

STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS

CORRECTIONS SPECIAL
SCHOOL DISTRICT



INTERAGENCY AGREEMENT:
STANDARDS FOR
PROGRAM APPROVAL

Commissioner of Education
Virginia M. Barry

Commissioner of Corrections
William L. Wrenn

Effective January 14, 2010

Interagency Agreement Pursuant to RSA 194:60

Agreement between the Commissioner, New Hampshire Department of Education and the Commissioner, New Hampshire Department of Corrections relative to criteria for approval of high school education programs for all incarcerated adults at New Hampshire State Prison for Men and New Hampshire State Prison for Women; the graduation requirements necessary for the Corrections Special School District to issue a high school diploma to eligible offenders; and the criteria for Special Education Program approval.(Appendix I)

Assurance of Non-Discrimination

The Corrections Special School District does not discriminate in the administration of its admissions and educational programs, activities or employment practice on the basis of race, color, religion, national origin, age, sex, disability, sexual orientation or marital status. This statement is a reflection of the Corrections Special School District and refers to, but is not limited to, the provisions of the following laws:

Title VI and VII of the Civil Rights Act of 1964
The Age Discrimination Act of 1967
Title IX of the Education Amendments Act of 1972
Section 504 of the Rehabilitation Act of 1973
The Americans with Disabilities Act of 1975
NH Law against Discrimination (RSA 354-A), and
State Rule: Ed. 303.01(i), (j), (k).

The Title IX Coordinator is: Administrator of Programs for Women - TBA

The Section 504 Coordinator is: Kathleen Letts, Special Education Supervisor
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Interagency Agreement**PARTIES:**

This agreement is between the Department of Education (hereinafter referred to as “Education”) and the Department of Corrections (hereinafter referred to as “Corrections”) and shall be amended as required by changes in federal and state laws, regulations and rules.

I. STATEMENTS OF PURPOSE

As required by RSA 194:60 II and IV (b), the Commissioners of Education and Corrections enter into this agreement for the purpose of defining:

- The criteria necessary for approval of high school education programs for incarcerated adults at the New Hampshire State Prison for Men and the New Hampshire State Prison for Women;
- The criteria necessary for special education program approval pursuant to RSA 186-C:5.; and
- The graduation requirements necessary for the Corrections Special School District to issue a high school diploma to offenders through its Granite State High School.

The Commissioners of Education and Corrections enter into this agreement aware that the terms included herein reflect the unique nature of providing educational services within the context of an adult correctional facility and that bona fide penological concerns of safety and security may override the individual student’s rights to certain educational services.

Education and Corrections, using Ed 306 Minimum Standards For Public School Approval and the New Hampshire Rules for the Education of Students with Disabilities, dated 6/30/2008, as conceptual backdrops, agree to the criteria set forth in this agreement as an affirmative statement of the means by which Corrections may meet the educational needs of eligible offenders and the unique safety and security needs of its facilities.

This agreement recognizes that all eligible students are adjudicated as adults by the courts and are developmentally advanced as compared with public school student populations.

Corrections shall comply with all appropriate Part B requirements of the Individuals with Disabilities Education Act as amended in 2004, except in those instances where the State has demonstrated a bona-fide security or compelling penological interest that cannot otherwise be accommodated.

II. ORGANIZATION AND GOVERNANCE

Pursuant to RSA 21-H:4(c), RSA 21-H:8, RSA 194:60, COR 302 and Ed 302.01, the Commissioner of Corrections shall act as the Superintendent of the Corrections Special School District and shall provide supervision through the Corrections Special School District Steering Committee.

The Education Director, in conjunction with the Career and Technical Education Director will perform any duty assigned by the superintendent in accordance with the CSSD Steering committee, state statutes, rules of the state board of education and this Interagency Agreement.

Pursuant to ED 304.01; The Education Director will fill the role of Principal for the Corrections Special School District, with appropriate NHDOE Principal certification (0003). The Education Director assumes the full responsibility of structuring and organizing Granite State High School, in conjunction with the Career and Technical Education Director, who assumes the full responsibility of structuring and organizing the Career and Technical Education Center. Jointly both Directors will work to meet the academic and behavioral needs of both male and/or female offenders at various facilities; the accountability needs of the agency; the mandates of the State Department of Education's various divisions; the objectives of various grantor agencies funding our programs; and the expectations of public schools, working in close and immediate contact with offenders on a daily basis while maintaining security throughout the Corrections Special School District. Supervision of the Education Director and the Career and Technical Education Director will be provided through the appropriately delegated authority, see attachment A of this document for the Organizational Chart.

III. MINIMUM STANDARDS FOR PUBLIC SCHOOL APPROVAL

Applicability

Pursuant to RSA 194:60, the Correction Special School District will provide an approved school district, meeting the applicable criteria established in this Interagency Agreement (IAA).

Definitions

The New Hampshire Department of Corrections, hereafter known as Corrections, operates several facilities in various communities throughout the state.

“Commissioner of Corrections” shall mean and connote the responsibilities normally ascribed to a “Superintendent of Schools.”

“Corrections Special School District” or “CSSD” shall mean and be used in the place of “Local Education Agency” and “LEA.” The Corrections Special School District shall connote a combination of programs provided under the names “Granite State High School” and “Career & Technical Education Center”. The Corrections Special School District provides access to the education programs for incarcerated adults described in this Interagency Agreement at the New Hampshire State Prison for Men, hereafter known as NHSP/Men and the New Hampshire State Prison for Women, hereafter known as NHSP/Women.

“Corrections Special School District Advisory Committee” shall mean a committee consisting of the Education Director or designee, Career and Technical Education Director or designee, Special Education Supervisor or designee, at least three members from the Department of Education from the areas of Special Education, CTEC and Equity, and representatives from the business and education community.

“Corrections Special School District Steering Committee” shall mean an administrative committee consisting of the Assistant Commissioner, Director of the Bureau of Programs, Administrator of Women Offenders and Family Services, Education Director and Career and Technical Education Director.

Education Director and Career and Technical Education Director shall mean and connote the responsibilities normally ascribed to a “Principal.”

“Eligible Offenders with Disabilities” shall mean an incarcerated individuals who are ages 18 through 21 who:

- had been identified as a child with a disability prior to incarceration or;
- had an individual education plan (IEP) prior to incarceration; and
- meets the appropriate correctional classification criteria.

For an incarcerated person under the age of 18, per Ed 1118.03, that person shall have the right to be deemed eligible through the special education evaluation process, if appropriate, and meeting the appropriate correctional classification criteria.

“Equivalent Instructional Activity” shall mean a structured, supervised set of learning experiences leading to mastery of the information, concepts and application of understanding essential to the core curriculum through means other than the traditional classroom setting.

“Identified” shall mean “verification of Eligible Offenders with Disabilities status” as defined in Ed 1118 and consistent with 34 CFR 300.311.

“Offender” shall mean any incarcerated adult with a felony conviction who wishes to participate in the approved education programs for incarcerated adults provided by New Hampshire Department of Corrections and meets the correctional classification criteria for such participation.

“Placement” shall mean “assignment” of Eligible Offenders with Disabilities to an appropriate educational program as offered within the Corrections Special School District consistent with the Individuals with Disabilities Education Act and the legitimate penological interests of Corrections.

For the purposes of this Interagency Agreement the term “Parent”, as normally used in statutes and rules relevant to this agreement, means the offender who has been adjudicated as an adult or the parents or guardian as assigned by the courts for an offender who has been determined not to have the ability to provide informed consent with respect to the education program.

Policy Requirements

The Corrections Special School District shall obtain and maintain an up-to-date copy of the Interagency Agreement and state education laws in its Administrative offices.

The Corrections Special School District shall comply with the terms of the Interagency Agreement, all applicable laws, and the Policies and Procedures set forth by Corrections.

The Corrections Special School District shall provide access to an approved general education and career and technical education curriculum, as stated within this agreement, in the following locations - NHSP/Men and the NHSP/Women.

The Corrections Special School District Interagency Agreement (IAA) shall be reviewed every five years, to ensure its provisions, including all compliance regulations, are up to date, and to modify the IAA as appropriate. The review shall be conducted by an Interagency appointed committee. Representatives of NHDOC and NHDOE shall be appointed by the Commissioners of Corrections and Education.

The Commissioners will mutually agree on the scope and evaluation criteria to be used in review of the CSSD's operations and IAA implementation and compliance. Said reviews shall result in reports submitted by DOE as to areas of non-compliance. The CSSD shall submit plans of correction intended to address areas of non-compliance. Said reviews of operations and IAA implementation and compliance shall be scheduled as frequently as necessary to adequately assess CSSD performance and monitor progress on plans of correction.

Policy Development

In accordance with Ed 306.04, the Corrections Special School District has adopted and implemented written policies and procedures relative to Ed 306.04(a)(1)–(14) and Ed 306.04(a)(16) may be found in the Department of Corrections Policy and Procedure Directives and reflected in the Corrections Special School District Operational Manual (Appendix III).

Pursuant to Ed 306.04(b) The Corrections Special School District will provide applicable policies to the New Hampshire State Prison for Men and the New Hampshire State Prison for Women. locations governed under Ed 306.03.

School Philosophy, Goals, and Objectives.

The Corrections Special School District shall manage the delivery of educational services for incarcerated adults in a manner consistent with the Mission Statement and Values established by the Corrections and NHDOC Bureau of Programs.

Administration, staff and faculty of the Corrections Special School District have established a Mission, Philosophy, and Vision Statement setting forth the goals of the program and the principles upon which those goals are founded. Please refer to the Corrections Special School District Vision and Mission Statement (Appendix IV).

Culture and Climate

Please refer to the Corrections Special School District Operational Manual, Appendix III, section III.

School Facilities

Corrections Division of Administration and Maintenance Department are responsible for the maintenance and repair of the physical plant and facilities.

Classrooms and learning labs used by the Corrections Special School District participants shall be maintained in a safe manner and have adequate lighting and ventilation

Instructional Materials Resources

Pursuant to Ed 306.08, the Corrections Special School District shall provide instructional resources to students, which do not include online resources.

The Corrections Special School District shall provide appropriate instructional materials to meet individual students' needs which do not include online resources. Additionally a written plan to obtain and offer current and varied library resources shall be in place.

Custodial and Maintenance Services

Corrections Division of Administration and Maintenance Department are responsible for the maintenance and repair of the physical plant.

Food and Nutrition Services

Corrections Division of Administration and Food Services are responsible for the provision of food and nutrition services.

School Health Services

Corrections Medical and Forensic Services Division maintains the compliance and documentation for school health services.

Guidance Plan

The Corrections Special School District shall develop and implement a comprehensive guidance and counseling program which shall be developmentally appropriate and designed to address the educational and career needs of eligible offenders. Refer to the Corrections Special School District Operational Manual, Appendix III, section V.

