
M3	using an accommodation on this list not approved for a particular test or an accommodation not included on this list without prior approval of the DOE.	Inappropriate use of an accommodation included on this list or use of another accommodation without prior approval of the DOE will result in impacted items being scored as incorrect.

Note: English Language Learners may qualify for any of the accommodations listed as appropriate and determined by a team. Refer to the *NECAP Accommodations Guide* for additional information.

## Timing (T)

- |  |
|--|
| <p>T1. With time to complete a session extended beyond the scheduled administration time within the same day.</p> <p>T2. So that only a portion of the test session was administered on a particular day</p> <p>T3. With short, supervised breaks</p> <p>T4. At the time of day that takes into account the student's medical needs or learning style.</p> |
|--|

### Considerations for Timing accommodations

#### Overall:

- **Students must be supervised at all times during an active testing session, including breaks.**
- **Timing accommodations may not be used specifically to change the required order of administration of NECAP tests or test sessions.**

#### **T1 With time to complete a session extended beyond the scheduled administration time within the same day.**

- All students are given additional time on the NECAP tests. The guidelines in the Principal/Test Coordinator and Test Administrator Manuals indicate the amount of time that must be scheduled for each test session. The scheduled time has been calculated to provide students significant additional time to complete the test session beyond the time that the vast majority of students will require to complete the test session. Completing the test within the scheduled time for the test session should not be marked as an accommodation.
- The extended time accommodation should be used for students who routinely take more than double the allotted time to complete class projects and tests. For other students, the decision to use this accommodation should include consideration of the amount of additional time built into the scheduled time for the test session as well as the student's normal timing requirements. The decision to use this accommodation may also require the use of an alternative setting accommodation.
- Refer to the Principal/Test Coordinator Manual for a complete discussion of the amount of additional time that has been built into the required time to be scheduled for a particular test and test session. The percentage of additional time built into the schedule varies between grades 3 through 8 and high school and for the Inquiry Task portion of the Science Test (session 3).

#### **T2 So that only a portion of the test session was administered on a particular day**

- The use of this accommodation should be **very rare and limited to severe cases** in which even with the use of other accommodations such as extended time (T1) and short, supervised breaks (T3), a student would be unable to complete a test session within a single day. Use of this accommodation requires the test administrator to ensure that the student only has access to the set of test items that will be completed on a particular day in order to maintain test security. It is likely that use of this accommodation will also require an individual administration (P1) in which a test administrator can closely monitor the student. Prior to use of this accommodation



schools should contact the Department of Education to discuss appropriate strategies for its use on a particular test or test session.

- This accommodation is **NOT** intended for students who begin a test session and are unable to complete it because they become ill or must be removed from the testing environment for some other reason.

### **T3 With short, supervised breaks**

- Be sure students who need frequent breaks (T3) are supervised during these breaks. They should not be allowed opportunities to interact with other students. Recess and lunch may not be used as breaks during a single testing session. Sessions must be completed within the length of the day.

## Setting (S)

- S1. In a separate location within the school by trained school personnel
- S2. In an out-of-school setting by trained school personnel

### Considerations for Setting accommodations

#### Overall:

- **Make sure the alternative setting is conducive to test-taking, and that the setting is quiet, has minimal distractions, and is reserved for a sufficient block of time.**
- **The decision to administer the test in an alternative setting is often linked to the need to properly administer other accommodations. Therefore, the setting accommodations are often bundled with other accommodations. Make sure the setting matches the intent of the other accommodation. For example,**
  - **an individual student who needs to have sections of the test read aloud (P3) should be in a location that will not disturb other students.**
  - **it may not be possible to test a student who needs short, supervised breaks (T3) as an accommodation during testing in a small group.**
- **All tests must be administered by trained school personnel.**

#### **S2 In an out-of-school setting by trained school personnel**

- The use of a non-school setting is intended for unique situations, such as a student who is incarcerated or a student with a long-term illness receiving instruction at home. This accommodation is not intended for students who are home-schooled.

#### **REMINDER**

Test security must be maintained in all alternative settings. The administrator must secure all test materials during transfer to and from the alternative setting. If the student is being tested in a separate location within the school, do not send the student to the alternative setting or back to the classroom on his/her own with testing materials.

## Presentation (P)

- P1. Individually
- P2. In a small group
- P3. With test and directions read aloud in English or signed to the student (NOT allowed for the Reading test)
- P4. With only test directions read aloud or signed to the student
- P5. With administrator verification of student understanding following the reading of test directions
- P6. Using alternative or assistive technology that is part of the student's communication system
- P7. By trained school personnel known to the student other than the student's classroom teacher
- P8. Using a large-print version of assessment
- P9. Using Braille version of assessment
- P10. Using a word-to-word translation dictionary for ELL students (NOT allowed for the Reading test)
- P11. Using visual or auditory supports

### Considerations for Presentation accommodations

#### Overall:

- **Many presentation accommodations need to be bundled with an alternative setting (S1) accommodation. Make sure to take this into consideration when planning needed accommodations for a student, and when determining the number of individual (P1) and small group (P2) accommodations that may be needed.**

#### **P2 In a small group**

- The size of a small group of students will vary depending on the other accommodations that are bundled with it.
- Students who need the test and directions read aloud (P3) should probably be limited to a group size of no more than five. Students will need to work the problems out at their own individual pace. The test administrator will need to read a test item when the student is ready to work on that item.
- Students who have been identified in advance as needing an extended time accommodation (T1) may be able to have the test administered in a group larger than five students because students are working at their own pace.

#### **P3 With test and directions read aloud in English or signed to the student. (NOT allowed for the reading test.)**

- Note that reading any portion of the Reading Test to students is considered a modification (M2) and invalidates all test sessions that have been read.
- Note that some test sessions such as Session 2 of the Writing Test at grades 5 and 8 and portions of the Science Inquiry Task (session 3) are designed to be read aloud to all students. Reading aloud these portions of the test should not be marked as an accommodation.
- On the Mathematics Test, the symbols or numbers written as numerals may not be read aloud. All symbols and numerals in mathematics items and multiple-choice answers are to be pointed to only. For example, in a mathematics problem involving the symbol "<", the teacher would point to the symbol and ask the student to read it.

Numbers written as numerals (25) should also be pointed to, while numbers written as text (twenty-five) may be read aloud.

