Merrimack School District

Special Education Procedures Plan

October 2025

School Administrative Unit #26
Administration

CHIEF EDUCATIONAL OFFICER OF SCHOOLS
Everett Olsen

ASSISTANT SUPERINTENDENT FOR CURRICULUM, INSTRUCTION, AND ASSESSMENT
Kathleen Scholand

ASSISTANT SUPERINTENDENT FOR BUSINESS
Matthew Shevenell

DIRECTOR OF HUMAN RESOURCES
Melissa Fazlic

DIRECTOR OF STUDENT SERVICES
Colleen Sliva

SPECIAL EDUCATION COORDINATORS

Colleen Blanchard – MEEP Preschool

Karen Baldasaro - Reeds Ferry Elementary

Sarah Cooper - Mastricola Elementary

Virginia Day-Thorntons Ferry Elementary

Lisa Hargreaves-Mastricola Upper Elementary

Christian Peterson-Merrimack Middle School

Keith Jones and Nicole Soucie - Merrimack High School

Nancy Romero- Out of District/Juvenile Court Liaison

Table of Contents

Special Education Procedures Plan Page 3

Child Find/Participation with Other Agencies Page 4

Confidentiality Page 7

Facilities, Personnel & Services Page 11

Personnel Development Page 15

Procedural Safeguards Page 16

Pupil Evaluation to Placement/ Parent Involvement Page 17

Program Evaluation Page 35

Children with Disabilities Enrolled by Their Parents in Private Schools Page 38

Accessible Instructional Materials Page 40

Special Education Procedures Plan
Ed 1126.01(b)

This Special Education Procedures Plan (Plan) describes Merrimack School District's (LEA or District) procedures regarding the provision of a free and appropriate public education (FAPE) to all children with disabilities. The LEA will annually review this special education procedural plan so that the procedures reflect current federal and state regulations.

This Plan has been developed to assure the State Education Agency (SEA), New Hampshire Department of Education, that the LEA has procedures to meet the eligibility requirements of Part B of the IDEA for purposes of receiving federal funds.

This Plan is aligned with 34 CFR Part 300 of the Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities - Final Rules – August 14, 2006 (IDEA 2004) and the New Hampshire Standards for the Education of Children with Disabilities, effective March 24, 2017, amended June 14, 2018, amended August 9, 2018 (NH Standards).

Child Find Procedure
34 CFR 300.111 Ed 1126.01(b)(1); Ed 1105
Participation with Other Agencies
Ed 1126.01(b)(10)

The Merrimack School District understands that we have an obligation to find children who are potentially a child with a disability who is 2.5 years of age up to 21 years of age. This responsibility is known as child find and is defined in the NH Standards under section Ed 1105.

The Merrimack School District ensures that all children who have disabilities, from 2.5 to age 22, who reside in the District, and who need 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 the District.

For those students who are transitioning from Early Supports and Services to preschool, the District will participate in a transition planning meeting for the purposes 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 District's child find program includes, 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 for further evaluation. These procedures are found in Section 6 – Pupil Evaluation to Placement.

2. Any person may refer a child to the IEP team for reasons including but not limited to the following (list is 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 like those activities conducted for children who attend public schools in the district. 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 publicizes and disseminates information, which describes its Child Find Program. This includes a description of the District's special education program, supports and services, including a contact person, his/her functions, and how he/she might be contacted for further information or referral. Child find Program information is disseminated annually using newspapers, flyers to public and private child care facilities, school websites, social media, and local healthcare offices.

6. The District annually provides all parents of children with disabilities information regarding their rights and responsibilities under federal and state special education laws.

7. The District 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 ensures there are continuing efforts related to cultural competency in relation 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 coordinates with area agencies and family centered supports and services to establish a process of District notification of children served by these programs consistent with the interagency agreement between the District and the area agencies providing family centered supports and services.

a. Ed 1105.04(a): The District 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 District 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 District 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.

