

**New Hampshire  
Department of Education  
Bureau of Student Support  
Monitoring Review for Approval of Private  
Provider Special Education Programs**

**Learning Skills Academy:  
Learning Skills Academy program  
& Summer Program  
Summary Report  
2020 – 2021**

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## **Overview of the Monitoring Review for Approval of Private Provider Special Education Programs Process**

The Monitoring Review for Approval of Private Provider Special Education Programs (Monitoring) process ensures that students with educational disabilities have access to; can participate in; and can demonstrate progress within the general education curriculum, thereby improving student learning. The primary focus of the monitoring review is to improve educational results and functional outcomes for all children with disabilities and is done on a cyclical basis.

During the year prior to monitoring, the New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) offers professional development opportunities to each private provider who is involved in the monitoring process. These include writing Measurable Annual Goals, Written Prior Notice, IEP Self-Assessment Data Review Form, and a topic selected by the private provider based on current need.

At the beginning of the school year in which the private provider is being monitored, the private provider will submit to the Bureau their completed application for renewal of special education program approval which includes each program's general application materials, special education procedures, curriculum, and personnel. Following a review of these documents, the monitoring team will conduct an on-site review in which student files are examined for evidence of implementation of the policies and procedures through the special education process. The Bureau will also conduct a follow-up review to verify the implementation of corrective actions as defined in this report.

As part of the Monitoring process the private provider was given the option to include a special education administrator from another private school who has been trained in the process by the Bureau.

The New Hampshire Department of Education, Bureau of Student Support review members for Learning Skills Academy's on-site monitoring review included Heidi Clyborne and Elizabeth Graichen.

## **Overview of the Learning Skills Academy Program(s)**

Learning Skills Academy, (LSA), is an independent non-profit day school located in Rye, New Hampshire, with two New Hampshire Department of Education, Bureau of Special Education Approved Programs. LSA operates a 180-day school year program and a 16-day summer program for male and female students in grades three through twelve. They have program approval to serve up to sixty students during the school year and thirty-six students during the summer (both in state and out of state students) with primary educational disabilities of Other Health Impairments, Specific Learning Disabilities, and Speech Language Impairments. LSA offers courses in all required subject areas for high school students and, upon meeting the state graduation requirements, students can earn a high school diploma.

With the mission, “To ignite the educational potential of students with language and learning differences so that they may succeed in school, college and career”, LSA specializes in providing educational services for students with a language-based learning disability. Many of the students who attend LSA come with an array of skill and knowledge deficits. LSA provides a highly structured educational program tailored to the individual strengths and challenges of each student. The LSA handbook outlines four goals for their students; achieve academic success, demonstrate behavior appropriate to different situations, understand their learning style, and learn to advocate for themselves.

Many students who enroll at LSA have experienced failure and frustration in social situations and with academic tasks. They may have had difficulty with organization, are distractible, have difficulty maintaining attention, exhibit problems with study skills, and lost their motivation to learn. LSA’s language-based approach focuses on developing the self-esteem and self-confidence for each student while improving their educational skills.

LSA provides small class sizes, typically ranging between 3-5 students per class in the Lower School and 4-7 students per class in the Upper School. Smaller class sizes allow more time for students to build relationships and work on their specific areas of need. Language and Math Labs provide students with one-on-one instruction in order to develop basic skills. All curricular areas are language-based and provide the framework for an integrated curriculum.

LSA implements a theme-based curriculum focusing on experiential and hands-on-learning, which is just one of the many ways they achieve student engagement. Providing opportunities for instruction in the nearby woods and on the beach, practicing real-life situations, taking field trips both in state and out of state, as well as their Adventurelore program are additional ways LSA fosters student engagement. LSA finds meaningful ways to make learning fun!

LSA provides opportunities for students to participate in extra-curricular activities. They offer after school activities and clubs catering to the interests of students, organized school dances throughout the year, a prom for students in grades 8-12 and overnight outings for students in grades 7-12.

LSA promotes and maintains a positive school culture. One way they achieve this is by their implementation of the Character Strong curriculum. Character Strong infuses character development and social-emotional learning into the daily operations of the school environment. It helps students develop a stronger identity and purpose both inside and outside of school. Staff and students practice character traits such as kindness, respect, humility, honesty, and compassion by addressing specific traits each month.