- This accommodation should be administered in a manner that provides the amount of support required by the student and in a manner most similar to routine classroom instruction and test-taking for the student. For example,
  - The test administrator may read the entire test and/or sessions (except the reading test) to the student,
  - The student may ask for only portions of the test to be read aloud by the test administrator, as needed.

#### **P4 With only test directions read aloud or signed to the student.**

- Scripted test directions contained in the Test Administrator Manuals are read aloud by test administrators to all students being tested. These scripted directions may be repeated for any student as a standard procedure. Reading these scripted test directions should not be marked as an accommodation.
- On NECAP tests, test directions inside test booklets are very limited and are generally printed in bold in a page header, a page footer, or above a test item number. These directions may be repeated as often as needed. Examples of these directions include
  - the session header or footer “Mathematics – Session 1”
  - “Answer questions 1 through 13 on page 12 in your Student Answer Booklet”
  - navigation directions such as “Go on.” or “Do not go on. Stop.”
  - general notes such as “No test materials on this page.”
- Test directions **DO NOT** include passages, purpose setting states prior to reading passages, test items, response options, or similar materials. Those materials may not be read aloud under accommodation P4.
- With the exception of sign language and the case of students enrolled in a program where the test administrator routinely presents information in a foreign language, test directions may not be translated.

#### **P5 With administrator verification of student understanding following the reading of test directions**

- Test administrators are expected to ask all students in a class whether they understand scripted test directions that are read by test administrator. That practice should not be marked as an accommodation and is not the intent of accommodation P5.
- This accommodation should be used with students who routinely have trouble interpreting and following directions during normal classroom instruction and test-taking situations.

#### **P8 Using a large-print version of assessment**

- Prior to each test administration the Department of Education provides schools with information needed to order large-print tests for the upcoming administration.
- Make sure to consider whether the student uses large-print materials routinely for classroom instruction and test-taking. The NECAP tests should not be the first time the student is introduced to large-print materials.
- If the use of large-print materials results in the student responding outside of the Student Answer Booklet (for example R4), policies regarding recorded answers must be followed prior to returning test materials.

#### **P9 Using Braille version of assessment**

- Prior to each test administration the Department of Education provides schools with information needed to order Braille tests for the upcoming administration.
- Make sure to consider whether the student is using Braille routinely for classroom instruction and test-taking. The NECAP tests are translated into both contracted and uncontracted Braille. Uncontracted Braille is usually used by younger or beginning Braille readers. The school personnel ordering Braille test(s) will need to know what type of Braille the student is accustomed to using.
- Use of Braille tests is likely to be bundled with a response accommodation such as R4. Policies regarding recorded answers must be followed prior to returning test materials.

**P10 Using a word-to-word translation dictionary for ELL students (NOT allowed for the Reading test.)**

- This accommodation is most appropriate for intermediate-stage English language learners. Research has shown that this accommodation is not helpful for beginning-stage learners.
- Make sure to consider whether the student uses a word-to-word translation dictionary routinely during classroom instruction and test-taking.
- A word-to-word translation dictionary does not include any definitions. Additional information on appropriate word-to-word translation dictionaries can be found in Section 6: Accommodation Resources.
- It is likely that this accommodation will be bundled with the corresponding response accommodation R7.

**P11 Using visual or auditory supports**

- This accommodation includes a variety of visual and auditory supports designed to minimize distractions and help students focus during the test administration.
- Materials that block other print on the page of the Test Booklet or Student Answer Booklet must not permanently alter the booklet. The use of Post-it Notes or plain paper, for example, is acceptable.

## Response (R)

- R1. With a student dictating responses to school personnel (NOT allowed for the writing test. See O2 – using a scribe for the writing test.)
- R2. With a student dictating responses using alternative or assistive technology/devices that are part of the student’s communication system (NOT allowed for the writing test)
- R3. With a student using approved tools or devices to minimize distractions
- R4. With a student writing responses using separate paper, a word processor, computer, Braille, or similar device
- R5. With a student indicating responses to multiple-choice items to school personnel
- R6. With a student responding with the use of visual aids
- R7. With a student with limited English proficiency responding with use of a word-to-word dictionary (NOT allowed for the Reading test)

### Considerations for Response accommodations

#### Overall:

- **Note that response accommodations R1, R2, and R4 may result in the student responding outside of the Student Answer Booklet. Policies regarding recorded answers must be followed prior to returning test materials. Separate sheets of paper stapled, taped, or glued into the Student Answer Booklet are not acceptable.**
- **Students responding outside of the Student Answer Booklet should be shown the provided answer space in the Student Answer Booklet prior to responding, in order for them to gauge how much to write.**

#### **R1 With a student dictating responses to school personnel (NOT allowed for the Writing Test).**

- When using this accommodation, the student is dictating his/her responses to the constructed response questions directly to trained school personnel or is recording oral responses. In most cases, school personnel will be able to scribe student responses directly into the Student Answer Booklet at the same time as the student is dictating.
- Responses must be scribed exactly as dictated.
- In the event that responses are not scribed in the Student Answer Booklet at the same time as they are produced, policies regarding recorded answers must be followed prior to returning test materials.
- This response accommodation should require an individual administration (P1) and may also require the use of an alternative setting (S1) and possibly the use of extended time (T1).

**R4 With a student writing responses using separate paper, a word processor, computer, braille, or similar device**

- When any R4 accommodation is used, there are specific instructions you must follow after testing has been completed to prepare the materials to be returned for scoring. These procedures permit the student work to be scored and, *if the appropriate procedure is not followed, student work will not be scored or credited*. These instructions are provided in both the Test Coordinator Manual and in the Test Administrator Manual in the section titled: **After Testing: Special Materials**.

**R5 With a student indicating responses to multiple-choice items to school personnel**

- When using this accommodation, the student is indicating by pointing to or naming/reading aloud his/her answers to multiple-choice questions and at the same time school personnel is marking those answers in the Student Answer Booklet.
- This response accommodation should require an individual administration (P1) and may also require the use of an alternative setting (S1) and possibly the use of extended time (T1).

**R6 With a student responding with the use of visual aids**

- An abacus can be used by a student with severe visual impairment or blindness in any of the mathematics and/or science sessions.