This plan shall provide for the delivery of the following:

- Career, occupational, and educational information and advisement;
- Student appraisal activities;
- The identification and referral of offenders in need of special services, including suicide prevention and mental health referrals; and
- Career and post-secondary educational counseling.

Basic Instructional Standards

Pursuant to Ed 306.14, the Corrections Special School District shall provide an instructional program based on non-grade level advancement and full calendar year services.

The instructional program will address the needs of eligible offenders up to and including the provision of a program of instruction culminating in the issuance of a high school diploma.

Please refer to the Corrections Special School District Operational Manual on Basic Instructional Standards, Appendix III, section VI.

Provision of Staff and Staff Qualifications

Pursuant to Ed 306.15 the Corrections Special School District will ensure the provision of staff and staff qualifications as defined in the Corrections Special School District Operational Manual, Appendix III, section VII.

The Corrections Special School District will ensure that all faculty and educational staff have met the certification requirements of Ed 500, Certification Standards For Educational Personnel.

Professional Development (PD)

Refer to the Corrections Special School District Operational Manual, Appendix III, section VIII and the Corrections Special School District Professional Development Master Plan, Appendix V.

The Corrections Special School District will submit its Master Professional Development Plan for its faculty and educational staff to the Department of Education for review no later than the timeline set forth by the Bureau of Credentialing. This Plan shall include appropriate orientation and mentoring provisions. Each faculty and educational staff member shall have an Individual PD plan.

Class Size

Pursuant to Ed 306.17 The Corrections Special School District will ensure the provision class sizes will be appropriate for the correctional setting with the guidance of NHDOC security.

School Year

The Corrections Special School District will operate on a full calendar year broken into four eleven week cycles, separated by two week breaks.

Pursuant to RSA 189:1, 189:24, Ed 306.14 and Ed 306.18(c) the Corrections Special School District has chosen a school year option based on days.

The Corrections Special School District due to penological concerns may have to shorten school days. Given the penological nature of those emergencies, the Corrections Special School District reserves the right to limit school hours. The Corrections Special School District will submit an emergency notification in writing to the Department of Education identifying such an emergency.

Please refer to the Corrections Special School District Operational Manual, Appendix III, section IX, for additional details.

School Calendar

CSSD will operate an educational program 204 days per school year, 51 days per quarter, four quarters per year. The school year calendar will run parallel with the State of New Hampshire fiscal calendar

Please refer to the Corrections Special School District Operational Manual, Appendix III, section X.

Statistical Reports

The Corrections Special School District maintains reports related to grades, attendance and Tests of Adult Basic Education. In addition, CSSD will maintain data concerning gender, race, national origin and disability, which is outlined in the Student Records of the Operational Manual, Appendix III, section V, pg. 11. This process will be done in coordination with NHDOC; Offender Records Department, which maintains all data related to an offender in relation to their incarceration and personal history.

The Corrections Special School District will annually on July 1st, submit to the Bureau of Special Education, Department of Education, the numbers of offenders enrolled in its high school education and career and technical education programs broken out by gender, age, race, primary language, type of disability if any, and completion rates.

Assessment

The Corrections Special School District through the Tests of Adult Basic Education, and other means shall assess for reading, writing, language and mathematics.

High School Curriculum, Credits, Graduation Requirements, and Co-curricular Program

The Corrections Special School District chooses to offer extended learning opportunities. The extended learning opportunities are aligned with legitimate penological concerns. See Corrections Special School District Operations Manual, Appendix III, section XI for further detail.

The Corrections Special School District is using a credit set of 135 clock hours. The Corrections Special School District may utilize a competency assessment to allow the student to demonstrate mastery of required competencies for courses where the required clock hours cannot be met.

The Corrections Special School District will provide a total of 25 ½ credits distributed as shown in Table 1.

The Corrections Special School District will provide the following program areas and offer the required credits as distributed in Table 1 below on a yearly basis.

Table 1 Required Program Areas and Credits Per Year

Required Program Areas	Credit(s)
Business Education	3 credits
Information and Communication Technologies	½ credit
Family and Consumer Science	½ credit
Health Education	½ credit
Technology Education	3 credits
English	5 credits
Mathematics	5 credits
Science	4 credits
Social Studies	4 credits

The Corrections Special School District will offer the 20 credits required for graduation as specified in Table 2.

Table 2 Required Subjects and Credits for High School Graduation

Required Subjects	Credit(s)
Information and communications technologies	½ credit or demonstrate proficiency
English	4 credits
Mathematics	3 credits, including algebra credit that can be earned through a sequential or applied program
Physical sciences	1 credit
Biological sciences	1 credit
US and NH history, global studies or geography	1 credit
US and NH government/civics	½ credit
Economics	½ credit
World history, global studies, or geography	½ credit
Health education	½ credit
Open electives	7 ½ credits
Totals	20 credits

The Corrections Special School District will require 7 ½ credits of open electives to be selected from any of the school's course offerings, which can include Career and Technical Education Offerings.

The Corrections Special School District may, but is not required to provide distance education credit as described in the Corrections Special School District Operational Manual, Appendix III, section XI.

The Corrections Special School District Education Director shall review and approve all transcripts and requirements for graduation.

Interdisciplinary Credit

To meet the diverse needs of the student and the requirements for graduation, Corrections Special School District will award Interdisciplinary credit. Therefore, any graduation requirement in a subject area may be earned through interdisciplinary credit, if the following conditions are met.

1. Graduation requirements met by interdisciplinary credit shall be clearly designated on student transcripts;
2. Interdisciplinary credit shall be counted only once in meeting graduation requirements;

3. The Education Director may approve a particular course for interdisciplinary credit if they determine:
 - a. The course has been approved by the Curriculum Supervisor; and
 - b. The course addresses the standards for the subject area in which the credit is to be counted.

Approval Process

Pursuant to 194:60, the IAA shall be reviewed every five years for approval by an Interagency appointed committee to ensure its provisions, including all compliance regulations, are up to date, and to modify the IAA as appropriate. The review shall be conducted by representatives of NHDOC and NHDOE who shall be appointed by the Commissioners of Corrections and Education.

The Commissioners will mutually agree on the scope and evaluation criteria to be used in review of the CSSD's operations and IAA implementation and compliance. Said reviews shall result in reports submitted by DOE as to areas of non-compliance. The CSSD shall submit plans of correction intended to address areas of non-compliance. Said reviews of operations and IAA implementation and compliance shall be scheduled as frequently as necessary to adequately assess CSSD performance and monitor progress on plans of correction.

Business Education Program

The Business Education Program will provide three credits comprised of the following content areas: accounting, business communication, business math, business law, international business, management, marketing, personal finance and small business management.

Career and Technical Education Program

Pursuant to Ed 306.34, the Corrections Special School District shall maintain a composite of career and technical education programs that follow the NH Department of Education Career Clusters.

Each Career & Technical Education Center program will focus on providing a composite of:

- (1) Planned activities designed to prepare each student for employment in current or emerging occupations, and for further postsecondary education or training, or both;
- (2) Instruction and activities which emphasize the development of:
 - a. Competency-based academic knowledge related to the career field the student is studying;
 - b. High employability and performance skills, including the following skills:
 - c. Understanding all aspects of the career field that the student is studying, including:
 - d. Occupational-specific skills that provide the individual student with the ability to obtain employment and to adapt to the changing demands of the workplace;
- (3) A safe environment for students in laboratory classes and at work stations which shall:
 - a. Meet safety standards established by the New Hampshire Department of Corrections

- (4) Coordination with postsecondary or apprenticeship programs, or both; and
- (5) A dedicated staff person for the school district, either certified in school guidance counseling or holding a current certificate of training from a nationally recognized program as a career development specialist/facilitator, who, working with the school's comprehensive developmental school guidance and counseling program, provides students with:
- a. Career interest and aptitude appraisal activities; and
 - b. Individual planning, services and support, and follow-up guidance.
- (6) Each career and technical education program may provide experiences contributing to licensure, certification, and further education or training.

Each educator within the Career & Technical Education Center shall maintain certification in accordance with their respective content area following the certification requirements through Ed 507.03 Teachers of a Vocational Specialty and Ed 507.02 Teachers of Comprehensive Vocational Education.

Each Career & Technical Education Center program will meet the following program standards:

- The Corrections Special School District Advisory Committee will actively review and make recommendations regarding the Career & Technical Education Center and its programs and operations.
- The Career & Technical Education Center will follow all the state and federal guidelines in accordance with the NH Department of Corrections.
- The NH Career Development Frameworks shall be the basis upon which career guidance activities are designed.
- The curriculum for a career and technical program shall be competency-based and reflect nationally-recognized skill standards for that industry.
- Each career and technical program shall have an active Program Advisory Committee that is responsible for overseeing and directing ongoing program improvement activities.
- Data gathering and reporting will follow the guidance set forth in the Statistical report section of this Interagency Agreement.
- Resources and facilities shall allow each student to meet program objectives.

Lastly, the Career & Technical Education Center programs will follow the guidance set forth through Corrections Policy and Procedures (Appendix VI), while meeting Corrections court required settlements, i.e. Laaman Consent Decree.

Career Education Program

The Corrections Special School District will provide the infusion of developmentally appropriate knowledge and skill development throughout all areas of the 9-12 curriculum.

English/Language Arts and Reading Program

The Corrections Special School District will provide 5 credits of high school credit bearing English education courses, as outlined in the Corrections Special School District Program of Studies, Appendix VII.

Family and Consumer Science Education Program

The Corrections Special School District will offer ½ credit in Family and Consumer Science Education in the areas of personal financial literacy; interpersonal relationships; communications and conflict resolutions; and positive adult roles, through their Career Awareness Program outlined in the Corrections Special School District Program of Studies, Appendix VII.

Guidance and Counseling Program

Refer to the Corrections Special School District Operational Manual, Appendix III, section V.

Additionally, the Corrections Special School District provides guidance and counseling services for 9-12 grade levels.

Supportive services are provided through the NH Department of Corrections, Division of Medical and Forensics Services and Intervention Services.

The Corrections Special School District shall maintain a counseling load not to exceed 300 enrolled students for each certified guidance counselor.

Health Education Program

The Corrections Special School District will provide health education within the Biology Curriculum as an Interdisciplinary Credit offering, as outlined in the Corrections Special School District Program of Studies, Appendix VII.

The Department of Corrections, Division of Medical and Forensic Services provides health services for the Corrections Special School District.

The Department of Corrections Division of Administrative Services provides food and nutrition services for the Corrections Special School District.

Information and Communication Technologies Program

The Corrections Special School District provides a composite of communication technology offerings, which are high school credit bearing. This will be met, but not limited to the following offerings: Typing/Keyboarding, Computer Fundamentals and Technology for Business I & II, as outlined in the Corrections Special School District Program of Studies, Appendix VII.

Mathematics Program

The Corrections Special School District will provide 5 credits of high school level mathematics, as outlined in the Corrections Special School District Program of Studies, Appendix VII.