Building community is also very important for LSA and is evidenced by their multiple opportunities for community engagement. They enlist parent volunteers for their Cooperative Council and have established a Mentoring Families Program where parental and peer support is provided to new families. A back to school picnic, annual Harvest dinner, end-of the year barbeque, and alumni dinner are additional ways LSA creates a positive school culture while fostering community engagement.

### **Noteworthy Practices**

During the virtual monitoring visit, it had been revealed that LSA includes several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- A program wide philosophical belief that students need to be treated with dignity and respect while maintaining the overall safety of the school community
- The use of an integrated, theme-based curriculum where all classes are discussing a similar topic in different ways
- A multi-modal approach to learning for all students
- Hands-on experiential learning, integrating real-life situations in daily lessons
- The use of a language-based approach to lessons and learning
- Maxscholar Orton Gillingham Reading Program
- Multiple Speech Language Pathologists and Literacy Specialists to help support the language-based practices across all curriculums
- An Upper School in a different building for students in grades 9 through 12, and a Lower School for students in grades 3 through 8
- Staff members with multiple certifications
- The integration of Physical Education, Health Education and a social thinking curriculum through Adventurelore with trained counselors

- Character Strong curriculum supporting social emotional and character development
- A sense of community amongst the students, staff, and parents which is fostered by LSA's commitment for frequent communication and opportunities for social interactions

## Areas in Need of Refinement

No areas in need of refinement were observed.

## General Program Approval Requirements Review

Each private provider must meet the requirements for special education program approval pursuant to The Individuals with Disabilities Education Improvement Act (IDEA) (2004), The New Hampshire Standards for the Education of Children with Disabilities, and New Hampshire State Statutes (RSA 186-C:5, RSA 189:64).

The monitoring review for the approval of private provider special education programs includes a review of the private provider's general application materials that must be submitted to the Bureau by October 15 in the year they are monitored. These include the following; Program Description(s), Written Job Descriptions, Consultation Model, School Fire & Life Safety Inspection(s), School Health Inspection(s), Proof of Insurance, Non-Profit or For-Profit Status, School Calendar and class schedule, Governing Body, Professional Development Master Plan, and Secretary of State Registration & Good Standing.

Based on the review of the Learning Skills Academy & Summer Program's application materials, the monitoring team determined there were **no findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section A](#) of this Report.*

## Special Education Procedures and Effective Implementation Review

Each approved special education program must have special education procedures that are aligned and support the implementation of IDEA and the New Hampshire Standards for the Education of Children with Disabilities.

The monitoring team reviewed the following special education procedures for compliance with State and Federal regulations regarding administration; confidentiality of information; program requirements; responsibilities of private providers of special education implementation of IEPs; behavioral interventions; RSA 126-U Limiting the Use of Child

Restraint Practices in Schools and Treatment Facilities; qualifications and requirements for instructional, administrative and support personnel; change in placement or termination of enrollment; physical facilities; health and medical care; photography and audio-visual recording; and emergency planning and preparedness.

Based on the review of the Learning Skills Academy & Summer Program's special education procedures the monitoring team determined there were **3 findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section B](#) of this Report.*

## **Curriculum and Effective Implementation Review**

As part of the review, the monitoring team looked for evidence that Learning Skills Academy is providing students with access to the general curriculum. The monitoring team reviewed the grades 3 – 12 curriculum provided by Learning Skills Academy for compliance with learning areas in Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.261(b)(1) and (2) & Ed 306.27(c).

Based on the review of the Learning Skills Academy program & Summer Program's curriculum, the monitoring team determined that there were **9 findings of noncompliance**.

Based on the review of the Learning Skills Academy program & Summer Program's Program of studies, the monitoring team determined that there were **2 finding of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section C](#) of this Report.*

## **Personnel Review**

Pursuant to The New Hampshire Standards for the Education of Children with Disabilities all administrative, instructional, and related service staff shall hold appropriate certification or licensure for the position in which they function. In order to provide access to a Free and Appropriate Public Education the private provider must also have the required certified staff or consultants as detailed in the application.

