

# New Jersey Department of Education Office of Special Education Programs



## **Part B State Performance Plan: 2005-2010**

**Original Submission – December 2, 2005**

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## Overview of the State Performance Plan Development

Description of the Process the New Jersey Department of Education, Office of Special Education Programs (NJOSPE) used to develop the SPP:

<b>Description of how NJOSPE Obtained ‘Broad Input’ from Stakeholders</b>
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### *Invitation to Stakeholders*

An invitation was sent to a broad range of organizations on September 15, 2005, soliciting their participation in each of two meetings that were planned for October 21, 2005 and November 3, 2005, to obtain stakeholder input into the development of the NJSPP. NJOSPE requested the participation from each member of the New Jersey State Special Education Advisory Council (SSEAC) and the immediate past chair of the council and a representative from each of the following:

- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- Garden State Coalition of Schools
- ASAH (New Jersey Association of Private Schools for Students with Disabilities)
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Association of School Administrators
- New Jersey Coalition for Inclusive Education
- New Jersey Department of Human Services, Office of Education
- New Jersey Department of Juvenile Justice
- New Jersey Department of Vocational and Rehabilitation Services
- New Jersey Developmental Disabilities Council
- New Jersey Education Association
- New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey School Boards Association
- Statewide Parent Advocacy Network (SPAN)

Follow-up telephone calls were made to organizations that did not respond by October 15<sup>th</sup>, in order to verify receipt of the invitation, discuss the significance of the meetings, and confirm the participation of the agency.

### *Facilitation of Stakeholder Meetings*

Dr. Kristin Reedy, Director of the Northeast Regional Resource Center (NERRC), facilitated both stakeholder meetings. As reflected in the meeting agendas (see below), Dr. Reedy provided a comprehensive introduction to the SPP/APR process and requirements and facilitated the small group activities for setting targets and obtaining input into improvement activities/strategies for selected indicators.

***Indicator Framework and Stakeholder Input***

The following framework was used with regard to target setting:

**Indicators – no target setting required:**

- **Indicators with targets of 100%:** Indicators focused on compliance requirements had a required target of 100%, negating the need for a target setting activity. This included Indicators 12, 15, 16, 17, 18, 19, 20.
- **New Indicators with targets of 100%:** Several of the **New Indicators** were also compliance indicators and would have a target of 100% (Indicator 11, 13 and Indicators 9, 10 [0 difference in 100% of districts]).
- **New Indicators – Targets Set in February 2007 APR:** Targets would be set, with stakeholder input, and reflected in the February 2007 APR for **New Indicator** 8 and the February 2008 APR for New Indicator 7 and 14.

**Indicators – target setting required:**

- NJOSEP staff provided background information, including presentation of trend data and/or the 2003-2004 or 2004-2005 data needed to set a target(s) for a specific indicator. A proposed target and related activities were then presented to the stakeholders and stakeholder responses were recorded and taken into consideration by NJOSEP. This format was applied to Indicators 1, 2, 3, 4 (see indicator for specific details).
- A small group activity was used to obtain input into the targets and improvement activities for Indicators 5, 6, 19 (see indicator for specific details).

***Stakeholder Meeting – October 21, 2005***

**Meeting Participants** - The following organizations and interest groups participated in the first stakeholder meeting held on October 21, 2005.

- 7 members of the SSEAC (including 5 parent representatives)
- New Jersey Developmental Disabilities Council
- New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey Association of School Administrators
- New Jersey Coalition of Inclusive Education
- Garden State Coalition of Schools
- ASAH (New Jersey Association of Private Schools for Students with Disabilities)
- Statewide Parent Advocacy Network
- Boggs Center, University of Medicine and Dentistry

**Meeting Agenda** – The October 21<sup>st</sup> meeting agenda including the following:

- Overview of the SPP by Kristin Reedy, Director of the Northeast Regional Resource Center (NERRC), including a presentation of the history, authority, terminology, process, indicators and targets

- A Presentation of Indicators 7, 14, 15, 16, 17, 18 and 19 by the NJOSEP staff with Stakeholder Response
- A discussion of Indicator 8 including the National Center for Special Education Accountability Monitoring (NCSEAM) Parent Survey by Debra Jennings from the Statewide Parent Advocacy Network
- Stakeholder Input - Target Setting Activity for Indicator 19 – Mediation Agreements facilitated by Kristin Reedy, NERRC
- Discussion of the Agenda for the second stakeholder meeting scheduled for November 3, 2005.

***Background Resources for Stakeholders*** - The stakeholders were provided with the following handouts as background information:

- The Annual Performance Report submitted to United States Department of Education, Office of Special Education Programs (USOSEP) for the reporting period July 2003-June 2004;
- USOSEP response to the NJOSEP APR dated September 8, 2005;
- The instructions for completing the State Performance Plan;
- The Table of Monitoring Priorities and Indicators;
- The Draft of the Part C and B State Monitoring Priorities and Indicators: Related Requirements and Investigative Questions Table;
- A summary of the SPP indicators prepared by Kristin Reedy;
- National Center for Special Education Accountability Monitoring (NCSEAM) Parent Survey

***Stakeholder Meeting November 3, 2005***

The second stakeholder meeting was held on November 3, 2005. The following organizations were represented at the second stakeholder meeting:

- 8 representatives of the SSEAC
- The New Jersey Division of Vocational Rehabilitation Services
- The New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey Association of Superintendents
- Statewide Parent Advocacy Network
- New Jersey School Boards Association
- ASAH (New Jersey Association of Private Schools for the Disabled)
- Boggs Center, University of Medicine and Dentistry
- New Jersey Pupil Personnel Administrations
- Coalition for Inclusive Education
- New Jersey Department of Human Services, Office of Education
- New Jersey Department of Juvenile Justice

The meeting agenda including the following:

- Summary of Previous Stakeholder Meeting, Kristin Reedy, Northeast Regional Resource Center
- Presentation of Indicators 5 and 6, Placement in the LRE by NJOSEP Staff
- Stakeholder Small Group Activity – Target Settings and Strategies/Activities for Indicators 5 and 6
- Presentation of Indicators 1, 2, 3, 4, 9, 10, 11, 12, 13 and 20 with Stakeholder Response
- Discussion of Next Steps including Submission of SPP, USOSEP response and scheduling of future stakeholder meetings

The stakeholders were provided the following handouts as background information:

- A copy of the NJOSEP staff power point presentations for specific indicators including: a discussion of the indicator, measurement, target requirements, relevant data, an outline of improvement activities currently being implemented during the 2005-2006 school year and improvement activities previously planned for subsequent years, including New Jersey State Improvement Grant activities.
- Two papers that provided background information about statistical measures for Indicators # 9 and # 10, Disproportionality. The papers included a National Center for Culturally Responsive Educational Systems' practitioner brief entitled: *Disproportionate Representation of Culturally and Linguistically Diverse Students in Special Education: Measuring the Problem* and the Westat document, *Methods For Assessing Racial/Ethnic Disproportionality In Special Education: A Technical Assistance Guide*.

**Note:** A summary of the background information presented by NJOSEP and summary of stakeholder input will be discussed in the SPP under Overview of State Performance Plan Development for each indicator. In addition, stakeholder suggestions for specific activities that NJOSEP will be implementing are referenced in the Improvement Activities section of the SPP.

<b>UPDATE TO</b> <b>Description of how NJOSEP Obtained 'Broad Input' from Stakeholders including New Indicators</b>
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***State Special Education Advisory Council (SSEAC)***

Since the submission of the State Performance Plan, December 2, 2005, the SSEAC has received updates regarding the following;

- USOSEP's approval the New Jersey Department of Educations' SPP;
- Alignment of the self-assessment/monitoring process to the federal monitoring priorities and SPP/APR indicators;
- Progress regarding implementation of the Preschool Outcome Study and Post-Secondary Outcome Survey and barriers regarding implementation of the Parent Survey;
- Implementation of Improvement Activities related to various SPP/APR indicators (e.g. literacy initiative, school-wide behavior supports; grants promoting inclusive practices).

SSEAC representatives also participated in the Stakeholder Meetings detailed below.

***Stakeholder Meeting – September 28, 2006***

A stakeholder meeting was held on September 28, 2006 for the specific purpose of discussing Indicators 9 and 10 – Disproportionality, Indicator 5 – School Age LRE, and Indicator 15 general supervision. At this meeting NJOSEP staff described revisions to the self-assessment/monitoring process, specifically the alignment of the monitoring system to the SPP indicators. Additionally, the definition of disproportionate representation was discussed, the multiple methods used for identifying districts with disproportionate representation, and the protocol for reviewing practices relevant to inappropriate identification.

The following organizations were represented at the September 28<sup>th</sup> meeting:

- State Special Education Advisory Council (Six Representatives, including four parent representatives)
- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- New Jersey Coalition for Inclusive Education
- New Jersey Protection and Advocacy
- New Jersey School Boards Association
- Statewide Parent Advocacy Network

***Invitation to Stakeholders***

A meeting announcement was sent to a broad range of organizations on December 22, 2006 soliciting their participation in each of two meetings that were planned for January 10, 2007 and January 17, 2007 to obtain stakeholder input into the development of the NJSPP/APR. NJOSEP requested the participation from each member of the New Jersey State Special Education Advisory Council (SSEAC) and a representative from each of the following:

- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- Garden State Coalition of Schools
- ASAH (New Jersey Association of Private Schools for Students with Disabilities)
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Association of School Administrators
- New Jersey Coalition for Inclusive Education
- New Jersey Department of Human Services, Office of Education
- New Jersey Department of Juvenile Justice
- New Jersey Department of Vocational and Rehabilitation Services
- New Jersey Developmental Disabilities Council
- New Jersey Education Association
- New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey School Boards Association
- Statewide Parent Advocacy Network (SPAN)

Follow-up telephone calls and e-mails were made to organizations that did not respond in order to verify receipt of the invitation, discuss the significance of the meetings, and confirm the participation of the agency.

***Stakeholder Meeting – January 10, 2007***

NJOSEP staff discussed the following at each of the stakeholder meetings, the SPP indicator measurement, process for data collection, baseline data from the SPP, progress in relation to the target, and improvement activities. In instances where data collection needed to be updated, the new baseline data and targets were also discussed, as noted in APR revisions (Indicators 1, 2, 4A). A general discussion followed each indicator. Stakeholders requested a copy of the power point presentations prepared by NJOSEP staff for each indicator; these were disseminated at the January 17, 2007 meeting.

The following were represented at the January 10<sup>th</sup> meeting:

- State Special Education Advisory Council (Seven Representatives, including three parent representatives)
- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- New Jersey Coalition for Inclusive Education
- New Jersey Developmental Disabilities Council
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Protection and Advocacy
- New Jersey School Boards Association
- Statewide Parent Advocacy Network

The following SPP/APR indicators were discussed at the meeting:

<b>Indicator # 1</b>	<b>Graduation Rates</b>
<b>Indicator # 2</b>	<b>Drop-Out Rates</b>
<b>Indicator # 4A</b>	<b>Suspension/Expulsion</b>
<b>Indicator #7</b>	<b>Preschool Outcomes</b>
<b>Indicator #11</b>	<b>Child Find</b>
<b>Indicator #16</b>	<b>Complaint Timelines</b>
<b>Indicator #17</b>	<b>Due Process Timelines</b>
<b>Indicator #18</b>	<b>Hearing Requests – Resolution Sessions</b>
<b>Indicator #19</b>	<b>Mediation Agreements</b>

***Stakeholder Meeting – January 17, 2007***

At the second stakeholder meeting, the SPP indicator measurement, process for data collection, baseline data from the SPP, progress in relation to the target, and improvement activities were again discussed. Instances where data collection needed to be updated, the new baseline data and targets were also discussed, as noted in APR revisions (Indicators 1, 2, 4A.). A general discussion followed each indicator. Stakeholders received copies of the power point presentations prepared by NJOSEP staff. Kristin Reedy, the Director of the Northeast Regional Resource Center, served as the recorder for this meeting.



The following were represented at the January 17, 2007 meeting:

- State Special Education Advisory Council (Nine Representatives, including 4 parent representatives)
- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- New Jersey Coalition for Inclusive Education
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Protection and Advocacy
- Statewide Parent Advocacy Network

The following SPP/APR indicators were discussed at this meeting:

<b>Indicator # 1</b>	<b>Graduation Rates (Revisited)</b>
<b>Indicator # 2</b>	<b>Drop-Out Rates (Revisited)</b>
<b>Indicator # 5</b>	<b>School Age LRE</b>
<b>Indicator #15</b>	<b>Identification and Correction of Non-Compliance</b>
<b>Indicator #20</b>	<b>State Reported Data</b>
<b>Indicator # 3</b>	<b>Assessment</b>
<b>Indicator #4B</b>	<b>Suspension/Expulsion – Race/Ethnicity</b>
<b>Indicator # 9</b>	<b>Disproportionality – All Disabilities</b>
<b>Indicator #10</b>	<b>Disproportionality – Specific Disabilities</b>
<b>Indicator # 6</b>	<b>Preschool LRE</b>
<b>Indicator #12</b>	<b>Early Childhood Transition</b>
<b>Indicator #13</b>	<b>Secondary Transition</b>
<b>Indicator #14</b>	<b>Post-Secondary Transition</b>
<b>Indicator # 7</b>	<b>Parent involvement</b>

***Future Stakeholder Meetings***

Plans for future stakeholder meetings were discussed. NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities. This activity is reflected throughout the APR.

**Description of how NJOSEP Disseminated and will Disseminate the SPP/APR to the Public**

***State Performance Plan – Public Reporting***

Consistent with the requirements established in the 2004 Amendments to the Individuals with Disabilities Education Act, NJOSEP made New Jersey’s performance plan available to the public by the following means:

***Posting on the Website of the State education agency:***

The SPP 2005 was posted on the New Jersey Department of Education's website, once it was submitted to USOSEP on December 2, 2005 and again when it was approved by USOSEP with required clarifications, on March 28, 2006 at <http://www.nj.gov/njded/specialed/info/spp/>.

USOSEP's response to the SPP is also posted on the New Jersey Department of Education website at <http://www.nj.gov/njded/specialed/info/spp/stateplan.pdf>.

***Distribution to the Media:*** NJOSEP, since its approval from the USDOE, referred the press to the SPP website when press inquiries were relevant to the SPP indicators.

Once the USDOE responds to the SPP/APR February 1, 2007 submission, NJOSEP will issue a press release that provides an overview of the purpose and scope of the SPP/APR and its location on the NJDOE website.

***Distribution through public agencies:*** NJOSEP distributed a memo to school districts, agencies, organizations and individuals concerned with special education, in accordance with the NJDOE's mass mailing procedures. The memo provided information regarding the SPP requirements, its relevance to the NJOSEP's self-assessment monitoring process, and public reporting requirements. The memo can be found at <http://www.nj.gov/njded/specialed/memos/112706spp.pdf>,

**Overview of the State Performance Plan  
and  
Annual Performance Plan Development  
FFY 2006**

**Description of how NJOSEP Obtained ‘Broad Input’ from Stakeholders  
For  
February 1, 2008 Submission of the State Performance Plan and Annual Performance Report**

**Description of the Process the New Jersey Department of Education, Office of Special Education Programs (NJOSEP) used to develop the APR and to discuss updates and revisions to the SPP, including revised targets.**

***State Special Education Advisory Council (SSEAC)***

The SSEAC continued to receive periodic updates regarding the State Performance Plan and Annual Performance Report since the submission to the USDOE on February 1, 2007. Specific issues discussed included the following:

- A review of USOSEP’s correspondence of April 24, 2007 regarding Disproportionality of Racial-Ethnic Groups in Special Education, that provided clarification as to the requirements for identifying “Significant Disproportionality” and “Disproportionate Representation” necessitating a review of policies, procedures and practices. Based upon a discussion of the memo, and agreement of the SSEAC, NJOSEP reviewed the data of those districts originally identified for review of policies, procedures, and practices (i.e., those districts reflected in the SPP – Indicator # 9 and Indicator # 10) and distinguished those with disproportionate representation and those identified as having “Significant Disproportionality” requiring the 15% allocation of IDEA funds to early intervening services.
- USOSEP’s June 15, 2007 correspondence regarding acknowledgment of the timely submission of the New Jersey Department of Education’s Annual Performance Report (APR) and revised State Performance Plan (SPP) as well as the revisions to New Jersey’s SPP received on April 27, 2007. Additionally, USOSEP’s determination that New Jersey needs assistance in meeting the requirements of Part B of the IDEA was discussed; the determination letter and response table were disseminated to SSEAC members.
- Data collection issues and progress regarding Indicator 8 – Parent Involvement and Indicator 14 – Post school Outcomes
- Public Reporting Timelines and Format
- NJOSEP’s criteria for state determinations of local districts implementation of state and federal special education regulations

***Invitation to Stakeholders***

At the December 20, 2007 meeting of the SSEAC, NJOSEP indicated that a stakeholder meeting would be held on January 11, 2008 to obtain stakeholder input into the development of the NJSP/APR. In addition, on December 31, 2007, NJOSEP requested that a representative from the following agencies and organizations participate in the January 11<sup>th</sup> stakeholder meeting:

- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- Garden State Coalition of Schools
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Association of School Administrators
- New Jersey Coalition for Inclusive Education
- New Jersey Developmental Disabilities Council
- New Jersey Education Association
- New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey School Boards Association
- Statewide Parent Advocacy Network (SPAN)

***Stakeholder Meeting – January 11, 2008***

The stakeholder meeting was facilitated by Kristin Reedy, the Director of the Northeast Regional Resource Center. Dr. Reedy also served as the recorder of meeting discussions. The meeting agenda included the following:

- **Distribution of a “Summary Indicator Progress Chart” that listed each indicator and served as background information for a discussion of each indicator with respect to the following:**

**What targets did we meet?  
How much progress are we making?**

- **Discussion of Baseline and Setting Targets for Indicator 14, Postsecondary Transition (Facilitated by Kristin Reedy)**
- **Revising the Baseline and Targets – Indicator 18 – Dispute Resolution *Kristin Reedy* (Facilitated by Kristin Reedy)**
- **Status of Data Collection and Analysis, Indicator 8, Parent Involvement**
- **Status of Indicator 6, FAPE in the LRE, Students with IEPs, 3-5,USOSEP Revised Data Collection Requirements**
- **Status of Data Collection, Indicator 7, Preschool Outcome**

The focus of the stakeholder discussions are also provided under each APR indicator.

The following were represented at the January 11, 2008 meeting:

New Jersey Association of Pupil Personnel Administrators  
New Jersey Department of Children and Families, Office of Education  
Statewide Parent Advocacy Network  
New Jersey Coalition for Inclusive Education  
New Jersey Protection and Advocacy

New Jersey Division of Vocational Rehabilitation Services  
New Jersey School Boards Association  
Boggs Center, University of Medicine and Dentistry, University Center for Excellence in  
Developmental Disabilities Education, Research, and Service  
Eight State Special Education Advisory Council Members (6 Parent Representatives)

### Description of How and When the State will Report Annually to the Public

#### *The State's Progress and/or Slippage in Meeting the "Measurable and Rigorous Targets found in the SPP"*

#### **State Performance Plan/Annual Performance Plan – Public Reporting**

Consistent with the requirements established in the Individuals with Disabilities Education Act (IDEA 2004), NJOSEP again made New Jersey's State Performance Plan/Annual Performance Plan available to the public by the means indicated below.

**Posting on the Website of the State education agency:** The SPP and APR were posted on the New Jersey Department of Education's website immediately after it was submitted to USOSEP on February 1, 2007. It was posted again after its resubmission to USOSEP on April 27, 2007 with requested information regarding sampling plans. (<http://www.nj.gov/education/specialed/info/spp/resubmission.doc>).

USOSEP's response to the SPP, dated June 15, 2007, that include the State's determination of "Needs Assistance" in meeting the requirements of Part B of the IDEA was, and continues to be posted on the NJDOE's website at: [http://www.nj.gov/education/specialed/info/spp/usdoe\\_determination.pdf](http://www.nj.gov/education/specialed/info/spp/usdoe_determination.pdf)

NJOSEP will again post the SPP/APR on its website immediately after its February 1, 2008 submission to USOSEP.

**Distribution to the Media:** NJOSEP, since its approval from the USDOE, made the SPP available to the media through the NJDOE website and referred the press to the SPP website when press inquires were relevant to the SPP indicators.

In addition, a press release, discussing the federal requirements for the SPP and the public release of local district profiles detailing the performance of each local education agency located in the State on the targets in the SPP was released on December 19, 2007.

The SPP/APR will again be distributed to the Media through posting on the NJDOE website. NJOSEP will again issue a press release that discusses the SPP/APR submissions, USOSEP's determination of NJOSEP's implementation of the IDEA requirements; and the posting of districts profiles

**Distribution through public agencies:** NJOSEP distributed a memo to school districts, agencies, organizations and individuals concerned with special education, in accordance with the NJDOE's mass mailing procedures. The memo provided information with regard to: Federal Determinations Regarding States implementation of the IDEA, including USDOE's determination regarding NJOSEP's implementation of IDEA requirements; the requirement for State determinations of local districts; and the requirements for annual public reporting of local district performance. The memo included the SPP/APR website and the website for the USDOE's determination letter.  
(see memo at: <http://www.nj.gov/education/specialed/memos/102207idea.pdf>)

**Indicator #1: Graduation Rates****Revised****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 1, Graduation Rates, was originally discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 1 and reviewed the most recent baseline data which is from the 2003-2004 school year.

There was a general discussion of the data and the requirements for graduating with a regular diploma. NJOSEP proposed that the target be set at or near the graduation rate for all students.

**Stakeholder Input:** Meeting participants suggested a further analysis of data to determine which sub-groups of students are not graduating. Stakeholders believed this information would be useful in developing and implementing effective strategies to meet the target.

**Update to State Performance Plan Development:**

NJOSEP was required to include, in the FFY 2005 APR, due February 1, 2007, baseline data from the FFY 2004 (July 1, 2004 through June 30, 2005) as a revision to the SPP. Therefore, Indicator # 1 was again discussed with the stakeholders on January 10, 2007. The measurement, general education and special education calculations, baseline data for 2004-2005 and targets were reviewed. Between the January 10, 2007 and January 17, 2007 stakeholder meetings, NJOSEP reviewed and revised the trend data, presented to the stakeholders, when it was determined that students *who moved and were not known to be continuing* were not included in the drop-out calculations as required. Because the drop-out rate is used in calculating the graduation rate, this additional data and its relevance to targets were presented at the January 17<sup>th</sup> meeting. As a result of this presentation of data, the methodology for calculating the graduate rate was again discussed and the targets were revised.

***(The following items are to be completed for each monitoring priority/indicator.)***

**Monitoring Priority: Monitoring Priority: FAPE in the LRE**

**Indicator #1: Percent of youth with IEPs graduating from high school with a regular diploma compared to all youth in the State graduating with a regular diploma.**

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth.

**Explain calculation:**

***State Level data was used to calculate the baseline for graduation rates.***

Data to determine the rate of graduation for students in general education are collected by dividing the total number of students graduating by the total number of students graduating plus the total number that dropped out (grades 9 through 12) within the four year cohort for the students.

***A similar methodology is used to determine the graduation rate for youth with IEPs.*** Data regarding the number of students with disabilities who graduate are collected by dividing the total number of students with disabilities ages 17 – 21 graduating by the total number of students with disabilities graduating plus the number of dropouts for the current year and the total number of students with disabilities who dropped out (ages 14 – 16) within the three year cohort for the students. **(REVISED)**

**Overview of Issue/Description of System or Process:**

**Narrative that describes the conditions youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma. If there is a difference, explain why.**

There is only one State-endorsed high school diploma in New Jersey for all students, including students with disabilities. In order to graduate with a State-endorsed diploma in New Jersey, students must satisfy several requirements. Students must participate in a course of study of not fewer than 110 credits in courses designed to meet all of New Jersey’s Core Curriculum Content Standards. State regulations at *N.J.A.C. 6A:8-5.1(a)1* delineate minimum required credit totals for language arts, mathematics, science, social studies, health and physical education, visual or performing arts, world languages, technological literacy and career education. Methods for meeting the minimum credit requirement are also set forth at *N.J.A.C. 6A:8-5.1*.

Local attendance and other locally established requirements must also be met in order to receive a State-endorsed diploma, as well as all statutorily mandated graduation requirements. In addition, students must satisfy the statewide assessment requirements in order to receive a State-endorsed diploma.

State law requires that students with IEPs must meet all of these requirements unless exempted from a specific requirement through the IEP process. In such an instance, the student must satisfy graduation standards through alternate proficiencies as specified in his or her IEP.

**Baseline Data (REVISED):** As per Table A, Issues Identified in the State Performance Plan – USOSEP’s SPP Approval Letter, March 28 2006, NJOSEP was required to include, in the FFY 2005 APR, due February 1, 2007, baseline data from the FFY 2004 (July 1, 2004 through June 30, 2005) as a revision to the SPP.