Psychologist Program

Psychological and mental health services are provided through the Department of Corrections, Division of Medical and Forensic Services.

Science Education Program

The Corrections Special School District will provide 4 credits of high school level science education, as outlined in the Corrections Special School District Program of Studies, Appendix VII.

Social Studies Program

The Corrections Special School District will provide 4 credits of high school level social studies education, as outlined in the Corrections Special School District Program of Studies, Appendix VII.

Technology Education Program

The Corrections Special School District will provide 3 credits of middle/high school technology education, as outlined in the Corrections Special School District Program of Studies, Appendix VII. The Technology Education Curriculum Guide shall be the basis upon which Technology Education Program are designed.

IV. SCHOOL HEALTH SERVICES

Medical and nursing supports are the responsibility of the Department of Corrections, Division of Medical and Forensic Services.

V. PROCEDURES FOR THE OPERATION OF HOME EDUCATION PROGRAMS

The opinion of the New Hampshire Department of Justice provides that ‘placement’ is a fact established by the courts through sentencing and that all offenders are adjudicated as adults.

VI. STANDARDS AND PROCEDURES FOR SUSPENSION AND EXPULSION OF PUPILS INCLUDING PROCEDURES ASSURING DUE PROCESS

The Department of Corrections Policy and Procedure Directive 5.25 provides governance to the Corrections Special School District on disciplinary and incident reports, rule infractions, hearings procedures, and the appeals process.

VII. MANIFEST EDUCATIONAL HARDSHIP

The opinion of the Department of Justice provides that ‘placement’ is a fact established by the courts through sentencing.

VIII. SCHOOL BUILDING CONSTRUCTION

Pursuant to RSA 194:60, the NH Department of Corrections assumes responsibility for the construction of building(s) or facilities which house the Corrections Special School District.

IX. REGIONAL VOCATIONAL CENTER LEASES

The Corrections Special School District contains the Career and Technical Education Center which does not utilize vocational center leases.

X. RULES FOR THE EDUCATION OF ELIGIBLE OFFENDERS WITH DISABILITIES

This section sets forth the procedures and rules by which the Special Education Programs of the Corrections Special School District will be governed. This is with accordance with the Corrections Special School District, Special Education Master Plan. Refer to Appendix VI for plan and supporting forms.

Purpose

It is the intent of these rules, adopted by the State Board of Education and amended as agreed by the Commissioners of Education and Corrections, to ensure that eligible offenders with a disability are provided with a free, appropriate, public education pursuant to 34 CFR 300.

Scope

These rules shall apply to both the men and women's programs in the NHSP/Men and NHSP/Women of the Department of Corrections.

Definitions

(a) "Administrative case management" means the following activities that are not direct instruction but that are necessary to facilitate a student's special education:

- (1) Scheduling IEP meetings;
- (2) Coordinating evaluations, and IEP drafting;
- (3) Updating progress reports for meeting IEP goals.

(b) "Administrative due process" means a process conducted in compliance with the New Hampshire Department of Corrections Policy and Procedures in accordance with PPD 5.25.

(c) "Alternative dispute resolution" means the following processes will be followed in this order to resolve an issue or issues in dispute:

- (1) A facilitated IEP meeting;
- (2) CSSD mediation;
- (3) State mediation; and
- (4) A neutral conference.

(d) "Child Find" means a system detailing identification of eligible offenders with disabilities as outlined in this document.

(e) "Consent" means "consent" as defined in 34 CFR 300.9; where "parent" is defined as the eligible offender with disabilities.

(f) "Destruction," in reference to information in education records, means "destruction" as defined in the New Hampshire Department of Corrections Policy and Procedures in accordance with PPD 1.39.

(g) "Facilitated IEP meeting" means an IEP meeting at which an impartial facilitator assists parties to conduct special education meetings.

(h) "Interpreting services for an offender with a disability" means "interpreting services for an offender with a disability" as defined by Corrections.

- (i) “Local education agency” (LEA) means Corrections Special School District (CSSD).
- (j) “Mediation” means an alternative dispute resolution process in which an impartial mediator assists the parties in resolving issues in dispute.
- (k) “Neutral conference” means “neutral conference” as utilized reference in the New Hampshire Department of Corrections PPD 5.25.
- (l) “Parent” shall be considered an “eligible offender with a disability”.
- (m) “Public agency” means “The New Hampshire Department of Corrections“
- (n) “Placement” means “assignment”. The rationale for this action is based on guidance from the NH Department of Justice that believes the issue of “placement” is a fact established by the courts through sentencing.
- (o) “School health services” means “institutional health services.”
- (p) “Social work services in schools” means “institutional mental health and case management services.”
- (q) “Special education” means “special education” as defined in 34 CFR 300.38 except as is limited by legitimate penological concerns as set forth in 34 CFR 300.102.

Chapter 1: Corrections Special School District Child Find

A. Child Find in State Correctional Facilities

In the state correctional facilities in New Hampshire, special education services are provided only to “Eligible Offenders with a Disability” as defined in this Interagency Agreement. Child Find, for incarcerated individuals aged 18-20, therefore becomes the verification of pre-existing eligibility for services. In the Corrections Special School District, this process is known as: Service Eligibility Verification (SEV).

The New Hampshire Regulations for the Education of Children with Disabilities, Part Ed 1118.03, states “an incarcerated individual under the age of 18 shall have the right to be evaluated, identified, and, if appropriate, special education and related services provided”.

B. District Child Find -Service Eligibility Verification (SEV) Plan Overview

The following procedures shall ensure that all relevant individuals, departments, and/or groups within the boundaries of the Corrections Special School District are aware of the district’s Child Find efforts and of the process for referring an eligible offender with disabilities for whom a special education program may be appropriate:

1. Annually, each January, the Corrections Special School District administration will disseminate information about Special Education Services in the state correctional facilities to staff and to inmates in all department facilities throughout the NH State Department of Corrections via interdepartmental written notice (see Appendix VIII, Form 3). This notice will contain information regarding services available, offender rights to these services, and instructions for referral to the school district for special education service eligibility verification, service activation, and support.
 - ◆ List of Agencies, Facility Sites, Departments, and Persons who shall Receive Annual Notification of Child Find from the Corrections Special School District:
 1. NH Department of Corrections Administrative Offices and Staff
 2. NH DOC inmates in all custody locations who are known to be eligible for special education services but have been discharged to Child Find
 3. NH State Prison for Men, Concord, NH: Staff and Inmates in All Housing Areas, Custody Levels 2 -5
 4. NH State Prison for Women, Goffstown, NH: Staff and Inmates in All Housing Areas, Custody Levels 2-4
 5. Northern Correctional Facility, Berlin, NH: Staff and Inmates in All Housing Areas, Custody Levels 2 -4
 6. NH Secure Psychiatric Unit; Staff and Patients in All Housing Areas
 7. NH Department of Corrections Health Services Offices at: Goffstown, Concord and Berlin

2. Quarterly, (approximately 2 weeks before the start of each 11 week academic term) at the Granite State High School, special education staff from the Corrections Special School District shall conduct an exhaustive tracking, location, and verification status review of all offenders under 21 years of age who are either in the custody of or under the jurisdiction of Corrections.
 - a. A Special Education Case Manager will meet with each offender whose eligibility status remains unknown, is under 21 years of age and has not currently refused special education services. Special education staff will offer the following educational case management services:
 1. A Service Eligibility Verification Update,
 2. Individualized Academic Advisement,
 3. Priority School Enrollment,
 4. Other Educational Support Services, Referral or Reasonable Accommodation, as needed.
 5. Team Planning Consultation with all Supervising Department Faculty regarding this offender's needs, class placement, and related issues.

Quarterly Case Management Services shall be offered to keep the offender of unknown services eligibility fully informed of his/her educational opportunities. These case management services also maximize the chance that this high risk and highly transient adult corrections population of youthful offenders who may need special education services or other disability accommodation shall be identified, educationally engaged, and served. Educational services may be delivered formally through clear verification and the full IEP process, or informally but effectively through routine and ongoing educational case management support services.

3. As an ongoing part of Corrections' 30 day quarantine and intake process, the Corrections Special School District intake staff at Granite State High School will meet, within 20 days, with all newly arrived and medically cleared offenders under the age of 21 to conduct an educational intake interview, initiate an educational records search. This initial intake of all youthful offenders advances the Child Find/SEV process and provides much needed information to the receiving educational case managers.

C. Child Find Context: Offender Arrival; The NHDOC and CSSD Intake Process; and Timeline:

1. Prison Arrival, Security Review, and Classification: At arrival, all offenders are placed in quarantine status within the Reception and Diagnostic Unit of the Prison. Within 24 hours of arrival at the New Hampshire State Prison, all offenders are assessed and initially classified by corrections staff according to the currently known level of secure custody risk they present to themselves and to others. Following initial security classification, other related safety and security issues are observed, assessed, and addressed, as appropriate. (Examples include: noted predator vs. prey behaviors, enemy situations arising within the housing

unit, investigative feedback, and indications of developing suicidal, or psychotic behavior.).

2. **Medical Assessment:** Within 10 days of arrival each offender is assessed by NHDOC medical department and acute medical needs are treated. Other medical issues are also reviewed, such as the need for certain records and information about pre-existing medical and psychiatric conditions and medications. Offender needs for glasses and/or hearing aids are also reviewed.

Once medical staff have met acute treatment needs and completed tests for communicable disease, the offender is then cleared by the medical team to begin program needs assessment by education, mental health, and substance abuse treatment staff. These two preliminary assessments: initial security risk classification and medical clearance take up to 45 days to complete. These processes determine the way in which educational and mental health staff may then safely approach and work with each offender.

3. **Educational Intake and Screening:** The SEV (Child Find) process begins at the point of correctional education intake. Within 20 days of medical clearance, intake staff from the Corrections Special School District meets with each newly arrived offender age 20 and under and conducts an individual educational intake interview.
 - a. **Offender Choice:** Offenders are permitted to refuse educational intake screening, but education and unit staff work very hard to encourage participation and to prevent refusal. Refusal is rare, but when it occurs it is documented in writing. At any time, an offender may rescind prior refusal for educational intake and an appointment will be made by the guidance staff to meet with that individual as soon as possible. This intake process is designed to both support and encourage the offender to take personal responsibility for and ownership of the choices they make from the very beginning of their incarceration as an adult.
 - b. **Education Records Search Initiated:** During each intake interview offenders report whether or not they believe they may have received special education services in any other school prior to incarceration. Regardless of whether or not the individual remembers or claims to have received special education services, the names, cities, and dates of all other schools attended are recorded. With the adult offender's signed permission, release of information forms are completed and sent to all relevant prior school districts in search of all relevant special education information.
 - c. **Conditional Notification of Special Education Rights and Services Available:** For all inmates under 21 years of age who consent to educational intake, an important part of this initial interview involves an individual discussion of all educational services available inside the prison system. In particular, the special education services available at the New Hampshire Department of Corrections are carefully described.

