

PO Box 483
Norwich, Vermont 05055

December 18, 2013

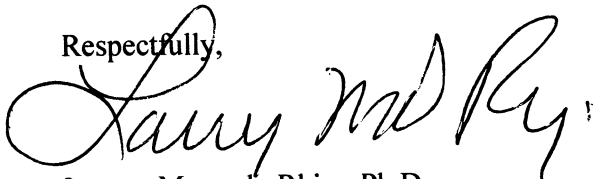
New Hampshire Department of Education
ATT: Special Education Complaints Office
101 Pleasant Street
Concord, New Hampshire 03301-3860

To Whom it May Concern,

It is with deep regret that I am submitting the attached complaint against the Lebanon School District related to provision of special education and related services to students enrolled at the Ledyard Charter School. The Executive Director of the school has worked tirelessly to obtain services for students with disabilities who have enrolled in the charter school to no avail. After multiple years of enduring the school district failing to provide services outlined on IEPs and inappropriately exiting students from their IEPs along with unreturned e-mails, phone calls, and stalled meetings, students are still not receiving the special education and related services they desperately need and are legally entitled to obtain. Our top priority for the past two years has been to resolve these issues in a collegial way but the students cannot afford our patience any longer.

I look forward to your careful review and investigation of our concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Lauren Morando Rhim". The signature is written in a cursive, flowing style.

Lauren Morando Rhim, Ph.D.
Chairwoman, Ledyard Charter School Board of Directors

Complaint Worksheet - Use with State or Federal Complaints (IDEA, OCR, FERPA)

Please fill out all sections completely

<p>parents or child of major age did not show up for the meeting to discuss the IEP).</p> <p>The LSD has restricted supports provided to students with IEPs attending LCS to limited and generic resource room support provided by paraprofessionals physically at Lebanon High School.</p> <p>In order to obtain special education services, students with disabilities enrolled at LCS are require to leave their general education classroom and ride a bus to Lebanon High School.</p> <p>The LSD has not based decisions related to provision of special education and related services for students who enroll at LCS on educational needs. Rather, they have based the decisions on reported resource limitations.</p> <p>The services being provided by LHS do not provide a meaningful education benefit because they are wholly separate from the general education curriculum provided at LCS. The LSD has not invited general education teachers to participate in meetings related to IEPs.</p> <p>The IEPs for students who are 16 and older do not have substantive transition plans that reflect the general education program provided by LCS</p> <p>After multiple requests by the Executive Director of the LCS, the LSD has failed to schedule or convene IEPs meetings to review students' individual needs.</p> <p>Even though the LCS is forwarding work to the LSD for one of the two students</p>		<p>with IEPs outlining services provided before they enrolled in charter school and after they enrolled (Appendix D)</p>	<p>physically at LSD by paraprofessional who have no contact with their general education teachers at LCS have not been provided an appropriate public education in the least restrictive environment. The services have not been adequate and they have been provided in an unnecessarily restrictive manner (i.e., they are required to leave their school and travel to another school in order obtain supports that should be provided within the general education classroom in collaboration with general education teachers).</p> <p>Students have been denied related services (e.g., counseling services) they had received when they attended the LSD.</p>	<p>related services personnel who will work with LCS students.</p> <ul style="list-style-type: none"> ○ Provide compensatory services to students enrolled at LCS who have been denied special education and related services by LSD since the student enrolled at the charter school. ○ Develop substantive and quality transition plans for all students with IEPs who are 16 years of age or older and ensure these plans reflect the general education program provided by LCS. ○ Develop a process to assist students with IEPs transfer from LSD to LCS that entails convening the IEP team, including general education teachers.
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Complaint Worksheet - Use with State or Federal Complaints (IDEA, OCR, FERPA)

Please fill out all sections completely

	who is receiving support in a resource room, when the student shows up at the LSD to receive services, he has been told they had have no work for him and he has not been provided any academic support (December 2013)				
<i>* Complaints filed with the Office of Civil Rights may allege discrimination to the student or parent (not limited to harm the student experienced)</i>					

Once you are certain that the complaint includes all required information, you may submit (file) it with the:

New Hampshire Department of Education
ATT: Special Education Complaints Office
101 Pleasant Street
Concord NH 03301-3860.

