



State of New Jersey

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To: Chief School Administrator
Director of Special Education
Charter School Administrator

From: Roberta Wohle, Director 
Office of Special Education Programs

Subject: Implementation of the Individuals with Disabilities Education Act of 2004
(IDEA 2004)

This correspondence provides an update regarding the New Jersey Department of Education, Office of Special Education Programs' (NJOSPEP) implementation of the Individuals with Disabilities Education Act of 2004 (IDEA 2004). Specifically, information is provided with regard to the following:

- Federal Determination Regarding States Implementation of the IDEA;
- State Determinations of Local Districts/Charter Schools; and
- Annual Public Reporting of Local District/Charter School Performance.

Federal Determination Regarding States Implementation of the IDEA

The IDEA requires each state to have in place a State Performance Plan (SPP) and an Annual Performance Report (APR) evaluating the state's implementation of Part B and describing how each state will improve such implementation. The SPP and APR include 20 indicators focused on areas and requirements intended to improve educational results and outcomes for students with disabilities, ages 3 to 21. (Please refer to prior correspondence at: <http://www.nj.gov/education/specialed/memos/112706spp.pdf>).

The NJOSPEP SPP, developed with input from a group of special education stakeholders, includes the 20 indicators and short and long term targets on areas and requirements intended to improve results and outcomes for children with disabilities. Annually, the state must report to the United States Department of Education (USDOE)

on its progress in meeting the measurable and rigorous targets it established in its SPP. The SPP and APR can be found, respectively, on the department's website:

<http://www.nj.gov/education/specialed/info/spp/resubmission.doc>

<http://www.nj.gov/education/specialed/info/spp/partb.doc>.

Section 616(d) requires that the USDOE review each state's APR. Based on the information provided in the state's APR, information obtained through monitoring visits, and any other public information, the USDOE determines annually whether the state:

- **Meets Requirements and the purposes of the IDEA**
- **Needs Assistance in meeting the requirements of Part B of the IDEA**
- **Needs Intervention in meeting the requirements of Part B of the IDEA**
- **Needs Substantial Intervention in meeting the requirements of Part B of the IDEA**

The USDOE determination for New Jersey, issued on June 15, 2007, was **Needs Assistance in meeting the requirements of the Part B of the IDEA**. Nine (9) states received a determination of Meets Requirements; 41 of the states and territories received a determination of Needs Assistance; 10 of the states and territories received a determination of Needs Intervention; 0 states/territories received a determination of Needs Substantial Intervention. The basis of New Jersey's determination and a description of the USDOE's Review and §616 Determination Criteria can be found at: http://www.nj.gov/education/specialed/info/spp/usdoe_determination.pdf.

State Determinations of Local Districts

Following the USDOE's determinations of states, each state is required to make an annual determination on the performance of each local district, including charter schools. This is the first year for state and local determinations. NJOSEP recognizes that the delivery of special education programs and services is complex. As states and local education agencies enter a new era of accountability, we jointly face the challenges of meeting compliance requirements, while working to achieve positive outcomes for students with disabilities. The federal determination categories for states, local districts, and charter schools should be viewed in the context of continuous improvement in achieving the goals of the IDEA.

In fulfillment of this federal requirement, in December 2007, the New Jersey Department of Education, Office of Special Education Programs, will issue its determination letters. Pursuant to Section 616(a)(1)(C)(i), each state must use the four determination categories applied by the USDOE in making state determinations regarding the districts implementation of state and federal special education requirements i.e., **Meets Requirements, Needs Assistance, Needs Intervention, Needs Substantial Intervention**.

NJOSEP, for the 2007-2008 school year, has based its determinations on the monitoring priorities set forth in IDEA, i.e., General Supervision, including monitoring, verification, other oversight activities and data submissions; Placement in the Least Restrictive Environment; and Disproportionality. Specifically, NJOSEP will consider the following factors in making its determinations of local districts:

- Whether the local district corrected noncompliance identified through monitoring activities or other general supervisory activities, in a timely manner
- Whether the local district demonstrated progress in correcting noncompliance
- Whether the NJOSEP needed to provide ongoing oversight as part of its general supervision, to facilitate progress of the local district in correcting noncompliance
- Whether the local district was identified for “Significant Disproportionality” of specific racial/ethnic groups with regard to eligibility or placement determinations, as indicated in its IDEA ‘08 grant notice
- Whether the local district was identified for the 2006-2007 self-assessment process based on the percentage of students with disabilities educated in separate public and/or private special education settings
- Whether the local district’s data submissions were received by NJOSEP in a timely manner.

Annual Public Reporting of Local District Performance

In addition to making local determinations, each state must report annually to the public on the performance of each local district, including charter schools, in relation to the targets in the SPP under the IDEA section 616(b)(2)(C)(ii)(1). The SPP indicators, for which public reporting is currently required, include the following:

Indicator 1: Graduation Rates - Percent of youth with IEPs graduating from high school with a regular diploma;

Indicator 2: Drop-Out Rates - Percent of youth with IEPs dropping out of high school;

Indicator 3A: Assessment - Whether the local district met the State’s AYP objectives for progress for the disability subgroup;

Indicator 3B: Assessment - Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternative assessment against grade level standards; alternate assessment against alternate achievement standards;

Indicator 3C: Assessment - Proficiency rate for children with IEPs against grade level standards and alternate achievement standards;

Indicator 5: School Age LRE - Percentage of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day
- B. Removed from regular class greater than 60% of the day
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements;

Indicator 6: Preschool LRE - Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings); and

Indicator 12: Early Childhood Transition - Percent of children referred by Part C prior to age 3, who are found eligible for Part B who have an IEP developed and implemented by their third birthday.

Each local district's performance on the above indicators will be posted on the Department's website in December 2007.

Each of these topics will be further discussed at the Special Education Directors Update Meetings that will be held in October and November 2007. The specific dates and locations are being disseminated through the county offices of education.

There is no doubt that the IDEA 2004 has introduced a new era of state and local accountability with regard to both compliance and student outcomes.

I anticipate ongoing collaboration as we continue implementation of these new requirements and work to improve outcomes for students with disabilities.

RW/hl

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