The Bureau has reviewed Learning Skills Academy's staff and consultants' certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2020 – 2021 school year.

The personnel roster that was provided by Learning Skills Academy was compared to the Required Certified Staff or Consultants chart and to the New Hampshire Educator

Information System. Each listed staff or consultant's endorsement was also compared to the subject/assignment. This process was used for personnel that hold Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the staff's certification and endorsement or certified and endorsed consultant was appropriate to the subject/assignment then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and subject/assignment, the private provider was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1114.10(a), 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of the Learning Skills Academy program & Summer Program's personnel certifications, the monitoring team determined there were **no findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section D](#) of this Report.*

## **Implementation of Special Education Process Review**

Private providers are responsible for implementing the special education process in accordance with IDEA and the New Hampshire Standards for the Education of Children with Disabilities. The Individualized Education Program (IEP) Self-assessment Data Collection form highlights the private providers' understanding of the requirements of IDEA and the New Hampshire Standards for the Education of Children with Disabilities for Record of Access/Confidentiality Requirements; IEP; IEP Team/Participants in the Special Education Process; Present Levels of Academic Achievement and Functional Performance; Courses of Study; Measurable Annual Goals & Short-term Objectives or Benchmarks; Review and Revision of IEPs; Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs; Accessibility of Child's IEP to Teachers and Others; and Definition of Individualized Education Program and was reviewed during the monitoring visit.

The private provider cites the evidence of compliance in the self-assessment form prior to the monitoring visit. During the monitoring visit, the monitoring team verified the evidence of compliance based on review of the student file, using the private providers' self-assessment as a resource. In the case of student specific finding(s) of noncompliance, the sending District is cited for noncompliance, as well as the private provider.

Student specific information will not be included in the report but will be provided to the private provider and the LEA's administrator of special education.

Based on the review of the Learning Skills Academy program & Summer Program's Implementation of Special Education Process, the monitoring team determined there were **no findings of noncompliance**.

*Any findings and their required corrective actions are detailed in [Section E](#) of this Report.*

## **Section A: General Program Approval Requirements Findings of Noncompliance**

The chart below identifies any findings of noncompliance based on the Provider's submitted application materials that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### **Findings of Noncompliance and Required Corrective Actions for the Learning Skills Academy program & Summer Program:**

No findings of noncompliance

## Section B: Special Education Procedures and Effective Implementation Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted special education procedures that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### Findings of Noncompliance and Required Corrective Actions for the Learning Skills Academy program & Summer Program:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 1114.21(b)	Emergency Planning and Preparedness
<p><b>Finding of Noncompliance:</b> In reviewing Learning Skills Academy's special education procedures the monitoring team found no evidence that the at least quarterly the program shall conduct emergency drills. The program shall ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies and ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment available at the program.</p> <p><b>Corrective Action Regarding the Implementation of the Regulations:</b> Learning Skills Academy must revise its special education procedures to include that the at least quarterly the program shall conduct emergency drills. The program shall ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies and ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment available at the program.</p> <p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 1114.21(c)(4)	Emergency Planning and Preparedness
<p><b>Finding of Noncompliance:</b> In reviewing Learning Skills Academy’s special education procedures the monitoring team found no evidence that the program shall make provisions to ensure that all children with disabilities are evacuated safely.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> Learning Skills Academy must revise its special education procedures to reflect that the program shall make provisions to ensure that all children with disabilities are evacuated safely.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 1114.21(c)(5)	Emergency Planning and Preparedness
<p><b>Finding of Noncompliance:</b> In reviewing Learning Skills Academy’s special education procedures the monitoring team found no evidence that the program shall establish procedures to help children with disabilities understand the nature of such drills.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> Learning Skills Academy must revise its special education procedures to reflect that the program shall establish procedures to help children with disabilities understand the nature of such drills.</p>	
<p>Provide the revised procedures and a description of the method used to inform staff of the revision to the NHDOE as soon as possible but no later than 6 months from the date of this report.</p>	

