



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION I
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE, ROOM 701
POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109-4557
November 10, 2004

Ms. Suzanne Heath
90 Mooar Hill Road
Hollis, New Hampshire 03049

Re: Complaint No. 01-04-1224

Dear Ms. Heath:

On July 12, 2004, the Office for Civil Rights (OCR) received your July 9 correspondence to the Secretary's Regional Representative, U.S. Department of Education (Department) regarding a policy memorandum issued by the New Hampshire State Department of Education (NHDE). The policy memorandum addressed special education teachers and the "highly qualified teacher" requirements under *No Child Left Behind*. You alleged that the policy articulated in NHDE's memorandum discriminated against students with disabilities by mandating a policy of lower certification requirements for special education teachers.

We apologize for our delay in responding to your correspondence. While we docketed this correspondence as a complaint, OCR delayed its processing pending discussions the Department was having with NHDE. As described in the enclosed letter to the Commissioner of NHDE from Department officials, Raymond Simon, Assistant Secretary for Elementary and Secondary and Kenneth Marcus, Delegated the authority of Assistant Secretary for Civil Rights, revisions have been made to NHDE's policy which appear to resolve the potential concerns under Section 504 and Title II of the Americans with Disabilities Act.

I understand these revisions were described to you in a telephone conversation on November 9, 2004 with William McCants, a civil rights attorney in this office. I believe you indicated to him that you believed these changes resolved your concerns. OCR is, therefore, closing this matter as of the date of this letter and will take no further action. We thank you for bringing this matter to our attention. If you have any questions, please do not hesitate to contact Mr. McCants, at (617) 223-9698 or me at (617) 223-9667.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Hibino".

Thomas J. Hibino
Director
Boston Office

Enclosure