During educational intake, all youthful offenders are provided with a “Conditional Notification of Special Education Rights”, and are offered the booklet: “Procedural Safeguards for Students with Disabilities”. Special Education staff reviews this booklet with each offender and explains it.

- d. **Informed Choice regarding Other Correctional Opportunities:** After the offender is informed of the Special Education Rights to which they may be entitled and the educational services available to them inside the prison system, she or he is then provided with a description of other self-development opportunity choices that they may need to make while they are incarcerated as adults. Such choices are crime or custody related. Crime related choices typically involve such opportunities as intensive sex offender treatment or substance abuse therapeutic community programs. Custody related choices might include a custody change to a minimum security unit 90 days prior to release, or a simple voluntary relocation to another facility. The impact of these crime and custody related choices on the availability of special education services is fully explained to each offender. With most such choices, some educational services will remain available and may meet the offender’s needs; however, the full range of special education services will not be available to the offender if he or she makes such a choice. Each offender reviews the types of choices possible and decides whether or not they wish to refuse access to special education in these situations. If the offender is not sure what they wish to do, the choice is recorded as a “Does Not Refuse” choice. The inmate is also informed that regardless of their decision at the time of intake, so long as they remain eligible for special education services, they may change any refusal of special education service at any time.

The Corrections Classification department is notified of all offender refusal choices as they occur. Eligible offenders with disabilities are not moved to program or custody sites outside the Special Education Service provision areas without consenting to do so through the refusal process. Parole or maximum sentence completion release from incarceration does not require offender consent.

- e. **Academic Achievement Testing:** At the end of the screening interview, each offender is invited to take a 4 hour nationally normed group achievement test called “The Tests of Adult Basic Education”, which provides a screening and grade level estimate of functioning in areas of reading, math, and language use skills. Each offender may consent or refuse this assessment. Offender choice is again documented, and all refusals can be reversed by the offender upon notification to the education department.
- f. **Educational Intake Summary vs. Eligibility Verification Timeframes :** The initial educational screening, record search, and academic achievement testing process is all inclusive. All youth under 21 years of age who are incarcerated as adults in the New Hampshire State Prison are screened and informed of this process upon arrival. The educational intake screening process is completed within 20 days of the date of medical clearance. Results of the screening are summarized in a corrections document called the Educational Profile

Summary. However, record retrieval and SEV can take several weeks more depending upon several factors, such as: number of prior schools attended, duration of attendance, number of states and countries of prior residence, reliability of the inmate report, past school participation, and cooperation from other educational entities.

D. Assignment to a Special Education Case Manager and Academic Advisement:

Upon receiving medical clearance, offenders are moved from the quarantined custody of the Reception and Diagnostic Unit into their housing assignment. Offenders under the age of 21 who are in the eligibility verification process or who have been determined to be eligible to receive special education services are enrolled or have been offered enrollment in the corrections school by their assigned special education case manager and guidance staff. The offender, special education case manager, and guidance staff meet for preliminary academic advisement and assignment into appropriate classes based on achievement test screening data or upon criterion referenced placement tests. This initial, informal meeting is an opportunity for the special education case manager and guidance staff to offer further explanations and answer questions regarding the Corrections Special School District Program of Studies and the Special Education Process.

E. Service Eligibility Verification and Notice of Receipt of Special Education Referral:

Within 15 days of special education case manager assignment, a special education team meeting is held. The purpose of the meeting is to verify eligibility as documented through the records request process or determine if further evaluation is appropriate based upon documents and evidence presented. If the offender is deemed eligible, the special education process continues with the development of an IEP. If the offender chooses, he or she may refuse the proposed IEP.

Chapter 2: Reporting to the NH Special Education Information System (NHSEIS):**A. Corrections Special School District Reporting Procedures**

For each student whose eligibility for special education services is verified by the Corrections Special School District, and who consents to participate in the special education process, the following data monitoring records will be submitted in NHSEIS to the New Hampshire Department of Education as appropriate to each individual student:

- ◆ Student Data
- ◆ IEP Data
- ◆ Exit Data, as appropriate for exiting students

NHSEIS data will be filed with the NH Department of Education within 20 days of the signed approval of any new IEP, or within 20 days of the documented departure of the student from special education services in the Corrections Special School District.

B. Forms related to Reporting Procedures:

- ◆ Offender intake information form
- ◆ IEP form
- ◆ NHSEIS Update form

Chapter 3: Evaluation and Determination of Educational Disabilities

A. Process

1. Eligibility: The Interagency Agreement, dated 2009 (proposed), outlines responsibilities for providing a free appropriate public education (FAPE) to youth who are incarcerated as adults.

Individuals who are eligible are as follows:

- ◆ In a prior educational placement were identified as a child with an educational disability and who had an individualized educational program (IEP).
- ◆ Are age 18 or under 21 years of age.
- ◆ Have not yet earned a high school diploma.
- ◆ Have not been found or discharged upon last school district evaluation to be no longer educationally disabled.
- ◆ Are age 17 and found to be educationally disabled through the special education referral and evaluation process.

Individuals who are not eligible are as follows:

- ◆ Were not identified as eligible for such services prior to their incarceration and did not have an Individualized Educational Program (IEP).
- ◆ Are 21 years of age or more.
- ◆ Have received a high school diploma.
- ◆ Were found or discharged upon last school district evaluation to be no longer educationally disabled.
- ◆ Are age 17 and found to be NOT educationally disabled through the special education referral and evaluation process.

2. Verification of Eligibility: Evidence Accepted by the District

Eligibility for special education services is verified upon receipt of either of the following two forms of documented evidence:

A. State Department of Education Data Records showing open eligibility where “open eligibility” is defined as :

- ◆ The most recent database entry verifies that identification of any educationally disabled has occurred
- ◆ There is not a more recent or same-day team finding that the student has been discharged as: No Longer Educationally Disabled
- ◆ In the event of a same-day team finding that the student is No Longer Educationally Disabled, the student will be considered to be currently discharged from special education eligibility and therefore not eligible for services within the adult correction system.(District research into similar

cases has repeatedly shown that such same-day records are an artifact of service discharged data entry.)

B. Records from Prior School District(s) which clearly show that the student was identified as having an educationally disabled, provided that there is no more recent school district or statewide database record documenting that the student was later discharged from service eligibility subsequent to a team finding of being No Longer Educationally Disabled.

i. Acceptable records from prior districts contributing to the verification of eligibility includes:

- ◆ SPEDIS documents (historical forms still used)
- ◆ Record(s) of Team Meeting indicating eligibility for services
- ◆ Disability Determination Forms
- ◆ Written Letter(s) from a school district or special education administrator which confirm a team finding of eligibility
- ◆ A copy of the most recent district Individual Education Program (IEP).

Prior Drop-Out or Refusal of Service: If prior school district records show that the school has properly identified the student as having an educationally disabled, but most recent prior school district information shows that the student either dropped out of school or refused further service, the student will be considered to be Discharged only to Child Find and therefore shall be found to be Verified Eligible for Special Education Services. This situation occurs when identifying evaluations have been fully completed. Team agreement has been reached, but no signed IEP records can be obtained.

ii. Unacceptable records which, as sole evidence, DO NOT verify eligibility include:

- ◆ Prior Evaluation Reports. Summaries or Hospital Discharge Summaries
(Evidence of a proper evaluation team review of assessments findings is required to verify eligibility.) Prior evaluation reports, in the absence of such eligibility proof will be used and are supportive to any future educational accommodation, service referral, or behavior plans that may later be developed for the student who is not verified as eligible for special education services.

iii. Resolving Conflicts Between Prior School Records and Statewide Data:

When the most recently available prior school district records conflict with data obtained from the Statewide Database, the most recent information will be used to determine eligibility status. In the event that conflicting information is equally recent, the data from the prior school district special education administration will be used to determine eligibility for service.

3. Process Summary: See Tables 1, 2, & 3 which follow.

**TABLE 1:
DISTRICT CHILD FIND – SERVICE ELIGIBILITY VERIFICATION (SEV) PROCESS:**

Day 1:	<ul style="list-style-type: none"> ◆ Offender Arrival at the New Hampshire State Prison ◆ Initial Arrival Security Assessment & Classification ◆ Medical Assessment & Clearance
By Day 15:	<ul style="list-style-type: none"> ◆ Educational Intake & Screening Assessment begins: <ol style="list-style-type: none"> 1. Initial Intake Interview: Educational history obtained 2. Prior schools identified: School names, dates attended, cities, states, 3. Disabling Conditions and Educational Service Needs reviewed: Prior supports received and Current perceived needs are Discussed 4. Prior School Records Requested by signed consent: <ul style="list-style-type: none"> ◆ Transcripts, cumulative credit records ◆ Evidence of Prior Special Education Referral & Evaluation ◆ Prior Recent Individual Education Program (IEP) requested if any ◆ Statewide data records search requested ◆ Prior GED test scores, if any, requested 5. Reason for Leaving School reviewed & discussed 6. Offender Goals explored: Educational and Career Related 7. Program Opportunities available within the NH Dept. of Corrections described in relation to crime and sentence information available Current program waiver choices documented 8. Conditional Notification of Rights to Special Education Services provided to all offenders <21 years of age. Childfind and school enrollment discussed. <i>Booklet: Procedural Safeguards for Students with Disabilities</i> given and explained to offender 9. Current program choices or refusals documented 10. Offender is invited to take achievement screening <i>Test of Adult Basic Education, consent or refusal is document</i> 11. Achievement testing is completed.
	<ul style="list-style-type: none"> ◆ Mental Health & Psychiatric Assessment ◆ Substance Abuse Programming Readiness Assessment ◆ Corrections Custody Classification Board notified.
by Day 30:	<ul style="list-style-type: none"> ◆ Offender completes quarantine/intake phase and is transferred from quarantine to first housing unit inside the prison ◆ Offender meets with Special Education Case Manager for academic advisement and initial class enrollment based upon offender goals and available information regarding current levels of performance ◆ Special Education Case Management Services Begin: Quarterly Planning & Advisement Services Begin ◆ Child Find and Case Management Services continue until Service Eligibility Verification is obtained