**R7 With a student with limited English proficiency responding with use of a word-to-word dictionary (NOT allowed for the Reading test.)**

- This accommodation is most appropriate for intermediate-stage English language learners. Research has shown that this accommodation is not helpful for beginning-stage learners.
- Make sure to consider whether the student uses a word-to-word translation dictionary routinely during classroom instruction and test-taking.
- A word-to-word translation dictionary does not include any definitions. Additional information on appropriate word-to-word translation dictionaries can be found in Section 6: Accommodation Resources.
- It is likely that this accommodation will be bundled with the corresponding presentation accommodation P10.

## ***Other Accommodations (O) and Modifications (M)***

The school must contact the Department of Education to request approval for any accommodation not listed as a standard accommodation under the categories for Timing (T), Setting (S), Presentation (P), and Response (R) (see contact information on page ii). The approval process and any consequences that result from the use of the proposed accommodation will be discussed. Based on the information provided by school personnel, the Department of Education will determine if the proposed accommodation will preserve the comparability of the test items to which it is being applied. The Department of Education will not override IEP Team decisions regarding the use of an accommodation during testing. However, if the school decides to use an accommodation that was determined to be non-comparable, then the proposed accommodation will be treated as a modification. All impacted items using unapproved O accommodations or modifications result in no credit being given.



## Other Accommodations (O)

- |   |
|---|
| <p>O1. Using other accommodation(s) not on this list, requested by the accommodations team.</p> <p>O2. With a scribe used on the writing test</p> |
|---|

### Considerations for Other Accommodations

#### Overall:

- Use the “Other Accommodation” Discussion Worksheet in Appendix B to gather the information needed for a discussion with state personnel on accommodations.
- Contact state personnel about the accommodation being proposed. State personnel will determine whether the accommodation is comparable or not.
- Proposed accommodations that are verified as comparable by state personnel will need to be recorded as O1 or O2 on the Student Answer Booklet.
- If the proposed accommodation is deemed not comparable, then it is classified as a modification (see “Modifications” on page 22) and coded as M3.
- Verification of the comparability of a proposed accommodation is made on a test-by-test and student-by-student basis. Do not assume that an accommodation verified as comparable for one student will be deemed comparable for another. Do not assume that an accommodation verified as comparable one year will be approved for future assessments.
- The O1 and O2 codes may only be used after written approval from the DOE. O1 and O2 codes used without approval will be treated as a modification for purposes of scoring and reporting (see “Modifications” on page 22).

#### O2. With a scribe used on the Writing test

- This accommodation is reserved for student for whom it is impossible to produce a written document (e.g., a student with a recent or short-term physical injury).
- If approved, this accommodation must be implemented by a trained school personnel using the *Scribing Protocol for the NECAP Writing Tests* (see Appendix C).

## Modifications (M)

- M1. Using a calculator and/or manipulatives on Session 1 of the Mathematics test or using a scientific or graphing calculator on Session 3 of the Science test
- M2. With the test administrator reading the Reading test
- M3. Using an accommodation on this list not approved for a particular test or an accommodation not included on this list without prior approval of the DOE

### Considerations for Modifications

#### Overall:

- **Note that the use of any modification invalidates any and all items impacted within the session(s) in which it is used, and no credit will be given for student performance on those items. It is important for the school to take this into consideration when choosing whether to allow a modification.**

#### **M1. Using a calculator and/or manipulatives on Session 1 of the Mathematics test or using a scientific or graphing calculator on Session 3 of the Science test**

- Use of a calculator and/or manipulatives on Session 1 of the Mathematics test will result in impacted items being scored as incorrect.
- Use of a graphing calculator on Session 3 of the Science test will result in all items in the session being scored as incorrect. Note: Use of a non-graphing 4-function calculator (or other permitted non-graphing calculation aid) is permitted during Science session 3. However, Science test items are designed so that most students should not need a calculator of any kind.
- Use of an abacus on Session 1 of the Mathematics test or Session 3 of the Science test for students without severe visual impairment or blindness is considered a modification and must be coded as such on the Student Answer Booklet. (Students with severe visual impairment may use an abacus during any session of mathematics or science if needed.)

#### **M2. With the test administrator reading the Reading test**

- Note that all Mathematics sessions, all Science sessions, both Writing sessions at grade 11, and Session 1 of Writing at grades 5 and 8 may be read aloud to a student as an allowed accommodation. Session 2 of Writing at grades 5 and 8 is routinely read aloud to all students, and is therefore not an accommodation. However, reading aloud any portion of the Reading Test to a student results in all items in the session being scored as incorrect.

#### **M3. Using an accommodation on this list not approved for a particular test or an accommodation not included on this list without prior approval of the DOE**

- Proposed accommodations that are determined to be non-comparable are considered modifications and should be coded as M3. All items impacted by the accommodation will be scored as incorrect.

## Section 5: Accommodation Decision Teams

### *Procedures*

- A school team meets to discuss which, if any, accommodations are appropriate for the student during a state testing situation. The following questions should be discussed when considering appropriate accommodations for students:
  - What accommodation(s) does this student typically need while taking tests in the classroom?
  - Are there unique circumstances created by the NECAP assessment that might require accommodations for this student?
  - Which accommodations, if any, from the *Table of Standard Test Accommodations* will meet this student's participation requirements?
  - If none of the standard accommodations meet the student's participation requirements, what other accommodations might be proposed?
  - Are there different accommodations needed for the student to participate in each content area tested?
- Decisions concerning appropriate accommodations for NECAP testing are documented and communicated in order to ensure that the accommodation is implemented effectively and available for future instructional planning.
- The *Accommodation Decision Procedures Worksheet* found in Appendix A may be used and copied to facilitate and communicate accommodations planning. Note that this worksheet is keyed to the *Table of Standard Test Accommodations*. The lettered sections of the *Accommodation Decision Procedures Worksheet* refer to the same letters in the *Table of Standard Test Accommodations* beginning on page 8 of this document.

#### REMINDER:

Not all accommodations that are used for routine instruction are appropriate for NECAP testing. For example, during classroom instruction the student may have text read aloud to him/her. However, reading the Reading Test would not allow the measurement of the student's reading ability. This would be considered a modification, not an accommodation, and would invalidate the student's Reading Test score. If you are unsure about the appropriateness use of an accommodation for NECAP testing, contact the Department of Education to discuss how best to use the accommodation or whether the proposed accommodation is actually a modification.