Confidentiality of Information
Ed 1126.01(b)(2); Ed 1119

Merrimack School District adheres to the Confidentiality of Information regulations set forth in the NH Standards, the Federal Family Educational Rights and Privacy Act of 1974 20 U.S.C. 1232G, (FERPA), and its implementation of regulations in 34 CFR Part 99 and the IDEA 2004; 34 CFR 300.610-627.

Retention and Destruction of Special Education Records
The District shall not destroy a student's special education records prior to the student's 26th birthday, except with prior written consent of the parent or, where applicable, the adult student, pursuant to 34 CFR 300.624(b). For the purposes of this section "adult student" means "adult student" as defined in 20 USC 1232g(d).

Merrimack School District may retain and store the student's special education records in electronic form or any other form. Merrimack School District provides a parent or adult student a written notice of its document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first. Merrimack School District provides public notice of its document destruction policy at least annually. Merrimack School District maintains and destroys records in compliance with Policy EHB. For the purposes of this section the following apply "Parent" means a biological or adoptive parent, surrogate parent, or a guardian pursuant to 34 CRF 300:00. Parent does not mean the state when the state has legal guardianship Ed 1102.04.
For the purposes of this section "adult student" means "adult student" as defined in 20 USC 1232g(d).

Access Rights
The District permits parents to inspect and review any education records relating to their child that is 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 14 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 as guardianship, separation, and 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 (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.

Fees

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.

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 submit a signed, written request that the information be amended. The District will determine whether to amend the information in accordance with the written request within a reasonable period of time of receipt of the request. If the District decides to not amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the 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 Procedures

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

The District 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 §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)
Each District must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each 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. Each 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 informs 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). (See attached policy Data/Records Retention)

Children's Rights (Ed 1119.03)
The District 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 adult students at age 18. The LEA will provide any notice required to
the students and parents. Adult student means "adult student" as defined in 20 USC 1232g(d).

The LEA shall ensure that all persons collecting or using personally identifiable information must receive training or instruction regarding the state policies and procedures pursuant to 34 CFR 300, 623 (c). The school district employee who is responsible for ensuring the confidentiality of personally identifiable information is the Director of Student Services.

Facilities, Personnel & Services
Ed 1126.01(b)(3)

The Merrimack School District 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 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 6 – Pupil Evaluation to Placement.

The District provides 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 provides 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. A list of the approved special education programs is maintained at the Student Support Offices and is available upon request.

Equipment, Materials and Assistive Technology
The District provides appropriate instructional equipment and materials, including assistive technology devices and assistive technology services appropriate to implement each student's IEP.

Personnel Standards
Personnel providing services to children with disabilities in public elementary and secondary schools shall be appropriately credentialed as special education teachers as required under 34 CFR 300.18 and 34 CFR 300.156, except as provided in Ed 1113.12 (b) and (c) for paraprofessional personnel. All formal diagnostic assessments shall be administered by a qualified examiner as set forth in Table 1100.01 of the New Hampshire Standards for the Education of Children with Disabilities, "Required Assessments and Qualified examiners by Type of Disability."

Continuum of Alternative Educational Environments-Ages 6-22
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 Education Setting: A child with a disability attends regular class with supports and services required in the IEP.

Resource Room: A child with a disability attends a regular class and receives assistance at or through the special education resource room for no more than 60% of the child's school day.

Self-contained Special Education Class: A child with a disability attends a self- contained special class for more than 60% of their school day.

Separate Approved Special Education Program/School: A child with a disability attends a publicly or privately-operated special education program/school.

Residential placement: A child with a disability attends a publicly or privately-operated residential program.

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.

Preschool children shall be educated in a setting that is appropriate to implement the IEP. (Ed 1100.02 (b))

Preschool children with disabilities may receive their special education program in any of the settings listed below. (Ed 1111.02 (c) and Table 1100.2 Continuum of Alternative Educational Environments – Ages 3-5)

Early childhood program: A preschool child with a disability attends an early childhood program that includes at least 50% nondisabled children.

Home: A preschool child with a disability receives all or some of his/her supports and services in the child's home.

Early childhood special education program: A preschool child with a disability attends an early childhood special education program which can include any of the classrooms described in Ed 1113.10(c)(5).