**Table 2:
Child Find – Service Eligibility Verification
Outcomes & District Action**

	Eligibility Verified	Eligibility Remains Unknown	Found NOT Eligible
District Action:	<p>Upon Date of Verification, Corrections Special Education Process Begins*:</p> <ul style="list-style-type: none"> ◆ Referral ◆ Evaluation ◆ Program Planning ◆ Implementation <p>For Procedural Information Refer to Table 3, below</p> <p>District Special Education Process Chart</p> <ul style="list-style-type: none"> ● Active Refusal Situation: Verified Eligible offenders who have refused special education rights <i>since prison arrival</i> and have been transferred by Corrections to the custody site they have requested will be discharged to Child Find <p>These offenders will receive a <i>Referral Packet as described in the District Special Education Referral and Evaluation: Review Procedure, Table 3 below</i></p> <p>Verified Eligible Offenders remain so while on Child Find and</p>	<p>Child Find Records Search and Interim Educational Case Management Services continue.</p> <p>Reasonable educational accommodation, support services are provided as need is identified.</p> <p>Quarterly Faculty Team student assignment review and planning continues.</p> <p>Priority class enrollment continues.</p> <p>Non-severance RPS disciplinary rules apply.</p>	<p>Access to regular education services & reasonable accommodation continue as appropriate to student need and in accordance with NH Department of Corrections Policies and Procedures.</p> <p>Individual Educational Case Management services are ended. Case Manager meets with student, informs and refers student to high school guidance staff for future academic advisement and support.</p> <p>Written Notice of Assignment to Regular Correctional Education Programs & Services is sent to offenders not available to meet with case manager</p>

	may reactivate the Special Education Process upon person request or upon referral by a concerned party		
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**TABLE 3:
CSSD Special Education Process**

DATE:	STAGE OF PROCESS:	ACTION:	FORMS:
Day 1-15 from medical release	Intake	<p>Special Education Supervisor completes intake documents.</p> <p>Special Education Supervisor sets up appointment for TABE testing, makes referral to special education, records request to records clerk, intake form to data entry clerk, and refusal/acceptance of special education services form to Classifications.</p>	<ol style="list-style-type: none"> 1. Conditional Rights 2. Permission to release records 3. Initial Intake form 4. Refusal for Special Ed Services 5. Procedural Safeguards 6. Appointment slip (for TABE)
Day 1-15 From Intake	Referral and Disposition of Referral	<p>IEP Team meets with the student to review available evaluation information and propose as appropriate to the student, one of the following:</p> <ol style="list-style-type: none"> 1. A plan for further evaluation & data gathering 2. The development of an IEP and/or review of an existing IEP 3. Refusal of Services which will discharge the student to Child Find (see Chapter 7; B; 4i, page 2) 	<ol style="list-style-type: none"> 1. 10 day waiver of meeting notice 2. Notice of Special Education meeting to: <ol style="list-style-type: none"> 1. Review Evaluation Results and/or 2. Develop an IEP 3. Written Prior Notice (3 pages) <ol style="list-style-type: none"> 1. Proposal for further evaluation 2. Proposal to develop IEP based on available information 4. Evaluation Summary Page 5. Eligibility Determination Page- of suspected disability and if sufficient information available 6. Adult Student Response to a Special Education Proposal
Day 1-14 from a Team request for a Response to a Special Education Proposal:	Adult Student Response to Proposal	<p>Adult Student Response Due:</p> <p>*Response to a special education proposal is signed and returned or no response is received.</p>	

<p>Date Permission Received: --/--/--</p> 		<p>If permission to proceed is granted-</p> <ul style="list-style-type: none"> - Then a meeting, if needed, may be scheduled to occur to develop an IEP. - Adult Student provides informed consent by accepting the IEP. - Written Prior Notice would propose implementation of the IEP. - Case manager notes in case notes and sends meeting notice. <p>If permission is denied or no response-</p> <ul style="list-style-type: none"> - A meeting to develop an IEP will be scheduled, if needed. - Adult student provides informed consent by rejecting the IEP. - Written Prior Notice would propose discharge to Child Find. - Case manager notes in case notes. <p>*The referral meeting, eligibility determination meeting, and IEP meeting may happen during that same meeting, if possible. The Adult Response to a District Proposal would note each discussion consensus, in the appropriate sequence, as would the meeting minutes.</p>	<p>If permission is granted-</p> <ul style="list-style-type: none"> - Meeting notice, if scheduled, sent out by case manager. - Procedural Safeguards - Permission to Test - Evaluation Plan - Evaluation Summary and Reports - Written Prior Notice - Adult Student Response to a District Proposal - Draft IEP, if appropriate. <p>If permission is denied or no response-</p> <ul style="list-style-type: none"> - Meeting notice, if needed. - Procedural Safeguards - Written Prior Notice - Adult Student Response to a District Proposal
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B. Multidisciplinary Evaluation

- 1) The evaluations considered by the special education evaluation team shall be made by a multidisciplinary group of persons including at least one CSSD teacher certified in the area of each suspected disability and one qualified examiner for each suspected area of disability, which may be supplied by the Corrections Medical and Forensics Department.
- 2) The student shall be assessed in all areas related to the suspected disability including where appropriate:
 - a. Health
 - b. Vision
 - c. Hearing
 - d. Social and emotional status
 - e. General intelligence
 - f. Academic performance
 - g. Communicative skills
 - h. Motor ability
- 3) No single procedure shall be used as the sole criterion for determining eligibility, disabilities, and appropriate educational program.

- 4) Examinations shall be conducted by persons certified or licensed by the State of New Hampshire. Examinations conducted in another state shall be conducted by persons certified or licensed by that state.
- 5) All evaluations, whether conducted by New Hampshire Corrections Staff or by independent evaluators will be conducted at correctional facilities with proper supervision to assure adequate safety and security.
- 6) Teachers or other specialists with knowledge in the area of the suspected disability who are participating in the evaluation shall be certified or licensed by the state of New Hampshire for each disability suspected.
- 7) A vocational evaluator shall assess secondary students with educational disabilities where appropriate.
- 8) The student's educational history shall be reviewed including identification of his/her past opportunities to have acquired important skill and information.
- 9) The data used in decision-making shall be current and in no case be no more than 3 years old.
- 10) Students with educational disabilities shall be re-evaluated every 3 years or more frequently if the student request it and the team deems it necessary to do an evaluation.

C. Cost Associated With Evaluations.

1. The expense incurred in any Corrections Special School District evaluation procedure recommended by the special education Evaluation Team shall not be the financial obligation of the adult student but of the district or other financial resources such as, but not limited to another public agency or Medicaid.
2. An eligible offender with a disability may request an independent educational evaluation at public expense if the offender disagrees with an evaluation obtained by the Corrections Special School District. However, the district may initiate a hearing, according to the NH Rules for the Education of Children with Disabilities, Part Ed 1123, to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, then the adult student may still have an independent educational evaluation but not at public expense.

D. Qualified Examiners

1. Formal diagnostic assessments by a qualified examiner shall occur prior to any action with respect to the identification of a student as having an educational disability, except where legitimate safety and penological concerns supersede such diagnostic assessment.

2. Such formal diagnostic assessments shall also occur prior to transfer or denial of transfer of the eligible offender with a disability from a special education program to a full time regular class assignment other than interim placement.
3. Formal diagnostic assessment shall not be required when transfer out of (discharge from) Correction's Special Education Programs to a full time regular education assignment occurs as a result of: the eligible offender with a disability refusing special education services, or the offender reaching age 21, or as a result of completion of a high school diploma.
4. For purposes of this section, "qualified examiners" means persons licensed or certified by the appropriate state agency or board.
5. Qualified examiners for specific disabilities shall be as set forth in Table 4 below:

**Table 4:
Qualified Examiners by Type of Disability**

Disability	Assessments Required	Qualified Examiners
AUTISM	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Adaptive Behavior	Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Licensed Social Worker
	Communicative Skills	Speech-Language Pathologist Speech-Language Specialist
	Health	Professional Licensed to provide a Health Evaluation

Disability	Assessments Required	Qualified Examiners
DEAF-BLINDNESS	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F. ** School Psychologist
	Hearing	Audiologist Otolaryngologist Otologist
	Vision	Ophthalmologist Optometrist
DEAFNESS	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F. ** School Psychologist
	Hearing	Audiologist Otolaryngologist Otologist
<p>DEVELOPMENTAL DELAY</p> <p>In order to identify a child as educationally disabled as the result of a developmental delay the IEP Team must determine that there are clear indicators present that the child may have on of the other educationally disabling conditions. Therefore, the required assessments and qualified examiners are the same as for the suspected disabling condition. Examiners must be qualified to evaluate the specific disabilities suspected of causing the developmental delay.</p>	Varies based on the suspected disability	Varies based on the suspected disability

Disability	Assessments Required	Qualified Examiners
EMOTIONAL DISTURBANCE	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Social/Emotional Status	Associate School Psychologist Psychiatrist Psychologist School Psychologist
HEARING IMPAIRMENT	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Hearing	Audiologist Otolaryngologist Otologist
MENTAL RETARDATION	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Adaptive Behavior	Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Licensed Social Worker
	Intelligence	Associate School Psychologist Psychologist S.A.I.F.** School Psychologist

Disability	Assessments Required	Qualified Examiners
<p>MULTIPLE DISABILITIES – Requires at least two concomitant disabilities which are evaluated and documented in the student's evaluation record. This primary disability refers to concomitant impairments which cause severe educational problems</p>	<p>Varies based on the two or more disabilities suspected</p>	<p>Varies based on the assessment administered</p>
<p>ORTHOPEDIC IMPAIRMENT</p>	<p>Academic Performance</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist</p>
	<p>Health</p>	<p>Professional Licensed to provide a Health Evaluation</p>
<p>Motor Ability</p>	<p>Motor Ability</p>	<p>Licensed Physician Neurologist Occupational Therapist Physical Therapist</p>
<p>OTHER HEALTH IMPAIRED</p>	<p>Academic Performance</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist</p>
	<p>Health</p>	<p>Professional Licensed to provide a Health Evaluation</p>

Disability	Assessments Required	Qualified Examiners
SPECIFIC LEARNING DISABILITY	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Intelligence	Associate School Psychologist Psychologist S.A.I.F.** School Psychologist
	Observation	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Hearing Or Hearing Screening	Audiologist Otolaryngologist Otologist School Nurse
	Vision Or Vision Screening	Ophthalmologist Optometrist School Nurse
SPEECH-LANGUAGE IMPAIRMENT	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Communication Skills	School Psychologist Speech-Language Pathologist Speech-Language Specialist

Disability	Assessments Required	Qualified Examiners
TRAUMATIC BRAIN INJURY A minimum of 2 of the following assessments must also be completed: <ul style="list-style-type: none"> ▪ Adaptive Behavior ▪ Communicative Skills ▪ Intelligence ▪ Social/Emotional Status 	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Health	Professional Licensed to provide a Health Evaluation
	Adaptive Behavior	Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Licensed Social Worker
	Communicative Skills	Speech-Language Pathologist Speech-Language Specialist
	Intelligence	Associate School Psychologist Psychologist S.A.I.F.** School Psychologist
	Social/Emotional Status	Associate School Psychologist Psychiatrist Psychologist School Psychologist
VISUAL IMPAIRMENT/ BLINDNESS	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Vision	Ophthalmologist Optometrist
Disability	Assessments Required	Qualified Examiners
VOCATIONAL ASSESSMENTS	Vocational	Certified Educator Guidance Counselor Vocational Educator Rehabilitation Counselor
**S.A.I.F., Specialist in the Assessment of Intellectual Functioning		

6. Qualified examiners shall not determine the educational disability of any student. Determination of educational disabilities shall be made only by the special education evaluation team. The student shall be evaluated by a qualified examiner in each area of suspected disability.
7. Team Determination of the student's educational disabilities shall be based on facts determined through the individual evaluation conducted in accordance with ED 1108 which shall be presented and interpreted in written form by appropriate qualified examiners. Each team shall have a teacher of the suspected disability as a participating member.
8. In no instance shall examiners administer and interpret instruments used in the determination of an educational disability for which he/she is not qualified.
9. Qualified examiners shall not endorse, support, or present results from evaluations performed by other individuals who are not qualified examiners.
10. The Corrections Special School District shall ensure that evaluations conducted by contracted outside agents are administered and interpreted by qualified examiners.
11. At all times qualified examiners shall take into account cultural or linguistic differences and/or the presence of other disabilities when selecting, using, or interpreting assessment instruments. No assessment shall be attempted when a student is unable to respond to the tasks or behavior required by a test because of:
 - a. Linguistic or cultural limitations of the assessments, or
 - b. the presence of other disabilities
12. Qualified examiners shall administer and interpret test results and provide a written report to the Corrections Special School District.
13. The evaluation process, including a written summary report, shall be completed within 45 days after receipt of permission for testing by the eligible offender with a disability. This time requirement may be extended by no more than 15 days upon written consent of both parties. A copy of all agreements shall be filed with the student's records maintained by the local education agency.