### *Administration: Planning for Needed Resources*

Each school will need to prepare for large scale test administration because multiple grades are being tested and multiple accommodations are being implemented. Some important questions to consider are:

- How many spaces will you need to secure for small group and individual administrations of the assessment?
- How many students need a place where they can read aloud or be read to without disturbing other students who may be working?
- How many people will then be needed and who should they be?

- How and when will you train the people who will be administering accommodations?

## **Administration: Qualified Personnel**

Accommodations must be administered by school personnel who are employed by the district and have been trained to administer the assessment. It is preferable that the person administering the accommodation(s) be familiar with and to the student(s). This is especially true for accommodation situations that call for individual settings.

The following are individuals who may **not** administer NECAP tests:

- Parents and other community volunteers
- Peer tutors
- Other students

## **Administration: Preparing Test Administrators**

Equally as important as identifying appropriate school personnel to administer the test with accommodations is the training and knowledge provided to the administrator prior to administration of the state test.

The following are recommendations for ways to help school personnel prepare to administer the NECAP assessments with one or more accommodations:

- Attend a training session, implemented by the school, which explains and reviews at minimum the Test Administrator Manual and this Accommodations Guide.
- Read both the Test Administrator Manual and this Guide prior to test administration.
- Experience implementing classroom accommodations that are similar to NECAP accommodations.
- Provide the test booklet on the day of testing, prior to the testing session, so that the test administrator can become familiar with the test form in advance of administration. This is especially true of accommodation administrators who will need to read particular test sessions aloud to a student(s).

### **REMINDER:**

Building administrators are required to sign off on the *Principal's Certification of Proper Test Administration* form, verifying that all test administrators are school personnel and have been properly trained.

## Section 6: Accommodation Resources

This document is available in electronic format on the following State Department of Education Websites:

**Maine:**

[www.maine.gov/education/lsalt/necap/index.html](http://www.maine.gov/education/lsalt/necap/index.html)

**New Hampshire Department of Education:**

<http://www.education.nh.gov/instruction/assessment/necap/admin/admin10.htm>

**Rhode Island Department of Education:**

[www.ride.ri.gov/assessment/NECAP.aspx](http://www.ride.ri.gov/assessment/NECAP.aspx)

**Vermont Department of Education:**

[www.education.vermont.gov/new/html/pgm\\_assessment/necap/resources.html](http://www.education.vermont.gov/new/html/pgm_assessment/necap/resources.html)

### External Resources

**National Center on Educational Outcomes**

Special Topic Area: Accommodations for Students with Disabilities:

<http://www.cehd.umn.edu/NCEO/TopicAreas/Accommodations/accomtopic.htm>

The National Center for Educational Outcomes, affiliated with the University of Minnesota, is a central repository of research studies and general information focusing on the use of accommodations that support students with disabilities.

**George Washington University**

ELL Accommodations Online Toolkit and Database: <http://ells.ceee.gwu.edu>

This is an excellent and recently updated guide, developed by George Washington University, that will help educators better understand the nature of accommodations that are specifically responsive to the needs of ELL students. Typically these accommodations include both direct and indirect linguistic supports, which to be effective, need to be combined with other specific accommodations. Accommodations that are uniquely responsive to the needs of this population often differ from those most effective in supporting other student groups.

**Center for Applied Special Technology (CAST)**

Universal Design for Learning: <http://www.CAST.org>

CAST, a research and development organization affiliated with Harvard University, has pioneered development of the area known as "Universal Design for Learning (UDL)". This site provides valuable information for educators who wish to learn more about factors that must be considered to provide meaningful access for ALL students to curriculum materials and assessment.

**Council of Chief State School Officers (CCSSO)**

Accommodations Manual: How to Select, Administer, and Evaluate Use of Accommodations for Instruction and Assessment of Students with Disabilities, Second Edition (August 2005).

[www.ccsso.org/projects/SCASS/projects/assessing\\_special\\_education\\_students/11302.cfm](http://www.ccsso.org/projects/SCASS/projects/assessing_special_education_students/11302.cfm)

## **Additional External Organizations**

### **Council for Exceptional Children (CEC)**

[www.cec.sped.org](http://www.cec.sped.org)

The CEC is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. The CEC advocates for appropriate governmental policies, sets professional standards, provides continual professional development, advocates for newly and historically underserved individuals with exceptionalities, and helps professionals obtain conditions and resources necessary for effective professional practice.

### **LD Online**

[www.ldonline.org](http://www.ldonline.org)

LD Online has many articles dealing with state assessments, large-scale assessments, and assessing achievement in skill areas.

### **National Information Center for Children and Youth with Disabilities (NICHCY)**

[www.nichcy.org](http://www.nichcy.org)

The NICHCY serves the nation as a central source of information on: disabilities in infants, toddlers, children, and youth; IDEA, which is the law authorizing special education; No Child Left Behind (as it relates to children with disabilities); and research-based information on effective educational practices.

### **Special Education Resources on the Internet (SERI)**

[www.seriweb.com](http://www.seriweb.com)

SERI houses a collection of Internet-accessible information resources of interest to those involved in the fields related to special education. This collection exists in order to make online special education resources more easily and readily available in one location. This site will continually modify, update, and add additional informative links.

## **Resources for Students with Blindness or Visual Impairment**

### **American Printing House for the Blind, Accessible Tests Department**

<http://www.aph.org/tests/index.html>

### **National Agenda for the Education of Children and Youths with Visual Impairments, Including Those with Multiple Disabilities**

<http://www.tsbvi.edu/agenda/>

## **Resources for the Deaf and Hard of Hearing**

### **Laurent Clerc National Deaf Education Center, Gallaudet University**

<http://clerccenter.gallaudet.edu/>

### **Rochester Institute of Technology Libraries, Subject-Based Deaf and Hard of Hearing Internet Resources**

<http://wally.rit.edu/internet/subject/deafness.html>

## Appendix A: Accommodation Decision Procedures Worksheet

(Refer to the *Table of Standard Test Accommodations* on pages 8-11 of this document)