**Baseline Data for 2004-2005:**

In 2004-2005, 91% of all students graduated with a State-endorsed diploma. For students with IEPs, the graduation rate was 74.99%. New Jersey’s rate of graduation for students with IEPs, while substantial, is below that of all students in New Jersey. The State will continue to work to increase graduation rates of students with IEPs.

**Discussion of Baseline Data (REVISED):** The methodology for calculating the graduation rate for all students and the graduation rate for students with IEPs is the same, but the population of “all students” is determined by grade level and the population of “students with IEPs” is determined by age. For all students, the graduation rate is determined by dividing the total number of students graduating by the total number of students graduating plus dropouts by grade level for the four year cohort. For students with IEPs, graduation rates are determined utilizing student age to determine the number of students graduating between the ages of 17 and 21 over the total graduates plus current dropouts, ages 17-21, and dropouts, ages 14-16, in the students’ cohort.

FFY	Measurable and Rigorous Target (REVISED)
2005 (2005-2006)	76% of students with IEPs will graduate with a regular diploma.
2006 (2006-2007)	77% of students with IEPs will graduate with a regular diploma.

2007 (2007-2008)	78% of students with IEPs will graduate with a regular diploma.
2008 (2008-2009)	79% of students with IEPs will graduate with a regular diploma.
2009 (2009-2010)	80% of students with IEPs will graduate with a regular diploma.
2010 (2010-2011)	81% of students with IEPs will graduate with a regular diploma.

**Improvement Activities/Timelines/Resources: Note: \*\*\*\* Indicates activity was the result of stakeholder input.**

**I. Data Collection and Analysis**

- a. There will be a continued review of the data system by NJOSEP to determine whether greater consistency between the two graduation rates can be achieved. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. Further analysis of data by disability category and by size of district will be conducted to inform future improvement strategies. **(Activity: 2005-2006 through 2006-2007)\*\*\*\***

**II. Policy and Regulation**

- a. The department proposed regulations on November 2, 2005 that will maintain the requirement to annually review the graduation proficiencies that a student is expected to meet. Modification to the requirements must be delineated in the student's IEP along with alternate proficiencies. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**III. Self-Assessment/Monitoring**

- a. Each district will be required to review its graduation rate at the time of self-assessment/monitoring. Districts that are below the state graduation rate for students with disabilities will develop an improvement plan to increase the rate of students with disabilities who graduate. In addition, NJOSEP will include the compliance requirements related to graduation in the self-assessment and onsite monitoring process **(Ongoing Activity: 2005-2006 through 2010-2011)**

**IV. Targeted Technical Assistance**

- a. Districts identified as non-compliant for issues related to graduation rate and/or districts targeted based on graduation rates will be provided technical assistance for the purpose of identifying improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011).**

**V. Program Development to Increase Student Engagement in Learning and Increase Graduation Rates**

- a. **Structured Learning Experience/Career Orientation Educator:** The New Jersey State Board of Education adopted regulations on March 2, 2005 that established a 60 hour



training requirement enabling certified teachers to serve as a coordinator of career awareness, career exploration, and/or career orientation. The regulation also establishes the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences. Structured Learning Experience (SLE) (*N.J.A.C. 6A:19-1.2*, NJDOE) means experiential, supervised educational activities designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved. All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor. Structured learning experiences may include, but are not limited to:

- (1) Apprenticeships;
- (2) Community service;
- (3) Cooperative education;
- (4) Internships;
- (5) Job shadowing;
- (6) School-based enterprises;
- (7) Volunteer activities;
- (8) Vocational student organizations; and
- (9) Work Experience Career Exploration Program (WECEP).

The purpose of the regulation was to increase the flexibility for districts to assign staff to these positions and to increase the State's and local school districts' capacity to provide appropriate transition services through work-based learning. To support implementation of the structured learning experience requirements, NJOSEP, in collaboration with the Office of Vocational - Technical, Career and Innovative Programs, sponsors workshops that: (a) enable appropriate school staff to meet the 60 hour structured learning experience training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- b. **Community-Based Instruction:** Through the New Jersey State Improvement Grant (NJSIG) partnership agreement with The Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ), a two-part workshop is being offered to school districts throughout the state that focuses on the development and improvement of community-based instruction (CBI). Consistent with the design of the NJSIG, workshops are intended to "provide information beyond the awareness level and change local district practices with regard to the provision of transition services." Workshop participants are expected to obtain the knowledge and skills needed to:
  - Plan and implement a new CBI program in vocational and community living areas or improve and expand an existing CBI program;

- Connect CBI activities to the New Jersey Core Curriculum Content Standards;
- Include CBI related goals and objectives in students' IEPs and provide increased opportunities for students with disabilities to acquire and generalize skills, processes, and routines, learned through community-based instruction.

Subsequent to the CBI workshops, NJOSEP and the Boggs Center will conduct a follow-up survey to determine the extent to which participating local school districts have changed practice with regard to CBI as part of the instructional program offered to students with disabilities. **(Activity: 2005-2006 and 2006-2007)**

- c. ***Middle School Literacy Initiative/Secondary Education Initiative:*** NJOSEP will expand its partnership with the Division of Abbott Implementation, Office of Urban Literacy, to its middle school and secondary school initiatives. These initiatives include:

- *Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)* - The LEADs model emphasizes working across disciplines, using interesting and contemporary literature, frequent writing, diverse texts, and targeted interventions for students reading two or more years below grade level;
- *Abbott Secondary Education Initiative (Grades 6 through 12)* – The Abbott Division has initiated a three-year project intended to strengthen the academic performance of Abbott district students in grades six through 12. Through this initiative targeted districts will develop plans to transform their high schools into smaller learning communities, designed to create a more rewarding learning environment for students and teachers and ensure that students have stronger connections to the school and community.

In collaboration with the Abbott Division, NJOSEP will ensure that the needs of students with disabilities are provided for and supported through these initiatives (e.g. interdivision trainings and technical assistance; grant agreements; policy directives, etc.). **(Activity: 2005-2006 through 2007-2008)**

- d. ***Student Leadership “Dare to Dream” Conferences:*** NJOSEP will continue to sponsor a series of regional student leadership conferences that provide training and guidance to students, parents, and school personnel in the areas of self-advocacy and legal rights and responsibilities. The conferences feature presentations by youth and young adults with disabilities. To support implementation of the conferences and the recruitment of increasingly more districts that incorporate self-advocacy and futures planning as an explicit part of the instructional program, NJOSEP will continue to sponsor training sessions for local school personnel on developing and implementing lesson plans that focus on self-discovery, IEP preparation, self-advocacy, and planning for the future. **(Ongoing Activity: 2005-2006 through 2010-2011).**

#### VI. Future Planning Activities:

- a. ***Date Review and Stakeholder Meetings:*** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.

**Indicator #2: Drop-Out Rates****Revised****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 2, Drop-Out Rates, was originally discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 2 and reviewed the most recent baseline data which is from the 2003-2004 school year.

There was a general discussion of the data and the calculation of the drop-out rate. NJOSEP proposed that the target be set at or near the drop-out rate for all students.

***Stakeholder Input:***

Participants in the meeting suggested a further analysis of data in order to determine which sub-groups of students with disabilities are dropping out and to identify those districts that have the highest drop-out rates. Stakeholders believed that these additional data analyses would inform the selection of future strategies and activities to meet the targets.

A question arose as to whether the measurement for the drop-out rate for students in the general education population was correctly described in the NJOSEP presentation. A further review was conducted after the stakeholder meeting. The correct description is provided below.

**Update to State Performance Plan Development:**

NJOSEP was required to include, in the FFY 2005 SPP, due February 1, 2007, baseline data from FFY 2004 (July 1, 2004 through June 30, 2005). Therefore, Indicator # 2 was again discussed with the stakeholders on January 10, 2007. The measurement, general education and special education calculations, baseline data for 2004-2005 and targets were reviewed. Between the January 10, 2007 and January 17, 2007 stakeholder meetings, NJOSEP revised the trend data when it was discovered that students who *moved and were not known to be continuing* were not included in the drop-out calculations, as required. This additional data and its relevance to targets were presented at the January 17<sup>th</sup> meeting. As a result of this presentation of data, the methodology for calculating the dropout rate was again discussed and the targets were revised.

***(The following items are to be completed for each monitoring priority/indicator.)***

<b>Monitoring Priority: Monitoring Priority: FAPE in the LRE</b>
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**Indicator #2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping-out of high school.**

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth.

**Explain calculation:**

***State level drop-out data was used to calculate the baseline for drop-out rates.***

Data to determine the drop-out rate for students in general education are collected by dividing the total number of students, grades 9 through 12 that dropped-out during the school year by the total number of students grades 9 through 12 enrolled for the school year.

Data are collected annually through the Report of Children with Disabilities Exiting Special Education to determine the drop-out rate of students with disabilities. On the exiting table, the number of students with disabilities that dropped-out for a given year is collected for students ages 14-21. This number is then divided by the total enrollment of students with disabilities ages 14-21 for that year in order to determine what percentage of the total number of students with disabilities are students with disabilities that dropped-out.

**The calculation used to determine drop-out rate for youth with IEPs and all youth. Measurement for youth with disabilities should be the same measurement as for all youth. If not, indicate the difference and explain why there is a difference.**

The calculation for determining the drop-out rate for students with disabilities and for nondisabled students is the same except the USDOE collects the information for students with disabilities by age and New Jersey collects the data for nondisabled students by grade.

**Overview of Issue/Description of System or Process:**

**Narrative that describes what counts as dropping out for all youth and, if different what counts as dropping out for youth with IEPs. If there is a difference, explain why.**

The New Jersey Constitution and statutes mandate that students ages 6 through 15 attend school either in public or private schools, or that they be home schooled during those ages. At ages 16 and 17, students may drop out of school with parental consent. Beginning at age 18, students may drop out of school without parental consent, unless the parents retain guardianship. Student ages 16 and older are no longer considered truant if they fail to attend school.

**Baseline Data (REVISED):** As per Table A, Issues Identified in the State Performance Plan – USOSEP’s SPP Approval Letter, March 28, 2006, NJOSEP was required to include, in the FFY 2005 APR, due February 1, 2007, baseline data from the FFY 2004 (July 1, 2004 through June 30, 2005) as a revision to the SPP.

**Baseline Data for 2005:**

In 2004-2005, the drop-out rate for all students was 2.0%. For students with IEPs, the drop-out rate was 5.43%.

**Discussion of Baseline Data: (REVISED)**

In order to assist in setting the targets for Indicator #2 and the development of strategies to meet the targets, NJOSEP has reviewed trend data. The data reveal the drop-out rate for students with disabilities has been at or near 5% with a slight increase in the drop-out rate for the 2004-2005 school year:

02-03 school year	5.19% of students with disabilities dropped out
03-04 school year	4.99% of students with disabilities dropped out
04-05 school year	5.43% of students with disabilities dropped out

FFY	Measurable and Rigorous Target (REVISED)
2005 (2005-2006)	The drop-out rate for students with IEPs will be at or below 5.0%
2006 (2006-2007)	The drop-out rate for students with IEPs will be at or below 4.9%
2007 (2007-2008)	The drop-out rate for students with IEPs will be at or below 4.8%
2008 (2008-2009)	The drop-out rate for students with IEPs will be at or below 4.7%
2009 (2009-2010)	The drop-out rate for students with IEPs will be at or below 4.6%
2010 (2010-2011)	The drop-out rate for students with IEPs will be at or below 4.5%

**Improvement Activities/Timelines/Resources:**

**Note:** \*\*\*\* Indicates activity was the result of stakeholder input.

**I. Data Collection and Analysis**

- a. NJOSEP will analyze the drop-out data to identify all K to 12 and secondary districts that are above the state dropout rate. **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\***
- b. As suggested by the stakeholders, NJOSEP will analyze which sub-group(s) of students with disabilities is dropping out (e.g. eligibility category, race/ethnicity). **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\***

**II. Policy/Regulation**

- a. On November 2, 2005, New Jersey proposed regulations to maintain age 14 as the beginning age for transition services and included amendments in its regulations governing transition to assist in improving educational outcomes for students with disabilities and, concomitantly, decrease drop-out rates that result from students being disaffected. **(Activity: 2005-2006)**
- b. New Jersey will monitor the effectiveness of these regulatory changes over time and, as determined necessary and appropriate, seek to incorporate other changes to assist in improving outcomes for students with disabilities, including a decrease in the drop-out rates for these students. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**III. Self-Assessment and Monitoring**

Each district will be required to review its drop-out rate at the time of self-assessment. Districts that have a drop-out rate above the State drop-out rate for students with disabilities but who are compliant with respect to the related monitoring requirements will develop an improvement plan to decrease the rate of students who drop out. Districts that are above the State drop-out rate and who are noncompliant with respect to the related monitoring requirements will develop an improvement plan to correct the noncompliance and decrease the drop-out rate. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**IV. Targeted Technical Assistance:** Districts identified as non-compliant for issues related to drop-out rates and/or districts targeted based on drop-out rates will be provided technical assistance for the purpose of identifying improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011).**

**V. Program Development to Increase Student Engagement in Learning and to Decrease the Drop-Out Rate**

**a. Structured Learning Experience/Career Orientation Educator:** The New Jersey State Board of Education adopted regulations on March 2, 2005 that established a 60 hour training requirement enabling certified teachers to serve as a coordinator of career awareness, career exploration, and/or career orientation. The regulation also establishes the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences. Structured Learning Experience (SLE) (*N.J.A.C. 6A:19-1.2*, NJDOE) means experiential, supervised educational activities designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved. All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor. Structured learning experiences may include, but are not limited to:

- (1) Apprenticeships;
- (2) Community service;
- (3) Cooperative education;
- (4) Internships;
- (5) Job shadowing;
- (6) School-based enterprises;
- (7) Volunteer activities;
- (8) Vocational student organizations; and
- (9) Work Experience Career Exploration Program (WECEP).

The purpose of the regulation was to increase the flexibility for districts to assign staff to these positions and to increase the state's and local school districts' capacity to provide appropriate transition services through work-based learning. To support implementation of the structured learning experience requirements, NJOSEP, in collaboration with the Office of Vocational -

Technical, Career and Innovative Programs, sponsors workshops that: (a) enable appropriate school staff to meet the 60 hour structured learning experience training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**b. Community-Based Instruction:** Through the New Jersey State Improvement Grant (NJSIG) partnership agreement with The Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ), a two-part workshop is being offered to school districts throughout the state that focuses on the development and improvement of community-based instruction (CBI). Consistent with the design of the NJSIG, workshops are intended to “provide information beyond the awareness level and change local district practices with regard to the provision of transition services.” Workshop participants are expected to obtain the knowledge and skills needed to:

- Plan and implement a new CBI program in vocational and community living areas or improve and expand an existing CBI program;
- Connect CBI activities to the New Jersey Core Curriculum Content Standards;
- Include CBI related goals and objectives in students’ IEPs and provide increased opportunities for students with disabilities to acquire and generalize skills, processes, and routines, learned through community-based instruction.

Subsequent to the CBI workshops, NJOSEP and the Boggs Center will conduct a follow-up survey to determine the extent to which participating local school districts have changed practice with regard to CBI as part of the instructional program offered to students with disabilities. **(Activity: 2005-2006 and 2006-2007)**

**c. Middle School Literacy Initiative/Secondary Education Initiative:** NJOSEP will expand its partnership with the Division of Abbott Implementation, Office of Urban Literacy, to its middle school and secondary school initiatives. These initiatives include:

- *Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)* - The LEADs model emphasizes working across disciplines, using interesting and contemporary literature, frequent writing, diverse texts, and targeted interventions for students reading two or more years below grade level;
- *Abbott Secondary Education Initiative (Grades 6 through 12)* – The Abbott Division has initiated a three-year project intended to strengthen the academic performance of Abbott district students in grades six through 12. Through this initiative targeted districts will develop plans to transform their high schools into smaller learning communities, designed to create a more rewarding learning environment for students and teachers and ensure that students have stronger connections to the school and community.

In collaboration with the Abbott Division, NJOSEP will ensure that the needs of students with disabilities are provided for and supported through these initiatives (e.g. interdivision trainings and technical assistance; grant agreements; policy directives, etc.). **(Activity: 2005-2006 through 2007-2008)**

**d. Student Leadership “Dare to Dream” Conferences:** NJOSEP will continue to sponsor a series of regional student leadership conferences that provide training and guidance to students, parents, and school personnel in the areas of self-advocacy and legal rights and

responsibilities. The conferences feature presentations by youth and young adults with disabilities. To support implementation of the conferences and the recruitment of increasingly more districts that incorporate self-advocacy and futures planning as an explicit part of the instructional program, NJOSEP will continue to sponsor training sessions for local school personnel on developing and implementing lesson plans that focus on self-discovery, IEP preparation, self-advocacy, and planning for the future. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- VI. *Date Review and Stakeholder Meetings:*** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.



**Indicator #3: Assessment****FFY 2007 Update for SPP Submitted February 2, 2009****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #3, Assessment, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview and explanation of the indicator. The presentation included information on the NCLB thresholds for adequate yearly progress for New Jersey schools and districts and a rationale for utilizing those rigorous targets for the special education subgroup.

**Stakeholder Input:**

The stakeholder group discussed the statistic that would be selected for the performance target. Stakeholders expressed a concern regarding the exclusion of students with disabilities due to the n size for the special education subgroup. As a result, a determination was made to use the statewide special education subgroup as the target to ensure that all students with disabilities are included in the measure.

Although there was some concern among the stakeholders regarding the use of such rigorous targets for the subgroup, the majority expressed agreement with using one set of annual goals for all students.

**Update to the FFY 2007 State Performance Plan - 2/2/09** - Students in grades 5 through 7 took a revised NJ ASK in FFY 2007. As a result, achievement standards were revised which required changes to AYP benchmarks. Since AYP benchmarks are developed by grade span and not by individual grade, this affected the AYP benchmarks for grades 3 through 8. Table 3A1 lists the revised benchmarks for language arts literacy and mathematics for each tested grade span. The revisions to the AYP benchmarks changed SPP targets for FFY 2008 through FFY 2010; therefore, Indicator 3 in the SPP has been revised. The NCLB Accountability Workgroup, a group of stakeholders, received the proposed AYP benchmark changes for review prior to adoption by the NJDOE and approval by the USDOE.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator # 3: Statewide Assessment - Participation and performance of children with disabilities on statewide assessments:**

- A. Percent of districts meeting the State's AYP objectives for progress for the disability subgroup.
- B. 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.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. (20 U.S.C. 1416(a)(3)(A))

**Measurement:**

- A. Percent = # of districts meeting the State’s AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.
  
- B. Participation rate =
  - a. # of children with IEPs in grades assessed;
  - b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
  - c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
  - d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
  - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall percent = b + c + d + e divided by a.

- C. Proficiency rate =
  - a. # of children with IEPs in grades assessed;
  - b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
  - c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
  - d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
  - e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a

**Overview of Issue/Description of System or Process:**

***State used the same assessments used for reporting under NCLB***

The New Jersey state assessment system currently includes state assessments in grades 3, 4, 8 and 11. These assessments are administered to measure achievement of the Core Curriculum Content Standards, our State’s academic standards, and to meet the requirements of the No Child Left Behind Act. The assessments are as follows:

Grade 3, 4	New Jersey Assessment of Knowledge and Skills (NJASK3, 4)
Grade 8	Grade Eight Proficiency Assessment (GEPA)

Grade 11 High School Proficiency Assessment (HSPA)

Alternate  
Assessment for  
Grades 3, 4, 8 and 11 Alternate Proficiency Assessment (APA)

Assessments for grades 5, 6 and 7 in mathematics and language arts literacy will be implemented in spring 2006.

Guidelines for the participation of students with disabilities in state assessments are included in state regulations. Students with disabilities must participate in the general state assessment for their grade or age unless they have not been instructed in any of the knowledge and skills assessed and they could not answer any of the types of questions on the assessment. Participation in the APA statewide has not exceeded the 1.0% cap imposed by the USDOE. Districts may apply for an exception to the cap if they meet specific criteria.

Each student's IEP team determines how the student will participate in state assessments – either the general assessment for the grade or age or the APA. Decisions are made by content area affording the students the opportunity to participate in the general assessment for one content area and in the APA for another. IEP teams also select accommodations and modifications for the general assessments, as needed, for students on an individual basis from a list developed by the Office of Evaluation and Assessment and the Office of Special Education Programs.

#### **Baseline Data for FFY 2004 (2004-2005):**

##### **A. Percent of districts meeting the State's AYP objectives for progress for the disability subgroup for 2005 (includes only districts that have a disability subgroup that meets the state's minimum 'n' size):**

For the 2004-2005 school year, 606 districts included grades that were tested in the statewide assessment system. Of those, 351 were not analyzed for the special education subgroup since less than 35 students with disabilities were assessed in the district. Of the remaining 255, a total of 54, or 21.1%, met the annual objective for adequate yearly progress in all tested grades and content areas (mathematics and language arts).

##### **B. and C. Participation and Performance Rates for Children with IEPs:**

Participation and performance data for the 2004-2005 school year are presented in Attachment 1 for each assessment and aggregated, combining the participation and proficiency rates for the general assessment and APA data for students in each tested grade and equivalent age group. Students who attempted to take the test but responded to less than 20% of the items in a content area received a voided score due to the lack of reliability of the potential true score.

##### **Discussion of Baseline Data:**

The state exceeds the NCLB requirement for a 95% participation rate in all tested grades except high school. The participation rate for the APA has not exceeded 1.0% at the state level demonstrating that IEP teams are making appropriate decisions regarding participation. Participation targets have been set higher than 95% for the elementary grades since IDEA requires all students with disabilities to participate in state assessments. In setting the final target, NJOSEP **accounted for any children in B (a), but not included in B (b), B (c), B (d), or B (e), and set the final target at 97% since each year, circumstances arise where some students, due to illness or other unexpected situation, are unable to participate in the assessments.**

Performance targets are consistent with the rigorous targets established for all children and include the provisions of safe harbor, consistent with NCLB. Although the disability subgroup is performing below the targets statewide in each content area, the NJDOE did not lower expectations for this

group. Since activities are aligned with general education initiatives to improve performance, (e.g., the literacy initiative), it was determined that establishing different targets would be counterproductive to the collaborative efforts occurring at the state and district levels.

FFY	Measurable and Rigorous Target  Participation and Performance-State Assessments
<p><b>2005</b> (2005-2006)</p>	<p><b>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</b></p> <p><b>B. 96.5% of students with IEPs in grades 3 through 8 will participate in the general assessment for their grade or age or the APA.**</b></p> <p><b>96% of students with IEPs in grade 11 will participate in the High School Proficiency Assessment or the APA.</b></p> <p><b>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</b></p>
<p><b>2006</b> (2006-2007)</p>	<p><b>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</b></p> <p><b>B. 96.5% of students with IEPs in grades 3 through 8 will participate in the general assessment for their grade or age or the APA.**</b></p> <p><b>96% of students with IEPs in grade 11 will participate in the High School Proficiency Assessment or the APA.</b></p> <p><b>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</b></p>
<p><b>2007</b> (2007-2008)</p>	<p><b>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</b></p> <p><b>B. 96.5% of students with IEPs in grades 3 through 8 will participate in the general assessment for their grade or age or the APA.**</b></p> <p><b>96% of students with IEPs in grade 11 will participate in the HSPA or the APA.</b></p> <p><b>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</b></p>

<p><b>2008</b> (2008-2009)</p>	<p><b>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</b></p> <p><b>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</b></p> <p><b>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</b></p> <p><b>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</b></p> <p><b>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</b></p> <p><b>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</b></p> <p><b>C. The percentage of students achieving a score of proficient or advanced proficient on state assessments in the special education subgroup will equal or exceed the annual measurable objective for performance in mathematics and language arts literacy.</b></p>

Table 3A1 AYP Objectives for Proficiency Rate for All New Jersey Students							
Content Area	Grade Level	FFY 2005	2006	2007	2008	2009	2010
Language Arts Literacy	3, 4 and 5	75	75	73	73	73	86
	6,7 and 8	66	66	72	72	72	86
	11	79	79	85	85	85	92
Mathematics	3, 4 and 5	62	62	69	69	69	84
	6, 7 and 8	49	49	61	61	61	80
	11	64	64	74	74	74	86

A district will be considered meeting the objective if the district reduces the partially proficient rate by 10% from the previous year. AYP is calculated by aggregating across grade spans listed in the table above.