E. Evaluation Report

1. The special education evaluation team determining the student's educational disabilities shall develop a written summary containing the results of the various diagnostic findings and forward a copy of said report to the adult student and a copy for the student's folder. The report shall be written after the student's initial evaluation and at least once every 3 years thereafter.

The report shall include but not be limited to:

- a. The results of each evaluation procedure, test, record, or report

- b. A written summary of the findings of the procedure, test, record, and/or report
- c. Information regarding the adult student's right of appeal and a description of their right to an independent evaluation.

F. Determination of Disabilities

1. New Hampshire state statutes shall apply to all students with educational disabilities until such time as the student has acquired a high school diploma or has attained the age of 21, whichever occurs first, or until the school district responsible for developing the student's individualized education program determines that the student no longer requires special education in accordance with the provisions of this chapter.
2. To be eligible under these rules, a student shall meet 2 criteria:
 - a. The student shall have an educational disability
 - b. The student shall require special education as a result of that educational disability
3. The Corrections Special School District's special education Evaluation Team determining the student's educational disability/disabilities shall include:
 - a. A teacher certified in each area of suspected disability
 - b. An individual knowledgeable about the student as a result of having had personal contact with the student in the school, or at another appropriate setting
 - c. A representative of the Corrections Special School District other than the eligible offender with a disability's teacher, responsible for the supervision of special education.
4. In interpreting evaluation data, the special education Evaluation Team shall:
 - a. Draw upon information from a variety of sources including:
 - ◆ Aptitude and achievement tests
 - ◆ Teacher recommendations
 - ◆ Physical Condition
 - ◆ Social or cultural background
 - ◆ Adaptive behavior
 - ◆ The adult student
 - b. Ensure that the information obtained from all of these sources is documented and carefully considered in the eligibility and assignment decisions.
5. If the Special Education Evaluation Team determines that a student is a student with educational disabilities and needs special education, or special education and educationally related services, an individualized education program shall be developed and re-evaluated at least annually.

6. If the eligible offender with a disability disagrees with the decision of the special education Evaluation Team, he/she may proceed with the impartial due process hearing procedures delineated described in Chapter 9 and related attachments.

G. Evaluation Requirements for Students with Specific Learning Disabilities

The following shall also apply to students suspected of having a specific learning disability:

1. For purposes of evaluating whether a student has a specific learning disability one or more of the following criteria shall be used:
 - a. A discrepancy model between intellectual skills and achievements;
 - b. A process that determines if the student responds to scientific, research-based interventions as part of the evaluation procedures described in 34 CFR 300.307(a)(2); and
 - c. Other alternative research-based procedures as described in 34 CFR 300.307(a) (3).
2. For a student suspected of having a specific learning disability, the following criteria shall be used to determine an educational disability:
 - a. The Special Education Evaluation Team shall determine that a student has a specific learning disability if:
 - i. The student does not achieve commensurate with his/her age and ability levels in one or more of the areas listed in 2 below when provided with learning experiences appropriate for the student's age and ability level.
 - ii. The team finds that a student has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:
 - ◆ Oral expression
 - ◆ Listening comprehension
 - ◆ Written expression
 - ◆ Basic reading skill
 - ◆ Reading comprehension
 - ◆ Mathematics calculation
 - ◆ Mathematics reasoning
 - b. The team shall not identify a student having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of :
 - ◆ A visual, hearing, or motor disability
 - ◆ Mental retardation
 - ◆ Emotional disturbance
 - ◆ Environmental, cultural or economic disadvantage

3. At least one team member other than the student's regular teacher shall observe the student's academic performance in the regular classroom setting. The time of day, length of observation, and activities observed shall be recorded.
4. The team shall prepare a written report which shall include a statement of:
 - a. Whether the student has a specific learning disability
 - b. The basis for making the determination
 - c. The relevant behavior noted during the observation of the student
 - d. The relationship of that behavior to the student's academic functioning
 - e. The educationally relevant medical findings, if any
 - f. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education or special education and educationally related services
 - g. The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.
5. Each Special Education Evaluation Team member shall certify, in writing, whether the written report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member shall submit a separate statement presenting his or her conclusion.

Chapter 4: The Individualized Education Program (IEP)

A. Elements of an Individualized Education Program

The Corrections Special School District shall comply with Ed 1109.01 relative to the elements of an IEP. Each individualized education program shall include:

1. The elements listed in CFR 300.320;
2. The length of the school year and the school day required to implement the IEP;
3. The types of service providers who would be responsible for implementing the IEP or the names of those providers;
4. A statement identifying the party or parties assuming the financial responsibility for the implementation of the IEP;
5. The signature of the eligible offender with a disability, and representative of the CSSD stating approval of the provisions in the IEP;
6. Short-term objectives or benchmarks for all eligible offenders with a disability unless the eligible offender with a disability determines them unnecessary for all or some of the their annual goals;
7. Short-term objectives or benchmarks for all eligible offenders with a disability who take alternate assessment based on alternate achievement standards;
8. A statement of how the eligible offender with a disability's progress toward meeting the annual goals shall be provided to the parents;
9. A statement of how the eligible offender with a disability's progress toward meeting the annual goals will be measured and whether progress is sufficient to achieve the annual goals by the end of the school year;
10. A statement of transition services that meets the requirements of 34 CFR 300.43 and 34 CFR 300.320(b), with the exception that a plan for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team. This plan shall include 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; and
11. A vocational education component for each eligible offender with a disability for whom vocational education is to be provided.

B. Process for Development of Individualized Education Programs

1. The CSSD shall initiate and conduct special education team meetings for the purpose of developing, reviewing, and revising the individualized education programs for adult students with disabilities.
2. Adult students ages 18-20 within the Corrections Special School District cannot be newly identified due to service eligibility limitations as stated previously. Adult students aged 17 within the Corrections Special School District may be referred to the special education team for evaluation of suspected educational disabilities.
3. For newly verified and previously identified eligible offenders with educational disabilities, the meeting to develop the individualized education program shall be conducted at least annually for the purpose of reviewing and/or revising the individualized education program, process tables 1, 2, & 3.
4. The individualized education program shall be in effect for each verified eligible offender with a disability within the timeframe delineated in process table A. The Corrections Special School District is continuously running year-round programs where students enter at any point.
5. The IEP shall be created and implemented within 30 days from the date of eligibility determination.
6. If a participating agency fails to provide agreed-upon transition services contained in the individualized education program of a student with a disability, the Corrections Special School District shall as soon as possible initiate a meeting for the purpose of identifying alternative strategies to meet the transition objective and if necessary revising the student's individualized education program.
7. Nothing in this part shall relieve any participating agency, including the division of vocational rehabilitation of the department of education of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with educational disabilities who meet the eligibility criteria of that agency.

C. Participants in the Development of Individualized Education Programs

1. The Corrections Special School District shall ensure that participation in each IEP meeting includes:
 - ◆ A representative of the Corrections Special School District other than the student's teacher who is qualified to provide or supervise the provision of special education or educationally related services
 - ◆ The student's teacher or teachers, special or regular or both who will have responsibility for implementing the various elements of the individualized education program

- ◆ Vocational education representatives where appropriate
 - ◆ The adult student
 - ◆ Other individuals at the discretion of the adult student or Corrections Special School District.
2. If a purpose of the meeting is the consideration of transition services for a student, the local education agency shall invite the student and a representative of any other agency that is likely to be responsible for providing or paying for transition services. If the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered.
 3. If an agency invited to send a representative to the meeting does not do so, the Corrections Special School District shall take other steps to obtain the participation of the other agency in the planning of any transition services.

D. Ensuring Eligible offender with a disability Participation in the Development, Review and Revising of the Individualized Education Program

1. The Corrections Special School District shall ensure that the eligible offender with a disability receives written notice no less than 10 days before the meeting. The notice shall include the purpose, time, location, and identification of the participants (See Appendix VIII.)
2. The 10-day notice requirements shall be waived with the written consent or request of the eligible offender with a disability (See Appendix VIII.)
3. The district shall take steps to ensure that the eligible offender with a disability is present at each IEP meeting or is afforded the opportunity to participate. Such steps shall include scheduling the meeting at an appropriate place and time according to institutional schedules and routines.
4. If a purpose of the meeting is the consideration of transition services for a student, the notice to the eligible offender with a disability shall:
 - ◆ Indicate this purpose
 - ◆ Indicate that the student shall be invited
 - ◆ Identifying any other agency that shall be invited to send a representative
5. A meeting may be conducted without the eligible offender with a disability in attendance if the district is unable to convince the offender that he/she should attend. In this case, the district shall keep a record of its attempts to schedule the meeting at an appropriate place and time according to institutional schedules and routines, Appendix VIII.

6. Records referred to in this section shall include any or all of the following:
 - ◆ Detailed case notes of telephone calls made or attempted and the results of those calls
 - ◆ Copies of correspondence sent to the eligible offender with a disability and any response received shall be kept in the offender's Special Education file
 - ◆ Detailed case notes of visits made to the offender's custody site or place of employment and the results of those visits
7. The CSSD shall take whatever action is necessary to ensure that the eligible offender with disabilities understands the proceedings at a meeting, including arranging for an interpreter for offenders who are deaf or whose native language is other than English.
8. In accordance with Ed 1113.07, Prohibition on Mandatory Medication, and as provided in 34 CFR 300.174, the CSSD shall not require adult students to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substance Act, 21 U.S.C. 812(c), as a condition of attending school, receiving an evaluation, or receiving services.