Service Provider Location: A preschool child with a disability receives support 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 with Disabilities (Ed 1111.04)
A child with a disability receives all or a portion of his/her special education program at home in accordance with Ed 1111.04.

- Home instruction for children at least six years of age but less than 22 years of age shall include a minimum of ten hours per week of instruction, including special education services and related services as specified in the child's IEP.
- Home instruction for children at least six years of age but less than 22 years of age shall not include parent designed home instruction programs as authorized in Ed 315.
- A child's placement is determined at least annually and is based on the child's IEP.
- Children who are placed in home instruction shall be allowed to participate with nondisabled children to the maximum extent appropriate to the needs of the child.
- The length of the school year and school day for a home instruction placement shall be consistent with RSA 186-C:15 except when the superintendent has excused a student from full-time attendance in which case the superintendent and parent shall agree on the number of hours per week of instruction, including special education and related services facilities and location.
- Classrooms and other instructional areas for children with disabilities shall be located in a building with students of a similar chronological age and shall be comparable to other classrooms within the school.
- The physical space used for classrooms and other instructional programs and school activities for children with disabilities shall meet the state requirements in Ed 321.10 and Ed 321.11 for physical space for classrooms and other instructional programs for other children enrolled at the school.

Length of School Day, School Year and Extended School Year

- **Preschool Level**: The IEP team shall determine the length of the school day for preschool students with disabilities and shall be included in the IEP or IFSP.
- **Elementary/High School**: The District shall provide a standard school year for children ages 6 – 12 of at least 180 days or the equivalent number of hours approved by the Commissioner of Education, NHDOE, consistent with the provisions of RSA 186-C:15 I, RSA 189:1 and 189:24, and Ed 306.18-Ed 306.21.

• **Extended School Year**: Children with disabilities ages 3 to 22 that are eligible and in need of extended school year services shall receive extended school year services in accordance with Ed 1110.

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 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 I(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 school day.

Supervision and Administration
The Superintendent of Schools, the Director of Student Services, the Special Education Building Coordinators, and the building Principals or their designees shall supervise the services and programs provided to students with disabilities.

Paraprofessionals 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 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. It is recommended that paraprofessional performance be evaluated through a predetermined performance review process.

Diplomas
The Merrimack School District shall provide all children with disabilities an equal opportunity to complete a course of studies leading to a regular high school diploma. Children with disabilities shall be entitled to continue in an approved program until such time as the student has acquired a regular high school diploma or has attained the age of 22, whichever occurs first, or until the IEP team determines that the child no longer has a disability in accordance with Ed 1107.

The term "regular high school diploma" does not include an alternative degree that is not fully aligned with the NH School Approval Standards, such as a certificate or a HiSET (High School Equivalency Test). Any student who receives a diploma/certificate other than the District's regular high school diploma remains eligible to receive a free appropriate public education until he or she reaches age twenty-one, inclusive or until the IEP Team, through a formal evaluation process, determines that such student is no longer in need of, and thereby not eligible for, special education and related services.

Personnel Development
Ed 1126.01(b)(4)

Personnel Development
The 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 from 2021-2026 school year.

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 District staff, including August Academy, job- embedded activities, in-service workshops, conferences and/or formal coursework reimbursed through the District.

Professional development initiatives for the current and upcoming school year include:

- New Teacher Orientation and mentoring through our torch bearer program for all incoming teachers new to the SAU
- August Academy with a focus on mathematics, mental health/trauma sensitive schools and technology integration.
- Embedded professional development with William Wilmot on Universal Design for Learning, and DOE technical support for all IDEA Indicators, compliance, and IEP development/writing.
- New Hampshire Association of Special Education Administrators (NHASEA) PD workshops and conferences such as LEA training, NHASEA Academy
- Book study/collaborative group on restorative practices for positive classroom management

Staff members of the School District shall participate in child-specific training and professional consultation as required to help them understand various types of disabilities and meet the needs of individual students.
The Merrimack School District Professional Development Master Plan is housed at the SAU 26 office and is available upon request.