**\*\*Participation in the APA will not exceed 1% of the tested population in a district unless an exception to the 1.0% limitation is granted by the NJDOE.**

#### Improvement Activities/Timelines/Resources:

- I. ***NJDOE Policy Implementation and Guidance:*** Annual training is conducted for teachers, administrators and child study team members regarding participation in state assessments, including the Alternate Proficiency Assessment (APA). Training for the APA is conducted collaboratively by the Office of Assessment and Evaluation and the Office of Special Education Programs. Training regarding general assessments and the participation of students with disabilities in these assessments is conducted by the Office of Assessment and Evaluation. Test Coordinator and Administrator manuals are distributed annually which include the participation criteria for general assessments and the APA and guidance regarding accommodations and modifications that may be administered during general statewide assessments. Procedures for administering the APA include a framework for instructing all students in the Core Curriculum Content Standards. Examples of instructional activities are provided during training to assist teachers in modifying instructional activities to address the needs of students with the most significant activities and to assist them in collecting student data for the assessment. **(Ongoing Activity: 2005-2006 through 2010-2011)**

#### II. Intensive Early Literacy and Collaboration with Office of Urban Literacy

- a. ***Policy Development and Implementation:*** The Office of Special Education Programs is collaborating with the Office of Urban Literacy to ensure that all students, including students with disabilities, receive high quality instruction that is consistent with the NJDOE Intensive Early Literacy initiative. Initially, this collaboration resulted in a guidance paper entitled "New Jersey Reading First, Intensive Early Literacy, and Office of Special Education Programs' Guidance on Provision of Services for Students with Disabilities. The guidance paper provides direction with regard to:
  - Access to Reading First and Intensive Early Literacy Programs, including minimum requirements for instructional time;
  - Diagnostic and Classroom-Based Assessment and Progress Monitoring;
  - Organization of Instruction;

- Access to Materials and Equipment; and
- Access to Professional Development of Special Education Teachers.

This guidance paper is serving as the basis for intensive early literacy program development and related NJOSEP professional development activities in Abbott school districts. Additionally, the guidance paper will serve as a technical assistance tool for low performing non-Abbott districts and schools. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- b. **Cooperative Grant Agreement:** A cooperative grant agreement, *Providing Quality Intensive Early Literacy Instruction to Students with Disabilities*, was made available to each of the Abbott districts, with the expectation that programs, kindergarten through grade 4, will be organized to improve instruction in general education to eliminate inappropriate and unnecessary referral of students to special education and to ensure quality early literacy instruction for students appropriately identified as eligible for special education. Twenty-seven of the Abbott districts entered into the agreement that stipulates the following goal and objectives:

Grant Goal: To close the achievement gap of students with disabilities and nondisabled students in Abbott school districts as demonstrated by performance on the ASK 3, ASK 4, and the Terranova, grades K,1, and 2.

Grant Objectives:

- Grant Objective 1 - Assign special education literacy resource coach(es) to build instructional support for administrators, other literacy coaches and general and special education teachers in school buildings and classrooms that provide instruction to students with disabilities, grades K-3.
  - Grant Objective 2 - Organize and implement a program of instructional support through coaching that provides sustained contact with other literacy coaches and general and special education teachers responsible for the education of students with disabilities, to learn, practice, and refine instructional and assessment practices grounded in scientifically based reading research.
  - Grant Objective 3 - Organize and implement a professional development program for other literacy coaches and general education and special education teachers focused on organizing and delivering instruction based on the principles of the NJDOE IEL. **(Activity: 2005-2006 through 2006-2007)**
- c.. **Middle School Literacy Initiative/Secondary Education Initiative:** NJOSEP will expand its partnership with the Division of Abbott Implementation, Office of Urban Literacy, to its middle school and secondary school initiatives. These initiatives include:
- *Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)* - The LEADs model emphasizes working across disciplines, using interesting and contemporary literature, frequent writing, diverse texts, and targeted interventions for students reading two or more years below grade level;
  - *Abbott Secondary Education Initiative (Grades 6 through 12)* – The Abbott Division has initiated a three-year project intended to strengthen the academic performance of Abbott district students in grades six through 12. Through this initiative targeted districts will develop plans to transform their high schools into smaller learning communities, designed to create a more rewarding learning environment for students

and teachers and ensure that students have stronger connections to the school and community.

In collaboration with the Abbott Division, NJOSEP will ensure that the needs of students with disabilities are provided for and supported through these initiatives (e.g. interdivision trainings and technical assistance; grant agreements; policy directives, etc.). **(Activity: 2005-2006 through 2007-2008)**

- II. **Collaborative Assessment and Planning for Achievement (CAPA):** The New Jersey Department of Education has instituted a review process for schools in need of improvement entitled, Collaborative Assessment and Planning for Achievement (CAPA). This process has established performance standards for schools related to school leadership, instruction, analysis of state assessment results, and use of assessment results to inform instruction for all students in the content standards. Through a collaborative effort between the Division of Student Services and the Abbott Division, the CAPA process includes a review of the inclusion of students with disabilities and special education staff members in school-based initiatives focused on improving results for students. Individuals with knowledge of special education are part of the CAPA review teams and a protocol for interviewing teachers and administrators relative to the needs of special education students within school-based improvement initiatives has been developed and implemented. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- III. **Family Literacy Initiative:** In collaboration with the Office of Reading First and the Statewide Parent Advocacy Network (SPAN), NJOSEP is implementing a family literacy initiative. This initiative involves training teams of educators and parents, representing Reading First districts, to turnkey literacy strategies in order to involve families in the literacy learning of their children with an emphasis on students with disabilities grades kindergarten through three. **(Activity: 2005-2006 through 2006-2007)**
- IV. **Self-Assessment/Monitoring:** Participation in statewide assessment is reviewed as part of the compliance monitoring process. IEPs are reviewed to ensure that they include decisions regarding participation in the general assessment or the alternate assessment and accommodations, if the student will be taking the general assessment in any content area. Performance results are also reviewed as part of self-assessment. Districts review the results and determine if improvement activities are needed.  
  
Participation and performance results will be reviewed in districts selected for focused monitoring during the 2006-2007 school year.
- V. **Targeted Technical Assistance:** Districts identified as non-compliant for issues related to student participation in statewide assessments and/or districts targeted based on performance rates will be provided technical assistance for the purpose of identifying improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011).**
- VI. **Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to:  
(a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**



Attachment 1 – State Assessment Data

2005 SPECIAL EDUCATION STUDENTS LANGUAGE ARTS LITERACY SUMMARY												
DATA	General Testing Program: NJASK 3, 4, GEPA (Grade 8) and HSPA (Grade 11)						APA				Overall %	
	No Accommodations			Accommodations								
3	14,891	3,334	21.1%	14,891	10,921	69.0%	944	857	944	6.0%	96.0%	
4	16,545	3,050	17.4%	16,545	12,864	73.6%	935	832	935	5.3%	96.4%	
8	18,171	2,532	13.3%	18,171	14,925	78.2%	910	824	910	4.8%	96.3%	
11	14,525	2,836	18.6%	14,525	10,999	72.0%	760	698	760	5.0%	95.5%	
	No Accommodations			Accommodations								
Grade	Enrollment	N Count Prof + Adv Prof	P or AP**	Enrollment	N Count Prof + Adv Prof	P or AP	Enrollment	Valid Scores	N Count Prof + Adv Prof	P or AP	P or AP	
3	14,891	2,563	16.4%	14,891	5,424	34.3%	944	857	702	4.4%	55.1%	
4	16,545	2,104	12.2%	16,545	5,556	31.8%	935	832	684	3.9%	47.9%	
8	18,171	772	4.1%	18,171	4,096	21.5%	910	824	692	3.6%	29.2%	
11	14,525	695	4.6%	14,525	3,405	22.3%	760	698	600	3.9%	30.8%	

\*Void = Attempted  
\*\* Proficient or Advanced Proficient

SPP Template – Part B (3)

**New Jersey**  
State

2005 SPECIAL EDUCATION STUDENTS MATHEMATICS SUMMARY											
DATA											
General Testing Program: NJASK 3,4, GEPA (Grade 8), or HSPA (Grade 11)							APA				ALL
Grade	Enrollment	No Accommodations		Enrollment	Accommodations		Enrollment	Valid Scores	N Count Valid + Void	Participate	Participate
		N Count Valid + Void	Participate		N Count Valid + Void	Participate					
3	14,891	3,341	21.1%	14,891	10,902	68.8%	944	833	944	6.0%	95.9%
4	16,545	3,055	17.5%	16,545	12,865	73.6%	935	813	935	5.3%	96.4%
8	18,171	2,516	13.2%	18,171	14,897	78.1%	910	827	910	4.8%	96.0%
11	14,525	2,751	18.0%	14,525	10,791	70.6%	760	691	760	5.0%	93.6%
Grade	Enrollment	No Accommodations		Enrollment	Accommodations		Enrollment	Valid Scores	N Count Prof + Adv Prof	P or AP	P or AP
		N Count Prof + Adv Prof	P or AP		N Count Prof + Adv Prof	P or AP					
3	14,891	2,635	17.0%	14,891	6,502	41.1%	944	833	641	4.0%	62.1%
4	16,545	2,222	12.9%	16,545	6,511	37.2%	935	813	652	3.7%	53.9%
8	18,171	632	3.4%	18,171	3,278	17.2%	910	827	635	3.3%	23.9%
11	14,525	695	4.6%	14,525	3,405	22.3%	760	691	549	3.6%	30.5%
Grade	Valid Scores	No Accommodations		Valid Scores	Accommodations		Enrollment	Valid Scores	N Count Prof + Adv Prof	P or AP	P or AP
		N Count Prof + Adv Prof	P or AP		N Count Prof + Adv Prof	P or AP					
3	14,181	2,635	17.8%	14,181	6,502	43.9%	944	833	641	4.2%	65.9%
4	15,803	2,222	13.5%	15,803	6,511	39.6%	935	813	652	3.9%	57.0%
8	17,322	632	3.5%	17,322	3,278	18.3%	910	827	635	3.5%	25.3%
11	13,488	695	5.0%	13,488	3,405	24.3%	760	691	549	3.9%	33.1%

**Indicator #4A: Suspension/Expulsion****FFY 2006 Update for SPP Submitted February 1, 2008****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicators # 4A and # 4B, Suspension/Expulsion, were discussed at the stakeholder meeting held on November 3, 2005. At the meeting, staff from the NJOSEP presented an overview of the indicator and reviewed the baseline data from the 2004-2005 school year.

There was a general discussion of the data and the calculation of the suspension and expulsion rate. NJOSEP proposed a target that would cut the rate in half for students with disabilities by the 2010 -11 school year.

**Stakeholder Input:**

Stakeholders discussed the calculation. Subsequent to the stakeholder meeting, NJOSEP staff determined that an error was made in calculating the percentage of districts having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. Inaccurate figures were presented at the stakeholder meeting. The targets were adjusted to reflect the corrected numbers.

**FFY 2006 Update to State Performance Plan Development**

A stakeholder meeting was conducted on January 11, 2008. The methodology for calculating significant discrepancy was reviewed with the stakeholders. Difficulties in the current system were discussed and an alternate methodology was proposed. Targets for subsequent school years were reset.

NJOSEP explained that comparable data for general education students is not collected. Stakeholders believed that as part of the “drill down” process, NJOSEP should review available data for general education students, since it may inform the targeted review process of determining reasons for excessive suspensions and expulsions for greater than 10 days in a school year.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE**

**Indicator #4A: Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.**

**Measurement:**

**4A.** Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.

**FFY 2006 Update – Revision to definition of “Significant Discrepancy”**

**“Significant discrepancy” is defined as a suspension rate of greater than five times the baseline statewide average (i.e., a rate of more than 3%)**

**FFY 2006 Update – Revision to definition of “Significant Discrepancy”**

**Rationale for Revision of Significant Discrepancy:** To determine the percentage of school districts that were identified as having significant discrepancies in the rate of suspension/expulsions of students with disabilities for greater than 10 days in a school year, the districts were stratified into four groups by student enrollment according to the following:

- Under 2,000 students enrolled
- 2,000 to 5,000 students enrolled
- Over 5,000 to 10,000 students enrolled
- Over 10,000 students enrolled

The mean and standard deviation were calculated for each group using the unduplicated count of children with disabilities suspended or expelled for more than 10 school days. Significant discrepancy was defined as one standard deviation above the mean within each of four enrollment groups.

Based on three years of data, the continued use of a standard deviation has proven to be an unsatisfactory measure of significant discrepancy. As districts improve their performance by reducing the number students with disabilities suspended or expelled beyond 10 days, there is less variance among the districts. With the mean and standard deviation reducing, more rather than fewer districts are identified as having a significant discrepancy. For this reason, a new methodology is needed to ensure that significant discrepancy is measured appropriately and that districts with a significant discrepancy are accurately identified.

NJOSEP used a set number of times above the state average to determine significant discrepancy. This method was used by seven other states as stated in the *Analysis of Part B State Performance Plans (SPP) Summary Document, Compiled 8/01/07*, provided to the State’s by USOSEP – page 68.

Specifically, first, NJOSEP calculated the baseline state average (i.e., a rate of .6%). Second, NJOSEP used a multiple of the baseline statewide average (i.e. more than 5 x the state average) to determine local districts demonstrating a significant discrepancy. Third, NJOSEP determined that a minimum enrollment of greater than 75 students with disabilities (i.e. 76 and greater) would be used to identify the districts with a significant discrepancy. A minimum number of more than 75 students with disabilities was used as small numbers of students with disabilities were found to distort percentages. In summary, school districts with more than 75 school-age students with disabilities that had a suspension rate of more than 3% percent were identified as having significant discrepancy in their rate among LEAs.

**FFY 2006 Update to Overview of Issue/Description of System or Process****Describe how data are to be collected so that the State will be able to report “revised” baseline data and “revised targets”**

In March of 2000, districts began reporting incidents of disciplinary action directly to the NJDOE over the Internet on the Electronic Violence and Vandalism Reporting System (EVVRS).

The collection of data for general education students relates only to the four categories of violence, vandalism, weapons and substance abuse. ***The collection of data with respect to students with disabilities is the same information required by Table 5, Section A, Columns 3A, 3B and 3C of the Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served.***

***The data collection for students with disabilities is not limited to the four categories of violence, vandalism, weapons and substance abuse. Rather, this collection includes disciplinary action for any violation of the school’s code of conduct that results in removals summing to more than 10 days or for a single episode that results in a removal for more than 10 consecutive days.***

The following information is collected:

- The number of removals summing to 10 school days in a year
- The number of removals of more than 10 (consecutive) school days in a year
- The unduplicated count of students with disabilities
- The racial and ethnic background of the students.

**Comparison Used to Examine Suspension and Expulsion Data:** Given the differences in the two data collections described above, NJOSEP compared suspension and expulsion data **among local educational agencies within the State**, using data from the *Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days* of the Annual Report of Children Served.

**FFY 2006 Update to Baseline Data**

**Revision to Baseline Data from 2004-2005:**

**1171 students with disabilities suspended beyond 10 days/194963 students with disabilities<sup>1</sup> = 0.6%  
x 5 = 3%**

**20 districts with significant discrepancy/626<sup>2</sup> districts of residence = 3.2% of districts have significant discrepancy**

**February 2008 Update to Measurable and Rigorous Target**

FFY	Revised Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 3.2%.</b>
<b>2006</b> (2006-2007)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 3.2%</b>
<b>2007</b> (2007-2008)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 3.2%</b>

<sup>1</sup> This figure represents the number of students with disabilities of the districts that reported incidents of removals greater than 10 days.

<sup>2</sup> This figure includes charter schools. It does not include non-operating school districts or education services commissions, jointure commissions or special services school districts because these education agencies do not report suspensions or expulsions. They are reported by the sending districts. It should be noted that the number of districts may vary from year to year as charter schools open/or districts regionalize or dissolve regional relationships.

<p><b>2008</b> (2008-2009)</p>	<p><b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 3.0%</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 2.8%.</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 2.6%.</b></p>

**Improvement Activities/Timelines/Resources:**

**REVISION – Required Action:** As per Table B – Previously identified Issues in the State Performance Plan – USOSEP’s SPP Approval Letter, March 28 2006, NJOSEP was required to provide documentation of the results of its review of policies, procedures and practices relating to the development and implementation of IEPs, including the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with the Act, in those districts where significant discrepancies were identified.

**I. Targeted Review of Discipline Requirements:** Based on the 2004-2005 data analysis, the 13 districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will undergo a targeted review of discipline requirements in order to include data in the APR submitted February 1, 2007 (see Indicator 4A – APR). Districts found to be noncompliant with regard to discipline requirements will be directed to correct noncompliance within a year.

**II. Self-Assessment/Monitoring and Improvement Planning**

Annually, districts with a significant discrepancy in their rates of suspension and expulsions of children with disabilities for greater than 10 days overall and by race and ethnicity will be identified through analysis of data from the EVVRS.

For districts reviewed for compliance through self-assessment, NJOSEP has realigned its self-assessment/ monitoring system to be consistent with the SPP indicators. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and their data compared to state targets. Following the review, conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets.

In the new monitoring cycle, districts identified for self-assessment that have not been identified as having a significant discrepancy in the rate of suspension and expulsion of students with disabilities for the previous year, complete a protocol comparing their policies, procedures and practices relative to best practice in positive behavioral interventions and supports to identify needs for continuous improvement and review compliance requirements related to discipline. Other related requirements, such as IEP provisions, will also be reviewed. Districts that self-identify noncompliance will be required to correct noncompliance within one year. Verification of progress toward correction will be conducted within six months of identification of noncompliance by monitors and supervisors of child study. Districts that identify needs for continuous improvement will be required to develop and implement improvement strategies to make progress toward the next year’s SPP target. Improvement strategies will include, but not be limited to:

- District and building level data collection and analyses for suspension and expulsion rates as well as for Office Discipline Referrals;
- Review and revision of discipline policies and practices consistent with compliance requirements;
- Review of suspension notices, Functional Behavioral Assessments (FBAs), and IEPs to determine how challenging behavior of suspended students is being addressed;
- Review and revision of code of conduct to include positively stated expectations and recognition system;
- Development of building-wide system of positively stated expectations and recognition system;
- Development of targeted interventions for areas/programs with high rates of discipline problems;
- Development of consistent classroom management strategies;
- Development of functional behavioral assessments and design of student intervention programs;
- Development of targeted small group interventions focused on development of alternative skills and/or student support systems (e.g. mentoring/check in check out systems)
- Parent – Family Involvement
- Linkages to support systems within and beyond the school (family and/or student support);
- Instructional Supports and Accommodations – (e.g. IEP accommodations, curricular modifications);
- Review of discipline requirements with administrators assigned responsibility for discipline.

Based on the results of the self-assessment, NJOSEP will determine the type and extent of technical assistance needed, if any, to develop and implement improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011)**

### III. Data Collection and Analysis:

NJOSEP will continue to analyze suspension/expulsion data to assure that all districts with significant discrepancies are identified and appropriate improvement strategies are implemented.

NJOSEP is conducting an analysis of data across SPP indicators in order to identify school districts that have not demonstrated progress in relation to several indicators. These data reviews will inform the targeting of districts for self-assessment/monitoring for the 2007-2008 school year. **(Ongoing Activity 2005-2006 through 2010-2011)**

### IV. Information Dissemination: Revised Discipline Requirements

#### a. Policy/Regulatory Changes:

Changes in disciplinary requirements became effective on July 1, 2005. NJOSEP developed a guidance document to advise districts, parents and all persons interested in special education of the new requirements. Federal disciplinary requirements are being incorporated by reference into the New Jersey Administrative Code for special education (N.J.A.C. 6A:14). **(Ongoing Activity: 2005-2006 through 2010-2011)**

**b. Discipline Requirements Brochure:**

NJOSEP developed and distributed a two-page brochure outlining requirements for disciplinary action. **(Activity: 2005-2006)**

**V. School-wide Positive Behavior Supports in Schools/Functional Behavioral Assessment and Positive Behavior Supports**

- a. New Jersey Association of School Psychologists Network:** Ten New Jersey school districts have been implementing a system of school-wide positive behavior supports (SWPBS) in one or more school buildings as part of the NJSIG initiative to include an increased number of students with disabilities in general education programs. Several of these districts have demonstrated reduced “office discipline referrals” as well as improved school climates within a two year period.

Based on the effective application of the principles of school-wide positive behavior supports, NJOSEP, through the NJSIG partnership with the Boggs Center, UMDNJ, will scale-up the use of school-wide behavior intervention strategies through a proactive collaboration with the New Jersey Association of School Psychologists. This collaboration is intended to result in the identification of 10 school districts (approximately 20 buildings) that have a data-based need to implement a school-wide system of positive behavior supports.

In July 2006 a group of school psychologists will participate in two days of training on school-wide positive behavior supports, along with their respective building leadership teams. Beginning in September 2006, the school psychologists will receive monthly technical assistance from NJSIG project staff to prepare them to facilitate their leadership teams to implement SWPBS. **(Activity: 2005-2006 through 2007-2008)**

- VI. Data Review and Stakeholder Meetings:** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.



**Indicator #4B: Suspension/Expulsion****New Indicator****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicators # 4A and # 4B, Suspension/Expulsion, were discussed at the stakeholder meeting held on November 3, 2005. At the meeting, staff from the NJOSEP presented an overview of the indicator and reviewed the baseline data from the 2004-2005 school year.

**Update to State Performance Plan Development**

Indicator # 4B was discussed at the stakeholder meeting held on January 17, 2007. The indicator, measurement, and method of determining “significant discrepancy” were presented. Additionally, the number of districts determined to have a significant discrepancy, with regard to the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity, was discussed. NJOSEP presented the overlap between the districts identified for “significant discrepancy” with regard to Indicator 4A, for 2004-2005 and 2005 -2006, and the process of targeted review.

**Stakeholder Input**

While the stakeholders did not disagree with the process NJOSEP used to determine “significant discrepancy”, one stakeholder believed the measurement itself was not informative regarding discipline practices for students with disabilities.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator: #4B - Rates of suspension and expulsion**

**B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities by race and ethnicity.**

**Measurement:**

4B. Percent = # of districts identified by the State as having a significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity divided by # of districts in the State time 100.

**“Significant discrepancy” was defined by multiple calculations as indicated below:**

- Initially, a Fisher Exact test was performed to determine if there was **statistical significance** between the rates of suspensions and expulsions of children with disabilities for greater than 10 days for each racial group compared to all other students with disabilities.
- The districts with a Fisher exact value of less than 0.05 are considered as districts with statistically significant discrepancies.
- As a second step, three additional measures were used to further establish the discrepancy:
  - 1). unweighted risk ratio (minority risk/non-minority risk) calculated for the selected districts;

- 2). Risk difference (Minority risk – Non-minority risk) is used as another measure for the selected districts;
  - 3). As a third measure, impact of the # of students (over inclusion of suspensions/expulsions) of each race is calculated.
- All the districts were then ranked by individual measure. A double weight was given to impact of over inclusion.
  - Finally the three ranks of each district were totaled and the districts with lower ranks were chosen as those with significant discrepancies.

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07 through the SPP**

**Overview of Issue/Description of System or Process:**

In March of 2000, districts began reporting incidents of disciplinary action directly to NJDOE over the Internet on the Electronic Violence and Vandalism Reporting System (EVVRS).

The collection of data for general education students relates only to the four categories of violence, vandalism, weapons and substance abuse. ***The collection of data with respect to students with disabilities is the same information required by Table 5, Section A, Columns 3A, 3B and 3C of the Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served.***

***The data collection for students with disabilities is not limited to the four categories of violence, vandalism, weapons and substance abuse. Rather, this collection includes disciplinary action for any violation of the school's code of conduct that results in removals summing to more than 10 days or for a single episode that results in a removal for more than 10 consecutive days.***

The following information is collected:

- The number of removals summing to 10 school days in a year
- The number of removals of more than 10 (consecutive) school days in a year
- The unduplicated count of students with disabilities
- The racial and ethnic background of the students.

**Comparison Used to Examine Suspension and Expulsion Data:** Given the differences in the two data collections described above, NJOSEP compared suspension and expulsion data **among local educational agencies within the State**, using data from the *Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days* of the Annual Report of Children Served.

**Baseline Data for FFY 2005:** There were 593 operating school districts in New Jersey and 51 charter schools the 2005-2006 school, for a total of 644 local education agencies. Of 166 districts reporting incidents of removals of more than 10 days:

- 9 districts were identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities removed for more than 10 school days in a year.

**9/644 = .01 x 100 = 1% of districts had a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.**

**Discussion of Baseline Data for FFY 2005**

- Initially, a Fisher Exact test was performed to determine if there was **statistical significance** between the rates of suspensions and expulsions of children with disabilities for greater than 10 days for each racial group compared to all other students with disabilities.
- The districts with a Fisher exact value of less than 0.05 are considered as districts with statistically significant discrepancies.
- As a second step, three additional measures were used to further establish the discrepancy:
  - 1). unweighted risk ratio (minority risk/non-minority risk) was calculated for the selected districts;
  - 2). Risk difference (Minority risk – Non-minority risk) was used as another measure for the selected districts;
  - 3). As a third measure, impact of the # of students (over inclusion of suspensions/expulsions) of each race was calculated.
- All the districts were then ranked by individual measure. A double weight was given to impact of over inclusion, i.e., the difference between the number expected and the number observed.)
- Each of the districts identified as having a “significant discrepancy” suspended/expelled 10 students greater than expected for a particular racial group.