E. Utilization of the Individualized Education Program

1. The individualized education program shall be a formal commitment on the part of the district to provide specific programs and services designed to meet the unique educational needs of the student. Therefore, each teacher and service provider listed as having responsibilities shall receive a copy of the complete individualized education program for working and monitoring purposes.
2. Evidence documenting implementation of the individualized education program shall be maintained including:
 - ◆ The provision of instruction and educationally related services
 - ◆ Its use as a reference tool
 - ◆ As a means of monitoring the appropriateness of the program based on the progress of the student
3. For the eligible offender with a disability, the individualized education program shall be the agreed-upon program and services to be provided by district. As a result, all modifications shall occur only with adult student approval.
4. The duration of the individualized education program shall be determined by the team developing it but shall not exceed 12 months.
5. The standard school year of the Corrections Special School District is equal to 204 days, with academic terms cycling continuously year-round. For this reason, the concept of an extended school year is not applicable to this district.
6. The individualized education program shall be in effect before special education or special education and educationally related services are provided. The individualized education program shall be reviewed at least annually and if necessary revised.

F. Distribution of Copies of Individualized Education Program

The Corrections Special School District shall provide complete copies of the approved individualized education program to

- The adult student
- The student's special education teachers, regular class teachers, and vocational teachers responsible for implementation
- Related service personnel responsible for implementation

G. Monitoring and Annual Evaluation of Individualized Education Programs

1. Quarterly Individualized Education Program Services Review and Academic Advisement shall be provided to each eligible adult student who has chosen to participate in special education. The special education case manager for each student will provide this monitoring support, and guidance at the end of each quarterly academic term or more frequently as needed. (See attached: Quarterly Advisement & Planning Form)
2. Each teacher or related service provider who is responsible for the implementation of a student's special education IEP objectives shall monitor progress, at minimum on a quarterly basis. Progress shall be documented on the IEP document itself when format permits. Additionally, progress may be documented in case notes to the file or by separate progress reports, as appropriate to the specific IEP goal and objective.
3. The district shall annually conduct at, or near, the end of the term of each individualized education program a meeting for the purpose of assessing the effectiveness of the present plan and to design an individualized education program for the ensuing 12 month period.

Chapter 5: Vocational Education for Students with Disabilities

A. Vocational Assessments

1. Each student with educational disabilities for whom vocational education experiences are being considered by the Evaluation Team shall receive vocational assessments administered by diagnosticians trained in the administration and interpretation of such tests and contracted by the Corrections Special School District. The purpose of these assessments will be to assist in the development of the IEP, in particular focusing on the transition plan.
2. The vocational diagnosticians shall provide the Evaluation Team with a written report, but not limited to:
 - ◆ The specific instruments used, the norm population and relevant reliability and validity data;
 - ◆ The results of various diagnostic findings of each evaluation procedure or test; and
 - ◆ A written summary of all findings and recommendations.
3. All of the requirements for diagnostic information shall apply, where appropriate, to the selection, administration, and interpretation of vocational assessments.

B. The Vocational Education Component of the IEP

- ◆ Each student with educational disabilities for whom vocational education experiences are to be provided shall have a vocational education component included as an integral part of the individualized education program.
- ◆ All of the requirements for the individualized education program specified in Ed 1109.01(a) shall apply, where appropriate, to the development, approval, and implementation of the vocational education component.

C. Vocational Assignment for Students with Educational Disabilities

1. Each student with educational disabilities for whom a vocational education component has been developed, approved, and included as part of the individualized education program shall be enrolled in the specified vocational program on a priority basis as space become available.
2. The enrollment of a student with educational disabilities in any vocational program will take into consideration the least restrictive educational environment appropriate to that student and structure the participation accordingly.
3. The programs offered under the CSSD Career and Technical Education Center may be utilized on a partial or full-time basis when appropriate for the delivery of a special education program for a student with educational disabilities.

4. Students with disabilities shall be admitted to CSSD Career and Technical Education Center programs on the basis of vocational needs as outlined in their individualized education program and will be afforded priority enrollment subject to availability of space.

Chapter 6: Assignment of Students with Disabilities

A. Policy Statement

The Interagency Agreement establishing the standards for program approval for the Corrections Special School District deletes the entire section on Placement of Students with Disabilities (Ed 1111). The rationale for this deletion was based on guidance from the NH Department of Justice that believes the issue of “placement” is a fact established by the courts through sentencing. No educational issues regarding disability or educational need can outweigh the authority of the courts to sentence an individual convicted of a felony crime as an adult to confinement at any of the facilities operated by the Department of Corrections.

The above being established and consistent with the spirit of Ed 1111, educational issues regarding disability or educational need can and shall be considered in the assignment of eligible offenders with a disability to the most appropriate and least restrictive educational environment available within Corrections Special School District programs. This assurance is tempered by the parallel concern for the legitimate safety and security concerns of the Department of Corrections.

In light of the above, the Corrections Special School District ensures that, to the maximum extent educationally and penologically appropriate:

1. Eligible offenders with a disability will be educated with students who do not have disabilities;
2. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environments occurs:
 - a. When the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and/or
 - b. When the legitimate safety and security interests of the Department of Corrections dictate a change of classification, housing or facility assignment.

B. The Assignment Decision

1. The decision to assign any student with educational disabilities shall occur pursuant to the development and approval of an individualized education program. The decision to assign a student to any educational environment or program shall be based on:
 - a. The unique educational needs of the student as specified in the individualized education program; and
 - b. The requirement for assignment in the least restrictive educational environment available and appropriate to the student’s classification and housing assignment.

2. In making educational assignment decisions, the IEP Team shall:
 - a. Draw upon information from a variety of sources, including but not limited to aptitude and achievement tests and teacher recommendations;
 - b. Consider information about the student's physical condition, social or cultural background, and adaptive behavior;
 - c. Ensure that information obtained from all of these sources is documented and carefully considered;
 - d. Ensure that the assignment decision is made by an IEP Team made up of a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the assignment options available given the student's classification and housing assignment; and
 - e. Ensure that the assignment decision is made in conformity with the least restrictive educational environment.

C. Continuum of Alternative Educational Environments

1. The ensuing descriptions are for the purpose of illustrating a range of educational environments. Within each of the categories, Corrections Special School District shall provide a variety of alternatives designed to meet the unique needs of individual students.
2. Corrections Special School District shall, at minimum, give evidence that the alternative educational environments set forth in Table 6 are available or would be made available as placements for students with educational disabilities.

<u>Table 6: Alternative Education Environments</u>	
Educational Environments	Description
Regular classroom	A student with educational disabilities attends regular class with a modified curriculum.
Regular classroom with consultative assistance	A student with disabilities attends a regular class with assistance being provided to the classroom teacher by consulting specialists, such as a special education teacher.
Regular classroom plus Academic Support	A student with disabilities attends a regular class and receives assistance at or through the Academic Support program.
Regular classroom plus part-time special class	A student with disabilities attends a regular class and a self-contained special education classroom.
Full-time special class	A student with disabilities attends a self-contained special class full time in Academic Support.

Hospital or institution	A student with disabilities receives special education while confined to the Health Services Center, Residential Treatment Unit or Secure Psychiatric Unit.
Unit-based programming	A student receives all or portion of his/her special education program in a more restricted correctional custody level setting requiring “unit-based” programming. See IEP Addendum for Adult Corrections.

3. The Corrections Special School District shall provide students with disabilities “unit-based” programming. Such programs:
 - a. Allow students with disabilities ages 17 to 20 to receive unit-based programming, as applied within the housing environments of Corrections.
 - b. Shall be for the duration of the health or psychiatric condition requiring hospitalization, or for the duration of assignments to more restrictive correctional environments due to legitimate penological concerns.
 - c. Shall minimally include 5 hours per week of specially designed instruction as specified in the student's individualized education program; and
 - d. May also include educationally related services as specified in the student's individualized education program. Any educationally related services so provided shall be in addition to the 5 hours of specially designed instruction.
 - e. If legitimate penological concerns prevent the minimum 5 hours of instruction from occurring, the CSSD Special Education Case Manager shall document all exceptions in the student’s IEP case notes section.

D. Specific Requirements Regarding Assignment in the Least Restrictive Educational Environment

1. The Corrections Special School District shall ensure that the educational assignment for every eligible offender with disabilities is:
 - a. Determined annually;
 - b. Based upon the approved individualized education program;
 - c. Determined individually for each student; and
 - d. Consistent with his/her sentencing by the courts, classification and/or housing assignment.

2. Unless the individualized education program for an eligible offender with disabilities requires some other arrangements, the student shall be educated in the educational environment that he/she would attend if he/she did not have educational disabilities.
3. In selecting the least restrictive educational environment, Corrections Special School District shall consider any potentially harmful effect of possible assignments on the student or on the quality of services which he/she needs.

NOTE: Sentencing decisions by the courts and classification and/or housing decisions imposed by the Department of Corrections for legitimate penological concerns are not subject to review as “potentially harmful” to the eligible offender with disabilities. Corrections is charged, in part, by law to provide for the safety and security of the public, departmental staff and all individuals remanded to its custody.

E. Provision of Non-Academic and Extracurricular Services for Students with Educational Disabilities

1. Corrections provide non-academic and necessary extracurricular services for the offender “community.” These services are the responsibility of DOC and not the Corrections Special School District. These services include the following:
 - a. Food and Nutrition Services;
 - b. First Aid and Emergency Medical Care;
 - c. Physical Plant maintenance to provide repair to all institutional facilities, including the school facilities, on a regular basis; and
 - d. Recreational services providing opportunities for offenders to engage in specific activities that are developmentally appropriate to adults and related to physical fitness, individual and team sports, hobbies and crafts and other co-curricular activities appropriate to the correctional setting.
2. Non-academic and extracurricular services that are within the province of the Corrections Special School District include but are not limited to:
 - a. Counseling services;
 - b. Referrals to agencies which provide assistance to persons with disabilities;
 - c. Employment of students, including employment by CSSD.

Chapter 7: Development and Operation of Programs for Students with Disabilities

A. Programming in Regular Class Environments

The IEP Team will identify any expectations for the student with disabilities that are different from the range of expectations for other students in the same class or program. These different expectations must be based on the student's individualized education program and/or documentation.

According to the nature and severity of the student's disability the Corrections Special School District shall provide the student and/or teachers with additional help such as:

- ◆ Interpreters (outside contract agents through Corrections Medical and Forensic Department);
- ◆ Consultative support to the regular teacher is usually performed by a member of the Special Education staff with knowledge of the disability and appropriate skills and strategies to be employed;
- ◆ In-service training for the regular teacher;
- ◆ Specialized orientation for the student with educational disabilities and/or the students who do not have educational disabilities;
- ◆ Inmates screened and trained to serve as note takers and readers; and
- ◆ Other supportive equipment and/or help delineated in the student's individualized education program. (For example: word processors, calculators, teacher-made memory aids, etc.)

