Table B – New Hampshire Part B

Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
Indicator 3: OSEP's August 31, 2005 letter responding to the State's FFY 2003 APR required the State to provide accurate and complete information in Attachment 3 of the State's FFY 2003 APR regarding the participation and performance of children with disabilities in statewide assessments, including alternate assessments (34 CFR §§300.138-139).	The State provided a revised, accurate copy of Attachment 3 on October 1, 2005.	OSEP accepts the revised Attachment 3.	No further action is required.
Indicator 4: OSEP's August 31, 2005 letter required the State to submit a plan on or before October 31, 2005, including strategies, evidence of change, targets and timelines designed to ensure correction of noncompliance with 34 CFR §300.146, regarding the analysis of State-level data to determine whether significant discrepancies were occurring in the rate of long-term suspensions and expulsions of children with disabilities, either among the State's LEAs or compared to the rates for nondisabled children within LEAs.	The State submitted a plan on November 1, 2005. The SPP also included data and analysis for indicator 4 on pages 17 through 20.	The State's plan to ensure correction of noncompliance with 34 CFR §300.146 was incorporated into the SPP. The State reported that, based on input from stakeholders, it used a rate of 2.0% or greater as the definition for "significant discrepancy" to determine whether significant discrepancies were occurring in the rates of long-term suspensions and expulsions of children with disabilities among school districts. 2.8% (5 of the 176 districts) met the significant discrepancy definition. A total of 14 children were suspended or expelled in those districts. The State reported data showing full correction of the previously-identified noncompliance with the requirement at 34 CFR §300.146. OSEP appreciates the State's efforts in ensuring compliance with this requirement.	OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continued compliance with this requirement.

Table B – New Hampshire Part B

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Indicator 11: OSEP's August 31, 2005 letter required the State to provide, in the SPP or by December 10, 2005, a final report with data and analysis demonstrating correction of noncompliance with the requirement that initial evaluations and reevaluations are timely (20 U.S.C. §§614(a)(1)(C) and 614(a)(2)).	The State provided a final report on December 10, 2005 and submitted additional data in the SPP.	The State's submission for indicator 11 in the SPP contained a plan to collect data to report in the State's FFY 2005 APR, due February 1, 2007. Data submitted in the State's final report (December 10, 2005) showed the State made progress but did not meet the 100% compliance requirement for this indicator. The State reported that, in 2004-2005, 71% of evaluations and 83% of reevaluations were timely. Thus, the State provided data that demonstrate continued noncompliance with sections 614(a)(1)(C) and 614(a)(2)) of the IDEA.	The State must submit data that demonstrate compliance with this requirement by June 1, 2006. OSEP notes that the requirements for timelines with respect to evaluations and reevaluations were amended by IDEA 2004. When determining whether an evaluation or reevaluation is timely, the State should consider the changes to the statute. Failure to demonstrate compliance by June 1, 2006 may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.
Indicator 12: OSEP's November 10, 2004 letter responding to the State's FFY 2002 APR identified noncompliance in this area. OSEP's August 31, 2005 letter required the State to report, in the SPP, its progress in ensuring compliance with the requirement that children participating in early intervention programs assisted under Part C of IDEA, and who will participate in preschool programs assisted under Part B of IDEA, have an IEP or IFSP in effect by the child's third birthday (34 CFR §300.132(b)).	As an interim report to OSEP, the State submitted data in the SPP.	Data on page 46 of the SPP showed that 58.96% of the children served in Part C and referred and found eligible for Part B, had an IEP or IFSP developed and implemented on or before their third birthdays. Thus, the State provided data that, while showing a slight improvement (from 57.7% to 58.96%) demonstrated continued noncompliance with 34 CFR §300.132(b).	The State provided data that demonstrate continued noncompliance with 34 CFR §300.132(b). The level of compliance reported was 58.96%. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.
Indicator 15: OSEP's August 31, 2005 letter required the State to provide, by October 31, 2005, evidence that: (a) the State ensures	The State submitted, on November 1, 2005: (a) a description of the State's actions to correct previously-identified	OSEP reviewed the plan submitted by the State, including the State's proposed strategies, evidence of change and	The State must include, in the FFY 2005 APR, due February 1, 2007, a report that includes data and analysis demonstrating