Procedural Safeguards
34 CFR 300.504; Ed 1126.07(b)(7); Ed 1120

The Individuals with Disabilities Education Act includes a section entitled "Procedural Safeguards". These safeguards are designed to protect the rights of children with disabilities and their parents. They also provide families and schools the means for resolving disputes that may arise throughout the special education process.

Merrimack School District will give a copy of the current procedural safeguards notice to parents, including plain language explanations of parents' procedural rights once per year, but at a minimum upon:

1. Initial referral for evaluation or parental request for an evaluation;
2. The first time in a school year that a request for a due process hearing is filed;
3. The first time in a school year that a complaint is filed;
4. The date in which the decision is made to make a removal that constitutes a change in placement of a child with a disability because of a violation of a code of student conduct, in accordance with the discipline procedures in 34 CFR 300.530(h); and
5. Upon request by the parent.

LEA Procedural Safeguards

The Merrimack School District uses the NHDOE's Procedural Safeguards Handbook. The link to the handbook is https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/procedural-safeguards

Pupil Evaluation to Placement
Ed 1126.01(b)(8)
Parent Involvement
Ed 1126.01(b)(5)

Pupil Evaluation to Placement
The Merrimack School District implements the Special Education Process that includes procedures for referral, evaluation, development of IEPs, and placement for children with disabilities. These procedures involve parents in all aspects of the pupil evaluation to placement process.
a) Referral
b) Evaluation
c) Determination of eligibility
d) Development and approval of IEP
e) Placement
f) Ongoing monitoring of the IEP
g) Annual review of the IEP

Referral (Ed 1106)
Any student aged 2.5 to 22 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, in the Merrimack School District we ask that parents place their request in writing and submit it to the building principal (or designee). Assistance in completing this written request shall be available to parents upon request.

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 business 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 which includes biological or adoptive parents, legal guardians or surrogate parents, including foster parents who have fulfilled certain requirements.
- 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 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 general curriculum, and 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, such as Response to Intervention or Universal Design for Learning, 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 address concerns and 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 (Ed 1121). The District shall comply with federal and state law 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 reevaluations, 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. 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 children with specific learning disabilities.

Written parental consent is required for the District to conduct evaluations as a part of an eligibility determination. If a parent refuses consent to a proposal included in Ed 1120.04(a)(1) the District 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 initial evaluations within 60 calendar days after receipt of written consent from the parent. For reevaluations, the evaluation process shall be completed within 60 calendar days after the receipt of parental consent to evaluate, or at the conclusion of any extension. When circumstances warrant additional time to complete reevaluations, upon written consent of the parties, a 60 day time limit may be extended by a specific number of days, not to exceed 30 days. 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 moves into the District from another NH District his/her disability identification will be honored without delay.

If the child is moving into the 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. 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 60 calendar days of receipt of parental permission to evaluate. The student will receive FAPE including special services comparable to those described 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. Assessments and other evaluation materials are selected and administered so as not to be discriminatory on a racial or cultural bias. 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) 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 Standards - Ed 1120 and a description of the parent's right to an independent evaluation in accordance with the NH Standards - Ed 1107.03.

The LEA shall provide parents with copies of each examiner's evaluation and assessment report(s) at least 5 days prior to the meeting of the IEP team at which the evaluation and assessment report(s) will be discussed. The LEA shall provide the report(s) by sending the report(s) to the parents via US mail unless the parents and the LEA agree upon another method.

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)

(a) For purposes of evaluating whether a child has a specific learning disability one or more of the following criteria shall be used:

(1) A discrepancy model between intellectual skills and achievements.
(2) A process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in 34 CFR 300.307 (a)(2); and
(3) Other alternative research-based procedures as described in 34 CFR 300.307 (a)(3),

(b) 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.

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 group 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	Written Expression
Reading Fluency Skills	Mathematics Calculation
Listening Comprehension	Basic Reading Skill
Reading Comprehension	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 group determines that the evaluation findings are not primarily the result of:

- A visual, hearing, or motor impairment;
- Intellectual Development;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic disadvantage; or
- Limited English proficiency.