<b>Significant Discrepancy – Black</b>	<b>Significant Discrepancy - Hispanic</b>
<b>6 districts</b>	<b>3 districts</b>

Based on the 2005-2006 data analyses, there were 9 districts that demonstrated a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity. Of the 9 districts, 5 districts had been identified for targeted review based on the data analysis for Indicator 4A during the 2004-2005 and have been directed to correct identified non-compliance. Of the remaining 4 districts, 2 were previously identified for targeted review based on the data analysis for Indicator 4A during the 2005-2006 school year and are scheduled for a targeted review. The remaining two districts will be added to the schedule for targeted review.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	<b>Not applicable – Baseline Year</b>
<b>2006 (2006-2007)</b>	<b>1% of districts will have a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity.</b>

<p><b>2007</b> (2007-2008)</p>	<p><b>0% of districts will have a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity.</b></p>
<p><b>2008</b> (2008-2009)</p>	<p><b>0% of districts will have a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity.</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>0% of districts will have a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity.</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>0% of districts will have a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity.</b></p>

**Improvement Activities/Timelines/Resources:**

*Describe how the State education agency reviewed and, if appropriate, revised (or required the affected local educational agencies to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this requirements.*

**I. Targeted Review of Discipline Requirements:** Based on the 2005-2006 data analyses, there were districts that demonstrated a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity. Of the 9 districts, 5 districts had been identified for targeted review based on the data analysis for Indicator 4A during the 2004-2005 and have been directed to correct identified non-compliance. Of the remaining 4 districts, 2 were previously identified for targeted review based on the data analysis for Indicator 4A during the 2005-2006 school year and are scheduled for a targeted review. The remaining two districts will be added to the schedule for targeted review. **(2005-2006 – 2006-2007)**

**II. Self-Assessment/Monitoring and Improvement Planning**

Annually, districts with a significant discrepancy in their rates of suspension and expulsions of children with disabilities for greater than 10 days overall and by race and ethnicity will be identified through analysis of data from the EVVRS.

For districts reviewed for compliance through self-assessment, NJOSEP has realigned its self-assessment/ monitoring system to be consistent with the SPP indicators. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and their data compared to state targets. Following the review, conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets. **(2006-2007 – 2110-2011)**

In the new monitoring cycle, districts identified for self-assessment that have not been identified as having a significant discrepancy in the rate of suspension and expulsion of students with disabilities

for the previous year, complete a protocol comparing their policies, procedures and practices relative to best practice in positive behavioral interventions and supports to identify needs for continuous improvement and review compliance requirements related to discipline. Other related requirements, such as IEP provisions, will also be reviewed. Districts that self-identify noncompliance will be required to correct noncompliance within one year. Verification of progress toward correction will be conducted within six months of identification of noncompliance by monitors and supervisors of child study. Districts that identify needs for continuous improvement will be required to develop and implement improvement strategies to make progress toward the next year's SPP target. Improvement strategies will include, but not be limited to:

- District and building level data collection and analyses for suspension and expulsion rates as well as for Office Discipline Referrals, by race and ethnicity
- Review and revision of discipline policies and practices consistent with compliance requirements;
- Review of suspension notices, Functional Behavioral Assessments (FBAs), and IEPs to determine how challenging behavior of suspended students is being addressed;
- Review and revision of code of conduct to include positively stated expectations and recognition system and responsiveness to the diversity of the student population in the district;
- Development of building-wide system of positively stated expectations and recognition system;
- Development of targeted interventions for areas/programs with high rates of discipline problems;
- Development of consistent classroom management strategies;
- Development of functional behavioral assessments and design of student intervention programs;
- Development of targeted small group interventions focused on development of alternative skills and/or student support systems (e.g. mentoring/check in check out systems)
- Parent – Family Involvement
- Linkages to support systems within and beyond the school (family and/or student support);
- Instructional Supports and Accommodations – (e.g. IEP accommodations, curricular modifications);
- Review of discipline requirements with administrators assigned responsibility for discipline.

Based on the results of the self-assessment, NJOSEP will determine the type and extent of technical assistance needed, if any, to develop and implement improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011)**

### III. *Data Collection and Analysis*

NJOSEP will continue to analyze suspension/expulsion data to assure that all districts with significant discrepancies are identified and appropriate improvement strategies are implemented.

NJOSEP is conducting an analysis of data across SPP indicators in order to identify school districts that have not demonstrated progress in relation to several indicators. These data reviews will inform the targeting of districts for self-assessment/monitoring for the 2007-2008 school year. **(Ongoing Activity 2005-2006 through 2010-2011)**

**IV. *Information Dissemination: Revised Discipline Requirements***

**a. Policy/Regulatory Changes:**

Changes in disciplinary requirements became effective on July 1, 2005. NJOSEP developed a guidance document to advise districts, parents and all persons interested in special education of the new requirements. Federal disciplinary requirements are being incorporated by reference into the New Jersey Administrative Code for special education (N.J.A.C. 6A:14). **(Ongoing Activity: 2005-2006 through 2010-2011)**

**b. Discipline Requirements Brochure:**

NJOSEP developed and distributed a two-page brochure outlining requirements for disciplinary action. **(Activity: 2005-2006)**

**V. **Data Review and Stakeholder Meetings:**** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.

**SPP Template – Part B (3)**

**New Jersey**

State

TABLE 5, SECTION B

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED FOR MORE THAN 10 DAYS:  
SCHOOL YEAR 2005-2006

STATE: NJ - NEW JERSEY

Section B

Children with Disabilities Ages 3-21	1. Unilateral Removals to an Interim Alternative Educational Setting by School Personnel			2. Removals to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Suspensions or Expulsions > 10 Days <sup>1</sup>		
	A. Unduplicated Count of Children	B. Number of Unilateral Removals for Drugs	C. Number of Unilateral Removals for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/Expulsions > 10 Days	C. Number of Children with Multiple Suspension/Expulsions Summing to > 10 Days
1. American Indian or Alaska Native	0	0	0	0	1	0	1
2. Asian/Pacific Islander	0	0	0	0	9	0	9
3. Black, not Hispanic	26	13	16	2	623	14	611
4. Hispanic	9	5	4	2	280	13	267
5. White, not Hispanic	14	8	8	5	629	30	603
6. Total	49	26	28	9	1542	57	1491

<sup>1</sup>Include only out-of-school suspensions.

COMPUTED TOTALS                      49                      26                      28                      9                      1542                      57                      1491

## Indicator #5: School Age LRE

### Part B State Performance Plan (SPP) for 2005-2010

#### Overview of the State Performance Plan Development: School Age LRE

Indicator # 5, Placement in the Least Restrictive Environment for students with disabilities, ages 6 to 21, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 5 and reviewed the most recent baseline data and trend data for three school years beginning with the 2002-2003 school year and ending with the 2004-2005 school year. The data presented included a comparison of statewide placement data with the national baseline for all students with disabilities and a comparison of the placement data by eligibility category with state and national data. The review also noted where there were improvements in the last three years as well as where slippage had occurred. While NJOSEP staff reviewed data on the three placement categories to be addressed in the SPP, emphasis was focused on the category of separate settings as the percent of students with disabilities educated in separate settings in New Jersey is slightly more than two and a half times the national average.

Additionally, NJOSEP staff discussed regulations proposed to the New Jersey State Board of Education, on November 2, 2005, supporting the placement of students with disabilities in general education programs.

#### **Stakeholder Input:**

A discussion with the stakeholder group ensued, regarding possible reasons for the high percentage of students with disabilities being educated in separate settings. The following explanations were offered by the stakeholders:

- A history of private schools within the state
- Lack of space within district
- Parental preference
- Low incidence populations
- A perception that districts do not have the expertise to instruct students with challenging academic and behavioral needs
- The lack of specialized programs being operated on the site of public school campuses
- A lack of funding/incentives to establish programs within school districts

The following points were also discussed:

- To move a percentage point in one category means changing the placements of more than 2100 students with disabilities for the first year.
- The system is fluid with students entering and exiting the system as well as students moving in and out of placement categories.
- Changes in the percentage of students educated in separate settings may initially increase the percentage of students who are removed from the general education classroom for more than 60% of the day.

Following the presentation of data and the large group discussion, the stakeholders were divided into four groups to set targets and identify strategies that would likely be effective in meeting the targets. This small group activity was facilitated by Dr. Kristin Reedy, NERRC.

With respect to setting targets for placement in a separate setting, the stakeholders seemed to reach consensus and suggested a target of 8% by the 2010-11 school year. Suggested strategies to meet the targets included:



- Continue to review data:
  - Look at the number of students who are in 40% to 80% category for movement in the system
  - By age, race and district size
  - Determine the category of disability for students who are placed in out of district placements
- Focus new construction on the needs of students with disabilities
- Training
  - Training staff in general classrooms on how to work with students who have mild cognitive disabilities
  - All staff should be trained on least restrictive environment
  - Educate parents on the benefits of inclusion
- Review policies at the district level
- Create guidelines for districts to follow
- Promote creative partnerships between school districts and separate private and public schools to develop inclusive programs and models
  - Give grants to increase funding to bring students back into district
- Each student placed in separate settings should have a plan for transitioning the student back into the district
  - Involve parents in the planning process
- Districts should have a staff person “dedicated” to promoting inclusion
  - Administrators of successful inclusion efforts should mentor administrators of districts in need
- Positive outcomes of inclusion should be reported
  - Achievement data
  - Reallocation of staff resources
  - Fiscal savings

All participants agreed that additional meetings are needed to further review the topic of LRE and determine whether any adjustments might be needed in the targets or improvement activities/strategies.

***(The following items are to be completed for each monitoring priority/indicator.)***

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator #5 - Percent 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; or**
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.**

**Measurement:** A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.

B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total number of students aged 6 through 21 with IEPs times 100.

C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

**Overview of Issue/Description of System or Process:**

New Jersey regulations at Chapter 6A:14 require that all students be educated in the least restrictive environment, and that the first consideration for placement of all students shall be the general education classroom. Determination of restrictiveness of placement is in accordance with the above measurements.

**Baseline Data for FFY 2004 (2004-2005):**

- A. 41.9% of students with disabilities were removed from regular class less than 21% of the day
- B. 17.8% of students with disabilities were removed from regular class greater than 60% of the school day
- C. 10.3% of students with disabilities were served in public or private separate schools, residential placements, or homebound or hospital placements

**Discussion of Baseline Data:**

To assist in establishing the targets and to obtain information regarding strategies that would likely result in meeting the targets, the NJOSEP reviewed statewide trend data for the last three years according to the placement categories addressed in the SPP.

**Table 1**  
**Statewide Trend Data**

School Year	Removed < 21% #	%	Removed >60% #	%	Separate Settings #	%	# of SWD
02-03	84,425	41.2	35,948	17.5	21,055	10.3	205,077
03-04	86,869	41.6	36,108	17.3	21,469	10.3	208,804
04-05	88,870	41.9	37,769	17.8	21,848	10.3	212,258

Statewide trend data, Table 1 above, revealed that the percentage of students with disabilities removed from the general education setting less than 21% of the day has slowly and steadily increased since the 2002-2003 school year, which represents improvement. The percentage of students with disabilities removed from general education settings for more than 60% of the day has increased by 1.7% from the 2002-2003 school year. It is not possible to determine with certainty whether this represents improvement or set back as the data system does not have the capability of tracking individual students to determine where the students were placed previously or whether these are students entering the system for the first time. Additionally, the data revealed that the percentage of students with disabilities who are placed in separate settings has remained constant over the last three years.

The percentage of students removed for less than 21%<sup>3</sup> or removed for greater than 60%<sup>4</sup> of the day is near the national average, while the percentage of students with disabilities in separate settings<sup>5</sup> is approximately two and a half times greater than the national average. While continuing efforts to improve opportunities for students with disabilities to be included in general education settings, the NJOSEP will pay particular attention to reducing the percentage of students with disabilities who are placed in separate settings. Towards that end, NJOSEP reviewed additional data including the percentage of students within an eligibility category placed in separate settings, improvement or slippage and the percentage of students placed in separate settings by eligibility category compared with all students with disabilities in separate settings.

**Table 2**  
**Eligibility Category: Multiply Disabled**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students MD</b>
02-03	2,650	11.2	7,169	30.3	8,840	37.3	23,688
03-04	2,941	11.8	7,283	29.2	9,144	36.6	24,953
04-05	3,357	12.7	7,772	29.4	9,487	35.9	26415

As reflected in Table 2 above, there has been a steady increase in the percentage of students in the Multiply Disabled (MD) eligibility category, who are removed for less than 21% of the day (an 11.8% increase from the 02-03 school year). However, the percentage of students in the MD eligibility category

<sup>3</sup> The numbers and percentages cited here differ from those reported to the US Department of Education (USDOE) on the December 1 counts because they do not include students with disabilities served in nonpublic schools. For the 04-05 school year, the percentage of students reported to USDOE who were removed from the general education setting less than 21% of the day is 46%. This represents a 4% difference from the national baseline of 50%.

<sup>4</sup> The numbers and percentages cited here differ from those reported to the US Department of Education on the December 1 counts because they do not include students with disabilities served in nonpublic schools. For the 04-05 school year, the percentage of students reported to the USDOE who were removed for more than 60% of the day is 16%. This represents a 3% difference from the national baseline of 19%.

<sup>5</sup> The numbers and percentages cited here differ from those reported to the US Department of Education (USDOE) on the December 1 counts because they do not include students with disabilities served in nonpublic schools. For the 04-05 school year, the percentage of students reported to the USDOE who were placed in separate settings was 9.6%. This represents a two and a half times the national baseline of 3.8%.

who are removed from general education less than 21% of the day is 12.7% as compared with the state rate of 41.9%. Almost 36% of students in the MD eligibility category are placed in separate settings. While there has been a steady decrease (a 3.8% decrease from the 02-03 school year) in the percentage of students that are placed in separate settings, the percentage is more than three times the state rate of all students with disabilities in separate settings.<sup>6</sup> Additionally, students in the MD eligibility category represent 12.4% of all students with disabilities in New Jersey and 43.2% of all students placed in separate settings for the 04-05 school year.

**Table 3**  
**Eligibility Category: Emotionally Disturbed**

School Year	# Removed <21%	%	# Removed >60%	%	# Separate Settings	%	# of Students ED
02-03	2,961	21.8	2,775	20.4	4,617	34	13,599
03-04	3,102	23.5	2,651	20.1	4,408	33.4	13,189
04-05	3,039	24.0	2,627	20.7	4,152	32.8	12,677

Table 3 above, indicates that there has been a steady increase in the percentage of students removed for less than 21% of the day (a 10% increase from the 02-03 school year). However, 24% of students in the Emotionally Disturbed (ED) eligibility category are removed from the general education setting less than 21% of the day as compared with the state rate of 41.9% for all students with disabilities. However, nationally, the percentage of students in the ED eligibility category, removed from the general education setting for less than 21% of the day, is 30%<sup>7</sup>. Approximately 33% of students in the ED eligibility category are placed in separate settings. While there has been a steady decrease in the percentage of students placed in separate settings (a 5.8% decrease from the 02-03 school year), the percentage of students in the ED eligibility category placed in separate settings is three times the state rate of all students with disabilities in separate settings. In addition, the percentage of students in the ED eligibility category educated in separate settings in New Jersey is approximately twice the national baseline (16.9%)<sup>8</sup> of students in the ED eligibility category placed in separate settings. Additionally, students in the ED eligibility category represent 6% of all students with disabilities in New Jersey and 19% of all students placed in separate settings for the 04-05 school year.

<sup>6</sup> National data for students who are Multiply Disabled are reported together with data for other low prevalence disabilities. Therefore, no comparison with national data is offered with respect to this eligibility category.

<sup>7</sup> Based on the December 1, 2003 count updated as of July 31, 2004 and reported by the U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

<sup>8</sup> Based on the December 1, 2003 count updated as of July 31, 2004 and reported by the U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

**Table 4**  
**Eligibility Category: Specific Learning Disability**

School Year	# Removed <21%	%	# Removed >60%	%	# Separate Settings	%	# of Students SLD
02-03	41,042	39.7	16,258	15.7	2,142	2	103,324
03-04	41,412	40.7	15,639	15.4	2,107	2	101,760
04-05	41,001	41.2	15,766	15.8	2,094	2	99,528

Students in the Specific Learning Disability (SLD) eligibility category, Table 4 above, represent 47% of all students with disabilities in New Jersey. The data revealed that the distribution of these students is near the national baseline (49%) for the percentage of students in the SLD eligibility category removed for less than 21% of the day and is slightly above the national baseline (13%) for students in the SLD eligibility category removed more than 60% of the day. Although the percentage is significantly below the state baseline, the percentage of students in the SLD eligibility category is twice the national baseline (1%) for students in the SLD eligibility category in separate settings.

**Table 5**  
**Eligibility Category: Autistic**

School Year	# Removed <21%	%	# Removed >60%	%	# Separate Settings	%	# of Students Autistic
02-03	576	13.8	1,159	27.9	2,022	48.6	4,161
03-04	747	15.2	1,378	28.0	2,293	46.6	4,919
04-05	927	16.2	1,651	28.8	2,553	44.5	5,738

There has been a 17.4% increase from the 02-03 school year in the percentage of students in the Autistic eligibility category who have been removed for less than 21% of the day (Table 5 above). While this represents significant improvement, the percentage of students in the Autistic category, who are removed from the general education setting less than 21% of the day, is 16.2% as compared with the state rate of 41.9%. While there has been a 6.4% decrease in the percentage of students in the Autistic category placed in separate settings from the 02-03 school year, the percentage of students in the Autistic

category placed in separate settings is four times the state rate of all students with disabilities in separate settings.<sup>9</sup> Additionally, students in the Autistic category represent 2.7% of all students with disabilities in New Jersey and 11.7% of all students with disabilities placed in separate settings for the 04-05 school year.

**Table 6**  
**Eligibility Category - Other Health Impaired**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students OHI</b>
02-03	6,098	46.9	1,846	14.2	840	6.5	13,009
03-04	7,793	48	2,179	13.4	964	5.9	16,225
04-05	9,345	48	2,596	13.4	1,130	5.9	19,252

As indicated in Table 6 above, forty-eight percent (48%) of students in the Other Health Impaired (OHI) eligibility category are removed for less than 21% of the day. The percentage exceeds the state baseline and is almost on par with the national baseline. The percentage represents a 2% increase from the 02-03 school year. The percentage of students in the OHI category who are placed in separate settings is almost 6%. There has been a 9% decrease in the percentage of students in the OHI category placed in separate settings from the 02-03 school year. The percentage of students in the OHI category who are placed in separate settings is approximately one and a half times the national baseline, but less than the state rate of all students with disabilities in separate settings. Additionally, students in the OHI category represent 9% of all students with disabilities in New Jersey and 5.2 % of all students with disabilities placed in separate settings for the 04-05 school year.<sup>10</sup>

<sup>9</sup> National data for students with Autism are reported together with data for students with low prevalence disabilities including multiple disabilities, deaf-blind, traumatic brain injury, hearing impairments and visual impairments. Therefore, no comparison with national data is offered.

<sup>10</sup> National data for students who are other health impaired are reported together with data for students with orthopedic impairments. Therefore, no comparison with national data is offered.

**Table 7**  
**Eligibility Category: Mental Retardation**

School Year	# Removed <21%	%	# Removed >60%	%	# Separate Settings	%	# of Students MR
02-03	409	6.6	3030	48.8	1394	22.5	6,209
03-04	413	6.5	3115	49.3	1409	22.3	6,322
04-05	304	4.8	3271	51.9	1340	21.2	6,306

Approximately 5% of students in the Mental Retardation (MR) eligibility category are removed for less than 21% of the day as compared with 41.9% of all students with disabilities (Table 7 above). This represents a 25.6% decrease from the 02-03 school year. More than half of all students in the MR category are removed from the general education setting for more than 60% of the day. This is almost three times the state baseline. The percentage of students in the MR category placed in separate settings is 21.2% and has decreased from the 02-03 school year by 5.8%. However, the percentage of students in the MR category in separate settings is twice the state average for all students with disabilities in separate settings. Additionally, the percentage of students in the MR category who are served in separate settings is more three times the national baseline (6.3%) of students in the MR category in separate settings. Students in the MR category represent .03% of all students with disabilities in New Jersey and 6.1 % of all students with disabilities placed in separate settings for the 04-05 school year.

The USDOE reports data for low prevalence disabilities which includes students with Hearing Impairment, Traumatic Brain Injury, Deaf-Blindness, Autism and Visually Impairments. The national baseline for students with low prevalence disabilities in separate settings is 16.4%<sup>11</sup>. In New Jersey, 35.9% of students with low prevalence disabilities were placed in separate settings for the 04-05 school year.

**Summary:**

Students in the SLD eligibility category represent almost half of the students with disabilities in New Jersey. The distribution of these students across placement categories appears to approximate state and national baselines with respect to students who are removed for less than 21% of the day and who are removed for more than 60% of the day. However, with respect to students with SLD who are served in separate settings, the percentage in New Jersey is twice the national baseline. Thus, while NJOSEP must remain vigilant to ensure that districts continue to provide opportunities in the general education setting for students in the SLD category, efforts must also focus on students in other eligibility categories. Students who are in the MD, Autism, ED or MR eligibility categories collectively represent approximately 21% of all students with disabilities in New Jersey (45,574 students with disabilities). However, they represent 80% of the students with disabilities served in separate settings. Efforts to include students with disabilities in general education settings must focus on students in these eligibility categories.

<sup>11</sup> Based on the December 1, 2003 count updated as of July 31, 2004 and reported by the U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

FFY	Measurable and Rigorous Target
<p><b>2005</b> <b>(2005-2006)</b></p>	<p>A. <b>41.9</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>17.8</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>10.3</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<p><b>2006</b> <b>(2006-2007)</b></p>	<p>A. <b>42.1</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>18.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>10.0</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<p><b>2007</b> <b>(2007-2008)</b></p>	<p>A. <b>42.5</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>18.5</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>9.5</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<p><b>2008</b> <b>(2008-2009)</b></p>	<p>A. <b>43.0</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>19.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>9.0</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<p><b>2009</b> <b>(2009-2010)</b></p>	<p>A. <b>43.5</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>19.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>8.5</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<p><b>2010</b> <b>(2010-2011)</b></p>	<p>A. <b>44.0</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>19.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>8.0</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>



Improvement Activities/Timelines/Resources:

NOTE: \*\*\*\* Indicates Activity Recommended by Stakeholders

I. Data Analysis

- a. **Specific Data Analysis:** NJOSEP will review placement data by age range, size of district, and racial/ethnic groups to determine whether any adjustments should be made to targets or improvement activities/strategies. The results of this data review and analysis will be shared at future stakeholder meetings. **(Activity: 2005-2006)\*\*\***
- b. **Ongoing Data Analysis:** NJOSEP will continue to review all placement data to determine whether strategies and activities are effective in meeting the targets. The results of this data review and analysis will be shared at future stakeholder meetings. **( Ongoing Activity: 2005-2006 through 2010-2011)**

II. Policy and Regulation:

- a. **Proposed Regulations:** On November 2, 2005, the department proposed several regulatory changes intended to facilitate placement of students with disabilities in general education programs. These proposed regulations include, but are not limited to:
  - When a student is placed in a separate setting, activities necessary to transition the student to a less restrictive placement must be considered annually;
  - Students may not be removed from the general education classroom solely based on needed modifications to the general education curriculum;
  - Clarification that the restrictiveness of a program option is based solely on the amount of time a student is educated outside the general education setting;
  - Clarification was provided that all students shall be considered for education in the general education class with supplementary aids and services including:
    - Curricular or instructional modifications;
    - Individual instruction;
    - Assistive technology;
    - Teacher aides;
    - Related services;
    - Integrated therapies;
    - Consultation services; and
    - In-class resource programs.
  - Supplemental aids and services must be provided in the general education classroom to enable students with disabilities, to the greatest extent possible, to be educated with non-disabled peers;
  - Teacher aides may provide supplementary support in areas including:

- Prompting, cuing and redirecting student participation;
- Reinforcing of personal, social, behavioral, and academic learning goals;
- Organizing and managing materials and activities; and
- Implementation of teacher-designed follow-up and practice activities.

**(Activity: 2005-2006)**

**b. Revised Private School Application Process:** In June of 2004 the NJDOE initiated a moratorium on submission of applications for approval as a private school for students with disabilities so that NJOSEP staff could revise the application procedures. The revised application process was finalized in February 2005. Listed below are some of the additional/revised requirements:

- An enhanced program description, including activities to ensure enrolled students have an opportunity to interact with non-disabled peers; expanded description of the behavior management system, including current research studies upon which the behavior management system will be based and staff training in behavior management practices;
- An expanded description of curriculum;
- A student and program evaluation component;
- Information on personnel requirements, which previously addressed certification and criminal record review has been expanded to address the highly qualified teacher requirements of NCLB;
- A component for pre-service and in-service training for staff.

In addition to the existing regulatory compliance review by NJOSEP staff of the proposed program description, a program quality review was added. This review will include a panel of professionals with demonstrated knowledge and experience in the area(s) of educational disabilities that the proposed program intends to serve.

The procedures continue to ensure that there is a need for the new program. Potential referrals must total a minimum of 24 public school placements, within appropriate age ranges and with similar special education needs. Needs assessment data must document that special classes can be formed according to guidelines contained in the New Jersey Administrative Code 6A:14-4.

