

# DISABILITY RIGHTS CENTER - NH

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64 North Main Street, Suite 2, Concord, NH 03301-4913 • [mail@drcnh.org](mailto:mail@drcnh.org) • [drcnh.org](http://drcnh.org)  
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

May 28, 2021

**Via U.S. and Electronic Mail ([frank.edelblut@doe.nh.gov](mailto:frank.edelblut@doe.nh.gov))**

Frank Edelblut  
Commissioner  
New Hampshire Department of Education  
101 Pleasant Street  
Concord, NH 03301

**RE: State Plan for the \$350 million New Hampshire will receive from the American Rescue Plan Elementary and Secondary School Emergency Relief (ESSER) Fund.**

Dear Commissioner Edelblut:

Thank you for the opportunity to provide input into the development of the State Plan regarding the allocation of federal COVID-19 relief funds.

During the past fourteen months, the COVID-19 pandemic has disrupted every aspect of all our lives. Throughout the course of the pandemic, the Disability Rights Center - NH (“DRCNH”) has received calls and requests for assistance from hundreds of New Hampshire parents and guardians whose students with disabilities have been adversely impacted by COVID-19, related school closures, and the transition from in-person to remote and/or hybrid instruction. All students have experienced significant and prolonged disruptions in their education and lost opportunities to build and maintain relationships with trusted adults and peers in their school communities.

However, students with disabilities, students who were struggling in school before the pandemic, and students in communities that are, or have historically been, subjected to discrimination or marginalized such as English Language Learners, immigrants, refugees, racial or ethnic minorities and economically disadvantaged students, have been most negatively impacted by the pandemic and related education disruptions. Poor students from rural communities with limited access to technology (both hardware and internet) were also disproportionately impacted by the switch to remote instruction. DRCNH, therefore, recommends that the NH Department of Education (“NHDOE”) ensure that the education relief funds are targeted, and equitably distributed to, the students who need them the most. This includes students with disabilities, students who were struggling before the pandemic, and students who belong to marginalized communities or were unable to access instruction due to limited access to technology.

*Protection and Advocacy System for New Hampshire*

In addition to prioritizing spending based on principles of equity, we encourage you to view the influx of substantial federal funds as an opportunity for the NHDOE to support school districts to develop and employ new and innovative best practices to:

(1) address learning loss and implement strategies to promote accelerated learning to prevent students from falling further behind;

(2) promote the delivery of high quality, individualized school to post-secondary school transition services as a pathway to competitive integrated employment; and

(3) support students' success and achievement by implementing programs such as Multi-Tiered Systems of Support (MTSS), restorative justice, and other strategies to eliminate or significantly reduce the use of disciplinary-related school removals that result in lost instructional opportunities.

In order to address each of these areas of need, NHDOE should allocate federal relief funds to school districts in the following manner.

(1) Learning Loss. ESSER funds should be used to address all students' loss in academic knowledge and skills as well as in social/emotional and other developmental areas. Resources should be directed towards both identifying the extent of each student's learning loss as well as providing necessary remedial services, including research-based interventions, to enable students to make up for lost learning and address social-emotional needs in the least restrictive environments. In addition, school districts should provide accelerated learning opportunities to bring students' academic knowledge and skills back to the levels they should be if the pandemic had not interrupted and/or negatively impacted their education. For children with disabilities and other marginalized students who fared worse than their peers, NHDOE's State Plan should provide resources for school districts to assess learning loss and provide remedial services for currently enrolled students, students who graduated or aged out of public education at the end of the 2019-2020 school year, and students who will graduate or age out at the end of the 2020-2021 school year.