## Section C: Curriculum and Effective Implementation Findings of Noncompliance

The chart below identifies any findings of noncompliance based on the Provider's submitted curriculum and, if applicable, program of studies, that were reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### Findings of Noncompliance and Required Corrective Actions for the Learning Skills Academy program & Summer Program:

#### Curriculum:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 303.31(a)	Arts Education Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Arts Education Curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• (1)a. Instruction in the arts discipline where students will create, perform, and respond with understanding</li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Arts Education standards/competencies listed above.</p> <p>Provide the Arts Education Curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 306.40(b)	Health Education Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Health Education Curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• 1) Systemic instruction to enable students to: <ul style="list-style-type: none"> <li>○ e. Analyze the effect of culture, media, technology, and other influences on health</li> <li>○ f. Demonstrate the ability to use interpersonal communications skills to enhance health</li> <li>○ h. Demonstrate the ability to advocate for personal, family, and community health</li> </ul> </li> <li>• (2) Curriculum in the following content areas: <ul style="list-style-type: none"> <li>○ a. Alcohol and other drug use prevention</li> <li>○ b. Injury prevention</li> <li>○ c. Nutrition</li> <li>○ e. Family life and comprehensive sexuality education, including instruction relative to abstinence and sexually transmitted infections</li> <li>○ f. Tobacco use prevention</li> </ul> </li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Health Education standards/competencies listed above.</p> <p>Provide the Health Education Curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
3. Ed 306.41(b)	Physical Education Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Physical Education Curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• (2)f. Utilization of technology in attaining instruction, curricular, and assessment goals</li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Physical Education standards/competencies listed above.</p> <p>Provide the Physical Education Curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
4. Ed 306.42(a)	Information and Communication Technologies Curriculum
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Information and Communication Technologies Curriculum the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• (5)a. Create digital portfolios which address the following components: <ul style="list-style-type: none"> <li>○ 1. Basic operations and concepts</li> <li>○ 2. Social, ethical, and human issues</li> <li>○ 3. Technology productivity tools</li> <li>○ 4. Technology communications tools</li> <li>○ 5. Technology research tools</li> <li>○ 6. Technology problem solving and decision-making tool</li> </ul> </li> <li>• (5)b. Represent proficient, ethical, responsible use of 21st century tools within the context of the core subjects</li> <li>• (5)c. Includes, at a minimum, such digital artifacts as: <ul style="list-style-type: none"> <li>○ 1. Standardized tests</li> <li>○ 2. Observation</li> <li>○ 3. Student work</li> <li>○ 4. Comments describing a student's reflection on his/her work</li> </ul> </li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Information and Communication Technologies standards/competencies listed above.</p> <p>Provide the Information and Communication Technologies Curriculum as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
5. Ed 306.43(c)	Mathematics Curriculum for High School
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Mathematics Curriculum for high school the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• (1)c. Opportunities to solve problems by communicating mathematical ideas through speaking and writing</li> <li>• (3) Opportunities for authentic tasks that: <ul style="list-style-type: none"> <li>○ a. Promote student decision making and questioning</li> <li>○ b. Encourage students to develop unique problem-solving strategies while allowing students to defend their strategies and results through inductive and deductive reasoning and proof – missing evidence of inductive and deductive reasoning and proof</li> </ul> </li> <li>• (5)a. Opportunities for all students to research mathematically-related careers</li> <li>• (13) A developed curriculum incorporating geometry and probability</li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Mathematics for high school standards/competencies listed above.</p> <p>Provide the Mathematics Curriculum for high school as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
6. Ed 306.45(a)	Science Curriculum for Elementary School
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Science Curriculum for elementary school the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• (1)b. A science education program to promote the acquisition of positive attitudes, including, but not limited to, curiosity, initiative, self-reliance, and persistence</li> <li>• (3) Opportunities for students to develop a knowledge and understanding of process skills such as observing, classifying, measuring, and inferring through activities that allow each student to: <ul style="list-style-type: none"> <li>○ a. Explore, collect, handle, sort, and classify natural objects</li> <li>○ c. Use tools, including, but not limited to, nonstandard measures, rulers, and magnifiers, to enhance observations and collect represent and interpret data</li> <li>○ d. Organize data in multiple ways using tools of technology, including calculators, computers, and handheld electronic devices</li> <li>○ e. Communicate through reading, writing, speaking, listening, creating, and viewing to describe their observations of the natural world</li> <li>○ f. Model and communicate safety and health related issues relating to exploration, activities, and inquiry associated with materials, tools, and procedures</li> </ul> </li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Science for elementary school standards/competencies listed above.</p> <p>Provide the Science Curriculum for elementary school as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
7. Ed 306.45(e)	Science Curriculum for High School
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Science Curriculum for high school the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>• (2) Opportunities for students to acquire knowledge of the natural world through the application of logical thought processes such as observation, hypothesizing, experimentation, and the drawing of conclusion</li> <li>• (3) Opportunities for students to develop a knowledge and understanding of attitudes and problem-solving techniques essential for life in an increasingly complex technological society</li> <li>• (4) Courses totaling at least 5 credits in science comprised of offerings in each of the following areas: <ul style="list-style-type: none"> <li>○ a. Physical Science which shall include conservation of energy, matter and energy in nuclear phenomena</li> <li>○ b. Biology which shall include the concept that organisms are linked to one another and to their physical setting by the transfer and transformation of matter and energy to maintain a dynamic equilibrium</li> <li>○ e.(2)(iv) Earth Space Science which shall include ice or cryosphere</li> </ul> </li> <li>• (5) Systematic instruction, fieldwork, experimentation and activities designed to enable students to: <ul style="list-style-type: none"> <li>○ c. Understand the scientific method of investigation, including the role of observation and experimentation in the advancement of scientific knowledge</li> <li>○ d. Gather scientific data through laboratory and field work</li> <li>○ h. Communicate observations and experimental results both quantitatively, through the use of mathematical relationships, and qualitatively, in clear and concise spoken or written language</li> <li>○ k. Acquire an understanding of the history of science and the realization that science is a human endeavor</li> </ul> </li> </ul>	