Team Members Present:	Student Name:
Date:	
<b>A. Does the student use alternative <b>Settings</b> accommodations during routine classroom testing?</b>	
Yes  No	If yes, describe:
<b>Will the student need alternative <b>Settings</b> accommodations during NECAP testing?</b>	
Yes  No	If yes, which accommodations will be needed?
<b>B. Does the student use scheduling and <b>Timing</b> accommodations during routine classroom testing?</b>	
Yes  No	If yes, describe:
<b>Will the student need scheduling and <b>Timing</b> accommodations during NECAP testing?</b>	
Yes  No	If yes, which accommodations will be needed?
<b>C. Does the student use <b>Presentation Formats</b> accommodations during routine classroom testing?</b>	
Yes  No	If yes, describe:

Will the student need <b>Presentation Formats</b> accommodations during NECAP testing?	
Yes	If yes, which accommodations will be needed?
No	
<b>D.</b> Does the student use <b>Response Formats</b> accommodations during routine classroom testing?	
Yes	If yes, describe:
No	
Will the student need <b>Response Formats</b> accommodations during NECAP testing?	
Yes	If yes, which accommodations will be needed?
No	
<b>E.</b> Does the student use <b>Other Accommodations</b> during routine classroom testing?	
Yes	If yes, describe:
No	
Will the student need <b>Other Accommodations</b> during NECAP testing?	
Yes	If yes, which accommodations will be needed?
No	
<b>Contact the State Department of Education staff listed in the contact information on page ii to discuss and receive approval for any accommodation not listed on the <i>Table of Standard Test Accommodations</i>.</b>	
<b>F.</b> Does the student use <b>Modifications</b> during routine classroom testing?	
Yes	If yes, describe:
No	
Will the student need <b>Modifications</b> during NECAP testing?	
Yes	If yes, which modifications will be needed?
No	



## Appendix B: "Other Accommodation" Discussion Worksheet

*Please complete this form before contacting the Department of Education with your proposal.*

### Student Information

Student Name:	Grade Level/Content Area(s)/Session(s):
Student Identification Number:	

### Contact Information

Contact Name:	Contact Title:
Contact Phone:	Contact E-Mail:
Contact School Name and Address:	

### Assurances:

- The school team has met and has considered all standard accommodations prior to proposing other accommodations.
- Parent(s)/guardian(s) were provided an opportunity to participate in the decision-making process.
- The proposed accommodation is used for routine class instruction and/or test-taking.

Description of the proposed accommodation and why it is deemed necessary:

Result of discussion with DOE personnel:

Name of DOE personnel:

Date:

## Appendix C: Scribing Protocol for the NECAP Writing Test

Step 1: Student dictates response to appropriately trained test administrator (scribe) who is familiar with this procedure.

Step 2: Scribe takes down verbatim what student says on a piece of paper (NOT the Student Answer Booklet).

- Scribe does NOT let student view this copy.
- Scribe skips lines when recording student response.

Step 3: Scribe reads oral response back to student at a steady pace without inflection or pausing, then inquires whether student wants to add, take out, or change anything.

Step 4: Scribe reads every word that is three or more letters long and has student dictate precise word spelling, recording exactly as student dictates. Scribe spells all one or two letter words as pronounced by student and does not probe these words.

Step 5: Scribe prints or writes student-spelled copy into the answer space in the Student Answer Booklet and omits conventions (capitalization, punctuation, etc.).

Step 6: Student reads his/her student copy in the answer space and edits for capitalization, punctuation, etc.

### **Alternate steps for students with visual impairment:**

Step 5: Scribe presents student-spelled copy in a form the student can see/read (e.g., large-print or Braille).

Step 6: Student adds or dictates punctuation and capitalization to scribe.

Step 7: Scribe copies student-edited version into answer space exactly as student dictates.

## Appendix D: Supporting Students with Limited English Proficiency (LEP/ELL)

*NECAP Policy: NECAP test accommodations are available to all students, regardless of whether or not a disability has been identified. Accommodations allowed in NECAP testing are not group specific. For example many students with limited English proficiency benefit from certain language-based accommodations, but like any other student, they sometimes break their arms or develop visual difficulties, and may need accommodations during testing that are very different than the linguistic accommodations often recommended for students in this group. Before they are members of any subgroup, each student is first an individual with unique learning needs. NECAP assessment accommodations policy treats students this way. The decision to allow all students to use the full range of accommodations, as needed, is consistent with prior research on best practice in the provision of accommodations (c.f. Elbaum, Aguelles, Campbell & Saleh, 2004, pp. 71-87). The NECAP management team believes strongly that a fair and valid path of access to a universally designed test should not require that a student carry any specific group label or disability. Rather, much like differentiated instruction, accommodated conditions of test participation that preserve the essential construct of the standard being assessed should be supported for any student who has been shown to need these differentiated test conditions. This philosophy is consistent with the NECAP team's commitment to building a universally accessible test that provides an accurate measure of what each student knows.*

NECAP accommodations policy supports the use of many accommodations that are being found to be effective with LEP/ELL students (as identified by the ongoing and growing national research effort). Approval of accommodations for LEP/ELL students must follow the protocols contained in this Guide. Decisions about the use of accommodations must be made by a team, not an individual. The purpose of this section is to help teams identify those allowable linguistic accommodations that may prove particularly useful to helping LEP/ELL students show us what they know and are able to do.

It is important to review the LEP NECAP Accommodations Support tables that follow in the context provided by the six statements below, while remembering that research continues to inform and update our understanding of these issues. For more information on this issue, see also: Resource Note, below.

1. The stage of English language acquisition demonstrated by the individual student must be taken into consideration when choosing the most appropriate accommodations. For example, students who are beginning English language learners (ELL) do not usually benefit from the use of commonly used 'word-to-word translation' tools. Development of English language vocabulary skills must be further advanced for this accommodation to prove useful. In fact, use of word-to-word translation tools too soon can worsen confusion for students very new to the English language.
2. The structure of the first language of the student should be considered when choosing accommodations that may prove useful. For example, some languages (i.e. Japanese Kanji, Mandarin Chinese, and American Sign) are structured ideographically (contain picture-like symbols). Other languages (i.e. English, Spanish, French, German) are structured very differently and emphasize other representation formats (i.e. phonetically based symbols). Depending upon the cultural communication experience of the student, the types of linguistic or other accommodations considered might be different.
3. Accommodation decisions for LEP/ELL students are best informed when educators who have specific training and expertise in second language acquisition are part of the decision making team. Knowledge of how students acquire a new language after the first

language is a specialized area that differs significantly from knowledge of first language acquisition.