A new component of the application process involves a subsequent review by a county panel, consisting of county superintendent or designee, public school district representatives, and receiving school representative(s) who will contact districts and exiting receiving schools to ensure that no other existing appropriate programs are available that can serve these students. **(Ongoing Activity: 2005-2006 through 2010- 2011)**

**c. Legislative Collaboration:** NJOSEP will examine the need for legislative activity in order to further the development of inclusive educational programs. **(Activity: 2005-2006)**

**III. Implementation of Adopted Regulations:** Following the adoption of the New Jersey Administrative Code a series of training sessions will be conducted to assist in the implementation of the requirements listed above. **(Activity: 2006-2007 through 2008-2009)**

- IV. Self-Assessment/Monitoring and Focused Monitoring:** As part of the current compliance monitoring process, districts and charter schools review their placement data relative to state averages and identify areas of need related to placement in the least restrictive environment, the availability of a continuum of services and the decision making process which is documented in each student's IEP. Monitors verify the self-assessment findings during an onsite visit. Monitors also review improvement plans. Implementation of the plans is verified by the County Supervisor of Child Study from the county where the district is located. Although a number of districts have identified placement as an area of need, and implemented strategies to increase the number of students in general education settings, statewide data have not changed significantly.

As a result, NJSOEP will institute a focused monitoring system which will target those districts with the highest number of students in separate placements. Ten districts will be selected each year and a team of monitors and technical assistance providers will work with the district to review district procedures, policies and practices for prereferral intervention, identification, evaluation, eligibility determinations and IEP development to identify the root causes for the high rate of placement in separate settings. Both building and district level policies and practices will be reviewed. The team will work with the district to develop an improvement plan to achieve compliance and expand general education options for students.

A compliance monitoring process, including self-assessment and improvement plan development will also be instituted beginning in FFY 2006 requiring districts to complete more extensive analysis of placement trends. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- V. Targeted Technical Assistance:** Districts identified as non-compliant for issues related to placement of students with disabilities in the least restrictive environment and/or high rates of placement in separate special education settings will be targeted for technical assistance regarding the development and implementation of improvement strategies including the development of a plan to transition students from separate special education settings to education settings with nondisabled peers. **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\*\***
- VI. Local Capacity Building and Improvement Grants/Inclusion Facilitation Network:** NJOSEP has continued to support implementation of its Local Capacity Building and Improvement Grants intended to serve as a catalyst for systemic change. Targeted local school districts originally had a percentage of 6% or greater of students with disabilities educated in separate education and/or facilities. The Cadre 1 grants will continue through September 30, 2006 and the Cadre 2 grants will be implemented through September 30, 2007.

For the remainder of the grant project period, grant implementation will be supported by NJOSEP, through its partnership with the Boggs Center, UMDNJ and the NJOSEP Learning Resource Center Network. Capacity districts will have the opportunity to participate in training and technical assistance sessions in a variety of areas, including but not limited to:

- use of assistive technology to support students with disabilities in general education programs;
- use of paraeducators to support students with disabilities in general education programs; and
- strategies for sustainability of inclusive practices including allocation/reallocation of staff and fiscal resources.

In addition, a resource document will be developed by the Boggs Center, documenting effective practices used by the Capacity Building Districts. The document will be disseminated statewide and posted on the NJDOE website and will provide a means of publicizing "success stories." as suggested by the stakeholder group. **(Activity: 2005-2006 through 2007-2008) \*\*\*\*\***

**VII. Planning Grants:** NJOSEP will develop cooperative grant agreements that will be offered to local school districts, with the highest placement of students with disabilities in separate special education settings, for the purpose of initiating or continuing the process of planning the transition of students with disabilities from separate special education settings to general education programs. **(Activity: 2005-2006 through 2008-2009)**

**VIII. State Capacity Building**

**a. Inclusive Support Options**

**i. Assistive Technology Training, Technical Assistance, and Guidelines:** NJOSEP, through the NJSIG partnership with the New Jersey Department of Human Services, Office of Education, is planning a series of training sessions for local school district personnel focused on the consideration of assistive technology to support the education of students with disabilities in general education sessions. During the 2005-2006 and 2006-2007 school years, teams of school personnel will be trained on “Integration of Assistive Technology in the Educational Process.” Participants will also be invited to attend an Assistive Technology Vendor Fair where they will have an opportunity to learn more about assistive technology devices. The content of the training sessions will be translated into guidelines that will be disseminated to school districts during the 2006-2007 school year. **(Activity: 2005-2006 through 2006-2007)**

**ii. Assistive Technology Technical Assistance Center:** NJOSEP will develop a targeted, competitive Notice of Grant Opportunity for the establishment of an Assistive Technology Technical Assistance Center. It is intended that the services provided by the Center will include, but not be limited to:

- Information and Referral Services
- Equipment Consultations and Demonstrations
- Lending Libraries of Equipment, Adaptive Devices, Augmentative Communication Devices and Toys
- Assistive Technology Workshops and Technical Assistance
- Product and Vendor Information.

The request for proposal will be developed 2005-2006; released no later than September 2006; with an anticipated start date of May 2007. The funding for the Center will be for a thirty-six month period. **(Activity: 2005-2006 through 2009-2010)**

**b. School-wide Positive Behavior Support Team:** In order to “scale-up” the use of school-wide behavior supports, as a means of building district capacity to educate students with disabilities in general education programs, NJOSEP is expanding the NJSIG staff at the Boggs Center, UMDNJ to provide training and technical assistance to targeted districts. Among the targeted districts are those placing a high percentage of students with disabilities and/or a disproportionate number of minority students, in separate special educational settings because of behavioral challenges. **(Activity: 2005-2006 through 2007-2008).**

**c. Paraeducator Guidelines and Technical Assistance Sessions:** NJOSEP, through the NJSIG partnership agreement with the Boggs Center, UMDNJ is developing guidelines that clarify the role of paraeducators in supporting students with disabilities in general education programs. Additionally, the guidelines will describe the “Instructional Triad Model”

consisting of a general education teacher, paraeducator, and a special education staff member who work collaboratively to plan and implement the supports provided by a paraeducator. NJOSEP has been piloting the triad model in six districts and has prepared training material that will be incorporated into the paraeducator guidelines. The paraeducator guidelines will be disseminated in the Fall 2006 and technical sessions will be conducted statewide beginning in the Fall 2006. **(Activity: 2005-2006 through 2010-2011).**

- d. **Inclusion Family Institutes and Teleconferences:** NJOSEP, through the NJSIG partnership with the Statewide Parent Advocacy Network (SPAN), will continue to conduct Inclusion Institutes on a regional basis that highlight the benefits of inclusion and provide a forum for discussing implementation issues. Additionally, SPAN through the NJSIG, will organize and implement a statewide teleconference similarly highlighting the benefits of inclusion and examples of effective inclusive practices. **(Activity 2005-2006 through 2006-2007)**
- e. **Intensive Early Literacy Initiative:** A cooperative grant agreement, *Providing Quality Intensive Early Literacy Instruction to Students with Disabilities*, was made available to each of the Abbott districts, with the expectation that programs, kindergarten through grade 4, will be organized to improve instruction in general education to eliminate inappropriate and unnecessary referral of students to special education and to ensure quality early literacy instruction for students appropriately identified as eligible for special education. Through this grant agreement, it is expected that an increased number of students with disabilities will receive high quality literacy instruction in general education programs. **(Activity 2005-2006 through 2006-2007)**
- f. **Educational Interpreter Professional Development Centers:** NJOSEP continues to fund two Educational Interpreter Professional Development Centers to support the certification for an Educational Interpreter adopted by the State Board of Education in December 2003. The centers were established to provide the following services: (a) assessment of interpreting performance skills for Sign Language, Cued Speech and Oral Transliteration; (b) development of performance skill improvement plans; (c) professional development activities for the purpose of improving skill level and fluency; (d) review of transcripts and (e) the provision of 15 semester hour credits of professional education coursework. **(Activity: 2005-2006)**

- IX. **Data Review and Stakeholder Meetings:** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.

**Indicator #6: Preschool LRE****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 6, Preschool LRE, was discussed at the second stakeholder meeting held on November 3, 2005. The presentation of Indicator # 6 followed the presentation of Indicator # 5, School Age LRE. NJOSEP staff (619 Programs) presented an overview of the indicator and provided information to the stakeholders on the federal categories for reporting preschool placement data, since it is significantly different than school-age. The discussion included information regarding the requirements for local districts that are not mandated to administer general education preschool programs (77% of the districts) and the requirements for local districts that are mandated to provide general education preschool programs (23%).

**Stakeholder Input:**

Possible reasons for the high percentage of preschool children with disabilities being placed in separate special classes were discussed with the stakeholders. The reasons were similar to those noted in Indicator # 5 for the school aged population. In addition, the following challenges were discussed:

- A history of private schools within the state providing preschool programs;
- The lack of typical early childhood programs being operated on the site of public school campuses;
- A lack of funding/incentives to establish general education early childhood programs within school districts;
- Barriers to the provision of FAPE in the LRE in districts that do not administer or contract for general education preschool programs include: space, additional program administration, program requirements, contracts and teacher certification;
- Barriers to the provision of FAPE in the LRE for districts mandated to provide early childhood educational programs (Abbott districts) include: responding to both the mandates for class size and the provision of services to children transitioning from early intervention on their third birthday at varying times through the school year as well as the provision of supports in district contracted early childhood centers;
- Historically, very few preschool children receive early childhood special education in the home, which is considered an inclusive environment according to the measurement for this indicator; and
- A lack of funding/incentives to establish programs within school districts

Following the presentation of data and the large group discussion, the stakeholders were divided into four groups to set targets and identify strategies that would likely be effective in meeting the targets. This small group activity was facilitated by Dr. Kristin Reedy, NERRC and followed the same structure as the School Age LRE activity.

With respect to setting the target for increasing inclusive environments for preschoolers with disabilities, the suggested targets ranged from 30% to 50% by the 2010-11 school year. Suggested strategies to meet the targets included:

- Continue to review data annually with stakeholders.
- District long range facility plans (5 years) provide appropriate space for preschool programs designed to include preschool children receiving special education and related services.

- Encourage districts to open early childhood programs by providing the following incentives:
  - Grants
  - Strong Curriculum
  - State provided technical assistance and best practices
  - Charge tuition
- Training
  - Training for district child study team members and parents on the research supporting the inclusion of preschool children with disabilities in early childhood environments with their peers.
  - All staff should be trained on least restrictive environment, the options for preschool and the continuum.
- Review policies at the district level.
- Create guidelines for districts to follow in the provision of information to families supporting inclusion at preschool.
- Promote creative partnerships between school districts and separate private and public schools to develop inclusive programs and models.
- Require districts to partner with local community based programs.
- Require districts to identify on a preschool child's IEP a percentage of the day/week to be with non-disabled peers.
- Continued education of families, early intervention providers, and district to the benefits of inclusion beginning at preschool.
- Education and technical assistance to the early childhood system.
- Districts should have a staff person “dedicated” to promoting inclusion.
- Administrators of successful inclusion efforts should mentor administrators of districts in need.
  - Positive outcomes of inclusion should be reported.
  - Create fiscal incentives for districts to support the cost of early childhood settings to increase the implementation of IEPs for preschool children in the least restrictive environment.
  - Create fiscal incentives for the regionalization of services for the preschool population.

All participants agreed that additional meetings are needed to further review the topic of LRE and determine whether any adjustments might be needed in the targets or strategies.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE**

**Indicator #6:** 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).

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

**Overview of Issue/Description of System or Process:**

New Jersey regulations at Chapter 6A:14 require that all students be educated in the least restrictive environment, and that the first consideration for placement of all students, including preschool children, shall be the general education classroom.

**Baseline Data for FFY 2004 (2004-2005):**

**Statewide Trend Data**

Providing Access to Early Childhood Programs to Children with IEPs (Ages 3-4)									
December 1 Counts									
	Total	GEN_ED	SPEC_ED	GEN_SPEC	IT_HOME	IT_NOT_HOME	SEP_PUB	SEP_PRI	RES
2001	9,632	1,458	6,111	497	62	23	799	682	0
2002	10,519	1,762	6,758	388	65	24	756	757	9
2003	11,106	1,018	7,224	1,042	84	412	642	682	2
2004	11,615	1,198	7,569	1,079	74	281	791	622	1
Percentages									
	Total	GEN_ED	SPEC_ED	GEN_SPEC	IT_HOME	IT_NOT_HOME	SEP_PUB	SEP_PRI	RES
2001	100%	15%	63%	5%	1%	0%	8%	7%	0%
2002	100%	17%	64%	4%	1%	0%	7%	7%	0%
2003	100%	9%	65%	9%	1%	4%	6%	6%	0%
2004	100%	10%	65%	9%	1%	2%	7%	5%	0%

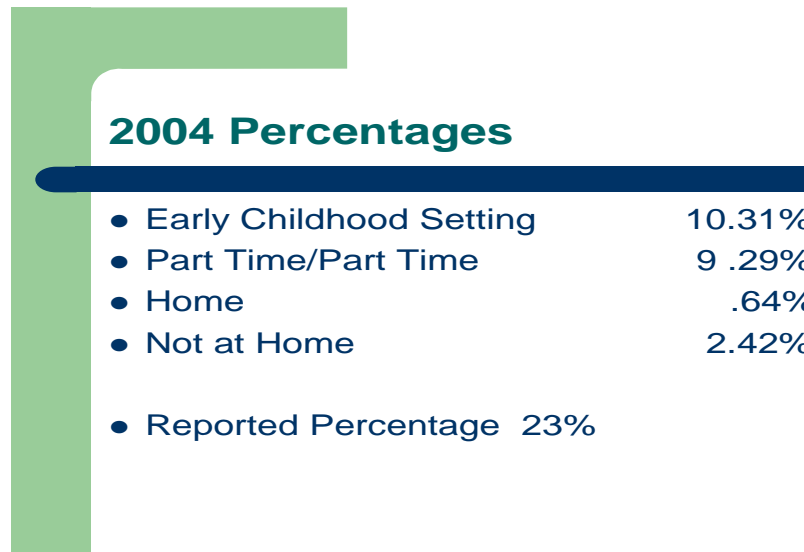
**District data is available for the public on the Department of Education’s web site.**



**Discussion of Baseline Data:**

Statewide, the preschool population identified as eligible for special education and related services has increased consistently by an average of six percent since 2001. The last two years show an increase in preschool inclusion of 2% and a decrease in separate settings of 2%.

The preschool population identified as eligible for special education and related services identified in the thirty-one Abbott school districts has decreased by an average of 6% every year since 2001. The data in 2004 shows the preschool inclusion rate average for Abbott districts is at 35%, higher than the state average of 23%.



FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>23%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2006</b> (2006-2007)	<b>25%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2007</b> (2007-2008)	<b>28%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2008</b> (2008-2009)	<b>30%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2009</b> (2009-2010)	<b>35%</b> percent of preschool children with IEPs receive special education services in settings with typically developing peers
<b>2010</b> (2010-2011)	<b>40%</b> of preschool children with IEPs receive special education services in settings with typically developing peers

**Improvement Activities/Timelines/Resources:****NOTE: \*\*\*\* Indicates Activity Recommended by Stakeholders****I. Data Analysis**

- a. **Specific Data Analysis:** NJOSEP will review placement data by age, size of district, and racial/ethnic groups to determine whether any adjustments should be made to targets or strategies. The results of this data review and analysis will be shared at future stakeholder meetings. **(Activity: 2005-2006)\*\*\***
- b. **Ongoing Data Analysis:** NJOSEP will continue to review all placement data to determine whether strategies and activities are effective in meeting the targets. The results of this data review and analysis will be shared at future stakeholder meetings. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Policy and Regulation:** On November 2, 2005, the department proposed several regulatory changes intended to facilitate placement of students with disabilities in general education programs. These proposed regulations include:

- a mandate that, at least annually, activities necessary to transition a student in a separate setting to a less restrictive setting are considered by the IEP team;
  - an assessment of a preschool child shall include a review of the preschool day and what accommodations and modifications may be required to participate in the classroom and activities; and
  - the use of integrated therapies in the context of ongoing activities or routines and provided by personnel as set forth in the student's IEP. **(Activity: 2005-2006)**

**III. Implementation of Adopted Regulations:** Following the adoption of the New Jersey Administrative Code a series of training sessions will be conducted to assist in the implementation of the above requirements listed above. **(Ongoing Activity: 2006-2007 through 2008-2009)****IV. Self-Assessment/Monitoring and Focused Monitoring** As part of the current compliance monitoring process, districts and charter schools review their placement data relative to state averages and identify areas of need related to placement in the least restrictive environment, the availability of a continuum of services and the decision making process which is documented in each student's IEP. Monitors verify the self-assessment findings during an onsite visit. Monitors also review improvement plans. Implementation of the plans is verified by the County Supervisor of Child Study from the county where the district is located. Although a number of districts have identified placement as an area of need, and implemented strategies to increase the number of students in general education settings, statewide data have not changed significantly.

As a result, NJSOEP will institute a focused monitoring system which will target those districts with the highest number of students in separate placements. Ten districts will be selected each year and a team of monitors and technical assistance providers will work with the district to review district procedures, policies and practices for prereferral intervention, identification, evaluation, eligibility determinations and IEP development to identify the root causes for the high rate of placement in separate settings. Both building and district level policies and practices will be reviewed. The team will work with the district to develop an improvement plan to achieve compliance and expand general education options for students.

A compliance monitoring process, including self-assessment and improvement plan development will also be instituted beginning in FFY 2006 requiring districts to complete more extensive analysis of placement trends. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- V. **Targeted Technical Assistance:** Districts identified as non-compliant for issues related to placement of students with disabilities in the least restrictive environment and/or high rates of placement in separate special education settings will be targeted for technical assistance regarding the development and implementation of improvement strategies including the development of a plan to transition students from separate special education settings to education settings with nondisabled peers. **(Ongoing Activity 2005-2006 through 2010-2011)\*\*\*\*\***

**Coordination of Efforts:** NJOSEP (619) will coordinate efforts with New Jersey Office of Early Childhood, (NJOEC) in the following areas: the dissemination of information on the importance of preschool curriculum for all students, the alignment of the curriculum to the New Jersey Preschool Teaching and Learning Expectations: Standards of Quality to a curriculum, and the utilization of an early childhood rating scale for classroom improvement and literacy improvement. The NJOSEP (619) will coordinate with NJOEC in reviewing district plans and in validation visits promoting the inclusion of preschool children with IEPs in state funded preschool programs. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- VII. The New Jersey Office of Early Childhood through the **Early Launch to Learning Initiative** provided grants to districts. The Early Launch to Learning Initiative funds were awarded to the districts to support preschool education for four year old low income children. Eligibility for this grant included a requirement to include children with IEPs in the new program. **(Activity: 2005-2006 through 2006-2007)**

NJOSEP (619) will coordinate efforts with New Jersey Department of Health and Senior Services, Early Intervention System in the following areas: the dissemination of information to parents and early intervention staff on inclusion and the research, the importance of preschool curriculum for all students, the alignment of the curriculum to the New Jersey Preschool Teaching and Learning Expectations: Standards of Quality to a curriculum, and the utilization of a early childhood rating scale for classroom improvement and literacy improvement. **(Activity: 2005-2006 through 2006-2007)**

The NJOSEP (619) will continue to work with the Department of Human Services, Early Care and Education Office in the dissemination of information on inclusion to parents and childcare centers. **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\***

- VIII. **National Individualizing Preschool Inclusion Project:** NJOSEP (619) will coordinate with the Office of Early Childhood and the **National Individualizing Preschool Inclusion Project** to establish three regional district sites in state funded early childhood districts. The purpose of the demonstration model sites will be to promote the following critical components: functional intervention planning, integrated therapy and routine-based assessment to other districts **(Activity: 2005-2006 through 2007-2008)**

- IX. **Planning Grants:** NJOSEP (619) will develop cooperative grant agreements that will be offered to local school districts to initiate or continue the process of planning collaborative agreements with community providers or initiating in-district early childhood programs with the intent of including preschool students with disabilities. **(Activity 2006-2007 through 2008-2009)**

**X. State Capacity Building****a. Inclusive Support Options**

- i. Assistive Technology Training, Technical Assistance, and Guidelines:** NJOSEP, through the NJSIG partnership with the New Jersey Department of Human Services, Office of Education, is planning a series of training sessions for local school district personnel focused on the consideration of assistive technology to support the education of students with disabilities in general education sessions. During the 2005-2006 and 2006-2007 school years, teams of school personnel will be trained on “Integration of Assistive Technology in the Educational Process.” Participants will also be invited to attend an Assistive Technology Vendor Fair where they will have an opportunity to learn more about assistive technology devices. The content of the training sessions will be translated into guidelines that will be disseminated to school districts during the 2006-2007 school year. **(Activity: 2005-2006 through 2006-2007)**
- ii. Assistive Technology Technical Assistance Center:** NJOSEP will develop a targeted, competitive Notice of Grant Opportunity for the establishment of an Assistive Technology Technical Assistance Center. It is intended that the services provided by the Center will include, but not be limited to:
  - Information and Referral Services
  - Equipment Consultations and Demonstrations
  - Lending Libraries of Equipment, Adaptive Devices, Augmentative Communication Devices and Toys
  - Assistive Technology Workshops and Technical Assistance
  - Product and Vendor Information.

The request for proposal will be developed 2005-2006; released no later than September 2006; with an anticipated start date of May 2007. The funding for the Center will be for a thirty-six month period. **(Activity: 2005-2006 through 2009-2010).**

- b. Inclusion Family Institutes and Teleconferences:** NJOSEP, through the NJSIG partnership with the Statewide Parent Advocacy Network (SPAN), will continue to conduct Inclusion Institutes on a regional basis that highlight the benefits of inclusion and provide a forum for discussing implementation issues. Additionally, SPAN, through the NJSIG will organize and implement a statewide teleconference similarly highlighting the benefits on inclusion and examples of effective inclusive practices. **(Activity: 2005-2006 through 2006-2007)**

- XI. Data Review and Stakeholder Meetings:** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities. NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.

**Indicator #7: Preschool Outcomes**

FFY 2007 Update for SPP Submitted February 1, 2009\*

**Part B State Performance Plan (SPP) for 2005-2010**

\*Please note – updated sections are highlighted in gray

**Overview of the State Performance Plan Development:**

Indicator # 7, Preschool Outcomes, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting, staff from the NJOSEP (619 Programs) presented an overview of the indicator, options and timelines for data collection, and guidance that was being provided through the Early Childhood Outcome Center.

**Stakeholder Input:** There was minimal discussion of Indicator # 7, since the data collection instrument was still being explored and targets would not be set until the APR, February 2008.

On January 10, 2007 stakeholders were updated regarding data collection for the preschool outcomes indicator. The discussion included the sampling plan, a review of data and reporting elements. The stakeholders provided input regarding the elements that should be reported to the public.

**Update to State Performance Plan Development - FFY 2006**

A stakeholder meeting was held on January 11, 2008 to review New Jersey's progress towards each indicator. Preschool entry data and preschool exit data collected school year 2006-2007 was shared with the stakeholders.

**Update to State Performance Plan Development - FFY 2007**

A stakeholder meeting was held on January 23, 2009 during which progress pertaining to this indicator was discussed. Preschool entry data and preschool exit data collected school year 2007-2008 was shared with stakeholders. Stakeholders requested that the students' placement be included as part of the demographic information for this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE/ Early Childhood Special Education Outcomes**

**Indicator #7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

Positive social-emotional skills (including social relationships):

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by the # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or in c. If a+b+c does not sum to 100%, explain the difference.

**B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):**

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by the # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or in c. If a+b+c does not sum to 100%, explain the difference.

**C. Use of appropriate behaviors to meet their needs:**

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by the # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100. If children meet the criteria for a, report them in a. Do not include children reported in a in b or in c. If a+b+c does not sum to 100%, explain the difference.

**Overview of Issue/Description of System or Process: Preschool Outcomes****Description of how the sampling methodology led to valid and reliable results**

**Response Table** - USOSEP's March 28, 2006 FFY SPP response required the State to include in the February 1, 2007 APR the revised sampling methodology that described how data were collected. The State provided a revised sampling plan. The sampling plan for this indicator is not technically sound.

**Required Revisions – Submitted 9/24/07 and approved by USOSEP,**

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

**NJOSEP Sampling Plan for Preschool Outcome Study: Submitted to USOSEP on 9/24/07 and subsequently approved.**

- NJOSEP will identify local *school districts* as the “unit of selection” in the sampling process;
- NJOSEP will include *all entering preschool students in all districts providing services to preschool students statewide over the course of five years. Each year approximately 100 districts serving preschool students with disabilities will be phased into the data collection.*
- All local school districts serving preschool students and all entering preschool students will be *included* in the data collection over the period of the SPP;

**NOTE: LEAs with enrollments of over 50,000 are to be included in the survey annually; however, New Jersey has no districts with this enrollment size.**

- A representative sample of districts will be selected each year reflecting the following parameters: district enrollment (size), number of preschool students with disabilities, % of minority students, gender and socio-economic status.
- NJOSEP will use the *Sampling Calculator* developed by the National Post-Secondary Outcomes Center (NPSO) to select a representative sample of districts to be included in the study each year. **The Sampling Calculator developed by NPSO is based on a 5 way clustering process which has as its basis a probability model.** Using the calculator, NJOSEP will be able to identify a representative sample of districts for the five years of our study.
- Using the *Sampling Calculator*, data will be entered for the sampling parameters listed above for all New Jersey school districts serving preschool students with disabilities. The Sampling Calculator software *will select a representative sample reflecting the population of the State at a pre-set confidence level of plus or minus 3%;*
- NJOSEP will establish a *3% sampling error*, i.e. the sample that is chosen will be representative of districts serving preschool students within the state at a level of error that will be plus or minus 3% - an error band of 6%;
- Through the establishment of the 3% sampling error and the use of the NPSO sampling calculator, selection bias should be prevented.