For a copy of the Federal regulations that describe the procedures for filing a complaint with the New Hampshire Department of Education (NHDOE). A copy of these procedures can be also be obtained by request at (603) 271-3075. If you have any questions, please contact the Complaints office at (603) 271-3075.

According to federal regulations, a complaint must:

1. Include specified information (at the top of this form about the person filing the complaint and the student on whose behalf the complaint is being filed)
2. Be in writing (no specific form required: complainants may use this form, the form provided by the NH DOE, or submit a complaint on plain paper, stationary, etc.);
3. Be signed;
4. Include a statement that a public agency (usually a school district) has violated a federal or state special education requirement (You do not have to quote the specific requirement that you believe was violated, but you must explain what you believe the school has done wrong, for example, “the teachers are not following my child’s IEP.”);
5. Include the facts on which the allegation is based (Describe what happened to lead you to believe the school has violated special education requirements and how that affects your child, for example, “My child’s IEP says he will be seated in the front of the classroom, but when I visited his classroom yesterday, he was seated in the back of the classroom. Because of his vision and hearing problems, he needs to sit close to the blackboard and the teacher.”);
6. Include how the alleged violation has affected the student
7. Include the outcome or resolution sought; and
8. Must allege a violation that occurred not more than one year before the date filed with the NH Department of Education.



Virginia M. Barry, Ph.D.
Commissioner of Education
Tel. 603-271-3144

Paul K. Leather
Deputy Commissioner of Education
Tel. 603-271-3801

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, N.H. 03301
FAX 603-271-1953
Citizens Services Line 1-800-339-9900**

January 15, 2014

Lauren Morando Rhim
PO Box 483
Norwich, VT 05055

Re: Letter dated December 18, 2013

Dear Ms. Rhim:

The NHDOE, Bureau of Special Education received your letter dated December 18, 2013 regarding a possible special education complaint. The documentation that you provided alleges that the Lebanon School District is not providing special education and related services to students enrolled at the Ledyard Charter School.

The Bureau of Special Education is required to review documentation provided from a complainant to consider whether the information provided is a violation of IDEA, New Hampshire Education Laws pertaining to special education or of NH Rules for the Education of Children with Disabilities. In order to proceed, the compliant must include the following information:

1. The name and address of the child.
2. The complainant's address and how to reach the complainant.
3. The name of the school the child is attending.
4. A statement that the school district has violated a federal or state special education law.
5. Facts that will support the allegation(s).
6. An allegation that the violation occurred within one year prior to the compliant being filed.
7. A proposed resolution.
8. The complainant's signature.
9. Proof that a copy of the complaint was sent to the school district at the same time that it was sent to the NHDOE.

When the documentation does not meet each of these criteria, the NHDOE cannot proceed. Additionally, the NH Rules for the Education of Children with Disabilities does not have a provision which allows for reconsideration for documentation that does not meet the standard for a special education complaint.

**TDD Access: Relay NH 711
EQUAL OPPORTUNITY EMPLOYER- EQUAL EDUCATIONAL OPPORTUNITIES**

Letter dated December 18, 2013

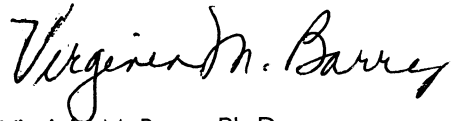
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January 15, 2014

As a result of this review of the documentation, the NHDOE will not be proceeding forward as a special education complaint.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Barry". The signature is written in a cursive style with a large initial "V".