4. Translation 'on the fly' is not recommended for most instructional purposes and is not permitted during NECAP assessment. Misunderstanding and miscommunication is the norm when this technique is used and can create many additional problems. Teams using this technique must do so with as much training and information as possible. NECAP permits only limited exceptions to this no translation rule: see items P3, P4, and P5 in the chart on page 9 for clarification. Translation of test items or passages, or side-by-side printed translation is never permitted in NECAP testing.
5. In addition, please note that American Sign and Braille languages are not treated as 'foreign language' translations for purposes of NECAP test administration. These languages are the only means by which some students are able to access certain portions of academic tests. For this reason, these languages differ from other formal languages for some assessment purposes. Where permitted, American Sign Language ("sign") and Braille are specifically noted in the NECAP *Table of Standard Test Accommodations*.

## **Use of 14 Common Linguistic Accommodations & Supports on the NECAP Tests**

The following tables describe the use on the NECAP tests of 14 common linguistic accommodations and supports. The primary sources used to construct these tables were

1. NECAP *Table of Standard Accommodations, Revised 2009*; and
2. The George Washington University Center for Equity and Excellence in Education, *Guide for Refining State Assessment Policies for Accommodating English Language Learners*, C. Rivera, B.D. Acosta & L.S. Willner, 2008.

For more information regarding the appropriate use of accommodations with students who show limited English proficiency, see: *The Guide for Reining State Assessment Policies for Accommodating English Language Learners*, 2008, available at <http://ceee.gwu.edu>.

<b>1. Plain English text used in items and passages</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> Intermediate and Advanced English language learners
<b>Use on NECAP:</b> A Bias/Sensitivity Committee that includes ELL specialists from each state and Item Review Committees composed of educators from each NECAP state review the appropriateness of language used in <u>every</u> test item and reading passage considered for inclusion on the NECAP tests.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Not applicable.

<b>2. English language reference materials and supports</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> Intermediate and Advanced English language learners
<b>Use on NECAP:</b> A number of English language reference materials are built into the NECAP tests or provided for use by all students during NECAP testing: <b>In all content areas:</b> 'Think bubble" icons within selected test items help define certain terms <b>In Mathematics tests -</b> "Tool Envelope" icons inside certain items remind students that tools provided may help solve this problem. NECAP provides <u>Reference sheets</u> to be used at certain grade levels, and <u>NECAP Hundreds Chart</u> , and <u>NECAP Multiplication Table</u> are permitted during Mathematics sessions 2&3 only, <b>In Science tests –</b> NECAP provides grade-specific <u>Reference and Formula sheets</u> , and allows calculation aids during all sessions of science (see NECAP Calculator Policy for permitted calculators & limitations.)
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> These are considered Generally Allowable Supports and do not require documentation as an accommodation. However, note that use of calculation aids in Mathematics session 1 and specific use of a <u>graphing</u> calculator during Science session 3 must be coded as modification <b>M1</b> .  Note: Use of a non-graphing 4-function calculator (or other permitted non-graphing calculation aid) is permitted during Science session 3. However, Science test items are designed so that most students should not need a calculator of any kind.

<b>3. Customized glossary or dictionary with word meanings or definitions (English only or dual language)</b>
<b>Type of Support</b> Direct, English language or Direct, Native language
<b>Recommended for</b> Intermediate and Advanced English language learners
<b>Use on NECAP:</b> Dictionaries or glossaries containing word meanings or definitions of any kind are <b>NOT ALLOWED</b> during NECAP testing. Use of a glossary or dictionary with word meanings or definitions would be considered a modification resulting in impacted items being scored as incorrect.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Use of dictionaries or glossaries containing word meanings or definitions must be coded as modification <b>M3</b> .

<b>4. Commercial word-to-word dual language translation dictionary without definitions</b>
<b>Type of Support</b> Direct, Native language
<b>Recommended for</b> Intermediate and Advanced English language learners
<b>Use on NECAP:</b> This is a standard accommodation allowed on the NECAP Mathematics, Science, and Writing tests. It is <b>NOT ALLOWED</b> on the NECAP Reading test and would be considered a modification resulting in impacted items being scored as incorrect.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation <b>P10</b> and <b>R7</b> if used on the Mathematics, Science or Writing tests. Use on the Reading test must be coded as modification <b>M3</b> .

<b>5. Individually customized word-to-word translation lists without definitions</b>
<b>Type of Support</b> Direct, Native language
<b>Recommended for</b> May be helpful for some Beginning level English language learners
<b>Use on NECAP:</b> Use of customized or “homemade” lists is not included on the list of standard accommodations and requires prior approval of the Department of Education on a case by case basis as an “Other” allowable accommodation for use on the Mathematics, Science, or Writing tests. It is <b>NOT ALLOWED</b> on the NECAP Reading test and would be considered a modification resulting in impacted items being scored as incorrect.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> If approved by the Department of Education for use on the Mathematics, Science, or Writing test code as an “Other” accommodation <b>O1</b> . Use on the Reading test must be coded as modification <b>M3</b> .

<b>6. Test directions are read aloud in English or signed to a student</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> Intermediate English language learners
<b>Use on NECAP:</b> Reading test directions aloud in English or signing directions to a student is a standard accommodation on the NECAP tests. Refer to the appropriate documentation in this <i>Accommodations Guide</i> for additional details on what are considered directions on the NECAP tests. Note that native language translation of test directions is <b>NOT ALLOWED</b> except in the case of a student enrolled in a program where the test administrator routinely presents information in a foreign language.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation <b>P4</b> .

<b>7. Provide written version of test directions in native language</b>
<b>Type of Support</b> Direct, Native language
<b>Recommended for</b> Beginning English language learners
<b>Use on NECAP:</b> Written translations of test directions are not allowed on the NECAP tests. Contact the Department of Education for additional information if you have questions.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Not applicable

<b>8. Administrator verifies student understanding of scripted test directions (Administrator may then clarify or paraphrase directions, if needed.)</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> May be helpful to some Beginning and Intermediate English language learners
<b>Use on NECAP:</b> Verification of an individual student’s understanding of test directions is a standard accommodation on the NECAP tests.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation <b>P5</b> .