5. Teams must consider the student's achievement measured against expectations for the child's age and grade level standards/expectations set by the state.

The New Hampshire Department of Education 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 screening.
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 group 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 settings 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.

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

Written Report:
A. For a child suspected of having a specific learning disability, the documentation of the team's

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
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

determination of eligibility shall include a statement of: limited English proficiency on the child's achievement level (300.311); and

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-Evaluations
The District shall ensure that a re-evaluation of each child with a disability is conducted at least once every three years, or sooner if the child's parent or teacher requests a reevaluation.

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)
The State and Federal special education laws require that the Merrimack School District 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 children with educational disabilities at least once every three years or when conditions warrant a re-evaluation.

The Merrimack School District 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 Merrimack School 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 aware of such unique circumstances, they should inform the student's special education teacher, building LEA or district special education administrator immediately.

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 evaluator must hold a valid license or certification 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 evaluation results. In instances where no "applicable license or
certification" exists, the district must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.

3. All tests administered will be the current version of the test. The test must be norm referenced for the individual evaluation appropriate for the age and educational level of the child. These tests must measure the same cognitive, motoric and achievement skills as district tests, and meet the same standards of technical adequacy for reliability and validity.

4. The cost of independent evaluations shall not exceed the usual and customary rate for such evaluations. The School District will not pay for the evaluation until it receives the evaluator's report.

5. The independent evaluator must review educational records located in the student's local public school and other relevant educational records.

6. Independent evaluation 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 student 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.

7. The independent evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's Special Education Administrator or the administrator's designees. The evaluator must also release the assessments and results, including parent and teacher questionnaires, to members of the IEP team, the Special Education Administrator or the administrator's designees.

8. All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.

9. The District shall be entitled to inspect and obtain copies of the independent evaluator's records directly pertaining to the student being evaluated, including any records created by third parties. However, those 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.

Parents have a right [34 C.F.R. 300.502(b)(2) to request an independent educational evaluation at school district expense when the parent disagrees with the School District's evaluation. The provision for an independent educational evaluation cannot be invoked by a parent who had refused to consent to a District evaluation.
The Merrimack School District may deny a request for an independent educational evaluation at public expense and initiate a due process hearing to demonstrate that the District's evaluation was appropriate.

A parent always has the right to get an independent educational evaluation at his or her own expense. The team must consider the results of any independent educational evaluation, regardless of who pays for it, if the evaluation meets the District's criteria in decisions about the provision of a free and appropriate public education for 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 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 agrees the member's area of curriculum or related services is not being modified or discussed. The District 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 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. IEPs 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 support 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 District 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.

Consistent with ED 1109.01, each IEP shall include:

- The elements listed in 34 CFR 300.320;
- The length of the school year and the school day required to implement the IEP;
- The types of service providers who would be responsible for implementing the IEP
- A statement identifying the party or parties assuming the financial responsibility for the implementation of the IEP;
- The signature of the parent or when appropriate student and representative of the LEA standing approval of the provisions in the IEP;
- Short-term benchmarks or objectives for all children unless the parent determines them unnecessary for all or some of the child's annual goals;
- Short-term benchmarks or objectives for all children who take alternate assessments based on the alternate achievement standards;
- A statement of how the child's progress toward meeting the annual goals shall be provided to the parents;
- A statement of how the child's progress towards meeting the annual goals will be measured and whether progress is sufficient to achieve the annual goals by the end of the school year;
- A statement of transition services that meets the requirements of 34 CFR 300.43 and 34 CFR 300.320(B), with the exception of a plan for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, shall include a statement of the transition services needs of the student under the applicable components of the student's IEP that focuses on the student's course of study such as participation in advanced placement course, vocational education, or career and technical education.

In the event that specialized transportation is a required service in the IEP, the District will comply with ED1109.02 relative to vehicles, licensing, and transporting of students.

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. support 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 District 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.

Parental Consent ED 1120.04

The District shall obtain informed, written consent from the parent of a child with a disability prior to the initial provision of special education and related services to a child with a disability.