B. Establishment of Education Programs for Students with Educational Disabilities

1. The program for students with educational disabilities in the Corrections Special School District may include instructional services including vocational education as identified by the student's program.
2. Instruction shall be provided to implement the individualized education program of a student with educational disabilities who is confined to the Medical Services Center, Residential Treatment Unit, or the Secure Psychiatric Unit for medical treatment. In such cases, Corrections Special School District shall not be required to pay for medical services. NH Department of Corrections Policy and Procedure Directive 6.16 Health Care Co-Pay governs all issues regarding cost for medical services.
3. A "unit-based" program for eligible offenders with disabilities in their housing unit, cell or other appropriate space meeting the health limitations of the student and/or the safety and security concerns of the Department of Corrections.
 - a. This provision covers students who, due to reasons of their health, are confined or limited to the Health Services Center, the Secure Psychiatric Unit or their housing unit.

4. This provision also covers Modification of an IEP Due to Changes in Classification or Housing Assignments for reasons other than the student's health.

Decisions regarding the classification of offenders and the assignment to housing are strictly the province of Corrections. These decisions are based on the bona-fide penological interests of Corrections and are separate from and independent of the special education status of offenders. These decisions may involve either voluntary and/or involuntary changes.

- (i) Offenders who are eligible for special education may also be identified as eligible for voluntary classification and/or housing assignments that could interfere with their educational program.

Case Managers will assure that:

- Such offenders will have received notification of their rights to special education services at least yearly and that they understand these rights.
- Such offenders are afforded the opportunity to exercise the option to waive their access to special education services in order to accept the voluntary assignment.
- Offenders waiving their access to special education services understand the implications of this decision including their right to reassert the access to special education services at any time and request return to a classification and/or housing assignment where special education services are available.
- Such offenders will be reported as Discharged to Child Find status for Refusal of Services. Offender choice will be documented via the Refusal of Special Education Services form (Appendix VIII, Forms)

- (ii) Offenders who are eligible for special education may experience changes in classification and/or housing assignments that are involuntary based upon the legitimate safety and security needs of Corrections.

5. Instructional services may be delivered in any "unit-based" setting noted above and may employ alternative and equivalent instructional activities as defined in this IAA.

The IEP Team may design the delivery of instructional services through equivalent instructional activities designed for more restricted or limited correctional settings. In this case such equivalent instructional activity:

- a. Must meet the CSSD's stated educational goals and objectives and the approved core curriculum;
- b. Means a structured, supervised set of learning experiences leading to mastery of the information, concepts and application of understanding essential to the core curriculum through means other than the classroom setting;

- c. May waive the 135 clock hour requirement in lieu of successful mastery of course competencies;
 - d. May include such non-traditional modalities as distance learning and correspondence courses not providing face-to-face instructor contact as safety and security allow or demand; and
 - e. Must be afforded direct instruction by an appropriately credentialed teacher plus related services appropriate to the student as determined by the IEP Team and defined in the amended IEP within the guidance of Corrections.
6. This provision **does not** cover inmates who are temporarily confined to a hospital outside of the NHSP/Men and NHSP/Women for health reasons beyond the scope of the Health Services Center. For reasons of safety and security, access to inmates so confined is extremely limited. Instructional and/or related educational services will be suspended for the duration of this confinement.

C. Curricula

To the extent that the Corrections Special School District's curricula require modification to meet the unique needs of students with educational disabilities the IEP Team shall:

- a. Adapt or modify equipment;
- b. Use interpreters or other modes of communication;
- c. Adapt or modify instructional materials;
- d. Adapt, modify, or use alternative teaching methods; and
- e. Make other modification as required by the student's individualized education program.

D. Equipment, Materials and Assistive Technology

1. The Corrections Special School District shall provide appropriate instructional equipment and materials adequate to implement the individualized education program for each student with educational disabilities. The IEP Team is responsible to:
 - a. Identify the specific needs of a educationally disabled student requiring specialized equipment, materials or assistive technology;
 - b. Identify the specific equipment, materials and assistive technology deemed necessary to meet the student's specific needs;
 - c. Discuss all safety and security concerns that may be related to the introduction of such specialized items into the correctional setting and plan for the safe and secure use of the item(s); and

- d. Research vendors able to provide the identified items at the most reasonable mix of quality, safety, availability, price and service support.
2. The Corrections Special School District shall, through the assistance of the Medical and Forensic staff, monitor the proper functioning of hearing aids, low vision aids, and other orthotic and prosthetic devices and adaptive medical equipment used by students with educational disabilities in school.

E. Class Size and Age Range

1. The following shall apply to Academic Support:
 - a. Academic Support shall serve for no more than 50% of the student's school day as an adjunct to assignment to regular educational programs for students with educational disabilities;
 - b. Students with educational disabilities shall not receive all of their academic training in Academic Support. Academic Support services are by definition intended to provide support to a student enrolled in regular education programs;
 - c. The total number of students with educational disabilities being served in the Academic Support at any given time shall not exceed 12 students. This shall not preclude the presence of some additional students working on independent projects;
 - d. Referral for Academic Support services will be made via the Resource Referral form and may be made by the student, the teacher or other party in a position to identify an educational need; and
 - e. It shall be the responsibility of the Corrections Special School District to ensure that:
 1. The abilities of the Academic Support teacher match the needs of the students with educational disabilities; and
 2. The Academic Support teacher is capable of implementing the individualized education programs of all the students with educational disabilities assigned to the Academic Support.

F. Facilities and Location

1. Classrooms and other instructional areas for students with educational disabilities shall be located in a building with other non-disabled students.
2. Physical space for classrooms and other instructional program areas for students with educational disabilities shall be comparable to physical space for classrooms and other instructional programs for other students.

3. Classrooms and other instructional areas for students with educational disabilities shall be located in educational facilities that, in the judgment of the IEP Team, are in the least restrictive educational environment.
4. The physical space used for classrooms and other instructional programs for students with educational disabilities shall be of sufficient size to accommodate equipment necessary to implement the students' individualized education programs and provide for all other learning activities.

G. Qualifications of Service Providers

1. In accordance with rules established by the New Hampshire State Board of Education and administered by the Bureau of Credentialing, teachers of students with educational disabilities shall have New Hampshire certification appropriate for the educational disability/disabilities of the students to be served.

Chapter 8: Confidentiality of Information

A. Annual Notification of Rights

1. The Corrections Special School District through the special education case managers will give each eligible offender with a disability annual notice to inform them of:
 - a. Their rights under the IDEA, the regulations and policies adopted by the District to afford them these rights, and where such policies and regulations may be obtained; and
 - b. The right to file complaints concerning alleged failures to comply with policies and regulations concerning the confidentiality of information.
2. Case Managers will provide each eligible offender with a disability with:
 - ◆ Annual Notification of Special Education Rights (Appendix VIII, Form 3)
 - ◆ Booklet: Procedural Safeguards for Students with Disabilities (Appendix VIII, Form 7)
 - ◆ Listing of Policies and Procedures relating to Special Education Services and where they are located in the prison library; and
 - ◆ An annual, in-person (whenever possible) orientation and explanation of the eligible student's rights and procedures available to them.
3. The Corrections Special School District - Granite State High School will ensure that the notice described above and issued annually reflects the requirements of Ed 1123.

Chapter 9: Annual Notification of Rights, Procedural Safeguards and Due Process Hearing Procedure

A. Rights and Responsibilities

1. The Corrections Special School District shall provide Written Prior Notice to the adult student if it:
 - a. Proposes to initiate or change or refuses to initiate or change the offender's;
 - (i) Eligibility for special education services;
 - (ii) Evaluation;
 - (iii) Educational assignment of the adult student to the least restrictive educational environment available within District programs; or
 - (iv) The provision of a free appropriate public education to the student.
2. The adult student and/or the Corrections Special School District may initiate an Administrative Due Process Hearing on any of the matters described in A. 1. a. above.
3. The adult student's right of appeal shall be superseded by the Corrections Special School District, only in those instances where decisions affecting the student's IEP or assignment to the least restrictive educational environment are controlled by legitimate safety and penological interests that cannot otherwise be accommodated.
4. The eligible offender with disabilities has the right to file a complaint to report actions taken by the Corrections Special School District or any other public agency which are contrary to the provisions of state and federal requirements regarding the education of students with educational disabilities. Such a complaint *should* follow the procedure described here. It is the position of the Corrections Special School District that all complainants *should* attempt to resolve all problems at the lowest administrative level possible. All remedies available at one level *should* be exhausted before proceeding to the next higher level.

Any student with educational disabilities who believes he/she has a complaint regarding any of the issues noted above should:

- a. Contact his/her special education case manager (if one is assigned) to state the problem and describe how they would like to see things change.
- b. If 4. a. fails to resolve the complaint, submit an Inmate Request Slip to the DOC Special Education Supervisor detailing the problem and attempts to solve that have already been employed.

- c. If 4.b. fails to resolve the complaint, submit an Inmate Request Slip to the DOC Education Director with a copy to the Commissioner of Corrections and the Bureau of Programs Director detailing the problem and attempts to solve it already employed.
- d. If 4.c. fails to resolve the complaint, submit a letter (see forms for format) Complaint Regarding a Possible Violation of Special Education Law or Regulation to the Commissioner of Education with copies to the Warden of the facility where the student resides, the Commissioner of Corrections and the Bureau of Programs Director. A copy of this format is available to all students with disabilities from the facility library or from any special education staff member.

Note: The Corrections Special School District recognizes that a student with disabilities may at any time in the process go directly to filing a complaint letter with the Commissioner of Education. The point of the process outlined above is to provide the District with information that a problem exists and the opportunity to find remedy locally with the least amount of time and following the Corrections Chain of Command as the situation demands. The District cannot act to solve a problem if it does not know one exists.

B. Corrections Special School District Administrative Due Process Hearings Responsibilities

The Corrections Special School District shall:

1. Inform the adult student that they have the right to request an administrative due process hearing to appeal the matters described in A. 1. a. above (see attachment Complaint Procedures).
2. Provide the adult student with a full explanation of procedural safeguards available under 34 CFR 300.500, Subpart E – Procedural Safeguards, Due Process Procedures for Parents and Child.
3. Inform the adult student of any free or low-cost legal services and other relevant services available to them; if the adult student requests the information or the adult student or the District initiates a hearing under this section.

XI. Signature Page

This agreement is entered into and supported by:

Virginia M. Barry, Commissioner
Department of Education

Date

William L. Wrenn, Commissioner
Department of Corrections

Date

XII. Attachment A



Corrections Special School District - Staffing Chart
(in accordance with current job supplementals - June 2009)