<b>9. Entire test and directions are read aloud in English or signed to a student (Repetition is permitted as needed.)</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> May be helpful to some Intermediate English language learners
<b>Use on NECAP:</b> Reading the entire test and directions as needed is a standard accommodation on the NECAP Mathematics, Science, and Writing tests for any sessions that are not read aloud to all students as part of the administration process. It is <b>NOT ALLOWED</b> on the NECAP Reading test and would be considered a modification resulting in impacted items being scored as incorrect.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation <b>P3</b> if used on the Mathematics, Science or Writing tests. Use on the Reading test must be coded as modification <b>M2</b> .

<b>10. Provide pre-recorded English or signed version of the entire test and directions to student.</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> May be helpful to some Intermediate ELL students
<b>Use on NECAP:</b> Use of technology by individual schools or districts to pre-record the test items or directions raises security concerns and is not considered a standard accommodation on the NECAP test. Contact the Department of Education to discuss the specific technology being proposed and request approval as an “Other” accommodation.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> If approved for use by the Department of Education code as “Other” accommodation <b>O1</b> .

<b>11. Allow student to respond in writing in native language</b>
<b>Type of Support</b> Direct, Native language
<b>Recommended for</b> May be helpful to some Beginning and Intermediate English language learners
<b>Use on NECAP:</b> Responses in languages other than English are not allowed on the NECAP tests. Note that students are allowed to respond using Braille, but that applicable policies regarding recorded answers must be followed prior to returning test materials.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> In the case of Braille, code as standard accommodation <b>R4</b> . Not applicable for other languages.

<b>12. Allow student to dictate responses to constructed response items in English</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> May be helpful to some Intermediate English language learners
<b>Use on NECAP:</b> Dictating responses to constructed response items is a standard accommodation on the NECAP Reading, Mathematics, and Science tests. Dictating responses to constructed response items or to the extended writing prompt on the Writing test is not considered a standard accommodation and requires prior approval of the Department of Education as an “Other” accommodation.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation R1 if used on the Reading, Mathematics, or Science tests. If approved for use on the Writing test by the Department of Education code as “Other” accommodation <b>O2</b> .

<b>13. Allow student to dictate responses to multiple choice items orally in English</b>
<b>Type of Support</b> Direct, English language
<b>Recommended for</b> May be helpful to some Intermediate English language learners
<b>Use on NECAP:</b> Dictating responses to multiple-choice items is a standard accommodation on all NECAP tests.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation <b>R5</b>

<b>14. Allow extended time to complete a test session beyond the scheduled administration time within the same day</b>
<b>Type of Support</b> Indirect
<b>Recommended for</b> Beginning, Intermediate, and Advanced English language learners
<b>Use on NECAP:</b> Use of extended time is a standard accommodation on all NECAP tests. Note that the scheduled administration time already includes a significant amount of time beyond the time expected for the majority of students to complete the test. Refer to applicable documentation in the Accommodations Guide and Manuals for additional information on scheduled administration time and the use of the extended time accommodation.
<b>Coding as an accommodation on the NECAP Student Answer Booklet</b> Code as standard accommodation <b>T1</b> .





# NH-APPENDIX E: NECAP Request for "O-Other" Accommodation

2010-2011 School Year – Due by End of First Week of Testing

(When  occurs, double click to check (or uncheck) this box. Otherwise, just type in text. )

STUDENT

Student First Name:

Today's Date:

Gender:  Male  Female

Student Date of Birth: mm/dd/yyyy

Current Grade:  3  4  5  6  7  8  11

Student SASID (10 digit state code):

SCHOOL

School Contact Person:

Position/Title:

Phone:

Email:

Name of Responsible/Liable District:

Name of School of Enrollment:

Address of School:

1. Request to use Other Accommodation(s) during what test? (Content Area(s) and Session(s))

Reading Session(s): 1 2 3

Writing Session(s): 1 2

Math Session(s): 1 2 3

Science Sessions(s): 1 2 3

2. **REQUIRED:** Fully describe each requested accommodation: What assistance will the student receive, and what will the student do independently? (Attach an additional page if needed. If you have questions please call or email the department.)

3. Assurances: (Please check below to confirm these steps have been taken.)

- The school team has met and has considered all standard accommodations prior to proposing this/these accommodation(s).
- Parent(s)/guardian(s) were provided an opportunity to participate in the decision-making process.
- The proposed accommodation is consistent with supports provided during routine class instruction and/or test-taking.

4. E-mail or FAX this completed form to:

Gaye Fedorchak  
FAX: (603) 271-7381  
Office: (603) 271-7383  
[gfedorchak@ed.state.nh.us](mailto:gfedorchak@ed.state.nh.us)

Upon receipt of this information, NH DoE will provide written notification of approved "other accommodations" to the contacting school official regarding the status of this request. For additional information on the use of accommodations during assessment, See: *NECAP Accommodation Guide - NH Edition (updated August, 2010)*. The Guide and this form are both available online at: <http://www.education.nh.gov/instruction/assessment/necap/admin/admin10.htm>.



**Participation of Students with Disabilities in Statewide Assessment**

At an IEP team meeting held as early as possible each calendar year (ideally by September 30<sup>th</sup> or as soon as possible after a new student arrives in your district), the following question needs to be answered relative to how a student with disabilities will participate in the statewide assessment program:

*Can the student participate meaningfully in the general statewide assessment, with or without accommodations?*

*If the answer to this question is no, the student may meet the criteria below for qualification to participate in the New Hampshire Alternate Learning Progressions Assessment (NH ALPs) based on Alternate Achievement Standards. To determine if your student meets the participation criteria for the NH ALPs use the worksheet below to help you decide.*

For information on the wide range of allowable accommodations available in NH, refer to the NECAP Accommodations Guidelines Document , 2010, NH- Edition online at:

<http://www.education.nh.gov/instruction/assessment/necap/admin/admin10.htm>

**THIS FORM MUST BE INCLUDED WITH THE PORTFOLIO**

A student is eligible to participate in the New Hampshire Alternate Assessment if his or her IEP team determines that the student meets **all** of the following participation criteria:

**1. Student Name:** \_\_\_\_\_

**2. Does the student have a current IEP?**

\_\_\_\_\_ *Yes. Continue to #2.*

\_\_\_\_\_ *No. Student is not eligible for the New Hampshire Alternate Assessment.*

**3. Can the student participate in the general (NECAP) assessment with allowable and appropriate accommodations?**

\_\_\_\_\_ *Yes. If this is the case, list appropriate testing accommodations in the student's IEP and choose General Assessment with Accommodations for state testing.*

\_\_\_\_\_ *No. Describe the ways in which the student's cognitive disability and deficits in adaptive behavioral skills would prevent this student from participating in the General Assessment, even with appropriate accommodation, and then continue to #3.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is there **documented evidence** that the student's demonstrated **significant cognitive disability AND deficits in adaptive behavioral skills** *prevent him or her from demonstrating achievement of the grade level proficiency standards*, as described in the *New Hampshire Curriculum Frameworks* through participation in the general statewide assessment, even with appropriate accommodations?