**Selection of Data Collection Tool:** NJOSEP, during the 2005-2006 school year, examined several alternatives for collecting data for Indicator # 7, so that data could be collected and the State would be able to report entry data in the FFY 2005 APR due February 1, 2007.

- In October 2005, NJOSEP conducted a survey of all New Jersey local school districts to determine if a specific assessment tool was being used by a majority of districts that could also serve the purpose of obtaining baseline data for this indicator. The survey results indicated that there was a wide range of assessment tools being used to assess children for eligibility and IEP determinations with no singular tool emerging as the one being used by a majority of the districts.
- NJOSEP also reviewed the materials from the Early Childhood Outcome Center, including the curriculum-based crosswalks and considered using a work sampling method that would necessitate

NJOSEP conducting a crosswalk between a variety of curriculum-based tools and the Indicator requirements. Given the variety of district selected curricula, this option did not seem appropriate.

- Given the comparability of Indicator # 7 for Part B and Indicator # 3 for Part C, NJOSEP also considered coordinating these data collections, using the same instrument. Criteria for the selection of the data collection instrument, proposed by a workgroup from the New Jersey Early Intervention Steering Committee included the following:

<b>Part C</b>	<b>Part B (619)</b>
1. Be commercially available.	1. Be commercially available.
2. The domains and scoring should match or crosswalk closely to the Indicators.	2. The domains and scoring should match or crosswalk closely to the Indicators.
3. Be norm-referenced to better answer the data reporting of “comparable to same age peers”.	3. Be norm-referenced to better answer the data reporting of “comparable to same age peers”
4. Be able to replace (if possible) one or more tools currently used by early intervention targeted evaluation teams (TETS) to help determine eligibility.	4. Be able to replace (if possible) one or more tools currently used by district child study teams to help determine eligibility.
5. Have good reliability and validity.	5. Have good reliability and validity.
6. Be able to be administered based on the qualifications currently available on the TETS.  Several tests are designed to be administered only by licensed Ph.D.s or social workers. Many of our team members do not fit these criteria.	6. Be able to be administered based on the qualifications specified by the test publishers.
7. Be able (if possible) to serve the needs of EIS and 619, so that EIS exit data would be 619 entry data. This would require a tool that covers at minimum 0-5.	7. Be able (if possible) to serve the needs of EIS and 619, so that EIS exit data would be 619 entry data. This would require a tool that covers at minimum 0-5.

**Instruments and procedures used to gather entry and exit data**

Based on these criteria, NJOSEP determined that the Battelle Developmental Inventory 2 edition (BDI-2) will be appropriate to collect data for Indicator #7. This tool was recently cross-walked by the Early Childhood Outcomes Center and considered to be an option for collecting outcome data related to Indicator #7. Further support for the use of the BD1-2 includes: the availability of a Spanish edition; BDI-2 contains new norms; BDI-2 can be adapted to special needs such as visual and hearing impairments; and both hand scoring and computer scoring options are available.



Additionally, indicators to be reported to USOSEP can be met by using the BDI-2 in the following way:

Indicator 7A — Children have positive social relationships The BDI-2 domain of Personal/Social includes sufficient information on adult and peer interaction, self-concepts and social growth to answer Indicator 7A.

Indicator 7B — Children acquire and use skills and knowledge including language and communication. The BDI-2 domains of Cognition and Communication include sufficient information on expressive and receptive language, attention and memory, concept development, reasoning and academic skills and perceptual discrimination to answer Indicator 7B.

Indicator 7C— Children take appropriate actions to meet their needs. The domains of Motor and Self-help contain sufficient information related to fine motor skills, gross motor skills, personal responsibility and self-care to answer Indicator 7C.

**Test Administration:**

The test will be administered by certified personnel at the district/and or county level.

**Training Plan For “Entry” Test Administration and Data Collection - (Revised):** In order to collect reliable data that is needed to report on baseline information for the APR due February 2007, evaluators received training in the Spring of 2006 (**see chart above**) on both the instrument (BDI-2) and policies and procedures necessary to ensure accurate and timely data collection. Training occurred June, 2006 for Cadre One Districts on Indicator 7 and the Implementation Plan. Training occurred in September 2006 for 100 districts for 209 district staff on the use of the selected instrument. *Training occurred September 2007 for Cadre Two Districts on Indicator 7 and the Implementation Plan. Training occurred in October and November for an additional 100 districts for 200 district staff on the use of the selected instrument.*

**Data Entry and Reporting:** For each preschool child assessed, the results are entered into a web-based system on an ongoing basis. NJOSEP aggregates data for reports annually.

**The criteria for defining comparable to same age peers is based on a z score of -1.33 utilizing the tables provided by the developer of the tool.**

For reporting results, the criteria for defining comparable to same age peers is determined when a child scores a standard score  $\geq 80$  or based on a z score of  $\geq -1.33$  with consideration to the sub-domains and domain of the Battelle Developmental Inventory, 2<sup>nd</sup> Edition (BDI-2).

The Standard Score of the BDI-2 indicates that a score of 100 is Average development. The Standard Deviation is 15. The standard score of 80 is 1.33 deviations below the mean and places the development of the child in a category of developmental quotient score of low average. For purposes of the outcome study children whose standard scores were 79 or below are included in the percentage of children not functioning with their same age peers in the data set.

**Timelines for Data Collection:**

**“Entry” Data Collection Process: Cadre 1**

<b>Time-line</b>	<b>Activity</b>
December 2005	Analyze data from Early Intervention to determine the projected number of referrals to districts between January and September 2006
January 2006	Contract with districts to implement the data collection process  Inform districts of the requirements for Indicator # 7 and implementation issues: purchasing test; parent notification; selection of evaluators, etc.
February 2006	Set up the needed administration and computer system protocols

March 2006	Set up the needed administration and computer system protocols-ongoing
April 2006	Sampling plan of districts developed for the five year reporting period.
May 2006	Cadre One selected.
June 2006	Administrator Training for Cadre One.
July 2006	
August 2006	Cadre One Districts receive state contracts
September 2006	Training for Cadre One
October 2006	Purchasing, on-line set-up and connections, evaluations of entry preschool students
November 2006	Purchasing, on-line set-up and connections, evaluations of entry preschool students
December 2006	Purchasing, on-line set-up and connections, evaluations of entry preschool students
January 2007	Purchasing, on-line set-up and connections, evaluations of entry preschool students
February 2007	Entry & Exit
March 2007	Entry & Exit/ Preschool Special Education Outcome Study Advisement Taskforce
April 2007	Entry & Exit
May 2007	Entry & Exit
June 2007	Entry & Exit

**Progress Data for FFY 2006 (2006-2007):**

**2006-2007 Entry Data**

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on entry to preschool not functioning at a level comparable to same-aged peers	<b>392</b>	<b>69%</b>
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	<b>179</b>	<b>31%</b>
<b>Total</b>	<b>N=571</b>	<b>100%</b>

2006-2007 Exit Data/Entry Data Not Available

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on exit from preschool not functioning at a level comparable to same-aged peers	170	44%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	218	66%
<b>Total</b>	<b>N= 388</b>	<b>100%</b>

2006-2007 Entry Data

<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on entry to preschool not functioning at a level comparable to same-aged peers	466	82%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	105	18%
<b>Total</b>	<b>N=571</b>	<b>100%</b>

2006-2007 Exit Data/Entry Data Not Available

<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on exit from preschool not functioning at a level comparable to same-aged peers	273	70%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	115	30%
<b>Total</b>	<b>N=388</b>	<b>100%</b>

2006-2007 Entry Data

<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on entry to preschool not functioning at a level comparable to same-aged peers	432	76%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	139	24%
<b>Total</b>	<b>N=571</b>	<b>100%</b>

2006-2007 Exit Data/Entry Data Not Available

<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on exit from preschool not functioning at a level comparable to same-aged peers	274	71%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	114	29%
<b>Total</b>	<b>N=388</b>	<b>100%</b>

**2007-2008 Data**

**2007-2008 Entry Data - Update FFY 2007**

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on entry to preschool not functioning at a level comparable to same-aged peers	691	75%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	234	25%
<b>Total</b>	<b>N=925</b>	<b>100%</b>

**2007-2008 Exit Data/Entry Data Not Available**

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on exit from preschool not functioning at a level comparable to same-aged peers	105	45%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	130	55%
<b>Total</b>	<b>N=925</b>	<b>100%</b>

**2007-2008 Entry Data**

<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on entry to preschool not functioning at a level comparable to same-aged peers	776	84%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	149	16%
<b>Total</b>	<b>N=925</b>	<b>100%</b>

**2007-2008 Exit Data/Entry Data Not Available**

<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of preschool children on exit from preschool not functioning at a level comparable to same-aged peers	142	60%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	93	40%
<b>Total</b>	<b>N=235</b>	<b>100%</b>

**2007-2008 Entry Data**

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children on entry to preschool not functioning at a level comparable to same-aged peers	720	78%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	205	22%
<b>Total</b>	<b>N=925</b>	<b>100%</b>

**2007-2008 Exit Data/Entry Data Not Available**

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children on exit from preschool not functioning at a level comparable to same-aged peers	126	54%
<b>e. Percent of preschool children who are functioning at a level comparable to same-aged peers</b>	109	46%
<b>Total</b>	<b>N=235</b>	<b>100%</b>

**Progress Data: Entry and Exit Records Completed FFY 2006**

*Progress data reported in 2010 will be considered baseline data. However, explanation of currently reported progress data should be provided here, e.g. if the state N's are very low (less than 30), please explain why, and describe expectations for numbers of children with both entry and exit data for the February, 2009 APR.*

Progress Data entry and exit records completed 2006-2007 were less than thirty. The below progress data represents five year olds entering and exiting in 2006-2007 served for six months or more with a full entry and exit assessment utilizing the BDI-2.

In 2007-2008 out of the 571 entry records collected in 2006-2007, it is anticipated between 70-100 of the current children with entry will exit the system with a BDI-2 evaluation completed on exit. Increasing the progress data n to above 30. This number of complete progress records will increase to 461 for children exiting 2008-2009, reflecting children with at least two years of intervention.

**Entry and Exit Records Completed 2006-2007**

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	1	9%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	0	0%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	0	0%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	5	45%
<b>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers</b>	5	45%
<b>Total</b>	<b>N= 11</b>	<b>100%</b>

Entry and Exit Records Completed 2006-2007

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	1	10%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	2	20%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	2	20%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	5	50%
<b>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers</b>	<b>0</b>	<b>0%</b>
<b>Total</b>	<b>N=10</b>	<b>100%</b>

Entry and Exit Records Completed 2006-2007

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children who did not improve functioning	1	9%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	1	9%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	1	9%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	5	45%
<b>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers</b>	<b>3</b>	<b>27%</b>
<b>Total</b>	<b>N=11</b>	<b>100%</b>

**Progress Data: Entry and Exit Records Completed FFY 2007**

*Progress data reported in 2010 will be considered baseline data. However, explanation of currently reported progress data should be provided here, e.g. if the state N's are very low (less than 30), please explain why, and describe expectations for numbers of children with both entry and exit data for the February, 2009 APR.*

**Progress Data: 73 entry and exit records were completed, analyzed, and are being reported for FFY 2007. The progress data, provided below, represents five year olds entering and exiting in 2007-2008 served for six months or more with a full entry and exit assessment utilizing the BDI-2.**

**In 2007-2008 73 records were included in the n. This number of progress records will increase to approximately 461 for children exiting 2008-2009, reflecting children with at least two years of intervention.**

**Entry and Exit Records Completed 2007-2008**

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	0	0%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	8	11%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	12	16%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	30	41%
<b>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers</b>	23	32%
<b>Total</b>	<b>N=73</b>	<b>100%</b>

**Entry and Exit Records Completed 2007-2008**

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	0	0%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	15	21%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	24	33%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	25	34%
<b>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers</b>	9	12%
<b>Total</b>	<b>N=73</b>	<b>100%</b>

**Entry and Exit Records Completed 2007-2008**

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children who did not improve functioning	0	0%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	16	22%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	15	21%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	34	47%
<b>e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers</b>	8	11%

<b>Total</b>	<b>N=73</b>	<b>100%</b>
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**Description of how the State ensures that these data are valid and reliable:**

In order to ensure that the preschool entry and exit data are valid and reliable, NJOSEP has selected a valid and reliable assessment instrument; provided training to all participating district personnel administering the Battelle Developmental Inventory-Revised 2 with regard to test administration, scoring procedures, and data entry. Follow-up technical assistance was provided by the NJOSEP staff, as well as the publisher of the Battelle. In addition, edits checks are embedded in the data entry system.

Criteria for defining “comparable to same-aged peers”: **NJOSEP is not utilizing ECO’s COSF for defining “comparable to same-aged peers.” Instead, the following criteria were used to determine whether a child’s functioning was “comparable to same aged peers.”**

	<b>Positive social-emotional skills</b>	<b>Acquisition and use of knowledge and skills</b>	<b>Use of appropriate behaviors to meet their needs</b>
a. Percent of preschool children who did not improve functioning	Preschool children who on exit either regressed or made no measurable progress in the domain of social emotional or sub-domains on the BDI-2.	Preschool children who on exit either regressed or made no measurable progress in either of the two domains of language or cognition or sub-domains on the BDI-2.	Preschool children who on exit either regressed or made no measurable progress in either of the two domains of adaptive or motor or sub-domains on the BDI-2.
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	Preschool children who on exit show a positive change in one or more sub domains but not significant to change the overall domain score.	Preschool children who on exit show a positive change in one or more sub domains but not significant to change the overall domain score.	Preschool children who on exit show a positive change in one or more sub domains but not significant to change the overall domain score.
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	Preschool children who on exit show a positive change in standard score above entry.	Preschool children who on exit show a positive change in standard score above entry.	Preschool children who on exit show a positive change in standard score above entry.
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	Preschool children on entry scoring a standard score below 80 yet on exit scored a standard score of 80 or above at exit in the domain of social emotional utilizing the BDI-2.	Preschool children on entry scoring a standard score below 80 yet on exit scored a standard score of 80 or above at exit in the domain of social emotional utilizing the BDI-2.	Preschool children on entry scoring a standard score below 80 yet on exit scored a standard score of 80 or above at exit in the domain of social emotional utilizing the BDI-2
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers.	Preschool children on entry scoring a standard score of 80 or above and maintaining a standard score of 80 or above at exit in the domain of social emotional utilizing	Preschool children on entry scoring a standard score of 80 or above and maintaining a standard score of 80 or above at exit in the domains of cognition	Preschool children on entry scoring a standard score of 80 or above and maintaining a standard score of 80 or above at exit in the domains of motor and adaptive



	the BDI-2.	and language utilizing the BDI-2.	utilizing the BDI-2.
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**Discussion of Baseline Data: NOT REQUIRED IN THE 2009 SUBMISSION**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>TARGETS ARE NOT REQUIRED IN THE 2009 SUBMISSION</b>
<b>2006</b> (2006-2007)	<b>TARGETS ARE NOT REQUIRED IN THE 2009 SUBMISSION</b>
<b>2007</b> (2007-2008)	<b>TARGETS ARE NOT REQUIRED IN THE 2009 SUBMISSION</b>
<b>2008</b> (2008-2009)	<b>TARGETS ARE NOT REQUIRED IN THE 2009 SUBMISSION</b>
<b>2009</b> (2009-2010)	<b>TARGETS ARE NOT REQUIRED IN THE 2009 SUBMISSION</b>
<b>2010</b> (2010-2011)	<b>TARGETS ARE NOT REQUIRED IN THE 2009 SUBMISSION</b>

**Improvement Activities/Timelines/Resources:**

**Data Collection:**

NJOSEP has organized a system for contracting with districts for the purchase of the assessment materials, training district personnel in the test administration, and collecting entry level data.

Training occurred September 2007 for Cadre Two Districts on Indicator 7 and the Implementation Plan. Training occurred in October 2007 and November 2007 for an additional 100 districts for 200 district staff on the use of the selected instrument.

The New Jersey Department of Education, Office of Special Education Programs, in fulfilling its federal data collection responsibilities contracts with each of the randomly selected local education agencies (LEAs) participating is the Preschool Outcome Study. The contract covers assessment kits and manuals (English and Spanish), test protocols and a web based system license for the district for the period of study. Each year an additional 100 districts are added to the study through contract process.

The district submits assessment data through a web based system for the purpose of providing entry and exit preschool special education outcome data utilizing the New Jersey BDI-2 Data Manager web user license.

Districts implement the assessments following training that is provided to district psychologists, speech therapists, social workers, learning disabilities teacher-consultants and in some districts special education teachers by the New Jersey Department of Education prior to implementation. The training is a day training covering the purpose of the outcome study, the administration of the tool, using the software and considerations for utilizing the palm pilot for recording assessment results. Additionally, annually meetings

occur with districts in year two, and year three of the study to update administration on the progress of the data collection and any changes to the requirements. The state works with the *distributor* of the tool to provide additional web-x trainings for new districts. **(Activity: 2007-2008)\*\*\***

*Data Collection Demographic Additions:* In response to stakeholder request the setting of the placement will be added to the demographics. **(Activity: 2009-2010)**

*Targeted Assistance:* In addition, during the 2007-2008 school year, NJOSEP provided targeted technical assistance to participating districts in Cadre One and Two with input or test administration difficulties. Districts will receive reminders of anticipated exit results in 2008. **(Activity: 2007-2008 through 2010-2011)**

NJOSEP will continue to share the progress of the current outcome study and current findings with districts and in technical assistance trainings and individual sessions. **(Activity: 2007-2008 through 2010-2011)**

### **Cadre One**

**2006-2007:** Entry ongoing until June 30<sup>th</sup> 2007 and Exit Data Collection for students exiting prior to June 30<sup>th</sup> 2007.

**2007-2008:** Exit Data Collection for students with entry data collected 2006-2007.

**2008-2009:** Exit Data Collection for students with entry data collected 2006-2007.

### **Cadre Two**

**2007-2008:** Entry Data Collection beginning July 1, 2007 to June 30, 2008.

**2008-2009:** Exit Data Collection for students with entry data collected 2007-2008.

**2009-2010:** Exit Data Collection for students with entry data collected 2007-2008.

### **Cadre Three, Cadre Four and Cadre Five**

**2008-2009:** Entry Data Collection beginning July 1, 2008 to June 30, 2009.

**2009-2010:** Exit Data Collection for students with entry data collected 2008-2009.

**2010-2011:** Exit Data Collection for students with entry data collected 2008-2009.

## **Indicator # 8: Parent Involvement**

### **FFY 2007 Update for SPP Submitted February 2, 2009**

#### **Part B State Performance Plan (SPP) for 2005-2010**

##### **Overview of the State Performance Plan Development:**

Indicator # 8, Parent Involvement, was discussed with the stakeholder group on October 21, 2005. Debra Jennings, Co-Executive Director of the Statewide Parent Advocacy Network, provided a description of how the parent survey was developed by the National Center for Special Education Accountability Monitoring (NCSEAM) and New Jersey's participation in the piloting of the survey. NJOSEP staff discussed how the survey will be implemented to determine the number of parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. Stakeholders were informed that sampling methodology will be used to ensure efficiency while representing the state's student population equitably.

**Stakeholder Response:** The stakeholders supported the use of the survey as a means of obtaining information about parent involvement.

##### **FFY 2006 Update to Overview of State Performance Plan Development:**

NJOSEP met with stakeholders on January 11, 2008 to discuss the data collection and analysis. Stakeholders were reminded that NJOSEP was not able to complete the collection of baseline data last year due to difficulties with contract requirements and difficulties obtaining parent mailing information from districts. However, NJOSEP was able to resolve these difficulties this year permitting the collection of baseline data. In addition to the discussion concerning data collection and analysis, NJOSEP presented response rate data to the stakeholders; however the data analysis was not complete at the time of the stakeholder meeting.

NJOSEP discussed the targets with the stakeholders, which had been set last year, in the absence of baseline data. These targets called for an increase of 1 % over baseline for each successive year. This rate of improvement had been submitted and approved by USOSEP in last year's SPP for this indicator. With regard to targets, NJOSEP also indicated that prior to the submission of the FFY 2007 APR, NJOSEP would present two years of parent involvement data for stakeholders' review. Based upon that information, stakeholders would again review the proposed targets and could make recommendations for revision.

##### **FFY 2007 Update to Overview of State Performance Plan Development:**

Because the original SPP targets were determined prior to the first collection of baseline data, the stakeholders did not have actual data to use in establishing state targets. Instead, in the absence of data, stakeholders approved targets originally proposed by NJOSEP. From the first two years of data collection for this indicator, it was found that a large majority of New Jersey parents consistently agreed that schools facilitated their involvement in their child's program. Because of this result, a full one percentage increase in the target for each subsequent year was ambitious. Additionally, NJOSEP discussed with stakeholders that individual districts that scored just below state targets, where a large majority of responding families were positive about schools' facilitation of their involvement, would be publicly reported as not meeting the state target. In those instances, the public reports would not accurately represent the favorable perceptions of respondents. Therefore, NJOSEP asked stakeholders to review targets for parent involvement through 2010-2011. After lengthy discussion, the stakeholders agreed to revise the targets.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE – Parent Involvement**

**Indicator #8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.**

**Measurement:** Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.

**Overview of Issue/Description of System or Process:**

**Response to issues identified in USOSEP’s letter responding to the State’s SPP/APR submitted February 1, 2007**

**SPP Issue 1:** *“The State did not submit the survey that was required by the instructions for the SPP/APR to be included in the February 1, 2007 APR. The State must submit this information in the FFY 2006 APR due February 1, 2008.”*

**Response to Issue 1:**

The parent survey for children with disabilities ages 3-5 and students with disabilities ages 6-21 are attached to this resubmission of the SPP – FFY 2006.

**SPP Issue 2:** *“The sampling plan for this indicator is not technically sound. Call your State Contact as soon as possible.”*

**Response to Issue 2:**

The NJOSEP resubmitted a sampling plan to USOSEP with all requested clarifications and revisions to USOSEP on 9/24/07. The sampling plan was approved by USOSEP

**NJOSEP Sampling Plan for Parent Involvement:**

**Description of how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due February 1, 2007.**

**Description of the sampling methodology outlining how the design will yield valid and reliable estimate**

**Required Revisions Submitted to USOSEP 9/24/07**

Over a five year period, NJOSEP will include *all districts* in New Jersey serving students with disabilities, ages 3-21. Each year, *all parents of students with disabilities*, ages 3-21 in a representative sample of districts will receive a survey. By the end of the fifth year, all districts and all parents of students with disabilities, ages 3-21 will be contacted to participate in the study.

**NOTE: LEAs with enrollments of over 50,000 are to be included in the survey annually; however, New Jersey has no districts with this enrollment size.**

A representative sample of districts will be selected each year reflecting the following parameters:

- district enrollment (size);
- number of students with disabilities
- disability categories - percentages of learning disabled (LD), emotionally disturbed (ED); mentally retarded (MR) and a category for all other (AO).
- race/ethnicity
- gender – percent of female students with disabilities;
- Abbott / Non Abbott designation. Abbott districts are those designated by the New Jersey Supreme Court as being low performing and economically disadvantaged.

NJOSEP will use the *Sampling Calculator* developed by the National Post-Secondary Outcomes Center (NPSO) to select a representative sample of districts to be included in the study each year. **The Sampling Calculator developed by NPSO is based on a 5 way clustering process which has as its basis a probability model.** Using the calculator, we will be able to identify a representative sample of districts for the five years of our study.

Using the *Sampling Calculator*, data will be entered for the sampling parameters listed above for all New Jersey school districts serving students with disabilities. The Sampling Calculator software *will select a representative sample reflecting the population of the State at a pre-set confidence level of plus or minus 3%*;

NJOSEP will establish a *3% sampling error*, i.e. the sample that is chosen will be representative of districts serving students with disabilities within the state at a level of error that will be plus or minus 3% -- an error band of 6%;

Through the establishment of the 3% sampling error and the use of the NPSO sampling calculator, selection bias should be prevented.