At minimum, ESSER funds to address learning loss should be made available for the following activities:

a. Assessing Extent of Learning Loss. Schools need to rapidly conduct assessments for all or nearly all students, including some former students, and need additional resources to do so. The State Plan should provide funds for school districts to retain private contractors and/or extend the availability and ability of current staff to conduct assessments to determine the extent of learning loss. These assessments should examine possible loss in academic skills/achievement as well as assessments in all areas of known or suspected disability for students with disabilities or suspected of having disabilities, including but not limited to diagnostic reading evaluations, social/emotional/psychological evaluations, speech language pathologist evaluations, occupational therapist evaluations, and physical therapist evaluations.

b. School districts should use federal relief funds to address identified learning loss and prevent further regression as follows:

- Hire qualified teachers, contractors and/or increase compensation to current teachers to provide intensive one-on-one or small group tutoring on core curriculum for all students. To ensure equitable access to these services, school districts should receive funds targeted to provide tutoring during regular school hours and/or directly after school. If tutoring services are provided outside of regular school hours, school districts may also need to use funds to provide transportation to enable all students to benefit, regardless of income level.
- Extend the length of the academic year, and/or make summer and school vacation Extended School Year Programs available to all students, not just students with disabilities, to make up for lost instructional opportunities.
- Address social/emotional learning loss and isolation by providing opportunities for students with disabilities and from economically disadvantaged families to attend summer and/or school vacation camps as a means to explore areas of interest, gain knowledge in particular areas of interest, and make connections with peers who have shared interests. Since summer vacation is nearly here, these opportunities should be made available for the next few years (until the relief funds must be expended).
- Provide teacher training in accelerated learning methods and other new and innovative best practices to address learning loss.
- Provide teacher training in peer-reviewed research supported interventions such as Orton-Gillingham Reading Instruction. This will ensure that school districts' current and newly hired faculty are prepared and have the necessary training and support to employ proven methods to address delayed acquisition of reading and other academic skills.
- Provide targeted teacher training and opportunities for certification/endorsement of current staff to enable schools to address critical workforce shortages. Priorities for teacher and staff training should include an elementary mathematics specialist; a reading and writing specialist; general special education with endorsements in emotional and behavioral disabilities, intellectual and developmental disabilities, and specific learning disabilities; and endorsements in fields such as English for Speakers of Other Languages, career and technical education specialty areas, reading and writing, and middle and upper-level mathematics.
- Provide compensatory services to current students and students who will graduate or age out at the end of the 2020-2021 school year to make up for missed services or for services which, though offered remotely, did not result in students making expected progress in the regular education curriculum and/or as indicated in their IEPs. This should be accomplished in a manner that minimizes administrative costs and is readily accessible to parents. For example, rather than requiring parents and IEP teams to attend meetings to consider each student's possible compensatory education claim, school districts should simply provide every student with a disability a list of the missed related services/services which may have been provided remotely, and either a proposal to make up each service or a set amount set aside to make up each service. If the district chooses the latter, it should also provide a list of providers

authorized by the district for parents to contact and make arrangements for make up services.

- The provision of compensatory services should not be limited to currently enrolled students or students who will graduate or age out at the end of the 2020-2021 school year. Students with disabilities who graduated or aged out of public education in June of 2020 should also be provided with the opportunity to secure compensatory services to make up for learning loss, lost instruction time, and regression in social/emotional skills as a result of the pandemic and related school closures/transition to remote learning. School districts should be permitted and encouraged to use relief funds to conduct outreach to reach these students in order to provide compensatory education services.
- Allow school district to use these funds to award a set amount for parents to use for compensatory services. The amount would be based on several factors including the extent of learning loss, the type and number of services the student missed or did not fully benefit from if not provided in-person, and equitable considerations such as students who qualify for free/reduced lunch, have an identified educational disability, are a English language Learner, or possess immigrant/refugee status. Schools should pay contracted providers directly, rather than require parents to seek reimbursement, up to the amount set aside for each student. School districts could allow parents to arrange services from a list of qualified providers and/or a provider suggested by the parent who meets the district's reasonable requirements. School district personnel could also provide support to parents who are not able to arrange services on their own.

(2) Transition Services. School Districts should target relief funds to current transition-aged students with disabilities, especially those ages 16 and up, as well as to former students who graduated/aged out at the end of the 2019-2020 school year or who will graduate/age out at the end of the 2020-2021 school year. School districts should consider what transition services students with IEPs should have but did not receive due to the pandemic as well as any additional services they may require to address the impact COVID-19 had on their ability to progress in their transition goals, especially goals related to post-secondary education and competitive employment in fully-integrated workplaces. We encourage NHDOE to use the development of the State's Plan for these funds as an opportunity to push for innovation in the provision of transition services as a pathway to competitive integrated employment. Possible uses for funds to address transition-related needs include:

- Permit school districts to establish funds for each transition-aged youth who was or became eligible for transition services under IDEA during the 2019-2020 or 2020-2021 school year, including students who graduated or aged out. These funds should be made available to adult students/former students and parents of minor students to cover the cost of transition services targeted to facilitate successful transition to post-secondary education or competitive integrated employment including, but not limited to, job coaching, job shadowing, career counseling, resume development, development of interviewing skills, assistance in identifying and applying for post-secondary education programs and funding, and applying for services with New Hampshire Vocational Rehabilitation ("NHVR").