\_\_\_\_\_ *Yes. Continue to #4.*

\_\_\_\_\_ *No. Consider new accommodations that would enable this student to participate in grade-level general assessment.*

5. Is there **evidence** that the student's demonstrated **significant cognitive disability and deficits in adaptive behavioral skills** *require individualized instruction in multiple settings* (school, work, home, and other environments) *to acquire, generalize, and transfer skills* necessary for functional application?

\_\_\_\_\_ *Yes. Describe below, then continue to #5.*

*Describe how the student's program requires individualized instruction in multiple settings for this student to acquire, generalize and transfer skills:*

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\_\_\_\_\_ *No. Consider new accommodations that would enable this student to participate in grade-level general assessment.*

6. Does the **historical data** (current and longitudinal across multiple settings) confirm the individual student criteria listed above?

\_\_\_\_\_ *Yes. Describe below, then continue to the summary.*

*What historical data were used to support items #2, 3, and 4 above?*

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\_\_\_\_\_ *No. Consider new accommodations that would enable this student to participate in grade-level general assessment.*

**7. Please have the team review the following list of *Characteristics of Students Appropriately Served under Alternate Assessment based on Alternate Achievement Standards* and check all that apply to this student:**

- Limited Communication:** The student may have very limited vocabulary and language skills, or may be non-verbal. The student may use simple language structures to communicate and seldom acquires new communication skills through incidental learning;

*This does not include any student with “limited communication” who has no effective communication system in place or under active development **AND***

- Very Low Levels of Academic Achievement:** Performance in the subject matters of reading, writing, and mathematics is significantly below that of same-aged peers

*This does not include students working just 1 or 2 grade levels below grade-level, or any student who has not had full opportunity to benefit from empirically sound instructional intervention. This also does not include any student who has, as documented in IEP team meeting notes, had a cognitive disability “ruled out” in order to identify the students as a child having a specific learning disability and not mental retardation **AND***

- Highly Specialized Instruction:** The student generally requires systematic instruction with tasks broken into small steps. In addition, the student needs deliberate instruction to apply learned skills across multiple settings (e.g., school, home, work, and other settings); **AND**

- Ample Supports:** The student requires individualized instructional, technological, or interpersonal supports to make progress in learning. The student *requires accommodations* to demonstrate proficiency of even the *modified* performance expectation levels described above, such as modeling and repeated demonstration, physical hand-over-hand guidance, specially designed prompting procedures, and alternate or augmented communication systems

*This does not include any student who needs ample support but has not clear evidence of severe cognitive disability.*

**7. Summary Decision of the IEP Team Members:**

Based on the review of the information above, the IEP team has determined that the student will participate in the:

- General Assessment (NECAP) without accommodations
- General Assessment (NECAP) with Accommodations (include accommodations in student’s IEP)
- New Hampshire Alternate Assessment

**8. Signatures of Team Members Involved in the Assessment Decision-Making Process:**

**Printed Name/Signature:**

**Role/Position:**

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## Participation in NH State Curriculum and Assessment:

Under the federal *No Child Left Behind Act of 2001*, the federal *Individuals with Disabilities Education Improvement Act of 2004*, and *NH State RSA 193*, it is required that ALL New Hampshire students participate in the statewide academic assessment program with appropriate accommodations, as necessary. Exceptions to this rule are rare and extremely limited.

*For full information see the following documents posted on the NH DoE NECAP and NH ALPs websites:*

**NH Statewide Assessment: Participation Guidelines (Grades 2-8 & High School)**

Participation in statewide assessment is one part of the statewide accountability system that helps to ensure that all New Hampshire children have a fair, equal, and significant opportunity to obtain a high-quality education through the New Hampshire Curriculum. Every student –regardless of disability status - must be allowed to show what they know and can do, and how they are progressing, based upon challenging state academic achievement standards.

### **The Right of Access to Instruction in State Curriculum Content:**

Every student educated by the NH public school system has the right to receive meaningful instruction and the opportunity to learn the curriculum content skills described in the NH Curriculum Frameworks. When a student is identified by his or her IEP team for inclusion in the state's alternate assessment based on alternate achievement standards, it means that for *this* child, exposure to the content curriculum will be *reduced in depth, breadth, and complexity* so that the unique instructional needs of this student can be most fully met. Alternate achievement standards, though linked to grade-level content expectations, are greatly *modified* from the very high expectations held for the vast majority of NH students. This decision represents a very serious downward adjustment of academic expectations for the student. It is, therefore, the profound responsibility of the IEP team to make this choice with the greatest care and deliberation on behalf of each and every student considered. ***Whenever a team is in doubt about this participation decision, it is strongly recommended that the student should be given the benefit of higher expectations and included in the general assessment with appropriate necessary supports.*** Teams must make *every possible effort* to ensure that students are fully included in the full depth and breadth of both curriculum and statewide assessment. In many cases, accommodation procedures and augmented communication supports, carefully selected and well used, will allow the student to participate meaningfully in the full depth and breadth of the NH curriculum instruction and general assessment.

*For further reading, See also the following article posted on the NH ALPs Website:*

***The Least Dangerous Assumption, A Challenge to Create a NewParadigm,***

*by Cheryl Jorgensen, Professor, University of New Hampshire*

*(Published in: Disability Solutions: A publication of Creating Solutions, A Resource for Families & Others Interested in Down Syndrome & Developmental Disabilities, Fall 2005, Volume 6, Issue 3.)*

***“We pass through this world but once. Few tragedies can be more extensive than the stunting of life; few injustices deeper than the denial of an opportunity to strive or even to hope, by a limit imposed from without, but falsely identified as lying within.”***

***Stephen Jay Gould (1996)  
The Mismeasure of Man, 2nd ed.***