If a parent fails to respond to a request for informed, written consent to any of the actions described in Ed 1120.04(a)(3), (4), (5), or (6), the LEA shall proceed in accordance with Ed 1120.06.

Parents of children with disabilities have 14 days after the sending of written prior notice to sign documents included with the notice to indicate consent, or refusal of consent or partial consent as set forth below:

- A public agency shall not use a parent's refusal to consent to one service or activity or request of additional services, or activities to deny the child any other services or activities to which the parent has consented.
- When the parent refuses consent to one or more of the proposed services or activities, and/or requests changes to services or activities in the initial proposal, the parent shall specify, in writing, the items that they are refusing or requesting.

Upon receipt of a parent's partial consent, the LEA:

- May schedule a mutually agreeable time and date for an IEP team meeting;
- If requested by the parent convene the IEP team to discuss the requested changes and/or additions to the IEP,
- May refuse to convene the IEP team meeting if it determines that the requested changes and/or additions to the IEP have been addressed at a prior IEP team meeting. In such event, the LEA shall issue a Written Prior Notice pursuant to Ed 1109.06(b)(3), explaining why the LEA refuses to convene the meeting.

If a parent refuses consent for a proposed IEP or placement, the child's most recent agreed upon IEP placement, or both shall remain in effect unless the LEA and parent agree otherwise, until the matters are resolved unless and until a party files for due process, in which case the IEP and placement shall be governed by 34 CFR 300.518.

If at any time subsequent to the initial provision of special education and related services, the parent of the child revokes consent in writing for the continued provision of special education of special education and related services, the District:

• may not continue to provide special education and related services to the child;
• will provide a written prior notice before ceasing the provision of special education and related service;
• will not use the mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
• will not be considered in violation of the requirement to make FAPE available to the child; and
• need not convene an IEP Team meeting or develop an IEP for the child.

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.

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 the Merrimack School District 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 Merrimack School 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 Evaluation
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 toward 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 District 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 District refuses to convene the requested meeting. All the above must be completed within 21 days.

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

Placement Decisions (Ed 1111)
The decision where a child with a disability receives support 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 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 District 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

A child with a disability receives all or a portion of his/her special education program at home in accordance with Ed 1111.04.

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. Home instruction for children at least six years of age but less than 22 years of age shall include a minimum of ten hours per week of instruction, including special education services and related services as specified in the child's IEP.

3. Home instruction for children at least six years of age but less than 22 years of age shall not include parent designed home instruction programs as authorized in Ed 315.
4. A child's placement is determined at least annually and is based on the child's IEP.
5. Children who are placed in home instruction shall be allowed to participate with nondisabled children to the maximum extent appropriate to the needs of the child.
6. The length of the school year and school day for a home instruction placement shall be consistent with RSA 186-C:15 except when the superintendent has excused a student from full-time attendance in which case the superintendent and parent shall agree on the number of hours per week of instruction, including special education and related services.
7. 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.

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 District 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 Educational 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 Education Setting: A child with a disability attends regular class with supports and services required in the IEP.

Resource Room: A child with a disability attends a regular class and receives assistance at or through the special education resource room for no more than 60% of the child's school day.

Self-contained Special Education Class: A child with a disability attends a self-contained special class for more than 60% of their school day.

Separate Approved Special Education Program/School: A child with a disability attends a publicly or privately-operated special education program/school.

Residential placement: A child with a disability attends a publicly or privately-operated residential program.

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 Standards - Ed 1111.01(b), Table 1100.3 Continuum of Alternative Learning Environments – Ages 6-22.

Preschool children shall be educated in a setting that is appropriate to implement the IEP. (Ed 1100.02 (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)

Early childhood program: A preschool child with a disability attends an early childhood program that includes at least 50% nondisabled children.

Home: A preschool child with a disability receives all or some of his/her support and services in the child's home.

Early childhood special education program: A preschool child with a disability attends an early childhood special education program which can include any of the classrooms described in Ed 1113.10(c)(5).

Service Provider Location: A preschool child with a disability receives support 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.