**Corrective Action Regarding the Implementation of the Regulations:** The Learning Skills Academy program & Summer Program must provide curriculum for all required Science for high school standards/competencies listed above.

Provide the Science Curriculum for high school as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
8. Ed 306.46(a)	Social Studies Curriculum for Elementary School
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program’s Social Studies Curriculum for elementary school the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>(3) Instruction in history and government and the constitutions of New Hampshire</li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Social Studies for elementary school standards/competencies listed above.</p> <p>Provide the Social Studies Curriculum for elementary school as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
9. Ed 306.46(c)	Social Studies Curriculum for High School
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program’s Social Studies Curriculum for high school the monitoring team found no evidence of the following standard(s):</p> <ul style="list-style-type: none"> <li>(1) Opportunities for students to acquire knowledge and modes of inquiry in the areas of New Hampshire history</li> </ul>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must provide curriculum for all required Social Studies for high school standards/competencies listed above.</p> <p>Provide the Social Studies Curriculum for high school as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

### Program of Studies:

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
1. Ed 306.27(l)	Program of Studies; English
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program’s Program of Studies the monitoring team found no evidence of titles and descriptions in English for six required courses.</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must submit a revised Program of Studies inclusive of titles and descriptions in English for six required courses.</p> <p>Provide the revised Program of Studies as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
2. Ed 306.27(1)	Program of Studies; Mathematics
<p><b>Finding of Noncompliance:</b> In reviewing the Learning Skills Academy program &amp; Summer Program's Program of Studies the monitoring team found no evidence of titles and descriptions in Mathematics for 6 required courses</p>	
<p><b>Corrective Action Regarding the Implementation of the Regulations:</b> The Learning Skills Academy program &amp; Summer Program must submit a revised Program of Studies inclusive of titles and descriptions in Mathematics for 6 required courses</p> <p>Provide the revised Program of Studies as well as a description of the method used to inform staff of the revision to the NHDOE as soon as possible, but no later than 6 months from the date of this report.</p>	

## **Section D: Personnel Findings of Noncompliance**

The chart below identifies any findings of noncompliance based on the Provider's submitted personnel roster that was reviewed by the monitoring review team. The chart is broken down into the **Compliance Citations, Area of Compliance, Finding of Noncompliance, and Corrective Action Regarding the Implementation of the Regulations.**

The Compliance Citations and Area of Compliance are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance.