Virginia M. Barry, Ph.D.
Commissioner of Education

cc: Dr. Gail Paludi, Superintendent - Lebanon School District
Helene Anzalone, Director of Special Services - Lebanon School District



October 29, 2013

Special Education Concerns - xx

1. Special education services happen at the high school rather than at LCS when most of my students have an ED as part of their diagnoses, and having to attend the high school is upsetting to them.
 - a. One student with EXTREME anxiety refused to go to the high school to receive services and was therefore placed in "Child Find" by LSD in the spring of 2012.
 - b. One student is required to catch a 6:40 AM bus and receive services at 7:30 AM. He was also told that he would not be allowed to receive services with his LCS classmate (same grade level, same work) while at the high school and was placed with a different para.
 - c. One student, in order to work with the special ed teacher with whom he found great success in the spring, has requested that he be able to "stay after school for ten minutes" so that he does not run into any LHS students. He has also chosen to ride his bike 1 mile to and 1 mile from LHS because he is afraid to ride the LSD bus.
 - d. One student was so adamant about not receiving counseling or services at LHS that he refused the plan in place (weekly counseling and after school special ed services) that would have helped him remain at LCS, thereby contributing to his being referred back to LHS where he would be "forced" to receive services.
 - e. One student's mother refuses to "deal with" Gina Moylan, thereby creating a situation that resulted in this student being placed in "Child Find" for refusal of services.
 - f. Parents are told that, "This is how we do it," and they can either accept this plan of action for LCS students with IEPs or sign the refusal of services form. Parents have opted to sign the refusal of services rather than "put their children" through the stressful experience of going to the high school.

2. Quarterly & Annual meetings
 - a. Only in the 2011-2012 year did regular quarterly meetings with case managers take place. (Joy Gobin came to LCS for a review each quarter. No one has since.)
 - b. I have willingly traveled to LHS for meetings, but my faculty should be involved in these meetings and have not been because they take place at the high school.

- c. Meetings have taken place and decisions have been made about LCS students, their IEPs and services without my being present. I have since requested to be at all meetings or have requested follow-up meetings after a meeting has taken place.
- d. The LSD has allowed parents to “sign off on services” and go into “Child Find” at end-of-year meetings when the family has made the decision to enroll at the charter school.
- e. When families have decided at the end of the year to enroll at the charter school, I have not been notified by the case manager that a student with an IEP will be attending LCS and that we need to have a meeting to discuss the new placement and services.

3. Quality of Services

- a. According to my faculty, the work being completed at LHS and returned to LCS is riddled with errors, incomplete sentences, and very sub-par in quality. I have asked my faculty to communicate with the teachers about their expectations, but this is difficult to do via email, especially when one para does not respond.
- b. The work that Suzanne does with xx is outstanding; the experience that xx has is not nearly as positive. On many days, he is simply handed his work and instructions, and he completes it on his own. On some days, Mr. B helps him with his work. One day during NECAP, he was placed in the cafeteria with all of the 9, 10 & 12 graders, handed a copy of the novel he is reading at LCS, and told to read it amidst the noise. That was his resource room help for that day.
- c. Based on these two points alone, having an LSD special ed teacher come to the high school for one hour, three times a week to help students and meet once a week with my teachers to help plan the best course of action for each student would serve these students much more efficiently and effectively.

4. Students Discharged from Special Ed

- a. Students have been discharged from Special Ed services after enrolling at LCS. In previous years, I know of one student who I believe was still in need of services (very low skills) and one who was moved from an IEP to a 504. In the 2012/2013 year, parents were led to believe that their children entering LCS from LMS would not need services and they signed off on services.
- b. Students who refuse to attend the high school because of anxiety and/or distress are being placed in “Child Find” after their parents are asked to sign a “refusal of services” form.
- c. Currently, two seniors have been mailed “Child Find” letters; one was a non-follow through upon moving from Plainfield to Lebanon, and another is a young lady who LHS referred to me after a move from Laconia. The letter home served as the only means to set up an appointment for an IEP meeting.