## FFY 2006 Update to Baseline Data

### **Baseline Data for FFY 2005**

Using the National Post-School Outcomes (NPSO) sampling calculator, NJOSEP identified the sample of districts that will participate each year in the parent survey. All districts within the state are grouped within one of these five cohorts. Cohorts are representative of the state as a whole and each contain both urban and rural districts, districts of varying size and demographic characteristics. Over a 5-year cycle all parents of students with disabilities within all New Jersey districts will have the opportunity to respond to a parent survey.

For year 1, 106 districts were originally generated for the sample. Due to difficulties with contract requirements and difficulties in obtaining mailing information from districts, NJOSEP was unable to conduct baseline data collection in FFY 2005, resulting in revised timelines for data collection. However, NJOSEP was able to complete collection of baseline data for FFY 2006. NJOSEP was able to obtain useable electronic mailing information from 71 of the original 106 districts. The 71 districts are referred to as Cohort I. An analysis of representativeness was conducted for these 71 districts using the National Post-school Outcomes (NPSO) sampling calculator. Though developed for another indicator, this tool is designed to select a sample of districts that are similar to the state population. Characteristics examined included: district size, number of students with disabilities, disability type, gender, race/ethnicity and Abbott status. The analysis found that these districts were representative of the state and thus NJOSEP proceeded with the collection of baseline data.

**Data Collection:**

NJOSEP used two surveys. The 25 item NCSEAM 619 preschool survey and the 25 item NCSEAM school age survey. In addition to the survey items, 8 additional items were included on each survey to capture demographic information. Each survey was translated into both English and Spanish and disseminated with a cover letter from the State Director, Office of Special Education Programs, written in both English and Spanish. Respondents had a choice to complete the survey in English or Spanish. The cover letter explained to parents the purpose of the survey and highlighted the importance of their feedback to NJOSEP. A copy of each survey is attached (**See Appendices**).

NJOSEP requested and obtained useable mailing information from 71 local districts to disseminate the surveys to parents of preschool age children and parents of school-age students. Mailing files were shared with Piedra Data Services and Scantron for preparing and mailing surveys to families. A total of 25,500 surveys were mailed to all families of students with disabilities in the 71 districts participating in the cohort 1 data collection. This number included: 2,285 preschool surveys and 23,215 school-age surveys.

Surveys were mailed providing a four week window for response. Once the survey window was closed, surveys were scanned and data files were developed for analysis by Piedra Data Systems and then provided to the NJOSEP. NJOSEP worked with consultants through the Northeast Regional Resource Center to conduct the data analysis reported herein.

**Response Rate for Baseline Data**

**A total of 2,277 preschool and school-age surveys were returned for a combined response rate from both surveys of 10.67%.** Two thousand two hundred and eighty-five (2,285) preschool surveys were returned for a return rate of 12.43%. Twenty-three thousand two hundred and fifteen (23,215) school-age surveys were returned for a return rate of 10.5%. A number of surveys were returned to NJOSEP due to incomplete addresses. NJOSEP will meet with districts in next year’s cohort in an effort to obtain more complete, accurate mailing information for the next data collection as well as to enlist their assistance in publicizing the surveys to increase response rate. Only a small number of surveys were returned that were not useable due to incomplete information. Response rate was calculated by dividing the number of complete surveys returned (F) by the number of surveys mailed (A) as indicated below:

<b>Survey Dissemination and Response Rate</b>				
<b>Cohort 1: Baseline FY2006</b>				
<b>71 Districts</b>				
		<b>Preschool</b>	<b>School-Age</b>	<b>Combined</b>
<b>A</b>	<b>Surveys mailed</b>	<b>2,285</b>	<b>23,215</b>	<b>25,500</b>
B	Surveys returned undeliverable	49	638	687
C	Surveys returned “completed”	299	2,486	2,785
D	“Completed” surveys but less than 50% complete and therefore excluded	4	33	37
E	“Completed” surveys excluded for incorrect student age <ul style="list-style-type: none"> <li>• 11 preschool surveys reported on child age 7 or older.</li> <li>• 15 school age surveys reported on child age 4 or younger.</li> </ul>	11	15	26
<b>F</b>	<b>Completed, clean and analyzed surveys</b>	<b>284</b>	<b>2,438</b>	<b>2,722</b>
	Preschool Response Rate ( F / A )	12.43%		
	School-age Response Rate ( F / A )		10.50%	
	Combined Response Rate ( F / A )			10.67%

**Representativeness of Respondents:**

Representativeness of respondents to families of all students with disabilities in cohort I districts was analyzed using the response calculator developed by the National Post-School Outcomes Center (NPSO) for indicator # 14. Characteristics examined included: disability type, gender, minority and Abbott status. Because New Jersey does not have a student database, demographic data on the population of special education students in cohort I districts was obtained using district data from the federally required Annual Data Report. Because NJOSEP does not collect demographic data on preschool students by subtypes of disability, the analysis of representativeness was conducted by comparing information for school-age students, ages 6-21, in cohort 1 districts to demographic information provided by respondent families of students ages 6-21. The assumption was made that the characteristics of preschool students were comparable to school-age students from the same districts. Because families of school-age students represented the substantial majority of the respondents, NJOSEP considered this analysis appropriate.

The sample of respondents very closely matched the target leavers for: gender and for the disability categories of emotional disturbance and mental retardation. Differences were found for disability categories of learning disabilities, other categories of disabilities, as well as for Abbott and minority students. Differences among some subgroups are not unexpected due to the low return rate. Improvement activities will seek to increase response rates for successive cohorts, particularly among Abbott districts.

**Representativeness of Respondents**

	<b>Overall</b>	<b>LD</b>	<b>ED</b>	<b>MR</b>	<b>AO</b>	<b>Female</b>	<b>Minority</b>	<b>Abbott</b>
Target Population Cohort 1	23,957	10,395	1112	667	11783	8096	10645	2,767
Respondents Cohort 1	2437	910	128	40	1359	798	797	171
Target population representation		43.39%	4.64%	2.78%	49.18%	33.79%	44.34%	11.15%
Respondent Representation		37.34%	5.25%	1.64%	55.77%	32.75%	32.70%	7.01%
<b>Difference</b>		-6.05%	0.16%	1.14%	6.58%	-1.05%	-11.73%	-4.14%

Note: A difference of greater than +/- 3% is considered a statistical difference.

**FFY 2006 Update to Baseline Data**

**Baseline Data: 2006-2007**

NJOSEP analyzed the surveys as follows: surveys were included in the analysis only if 50% or more of the items had been answered. Each completed survey was scored to determine the number and % of items that had been rated as “agree, strongly agree or very strongly agree”. Each survey, for which a majority of items (≥51%) had been rated in one of the three agreement responses, was counted as agreement with “schools facilitating parental involvement”. The number of respondent surveys that indicated this level of “agreement” were used as the numerator in the analysis of outcome data. The denominator was the total number of respondent surveys.

Of the 2,722 completed and analyzed surveys received from *both* preschool and school-age parents, **80.6% (2,195) of parents** agreed that “schools facilitated parent involvement as a means of improving services and results for their children with disabilities.”

<b>Percent of Parents That Reported Schools Facilitated Parent Involvement as a Means of Improving Services and Results for Children with Disabilities</b>			
	<b>Preschool</b>	<b>School Age</b>	<b>Combined</b>
<b>Completed, clean and analyzed surveys</b>	<b>284</b>	<b>2,438</b>	<b>2,722</b>
Surveys with a majority of items rated as agree, strongly agree or very strongly agree (≥ 4)	240	1,955	2195
Percent of parents with a majority of items rated as agree, strongly agree or very strongly agree	84.5%	80.2%	80.6%

**FFY 2007 Update - Measurable and Rigorous Targets 2/2/2009**

<b>2005 (2005-2006)</b>	<b>Baseline data was provided in February 2008 submission</b>
<b>2007 (2006-2007) Baseline Data</b>	<b>80.6% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</b>
<b>2007 (2007-2008)</b>	<b>81.6% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</b>
<b>2008 (2008-2009)</b>	<b>81.6% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</b>
<b>2009 (2009-2010)</b>	<b>82.1 % of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</b>
<b>2010 (2010-2011)</b>	<b>82.6% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</b>



### Improvement Activities/Timelines/Resources:

#### FFY 2006 Update to Improvement Activities (Activities I, II, III, IV Added)

##### I. Data Collection and Analysis

To increase response rates and accuracy of mailing addresses, NJOSEP will convene a meeting of districts participating in the second cohort to explain the parent survey and their role in data collection. Districts will be given an excel template for consistent formatting of parents' names and addresses and a timeline for return of completed mailing information. NJOSEP will consider providing compensation to districts to prepare the address files based on number of students. Ongoing phone assistance will be available to districts to respond to questions. NJOSEP will use a tracking system to monitor receipt of address files from each district and to determine completeness of the mailing information. **(Activity: 2006- 2007 through 2010-2011)**

##### II. Systems Administration:

NJOSEP will seek approval to secure a treasury waiver for future data collection. New Jersey's fiscal requirements limit the amount of money that can be bid to a vender during one fiscal year without Treasury approval. Because a second data collection is proposed to occur within the same year as the baseline data, NJOSEP will seek Treasury approval. **(Activity: 2006- 2007 through 2010-2011)**

##### III. Publicity

To increase response rates, NJOSEP will include a description of the parent involvement study, copies of the survey and the names of future districts on the NJOSEP website so that families and districts will have advanced information on when their surveys will be disseminated. **(Activity: 2006- 2007 through 2010-2011)**

NJOSEP will also elicit the assistance of the statewide parent advocacy network (SPAN) and local district parent groups to disseminate information about the survey and the importance of parental participation. **(Activity: 2006- 2007 through 2010-2011)**

##### IV. Use of Survey Results

NJOSEP will conduct further data analysis to review items with less favorable responses to determine potential areas for improvement planning. NOSEP will review existing parent involvement activities to determine enhancement of existing activities and/or development of new activities.

NJOSEP review the results of item level and district level analyses with monitoring and compliance units to determine implications for those activities. **(Activity: 2006- 2007 through 2010-2011)**

##### V. Regulations

- a. The department proposed regulations on November 2, 2005 requiring each district board of education to ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities. This requirement was adopted on September 5, 2006. **(Ongoing Activity 2005-2006 through 2010-2011)**
- b. During the 2006-2007 school year, NJOSEP will conduct county level trainings for directors of special education regarding highlighting new special education regulations. The requirement for the establishment of a special education parent advisory group will be among the regulations discussed at the training sessions. **(Activity: 2006-2007).**

**VI. Self-Assessment/Monitoring Process**

- a. NJOSEP has realigned its self-assessment /monitoring system to be consistent with the SPP indicators. Section V. of the NJOSEP self-assessment/monitoring process is Parent Involvement and is related to SPP Indicator #8. This section requires local districts to review input from parents collected through sources such as a local survey, parent group input, stakeholder meetings and interviews and to conduct a compliance review for Parental Involvement. Parent involvement is also a component of Section VI. Disproportionate Representation of Racial and Ethnic Groups in Special Education review of policies, procedures, and practices. Additionally, as part of the self-assessment process, each LEA must form a steering committee that includes a minimum of two parents of students with disabilities, one of which must be a representative of the district's special education parent advisory group.

**VII. Personnel Development**

NJSIG Partnership with the Statewide Parent Advocacy Network:

Between **September 1, 2006 and August 31, 2007**, NJOSEP continued its partnership with SPAN, through the START project, to conduct family-school collaboration activities. These activities focused on the need to improve family-school collaboration, increase family resources, and enhance parent involvement in program and placement decisions. More specifically, activities addressed the following eight components: (1) Parent Support Group Initiative; (2) Parent-Educator Collaboration; (3) Peer Consultant Network; (4) Literacy and Core Curriculum Content Standards Project; (5) Web-Based Information and Support Project; (6) Regional Mini-Conferences and Teleconferences on Inclusion; (7) Regional Mini-Conferences and Teleconferences and Transition; and (8) SPAN Conference Scholarship Program.

Objective 1. Parent Support Group Initiative:

Provide direct technical assistance and leadership development expertise to increase the capacity and sustainability of existing local parent/family support groups and to develop new local parent/family groups, particularly for parents/caregivers who are located in underserved regions or have historically been underserved due to language, race or ethnicity.

- START staff provided on-going technical assistance to new and/or emerging parent support groups across the three regions of the state
- START staff provided technical assistance for existing parent support groups across the three regions of the state

Objective 2. Parent-Educator Collaboration

Provide direct training and train-the-trainer instruction and technical assistance to improve collaboration and communication between parents/caregivers and special education professionals in order to increase effective parent involvement in the IEP process. Regional trainings are conducted throughout the state to facilitate parent-educator collaboration

Objective 3. Peer Consultant Network

Develop a Peer Consultant Network to provide support, technical assistance and one-on-one training families in order to assist in their collaboration in the development and implementation of programs and services for their children by providing techniques to effectively communication information regarding their children and their needs.

Objective 4. Literacy and Core Curriculum Content Standards Project

Through this three year initiative, in collaboration with the Office of Reading First, training and technical assistance is provided for Reading First schools focusing on strategies and techniques for involving families in fostering literacy for students with disabilities and collaborating with the school to support their children's progress in New Jersey's core curriculum content standards

(NJCCCS). Training of new school teams as well as follow-up support for existing teams is provided through regional sessions.

**Objective 5. Web-Based Information and Support Project.**

This activity funded the creation and dissemination of information and resources for families of students with disabilities on the SPAN website under Project START activities.

The following are examples of information developed and disseminated.

- Developed and disseminated resources and information for local Parent Support Groups.
- Developed and disseminated resources and information for schools, educators, administrators, parents and students on Transition-to-Adult Life.
- Developed and disseminated resources and information for schools, educators, administrators, and parents and students on Transition-to-Adult Life.

**Objective 6. Regional Mini-Conferences and Teleconferences on Inclusion:**

Provide a series of regional (North, Central and South) mini-conferences and teleconferences for parents and educators on research, benefits and best practices for including students with disabilities in general education settings with their typical peers.

**Objective 7. Regional Transition Teleconferences on Transition-to-Adult Life**

Provide a series of regional (North, Central and South) teleconferences for parents and educators on research and best-practices in transition students with disabilities to adult life.

**Objective 8. Sponsoring Conference Attendance:**

Sponsor the attendance at SPAN's Annual Statewide Conference for 50 parents/caregivers of children with disabilities who otherwise would not be able to attend this conference.

**Indicator # 9: Disproportionality – Child with a Disability****FFY 2006 Update for SPP Submitted February 1, 2008****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

The requirements for SPP Indicator # 9, Disproportionality, were originally discussed at the stakeholder meeting on November 3, 2005. Specifically, NJOSEP staff reviewed the Indicator, Data Source, Measurement, and Instructions for the Indicator and Measurement.

Additionally, the following information was presented to the stakeholder group:

- the State’s proposed definition of “disproportionate representation”;
- the proposed statistical measures that will be used to target districts for review of policies, procedures, and practices; (Stakeholders were informed that NJOSEP was still reviewing statistical options for targeting districts in order to ensure a valid subgroup size for larger and smaller districts);
- two examples illustrating the application of the statistical measures (one example that applied to a district with a total student enrollment of 1,000 or greater and one example that applied to districts with a total student enrollment of less than 1,000);
- the tiered level for reviewing policies, procedures, and practices to determine if disproportionality is the result of inappropriate identification and the criteria for determining the level of review; and
- the requirements for the February 2007 Annual Performance Report.

**Stakeholder Input:** A recommendation was made to include the NCSEAM Parent Survey as one of the protocols used as part of the review of policies, procedures and practices. NJOSEP will follow this suggestion and incorporate the protocol into the review process.

**Update of the State Performance Plan Development:**

A stakeholder meeting was held on September 26, 2006 to provide an update on the following:

- the State’s definition of “disproportionality”;
- the revised calculations for identifying districts for review of policies, procedures, and practices;
- the process and protocol for review of policies, procedures, and practices; and
- the approximate number of districts that will be targeted for self assessment during the 2006-2007 school year.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Disproportionality</b>
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**Indicator #9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C)).**

**Measurement:** Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

**Overview of Issue/Description of System or Process:**

**FFY 2006 SPP Update – Definition of Disproportionate Representation: Over-representation/Under-representation**

**State’s definition of “disproportionate representation”**

NJOSEP defined disproportionate representation, i.e., **over-identification/under- identification**, from both a functional and statistical perspective.

**Functional Definition:** Implementation of policies, procedures, and practices in the general education instructional, behavioral, and intervention process and/or the special education identification, referral, evaluation or eligibility determination process that results in a **systemic, pervasive, persistent pattern** of inappropriate **over-representation and under-representation** of students with disabilities of a specific racial/ethnic group as eligible for special education and related services or in a specific eligibility category.

**Statistical Definition:** NJOSEP, with technical assistance provided through the USDOE, Office for Civil Rights, developed a process for determining disproportionate representation (**over-representation/under-identification**). NJOSEP’s process involved the use of multiple measures to statistically determine disproportionate **over-representation and under-representation**. In this way, NJOSEP was able to use a statistical process that was consistent with the functional definition.

The measures included three descriptive statistics:

- unweighted risk ratio
- risk rate comparison
- a measure of impact comparing expected vs. observed numbers of students identified as eligible for special education (**systemic, pervasive**)

The measures included a statistical test, of significance – chi square.

In order to determine **persistence**, districts were ranked on each of the three measures (risk ratio, risk rates, and a measure of impact (i.e., number of students impacted by the disproportionality) over a three year period (2003-2004, 2004-2005, 2005-2006). Ranks for the three year period were totaled and those districts with the lowest ranks (Ranks of 1 to 50) were identified. In order to ensure statistical significance a chi-square test was used; each of the districts was found to be statistically significant with regard to disproportionate representation (**over-representation/under-representation**).

**FFY 2006 SPP Update – Review of Policies, Procedures, Practices**

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07**

**Response to issues identified in USOSEP’s letter responding to the State’s SPP/APR submitted February 1, 2007**

**Issue**

The NJOSEP APR 2005 Response Table states: *“The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and*

*ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g. monitoring data, review of policies, practices, and procedures, etc.). The State indicated that the review of districts identified as having disproportionate representation as a result of inappropriate identification will be reported to USOSEP no later than the submission of the FFY APR submitted February 1, 2008.*

**Response to Issue: District Review of Policies, Procedures and Practices**

NJOSEP has aligned its monitoring process to the federal monitoring priorities and SPP indicators. One of the priority areas used to target districts for comprehensive self-assessment and monitoring during the 2006-2007 school year is disproportionality. The self-assessment includes: data verification, a review of compliance indicators related to Location, Identification, and Referral, Evaluation, and Eligibility Determinations. Additionally, a comprehensive “practice” protocol has been developed to complement the compliance review of policies and procedures that includes practices related to: administrative oversight, general education interventions and supports, parent-family involvement, assessment tools and strategies, written reports of assessment findings, eligibility decision-making process, and bilingual considerations

**FFY 2006 SPP Update – Baseline Data**

**Response to issues identified in USOSEP’s letter responding to the State’s SPP/APR submitted February 1, 2007**

**Issue:**

The NJOSEP APR 2005 Response Table states: *The State provided data on the number of districts with disproportionate representation, but did not identify the number with disproportionate representation in special education and related services that is the result of inappropriate identification....”*

**Response to Issue**

**Baseline Data for 2005-2006:**

**27/629 = .04 x 100 = 4%** of districts with disproportionate representation of racial and ethnic groups in special education and related services that is **the result of inappropriate identification**

**Discussion of Baseline Data 2005-2006:**

Based on the results of the self-assessment process described above, NJOSEP identified 27\* districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. There are 629 districts, including charter schools, responsible for determining the eligibility of students with disabilities. The disproportionate representation detailed below is over-representation, although under-representation was examined.

<b>Black All Disabilities</b>	<b>Hispanic All Disabilities</b>
<b>21 districts – Disproportionate Representation (Over-representation)</b>	<b>8 districts – Disproportionate Representation (Over-representation)</b>
<b>Asian All Disabilities</b> <b>0 districts</b>	<b>Native American All Disabilities</b> <b>0 districts</b>

\*NOTE: 2 districts identified for both Black – All Disabilities and Hispanic All Disabilities

Through the self-assessment process, 27 of the 28 districts targeted through the statistical methodology described above, identified from their self-assessment review, policies, procedures and practices that may be contributing to inappropriate identification.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Target = 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2006 (2006-2007)	Target = 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2007 (2007-2008)	Target = 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2008 (2008-2009)	Target = 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2009 (2009-2010)	Target = 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2010 (2010-2011)	Target = 0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

**Improvement Activities/Timelines/Resources:**

**I. Self-Assessment/Monitoring and Improvement Planning:** NJOSEP has realigned its self-assessment/ monitoring system to be consistent with the SPP indicators. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and their data compared to state targets. Following the review, conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets.

As part of the new monitoring cycle, NJOSEP reviewed eligibility and placement data to identify districts demonstrating disproportionate representation based on race and ethnicity with respect to eligibility determinations and placement in separate special education public and/or private settings. Each district identified for self-assessment will complete a protocol to identify needs for continuous improvement in equitable identification policies, procedures and practices and review the related

compliance requirements. Other related requirements, in areas such as IEP and parent involvement, will also be reviewed. Districts that self-identify noncompliance will be required to correct noncompliance within one year. Verification of progress toward correction will be conducted within six months of identification of noncompliance by monitors and supervisors of child study. Districts identified for disproportionate representation will be required to develop and implement improvement strategies to correct noncompliance and change practices that may be contributing to inappropriate identification. Based on the results of the self-assessment, NJOSEP will determine the type and extent of technical assistance needed, if any, to develop and implement improvement strategies. **(2005-2006 to 2010-2011)**

**II. Technical Assistance**

NJOSEP, in collaboration with the New York Regional Office, Office for Civil Rights and the Northeast Regional Resource Center will provide technical assistance to districts identified as having disproportionate representation with regard to the following:

- district level, building level data analyses;
- use of a data collection tool to track general education interventions (type, frequency, duration); the outcome of general education interventions with regard to referral for special education, reason for referral, referring party, out of referral, if evaluated outcome of evaluation, if eligible, eligibility category and placement determination. This protocol was developed in collaboration with the Office for Civil Rights, Region II Office, the New York University Equity Assistance Center, and the Northeast Regional Resource Center;
- Use of a compliance and “practices” protocol, as described above, to analyze factors that may be contributing to disproportionate representation and develop improvement strategies to address practices that may be contributing to inappropriate identification. **(2005-2006 to 2010-2011)**



**Indicator #10: Disproportionality – Eligibility Category****FFY 2006 Update for SPP Submitted February 1, 2008****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

The requirements for SPP Indicator # 10, Disproportionality, were discussed at the stakeholder meeting on November 3, 2005. Specifically, NJOSEP staff reviewed that Indicator, Data Source, Measurement, and Instructions for the Indicator and Measurement.

Additionally, the following information was presented to the stakeholder group:

- the State's proposed definition of "disproportionate representation";
- the statistical measures that will be used to target districts for review of policies, procedures, and practices; (Stakeholders were informed that NJOSEP was still reviewing statistical options for targeting districts in order to ensure a valid subgroup size for larger and smaller districts);
- two examples illustrating the application of the statistical measures (one example that applied to a district with a total student enrollment of 1,000 or greater and one example that applied to district with a total student enrollment of less than 1,000;
- the tiered level for reviewing policies, procedures, and practices to determine if disproportionality is the result of inappropriate identification and the criteria for determining the level of review; and
- the requirements for the February 2007 Annual Performance Report.

**Stakeholder Input:** A recommendation was made by a representative of the stakeholder group to include the NCSEAM Parent Survey as one of the protocols used as part of the review of policies, procedures and practices. NJOSEP will follow this suggestion and incorporate the protocol into the review process.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Disproportionality</b>
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**Indicator # 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C).**

<b>Measurement:</b> Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.
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## Overview of Issue/Description of System or Process:

Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07

**FFY 2006 SPP Update – Definition of Disproportionate Representation: Over-representation/Under-representation**

**State’s definition of “disproportionate representation”**

NJOSEP defined disproportionate representation, i.e. **over-identification/under- identification**, from both a functional and statistical perspective

**Functional Definition:** Implementation of policies, procedures, and practices in the general education instructional, behavioral, and intervention process and/or the special education identification, referral, evaluation or eligibility determination process that results in a **systemic, pervasive, persistent pattern** of inappropriate **over-representation and under-representation** of students with disabilities of a specific racial/ethnic group as eligible for special education and related services or in a specific eligibility category.

**Statistical Definition:** NJOSEP, with technical assistance provided through the USDOE, Office for Civil Rights, developed a process for determining disproportionate representation (**over-representation/under-identification**). NJOSEP’s process involved the use of multiple measures to statistically determine disproportionate **over-representation and under-representation**. In this way, NJOSEP was able to use a statistical process that was consistent with the functional definition.

The measures included three descriptive statistics:

- unweighted risk ratio
- risk rate comparison
- a measure of impact comparing expected vs. observed numbers of students identified as eligible for special education (**systemic, pervasive**)

The measures included a statistical test, of significance – chi square.