The Finding of Noncompliance details the specific noncompliance found, and the Corrective Action Regarding the Implementation of the Regulations details the required corrective action for the Provider in order to verify correction of the finding of noncompliance and ensure the correct implementation of the regulations going forward, as well as the state timeline in which the finding must be verified corrected.

### **Findings of Noncompliance and Required Corrective Actions for the Learning Skills Academy program & Summer Program:**

No findings of noncompliance

## **Section E: The Implementation of the Special Education Process Areas of Compliance and Findings of Noncompliance**

The chart below identifies the areas of review for the student files that were reviewed by the monitoring team during the onsite visit. The chart is broken down into the **Compliance Citations, Area of Compliance, Review Status and Corrective Actions**.

The **Compliance Citations** and **Area of Compliance** are the specific *CFR* found in the federal regulations of IDEA and the specific *Ed* found in The New Hampshire Standards for the Education of Children with Disabilities with which the Provider was found to be in noncompliance. The chart aligns the regulatory components to the numbered questions in the self-assessment. Regulatory components and self-assessment numbers are bolded in instances where noncompliance was noted by the monitoring team.

The **Review Status** identifies the **number of files reviewed** for the self-assessment question as well as the number of files that were found to be in compliance. For example “5 out of 6 files demonstrated evidence that a copy of the procedural safeguards, available to the parents of a child with a disability, was given to the parent one time in the school year.” This means that 6 files were reviewed and 5 files were found to be in compliance.

There are three components to the **Corrective Actions**. The first component, **First Stage Corrective Action of Student Specific Instance(s) of Noncompliance** identifies any student specific areas of noncompliance that must be corrected at the student level. The Bureau will return to the private provider program to review all student files in which there were findings of noncompliance in order to verify compliance with the corrective action.

The second component, **First Stage Corrective Action Regarding the Implementation of the Regulations** informs the private provider program of any practices or procedures which need to be corrected and requires appropriate personnel participate in professional development in areas found to be noncompliant to ensure the correct implementation of the regulations going forward.

The third component, **Second Stage Corrective Action Regarding the Implementation of the Regulations**, informs the private provider of the number of new student files that may need to be selected at the program for review to verify correct implementation of the regulations for the section of the self-assessment in which noncompliance was found. For Second Stage Corrective Actions the Bureau will verify compliance through a subsequent on-site review of new files within one year from the date of the report. **The total number of student files selected for the Second Stage Corrective Action Regarding the Implementation of the Regulation will not exceed the original number of files reviewed at the private provider program.**

**Areas of Review and any Findings of Noncompliance and Required Corrective Actions for Learning Skills Academy & Summer Program:**

When determining compliance, the NHDOE reviews the currently agreed upon/signed IEP at the on-site monitoring visit. During the on-site monitoring visit there were **no files** which could not be reviewed for sections B(#2), D(#11-17), E(#18-22), F(#23), G (#24-26), H(#27), I(#29), J(#30-31), K(#32-41), L(#42), and M(#43-45) as there was no parent and/or LEA signature indicating consent / approval of the provisions of the IEP.

The monitoring team reviewed 2 files at the Learning Skills Academy program (Student Codes A & B).

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.05		A. Record of Access; Confidentiality Requirements
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
1.	34 CFR 300.614 Ed 1119.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence of a record of parties that have obtained access to the education records collected, maintained or used under Part B of the Act, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323 Ed 1109		B. Individualized Education Program
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
2.	Ed 1109.04(a)	<b>2 out of 2</b> IEP files demonstrated evidence that a copy of the IEP has been provided to each teacher and service provider listed as having responsibilities for implementing the IEP.
3.	34 CFR 300.324(b)(1)(i) Ed 1109.03(d)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP was reviewed at least annually. <i>(No student files were of students with initial IEPs or moved from another state or district.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.321 Ed 1103.01		C. IEP Team; Participants in the Special Education Process
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
4.	34 CFR 300.321(a)(1) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that one or both of the parents are present at the IEP team meeting or are afforded the opportunity to participate