- Hire new staff and/or pay current staff to notify parents, recent high school graduates, and former students who graduated or aged out in the 2019-2020 or 2020-2021 school years of the compensatory services and/or funds the district has made available to support the transition of students with disabilities from secondary school to competitive employment and/or post-secondary school and training programs. Staff should also assist interested students, former students and parents in securing these services and funds.
- Retain employment specialists to identify students who aged out of public education at the end of the 2019-2020 or 2020-2021 school year who were qualified for transition assessments and services under IDEA. These employment specialists should provide a variety of transition services including, but not limited to, assessing realistic career goals likely to lead to competitive employment, connecting potentially eligible individuals with NHVR, assisting with the application process for services offered by NHVR, and identifying and facilitating receipt of transition services such as job-coaching, job-shadowing, career exploration, and paid internships. Employment specialists should also assist current and former students in securing compensatory transition-related services in their IEPs that they did not receive or benefit from due to the pandemic.

(3) Limit/Reduce the Use of Exclusionary School Discipline.

Nearly all New Hampshire students missed out on approximately fourteen months of in-person, school and school-community based learning and social interaction opportunities. Many students were not able to fully attend remote synchronous instruction. Students missed academic instruction and lost social and other opportunities for their developmental growth. Students' connections with their community schools and peers were significantly diminished. In addition, the pandemic caused and exacerbated social, emotional and behavioral challenges for many students. For these reasons, it is extremely important that school districts take whatever steps necessary to address students' social and emotional needs. When children and youth experience emotional upset or trauma, rather than verbalize and process their emotional status, it is common for them to exhibit challenging behaviors. School districts should be encouraged to use ESSER funds to implement a trauma-informed response to students' emotional behavioral needs. School districts should encourage and support full in-person school attendance including eliminating or significantly limiting the use of out-of-school removals and instead providing targeted interventions to support students' social-emotional and behavioral needs.

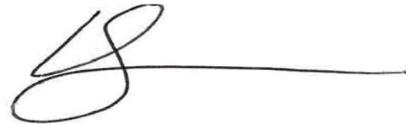
To do so, NHDOE should make funds available for the following purposes:

- Staff Training, including training for trainers, on Multi-tiered Systems of Support (MTSS).
- Retention of/training to support current staff members to become BCBAs
- Funds to pay current qualified staff and/or contracted BCBAs to conduct functional behavior assessments and develop positive behavior plans to enable students who exhibit challenging behaviors to address those behaviors in a manner which enable them to stay in school and minimize lost instruction time.

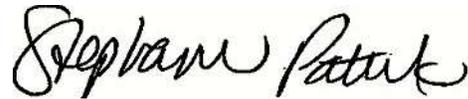
- Retention/ additional payment for additional work from current staff qualified to provide trauma-informed care for students.
- Providing training to school administrators, educators and other staff members on reducing the use of, and alternatives to suspension/expulsion, such as implementing restorative justice practices, to address the root causes of students' conduct code violations, hold students accountable, help them to build and heal relationships, learn positive behaviors and keep them in school .

Thank you for all you have done throughout the pandemic to consider and address the unique needs of New Hampshire's students with disabilities. We greatly appreciate the opportunity to provide our input into the development of the NHDOE's State Plan for the ESSER funds. Please do not hesitate to contact either of us if you have any questions about, or would like to discuss, our recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen L. Rosenberg', with a long horizontal line extending to the right.

Karen L. Rosenberg  
Senior Staff Attorney

A handwritten signature in black ink, appearing to read 'Stephanie Patrick', written in a cursive style.

Stephanie Patrick  
Executive Director