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correction of identified noncompliance in a timely manner, including noncompliance identified at nonpublic schools, and noncompliance identified in transition plans (as described in the Secondary Transition section of OSEP's August 31, 2005 letter), or (b) a plan to provide such evidence within a reasonable period of time, not to exceed one year from identification. If the State submitted a plan, the plan was to include strategies, proposed evidence of change, targets and timelines for ensuring identification of noncompliance with Part B and the correction of all identified noncompliance, including noncompliance identified at nonpublic schools, within one year of identification, as soon as possible, but not to exceed one year from when OSEP accepted the plan. OSEP's August 31, 2005 letter also required the State to provide, in the SPP, data and analysis demonstrating progress toward compliance with the revision of monitoring procedures to ensure the timely correction of noncompliance no later than one year after identification by the State.	noncompliance in a timely manner, not to exceed one year from identification by the State of such noncompliance; and (b) strategies with timelines to ensure continued correction of noncompliance. The information included a description of its revised monitoring procedures.	timelines. The State's submission included a reference to revisions in the State's monitoring procedures. OSEP accepts the State's plan. On pages 57 though 64 of the SPP, the State described the results of its efforts to ensure identification and correction of noncompliance through its general supervision system. For indicator 15A, the State identified a 99% rate of correcting noncompliance within one year of identification by the State. The rate for 15B was 83% and for 15C, 97%. However, in indicator 12, the State reported that 58.96% of children served in Part C programs between July 1, 2004 and June 30, 2005 had an IEP developed and implemented on or before their third birthdays (indicator 12, page 47); and for indicator 17 the State reported that 79% of the due process hearings were adjudicated in a timely manner (indicator 17, page 70). Additionally, the final report submitted in response to OSEP's requirements for Indicator 11, showed that in 2004-2005 71% of evaluations and 83% of reevaluations were in compliance with IDEA timelines. Thus, given that some of the State's data from prior years and the baseline data included in the SPP indicated noncompliance for greater than one year in some areas, the State's discussion in the SPP about its capacity to identify and	progress in correcting noncompliance in a timely manner, as required by 34 CFR §300.600 and 20 U.S.C. §1232d(b)(3), and must submit a final report to OSEP, demonstrating compliance with these requirements, as soon as possible, but no later than 30 days after one year from the date of OSEP's attached letter to the State regarding its SPP. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of IDEA.

Table B – New Hampshire Part B

Issue	State Submission	OSEP Analysis	Required Action
		correct noncompliance in a timely manner (indicator 15) raises questions about the SPP's internal consistency.	
Indicator 16: OSEP's August 31, 2005 letter required the State to provide, in the SPP, a Progress Report indicating that all Part B complaints are resolved within the 60-day timeline or within a properly-extended timeline (34 CFR §300.661). On or before April 15, 2006, the State was to provide a final report, with data and analysis demonstrating that the State ensures timely resolution of complaints (34 CFR §300.661).	The State provided, on pages 65 through 68 of the SPP, incomplete data regarding this indicator. The State did not account for 25 of 107 complaints.	OSEP is unable to determine whether the State made progress toward compliance with the requirements regarding timelines for resolving complaints (34 CFR §300.661).	The State must submit complete data for FFY 2004, including accounting for all 107 complaints, and a report with updated data and analysis demonstrating full compliance with the requirements at 34 CFR §300.661, by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.
Indicator 17: OSEP's August 31, 2005 letter required the State to provide, in the SPP, data and analysis demonstrating compliance with the requirements regarding timelines for issuing decisions in due process hearings, and information regarding the specific steps taken to ensure compliance. (34 CFR §300.511(a) and (c)).	The State provided, on pages 69 through 71 of the SPP, data demonstrating some progress toward compliance with the requirements regarding timelines for issuing decisions in due process hearings (34 CFR §300.511(a) and (c)). The State included improvement activities and timelines.	The State's SPP demonstrated some progress in meeting compliance with timelines for issuing decisions in due process hearings. However, the State's data showed that only 15 of 19 (79%) due process hearings were completed within required timelines. This data demonstrate continued noncompliance with 34 CFR §300.511(a) and (c).	The State should review and, if necessary, revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. The State must ensure that this noncompliance is corrected and include data in the FFY 2005 APR, due February 1, 2007, that demonstrate compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of IDEA.