5.	34 CFR 300.321(a)(2) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) participated in the meeting. <i>(No student files had regular education teacher(s) excused per 34 CFR 300.321(e).) (No student files were of students that are not and will not participate in the regular education environment.)</i>
6.	34 CFR 300.321(a)(3) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that not less than one special education teacher or, where appropriate, not less than one special education provider of the child participated in the meeting. <i>(No student files had special education teacher(s) or special education provider(s) excused per 34 CFR 300.321(e).)</i>
7.	34 CFR 300.321(a)(4) Ed 1103.01(a)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP Team included an LEA representative.
8.	Ed 1103.01(d)	<b>1 out of 1</b> IEP files demonstrated evidence that, if vocational, career or technical education components are being considered, the IEP team membership included an individual knowledgeable about the vocational education programs and/or career technical education being considered. <i>(1 student file was a student for whom vocational education/CTE was not considered.)</i>
9.	Ed 1103.02(a),(c), (d)	<b>0 out of 0</b> IEP files demonstrated evidence that the parent(s) received a written invitation no fewer than 10 days before an IEP meeting which included the purpose, time, location and identification of the participants or the parent agreed in writing that the LEA could satisfy this requirement via transmittal by electronic mail <u>or</u> demonstrated evidence of written consent of the parent(s) that the notice requirement were waived [Ed 1103.02(b)]. <i>(2 student files were students for whom the written invitation is the responsibility of the LEA.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320		D. Individualized Education Program (Present Levels of Academic Achievement and Functional Performance)
Self-Assessment Question Number & Regulatory Component		Review Status
10.	34 CFR 300.324(a)(1)(i)	<b>2 out of 2</b> IEP files demonstrated evidence that the team considered the strengths of the child.
11.	34 CFR 300.324(a)(1)(iv)	<b>2 out of 2</b> IEP files demonstrated evidence that the team considered the academic, developmental, and functional needs of the child.
12.	34 CFR 300.324(a)(1)(ii)	<b>2 out of 2</b> IEP files demonstrated evidence that the concerns of the parents for enhancing the education of their child were considered.
13.	34 CFR 300.324(a)(1)(iii)	<b>2 out of 2</b> IEP files demonstrated evidence that the results of the initial or most recent evaluation of the child were considered.
14.	34 CFR 300.320(a)(1)(i)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects the student's involvement and progress in the general education curriculum. <i>(No student files were preschool age students.)</i>
15.	34 CFR 300.320(a)(4)(ii)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement in the IEP that describes how the student's disability affects non-academic areas.
16.	34 CFR 300.320(a)(1)(ii)	For preschool children, <b>0 out of 0</b> IEP files demonstrated evidence of a statement in the IEP that describes how the disability affects the child's participation in appropriate activities. <i>(2 student files were not of preschool age students.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(10)		E. Courses of Study
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
17.	Ed 1109.01(a)(10)	For each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, <b>1 out of 1</b> IEP files demonstrated evidence a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education, or career technical education.. <i>(1 student file was a student aged 13 or younger who will not be turning 14 during the IEP period and no evidence the IEP team determined this is necessary.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(2)(i) Ed 1109.01(a)		F. Measurable Annual Goals; Short-term Objectives or Benchmarks
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
18.	34 CFR 300.320(a)(2)(i) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement of measurable annual goals, including academic and functional goals.
19.	34 CFR 300.320(a)(2)(i)(A) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence that the measurable annual goals meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum as well as the child's other educational needs that results from the child's disability.
20.	Ed 1109.01(a)(6)	<b>2 out of 2</b> IEP files demonstrated evidence of short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1109.01(a)(8)		G. Review and Revision of IEPs (Measuring Progress)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
21.	Ed 1109.01(a)(8)	<b>2 out of 2</b> IEP files demonstrated evidence that the IEP includes a statement of how the child's progress toward meeting the annual goals shall be provided to the parents.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
Ed 1114.06(b)		H. Responsibilities of Private Providers of Special Education or other Non-LEA Programs in the Implementation of IEPs
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
22.	34 CFR 300.325(b) Ed 1109.05 Ed 1114.06(a);	For the purpose of initiating the process for all matters concerning possible changes and/or modification in the identification, evaluation, development and/or revision of an IEP or changes in placement of a child with a disability, <b>2 out of 2</b> IEP files demonstrated evidence that the private provider contacted the sending school district. <i>(No student files had no changes in the child's identification, evaluation, development or revision of the IEP or placement)</i>
23.	Ed 1114.06(i), (j), (k)	<b>2 out of 2</b> IEP files demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.323(d)(2)(ii) Ed 1109.03(a); Ed 1109.03(v); Ed 1102.01(b)		I. Accessibility of Child's IEP to Teachers and Others (General Accommodations and General Modifications)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
24.	Ed 1102.01(b)	If accommodations are included, <b>2 out of 2</b> IEP files demonstrated evidence that the accommodations are changes in instruction or evaluation determined necessary by the IEP team that <b>do not impact</b> the rigor, validity, or both of the subject matter being taught or assessed. <i>(No student files were students with no accommodations.)</i>
25.	Ed 1102.03(v)	If modifications are included, <b>0 out of 0</b> IEP files demonstrated evidence that the modifications are changes in instruction or evaluation determined necessary by the IEP team <b>that impact</b> the rigor, validity, or both of the subject matter being taught or assessed. <i>(2 student files were students with no modifications.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a) Ed 1109.01(a)(1); 1109.04(b)		J. Definition of Individualized Education Program (Special Education and Related Services, Supplementary Aids and Services, and Program Modifications or Supports for School Personnel)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
26.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement of special education.
27.	Ed 1109.04(b)(1)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all special education services provided.
28.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of a statement of related services. <i>(No student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>