Program Evaluation
1126.01(b)(9)

Merrimack School District's Plan includes a program evaluation component. The LEA's procedures for program evaluation determine the effectiveness of special education programs and services in meeting the needs of the children with disabilities.

Program Evaluation:
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
- Progress Monitoring
- 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 Merrimack 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 3 through 8 and grade 11, who are identified by their IEP teams as appropriate for alternate statewide assessment based upon alternate achievement standards, will be included in New Hampshire's Dynamic Learning Maps (DLM) in Reading, Writing, Science and Mathematics skills. This process begins each school year in March and ends in June for all participating students.

In a similar manner, the IEP team determines alternate forms for District-wide assessments to be provided for all eligible students.

Results of group assessments are formally analyzed by 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 of 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
- Parent Support Group Meetings
- Building Leadership Meetings
- General Staff Surveys
- Special Education Focus Group Meetings
- Professional Development Needs Survey
- New Hampshire Special Education Information System data
- Meetings with District Private Providers
- Other – as determined by District

The above information will be used to identify program needs, training needs and any gaps in services that may exist. Systemic 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 District professional development activities.

All professional and paraprofessional staff members within the District are evaluated using a predetermined system aimed at professional growth and development. Feedback is provided to all in the form of (commendations and recommendations; summative evaluation; etc). In this way, the Merrimack School District ensures 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 Special Education Monitoring

The findings and recommendations from the external "Special Education Compliance and Improvement Monitoring," process conducted by the NH Department of Education, will be carefully considered, and addressed by Merrimack School District's Administrative Team. Team Members/District officials have and will continue to 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 shall be completed as soon as possible, but in no case later than one year.

Children with Disabilities Enrolled by Their Parents in Private Schools Ed 1126.01(b)(11)

Merrimack School District has procedures in place that are designed to ensure the equitable participation of children with disabilities who are enrolled by their parents in private schools that are located within the jurisdiction of the Merrimack School District in accordance with 34 CFR 300.131 (child find for parentally-placed private school children with disabilities), 34 CFR 300.111 (child find), and 34 CFR 300.201 (consistency with state policies).

The District regularly cross-checks publicly available lists of nonpublic and profit/nonprofit schools to maintain current knowledge of private schools within our geographic bounds. The district then verifies their findings with the IDEA grant reviewer.

Procedures for obtaining written affirmation of consult with private schools within the LEA's jurisdiction

The Merrimack School District ensures that children with disabilities who are placed by their parents in private schools have equitable and participation in special education programs pursuant to state and federal guidelines.

Records for students with disabilities who are enrolled by their parents in private schools that are located within the jurisdiction of the Merrimack School District are maintained at the District office by the Director of Student Services and his or her designee. The records include the number of children evaluated, the number of children determined to be children with disabilities, and the number of children served.

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. 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 District's obligation to invite representatives of parents of the children with disabilities who are enrolled in the school to the consultation meeting.
SAU 26 Special Education Procedures Plan Page 34

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. 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. This process informs the private school of the proportionate share of federal funds available to serve parentally placed private school children with disability as well as how the proportionate share of those funds was calculated using the written affirmation form which is signed by the district and the private school.

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 providing and 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.

All student data for students referred, evaluated, found eligible as well as their ISP will be entered into the state special education information system (NHSEIS) following state and federal guidelines and timelines. ISPs describing the specific special education and related services provided to these students will be reviewed and revised at least annually. ISP review and revision will be completed in a meeting with private school representatives and the student's parents in which both parties are also informed of their limited dispute resolution options.

In order to ensure all proportionate share funds are drawn down for their intended purpose according to the ISPs within the performance period, the district will budget those funds and

review their expenditure minimally monthly. The district verifies that equitable services have been provided by reviewing the service logs that accompany invoicing for these services.

Accessible Instructional Materials
Ed 1126.01(b)(12)

The Merrimack School District ensures that it has taken reasonable steps to provide children with disabilities who need instructional materials in accessible formats, those appropriate materials at the same time other children receive their instructional materials. Merrimack School District 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 instructional materials.

Such materials may include, but are not limited to, Braille texts, books-on-tape, specialized software, etc.