29.	Ed 1109.04(b)(1)	<b>2 out of 2</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to all related services provided. <i>(No student files were students for whom there were no related services in the IEP.)</i>
30.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>0 out of 0</b> IEP files demonstrated evidence of a statement of supplementary aids and services. <i>(2 student files were students for whom there was no evidence that the IEP team determined this is necessary.)</i>
31.	Ed 1109.04(b)(2)	<b>0 out of 0</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to any supplementary aids and services provided. <i>(2 student files were students for whom there were no supplementary aids and services in the IEP.)</i>
32.	34 CFR 300.320(a)(4) Ed 1109.01(a)(1)	<b>1 out of 1</b> IEP files demonstrated evidence of a statement of the supports for school personnel. <i>(1 student file was a student for whom there was no evidence that the IEP team determined this is necessary.)</i>
33.	Ed 1109.04(b)(4)	<b>1 out of 1</b> IEP files demonstrated written evidence documenting implementation of the IEP with regards to supports for school personnel. <i>(1 student file was a student for whom there were no supports for personnel in the IEP.)</i>

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(5) Ed 1109.01(a)(1)		K. Definition of Individualized Education Program (Justification for Non-Participation)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
34.	34CFR 300.320(a)(5) Ed 1109.01(a)(1)	<b>2 out of 2</b> IEP files demonstrated evidence of an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in the supports and services section of the IEP.

COMPLIANCE CITATIONS		AREA OF COMPLIANCE
34 CFR 300.320(a)(6) Ed 1109.01(a)(1)		L. Definition of Individualized Education Program (State and District Wide Assessments)
<b>Self-Assessment Question Number &amp; Regulatory Component</b>		<b>Review Status</b>
35.	34 CFR 300.320(a)(6)(i) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	Evidence of a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments.  <b>Due to changes in the New Hampshire Special Education Information System (NHSEIS) this question was not reviewed for compliance</b>
36.	34 CFR 300.320(a)(6)(ii)(A) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, <b>0 out of 0</b> IEP files demonstrated evidence of a statement of why the child cannot participate in the regular assessment. <i>(2 student files were of students not taking an alternate assessment.)</i>

37.	34 CFR 300.320(a)(6)(ii)(B) Ed 1109.01(a)(1) RSA 193-C Ed 1114.05(k)	When the child is taking an alternate assessment, <b>0 out of 0</b> IEP files demonstrated evidence describing why the particular alternate assessment selected is appropriate for the child. <i>(2 student files were of students not taking an alternate assessment.)</i>
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