In order to determine **persistence**, districts were ranked on each of the three measures (risk ratio, risk rates, and a measure of impact (i.e. number of students impacted by the disproportionality) over a three year period (2004-2005, 2005-2006, 2005-2006). Ranks for the three year period were totaled and those districts with the lowest ranks (Ranks of 1 to 50) were identified. In order to ensure statistical significance a chi-square test was used; each of the districts was found to be statistically significant with regard to disproportionate representation (**over-representation/under-representation**).

For the purpose of identifying districts with disproportionate representation (**over-representation/under-representation**) of racial-ethnic groups in specific disability categories, NJOSEP:

- applied the chi-square to this pool of districts (regardless of rank) for each racial-ethnic group and for the disability categories of specific learning disability, mental retardation, other health impaired, emotionally disturbed, language impaired, and autism; and
- applied a measure of impact comparing expected vs observed numbers of students identified as eligible for special education.

Districts in which the impact was greater than 10 students were identified as having a “disproportionate representation” of racial and ethnic groups in specific disability categories.

**FFY 2006 SPP Update – Review of Policies, Procedures, Practices**

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07**

**Response to issues identified in USOSEP’s letter responding to the State’s SPP/APR submitted February 1, 2007**

**Issue**

The NJOSEP APR 2005 Response Table states: *“The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g. monitoring data, review of policies, practices, and procedures, etc.). The State indicated that the review of districts identified as having disproportionate representation as a result of inappropriate identification will be reported to USOSEP no later than the submission of the FFY APR submitted February 1, 2008.*

**Response to Issue: District Review of Policies, Procedures and Practices**

NJOSEP has aligned its monitoring process to the federal monitoring priorities and SPP indicators. One of the priority areas used to target districts for comprehensive self-assessment and monitoring during the 2006-2007 school year is disproportionality. The self-assessment includes: data verification, a review of compliance indicators related to Location, Identification, and Referral, Evaluation, and Eligibility Determinations. Additionally, a comprehensive “practice” protocol has been developed to complement the compliance review of policies and procedures that includes practices related to: administrative oversight, general education interventions and supports, parent-family involvement, assessment tools and strategies, written reports of assessment findings, eligibility decision-making process, and bilingual considerations

**FFY 2006 SPP Update – Baseline Data**

**Response to issues identified in USOSEP’s letter responding to the State’s SPP/APR submitted February 1, 2007**

**Issue:**

The NJOSEP APR 2005 Response Table states: *“The State provided the number of districts with disproportionate representation in specific disability categories, but did not identify the number with disproportionate representation in specific disability categories that is the result of inappropriate identification .....*”

**Baseline Data for FFY 2005 (2004-2005):**

**15/629 = .02 x 100 = 2% of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.**

**Discussion of Baseline Data:**

Based on the results of the self-assessment process described below, NJOSEP identified 15 districts with disproportionate representation specific racial and ethnic groups in special education and related services, in a specific disability category. There are 629 districts, including charter schools, responsible for determining the eligibility of students with disabilities. The disproportionate representation detailed below is over-representation, although under-representation was examined.

### SPP Template – Part B (3)

Through the self-assessment process, 15 of the 15 districts targeted through the statistical methodology described above, identified from their self-assessment review, policies, procedures and practices that may be contributing to inappropriate identification.

<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Native American</b>
<b>Specific Learning Disability</b> 2 districts	<b>Specific Learning Disability</b> 1 district	<b>Specific Learning Disability</b> 0 districts	<b>Specific Learning Disability</b> 0 districts
<b>Emotionally Disturbed</b> 10 districts	<b>Emotionally Disturbed</b> 0 districts	<b>Emotionally Disturbed</b> 0 districts	<b>Emotionally Disturbed</b> 0 districts
<b>Mental Retardation</b> 4 districts	<b>Mental Retardation</b> 0 districts	<b>Mental Retardation</b> 0 districts	<b>Mental Retardation</b> 0 districts
<b>Language Impaired</b> 2 districts	<b>Language Impaired</b> 2 districts	<b>Language Impaired</b> 0 districts	<b>Language Impaired</b> 0 districts
<b>Other Health Impaired</b> 2 districts	<b>Other Health Impaired</b> 0 districts	<b>Other Health Impaired</b> 0 districts	<b>Other Health Impaired</b> 0 districts
<b>Autism</b> 0 districts	<b>Autism</b> 0 districts	<b>Autism</b> 0 districts	<b>Autism</b> 0 districts

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2006</b> (2006-2007)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2007</b> (2007-2008)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2008</b> (2008-2009)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2009</b> (2009-2010)	<b>Target = 0% as per requirement of USOSEP</b>

<b>2010</b> (2010-2011)	<b>Target = 0% as per requirement of USOSEP</b>
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**Improvement Activities/Timelines/Resources:**

**Technical Assistance:**

NJOSEP will provide technical assistance to districts identified as having disproportionate representation with regard to the following:

- use of a data collection tool to track general education interventions (type, frequency, duration); the outcome of general education interventions with regard to referral for special education, reason for referral, referring party, out of referral, if evaluated outcome of evaluation, if eligible, eligibility category and placement determination. This protocol was developed in collaboration with the Office for Civil Rights, Region II Office, the New York University Equity Assistance Center, and the Northeast Regional Resource Center.
- Use of a “practice” protocol to analyze factors that may be contributing to disproportionate representation and develop improvement strategies to address practices that may be contributing to inappropriate identification. **(Ongoing Activities – 2005-2006 to 2010-2011)**

**Indicator #11 Child Find (New Indicator)****Revised****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 11, Child Find, was discussed at the first stakeholder meeting held on October 21, 2005 in the context of the presentation on Indicator #15 (Identification and Correction of Noncompliance), which includes the state special education monitoring system.) At the meeting, staff from the NJOSEP presented an overview of the present and future monitoring system and described how the monitoring system would be used to collect data regarding Indicator # 11.

Indicator # 11 was again briefly discussed at the second stakeholder meeting on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 11, reporting that as it was a new indicator; the baseline data would be obtained through the monitoring process, and the target for the indicator was 100%.

***Stakeholder Input***

Feedback from stakeholders at the meetings conducted in the Fall of 2005 was positive with respect to the monitoring system and, specifically the alignment and focus of the system on the federal monitoring priority areas. There was minimal discussion of this indicator since baseline data was yet available and the target was set at 100%.

**Update to State Performance Plan Development**

Another stakeholder meeting was conducted on January 10, 2007 to update stakeholders on the revisions to the indicator and data collection system. At that meeting stakeholders were informed that the original measurement for this indicator was:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 90 days.
- c. # determined eligible whose evaluations and eligibility determinations were completed within 90 days.

Account for children included in “a” but not included in “b” or “c.” Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent = b + c divided by a times 100.

The Stakeholders were informed of the revised measurement as noted below. Revisions to the data collection system and the actual data were also reviewed. Reasons that evaluations were not completed on time were discussed. The reasons ranged from missed appointments, specialized evaluations and staff shortages to “other.”

**Stakeholder Input**

The stakeholders suggested that NJOSEP conduct an informal survey of special education directors to clarify the reasons that evaluations are not completed on time. This information could be used to expand the list of reasons evaluations were not completed in order to reduce the number of “other” responses.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B/Child Find</b>
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**Indicator #11:** Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline). (20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- # of children for whom parental consent to evaluate was received.
- # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

**Overview of Issue/Description of System or Process:****Measurement – New Jersey’s Timeline:**

In the October 12, 2005 technical assistance teleconference, USOSEP staff members described how the identification of patterns of noncompliance related to this indicator could be used to measure progress towards targets rather than a student level measure. As New Jersey does not currently have a student-level database, the use of the monitoring system was considered initially as a way to identify districts where a pattern of delay exists beyond New Jersey’s timeline. However, as only a portion of the districts (119) were to be scheduled for monitoring in the 2005-2006 school year, it was decided (after the stakeholder meeting) that with the addition of two tables to the Annual Data Report (ADR) on December 1, 2006, all districts could report baseline data for the 2005-06 school year. The first table requires districts and charter schools to report the number of students for whom consent to evaluate was received; the number of students who were not determined eligible but were evaluated within New Jersey’s timelines and the number of eligible students that had a program in place by the 90<sup>th</sup> day. The second table records the number of days delayed and the reasons for the delay.

The revised measurement eliminated the phrase, “... and eligibility determinations.” However, in accordance with 34 C.F.R. §300.301(c)(1)(ii) and 34 C.F.R. §300.301(c)(1)(ii), New Jersey has established a timeline within which evaluations must be completed and has also established procedures by which eligibility is determined. New Jersey’s system of evaluation and determination of eligibility includes the following procedures which must be completed within specific timelines as detailed in New Jersey’s special education regulations. These include providing written notice of a meeting; disseminating to the parents any evaluations or reports that will be used to determine eligibility, at least 10 days prior to the eligibility meeting; conducting the eligibility meeting and if the student is eligible, conducting an IEP meeting, providing written notice of the IEP, obtaining consent to implement the IEP and having a program that is in place for the student. To comply with the

requirement to have the entire process completed within 90 days from the date parental consent is obtained, **the evaluations and written report must be completed no later than the 65<sup>th</sup> day from consent.**

**Baseline Data for FFY 2005 (2005-2006)**

**83.9%** of children with parental consent to evaluate were evaluated within New Jersey’s established timeline.

**Discussion of Baseline Data for FFY 2005**

New Jersey’s performance for this indicator of 83.9%, fell short of the 100% compliance target. School districts reported that initial evaluations and other required activities for 4114 school age students were not completed within required timelines. The reasons for the delay included:

Missed appointments by parents	859	
Illness of parent or family member	87	
Parent vacations	<u>132</u>	
<b>Child not made available</b>	<b>1078</b>	<b>26.2%</b>
Specialized evaluations needed	489	
Additional evaluations needed	<u>444</u>	
<b>Evaluation related issues</b>	<b>933</b>	<b>22.7%</b>
Staff shortages	566	<b>13.8%</b>
Staff vacations	132	<b>3.2%</b>
Mediation or due process hearing	10	
Incomplete Residency/Enrollment Information	27	
<b>Other</b>	<b>1221</b>	<b>29.7%</b>

School districts also report that 4114 cases or 16% of cases were delayed beyond the timeline. Of those completed beyond the timeline, 33% were completed within 15 days of the timeline and 52% (cumulatively) were completed within 30 days of the timeline.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	<b>100% of children with parental consent to evaluate, who were evaluated within New Jersey’s established timeline</b>
<b>2006 (2006-2007)</b>	<b>100% of children with parental consent to evaluate, who were evaluated within New Jersey’s established timeline</b>
<b>2007 (2007-2008)</b>	<b>100% of children with parental consent to evaluate, who were evaluated within New Jersey’s established timeline</b>



<p><b>2008</b> (2008-2009)</p>	<p><b>100% of children with parental consent to evaluate, who were evaluated within New Jersey’s established timeline</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>100% of children with parental consent to evaluate, who were evaluated within New Jersey’s established timeline</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>100% of children with parental consent to evaluate, who were evaluated within New Jersey’s established timeline</b></p>

**Improvement Activities/Timelines/Resources:**

**I. Correction of Noncompliance**

All school districts that are below the required target and do not have valid reasons for delays will be identified and notified that 100% correction is required within one year of notification. In addition, school districts that have reported numerous cases of delay will be required to submit a mid-year report demonstrating that the outstanding cases have been completed and new cases are being completed within New Jersey’s timelines. NJOSEP will conduct an onsite visit or engage in other targeted activities in those school districts that fail to complete outstanding cases, and fail to complete new cases within New Jersey’s timeline. **(Ongoing 2006-2007 to 2110-2111)**

**II. Data Collection and Analysis**

**a. State Level Data Analysis** - The initial implementation of this data collection yielded useful information with respect to the number of cases that were not completed within New Jersey’s timeline. However, it was intended that the data collection instrument would permit the school district to check “Other” and to specify additional reasons for delay that were not captured by the list. NJOSEP will take steps to modify the data collection table so as to permit the recording of all reasons contributing to delay. NJOSEP will further refine the list of reasons as needed and modify the tables to ensure clarity in the instructions. **(Ongoing 2006-2007 to 2110-2111)**

**b. District Level Analysis** - NJOSEP will analyze the data at the school district level to determine which districts are below the required target. Delays that resulted because the parents did not make the child available or the school district and parents were engaged in mediation or due process will not count against district performance. NJOSEP will study the impact of the need for additional evaluations (not part of the original evaluation plan), the need for specialized evaluations, staff shortages and incomplete enrollment information on the timelines. **(Ongoing 2006-2007 to 2110-2111)**

**III. Policy and Regulation**

NJOSEP will update guidance to school districts with respect to evaluation requirements, including timelines. In particular, the guidance will reflect changes that permit flexibility in timelines for students who were in the process of being evaluated when they transferred to a new school district. **(2006-2007)**

- IV. Data Review and Stakeholder Meetings:** NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities. NJOSEP will develop a schedule for review and analyses of data for each SPP/APR indicator. Based on the schedule of data analyses, stakeholder meetings will be planned and implemented to review data, targets and improvement activities.

**Indicator #12: Early Childhood Transition****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #12, Early Childhood Transition, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting, NJOSEP staff presented an overview of the indicator and provided information regarding data that was currently available and data that needs to be collected through the state system.

**Stakeholder Input:** The target for the indicator is 100% and the issues surrounding data collection were presented. There was little discussion regarding this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: General Supervision Part B/Effective Transitions**

**Indicator #12: 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**

**Measurement:**

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

Account for children included in a but not included in b and c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.

Percent = c divided by a-b times 100.

**Overview of Issue/Description of System or Process:** Data for this indicator is taken from the State data system. The New Jersey Department of Health and Senior Services (Early Intervention System) has shared data with the New Jersey Department of Education 619 Program based on the December 1 count. Data is collected for each of the 21 counties in New Jersey. The data for this indicator is generated by the New Jersey Early Intervention System, specifically the service coordinator at the county level.

**Baseline Data for FFY 2004 (2004-2005):**

68% of children referred by Part C prior to age 3, who are found eligible for Part B, and have an IEP developed and implemented by their third birthday.

Discussion of Baseline Data:

**New Jersey Early Intervention System Data December 2004**  
**New Jersey Department of Health and Senior Services**

10f. Age 3, eligible for Part B	2730
10g. Referred Pt B prior 120 timeline, LEA Not Determined	429
<b>Sub-total (a)</b>	<b>3159</b>
10h. Referred prior 120 timeline, eligibility not known	191
10i. Referred after 120 timeline, eligibility not determined	119
10j. Referred after 120 timeline, eligibility not known	48
10l. Pt. B Eligibility not determined/unknown (other)	475
Sub-total(b)	833
10k. Age 3, not eligible for Pt B, exit w/ no referrals	186
10m. Age 3, not eligible for Part B, Exit with Referral	287
Total=Subtotal (a+b)+10k+10m	4,465

a. # of children who have been served in Part C and referred to Part B for eligibility determination.

Total: 4,465 Total=Subtotal (a+b)+10k+10m

b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.

Total: 473 (10k+10m)

c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

Total: 2,730 (10f)

Account for children in a (4,465) but not included in b (473) or c (2,730).

Total: 1,262 Children

Category	Number
10g. Referred Pt B prior 120 timeline, LEA Not Determined	429
10h. Referred prior 120 timeline, eligibility not known	191
10i. Referred after 120 timeline, eligibility not determined	119
10j. Referred after 120 timeline, eligibility not known	48
10l. Pt. B Eligibility not determined/unknown (other)	475

**Range of delays beyond the third birthday when eligibility was determined and reasons for delays:** The existing data bases do not include fields that provide specific information regarding the range of delays beyond the third birthday when eligibility was determined or the reasons for delays. NJOSEP had anticipated that the NJSMART, a Department of Education data warehouse would have provided this type of information; however the data system is still under development.

Consequently, NJOSEP will institute an alternate method of data collection through the monitoring system that will be reported in the February 2007 APR.

**Reasons for Delays –** Based on technical assistance activities:

Smaller districts with no district operated program need to place out of district and experience difficulty finding an opening.

Larger state operated early childhood program districts fill to capacity in the fall.

Due process proceeding.

Further evaluations needed.

Working families have difficulties coordinating transportation between district placement and after school child care.

Referral received at the district close to the child’s third birthday.

Parent chooses a religious setting or to keep the child home.

Parent decides to wait a year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 % Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2006 (2006-2007)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2007 (2007-2008)	100 % Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2008 (2008-2009)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2009 (2009-2010)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2010 (2010-2011)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

**Improvement Activities/Timelines/Resources:**

**Note:** \*\*\*\* Indicates activity was the result of stakeholder input.

**I. Data Collection and Analyses:**

- a. **Range and Reason for Delays:** NJOSEP will develop and implement a data collection system that provides information regarding the range of days beyond the third birthday when eligibility was determined and reasons for delays. NJOSEP will analyze the reasons for delay on an annual basis and determine the need for regional/county level/ district level improvement planning. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- II. **Correction of Noncompliance – Targeted Review:** All school districts that are below the required target and do not have valid reasons for delays will be identified and notified that 100% correction is required within one year of notification. In addition, school districts that have reported numerous cases of delay will be required to submit a mid-year report demonstrating that the outstanding cases have been completed and new cases are being completed within New Jersey’s timelines. NJOSEP will conduct an onsite visit or engage in other targeted activities in those school districts that fail to complete outstanding cases, and fail to complete new cases within New Jersey’s timeline. **(Ongoing 2006-2007 to 2110-2111)**

**III. Policy and Regulation:**

- a. Proposed Regulations:** On November 2, 2005, the NJDOE proposed several regulatory changes intended to facilitate the early childhood transition. These proposed regulations include:
- district responsibilities at the transition planning conference; and
  - district responsibilities to ensure that the early intervention service coordinator is invited to the IEP meeting at the request of the parent.
- b. Implementation of Adopted Regulations:** Following the adoption of the New Jersey Administrative Code a series of training sessions will be conducted to assist in the implementation of the requirements listed above. **(Activity: 2006-2007 through 2008-2009)**

**IV. Coordination Across Systems**

- NJOSEP (619) will participate on the Part C Steering Committee and the SICC and provide information on this indicator. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- Coordinate taskforce of Part C and B stakeholders to further define and clarify transition reporting categories. **(Ongoing Activity: 2005-2006 through 2006-2007)**
- Track activities generated from contact from the Early Intervention Systems' Regional Early Intervention Collaboratives in response to the Service Coordination Units. **(Ongoing Activity: 2005-2006 through 2006-2007)**
- NJOSEP (619) will coordinate efforts with New Jersey Department of Health and Senior Services, Early Intervention System to disseminate the revised transition booklet for families and continue joint training regarding the early childhood transition process for families, districts, early intervention providers. **(Ongoing Activity 2005-2006 through 2010-2011)\*\*\*\*\***
- The NJOSEP (619) will continue to work with the Department of Human Services, Early Care and Education Office in the dissemination of information on the early childhood transition to Head Start and childcare. **(Ongoing Activity 2005-2006 through 2006-2007)\*\*\*\*\***

**Indicator #13: Secondary Transition (New Indicator)****FFY 2006 Update for SPP Submitted February 1, 2008****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 13, Secondary Transition, was discussed at the first stakeholder meeting held on October 21, 2005, within the context of the discussion of Indicator 15, which includes the state special education monitoring system (Identification and Correction of Noncompliance). At the meeting staff from the NJOSEP presented an overview of the present and future monitoring system and described how the monitoring system will be used to collect data regarding indicator 13.

Indicator #13 was again briefly discussed at the second stakeholder meeting on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator 13, reporting that it was a new indicator; the baseline data would be obtained through the monitoring process, and the target for the indicator was 100%.

**Stakeholder Input:** Stakeholders responded positively to the focus of the new monitoring system which will be aligned with the monitoring priority areas. There was minimal discussion of this indicator since baseline data was not yet available and the target was set at 100%.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B/Effective Transition</b>
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**Indicator #13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. –**

<b>Measurement:</b> Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.
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**Overview of Issue/Description of System or Process:**

Data for this indicator for FFY 2006, were obtained through the NJOSEP self-assessment/monitoring system. Districts selected for special education monitoring in FFY 2006 were required to review a sample of IEPs of students, aged 16 and above, to determine if the IEPs included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. Districts were required to use the survey, developed by the National Secondary Transition Technical Assistance Center (NSTTAC), to determine whether each IEP contained the required components. An IEP was determined to have “coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals” if the district responded “yes” to the following three questions from the survey for that IEP.



<p>1. Is there a measurable <b>postsecondary goal or goals</b> as appropriate for the following areas: education/training, employment, and/or independent living?</p> <p>Explanation: Can the goal(s) be counted? Will the goal(s) occur <i>after</i> the student graduates from school?</p> <ul style="list-style-type: none"> <li>• For each area, if <i>yes is the answer to both questions above</i>, then circle Y.</li> <li>• If a postsecondary goal(s) is not stated, circle N.</li> </ul>
<p>2. Is (are) there <b>annual IEP goal(s)</b> that reasonably enable the child to meet the postsecondary goal(s)?</p> <p>Explanation: Is (are) an annual goal(s) included in the IEP that will help the students make progress towards the stated postsecondary goal(s)? If <i>yes</i>, circle the Y.</p>
<p>3. Are there transition services in the IEP that focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school?</p> <p>Explanation: Is a type of <i>instruction, related service, community experience, development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills, and provision of a functional vocational evaluation</i> listed in association with meeting the post-secondary goal(s)? If <i>yes</i>, then circle Y.</p>

All districts will be selected for self-assessment once during the cycle; however, the selection of districts in FFY 2006 focused on two priority areas: the rate of students in separate public and private placements and significant disproportionate representation of minority students in special education.

**Baseline Data for FFY 2006:**

**Response Table: Issues identified in USOSEP’s letter responding to the State’s previously submitted SPP/APR** – The FFY 2005 SPP/APR Response Table stated that, *“The State reported that monitoring data is used to determine baseline data, establish targets and determine annual progress towards targets. Although the State reported that districts were identified through the monitoring process, the State data represented the number of districts in which transition IEPs were an area of need and not the percentage of youth with IEPs, that included the required content, as required by the measurement for this indicator. The data reported is not sufficient for this indicator.*

*OSEP looks forward to reviewing data on the correct measurement in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.320(b), including correction of the noncompliance identified in FFY 2005.”*

**Baseline Data: 75%** of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals.

**Actual Numbers used in the calculation:**

Number of IEPs Reviewed	999
Number of IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals	746
Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals	75%

**Discussion of Baseline Data:**

A total of 45 districts participated in the data collection for Indicator 13. Twenty-one (21) of those districts reported that less than 95% of the IEPs reviewed for their district were compliant with transition requirements. The majority of IEPs that did not meet requirements were missing annual goals that would reasonably enable the child to meet the postsecondary goal(s).

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2006 (2006-2007)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2007 (2007-2008)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2008 (2008-2009)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2009 (2009-2010)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2010 (2010-2011)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Improvement Activities/Timelines/Resources:**

**Self-Assessment/Monitoring:** Effective February 2007, NJOSEP realigned its self-assessment/monitoring system to be consistent with the SPP indicators. Districts were selected for monitoring based on federal monitoring priorities – placement in the least restrictive environment and disproportionate representation of specific racial/ethnic groups in special education. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and to examine their data compared to state targets. Following the review, conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets. Districts are required to develop activities for continuous improvement in areas where their data do not meet state SPP targets.

Monitoring activities in the areas of graduation rate, dropout rate and transition service needs are linked in the self-assessment. Each district identified for self-assessment reviews their graduation

and dropout rates against the state annual SPP targets, completes a protocol to identify needs for continuous improvement in transition planning and reviews related compliance requirements. Districts that self-identify noncompliance are required to correct noncompliance within one year. If a district has identified noncompliance or their graduation and drop-out data do not meet state SPP targets, a verification visit will be conducted approximately six months following identification of noncompliance to review related requirements and verify correction of any noncompliance identified during self-assessment. A review of implementation of activities for continuous improvement toward state SPP targets will also be conducted. Improvement strategies include, but are not limited to:

- District level data collection and analyses for graduation and dropout rates;
- Use of the state recommended model IEP form and notices;
- Program development to increase student engagement in learning and increase graduation rates including use of Structured Learning Experiences, Community Based Instruction; Student Self Advocacy Activities; Mentoring and Transition Planning from Middle to High School Programs as well as Transition Planning from School to Adult Life
- Linkages to post-school agencies;
- Parent – Family Involvement;
- Instructional supports and accommodations at the secondary level; and
- Positive Behavioral Supports.

Districts participating in self-assessment are required to review a sample of IEPs of students, aged 16 and above, to determine if the IEPs include coordinated, measurable, annual IEP goals and transition services that will reasonable enable the student to meet the post-secondary goals. Districts are required to use the survey, developed by the National Secondary Transition Technical Assistance Center (NSTTAC), to determine whether each IEP contains the required components.

**Technical Assistance for Self-Assessment Districts:** To assist districts in conducting their self-assessment and preparation of improvement plans regarding transition practices, NJOSEP will conduct regional trainings for district teams participating in the 2006-2007 self-assessment. Team composition will include special education administrators, general education administrators, child study team members, parents, guidance personnel and/or transition coordinators. Forty-seven districts participated in the training. This training will clarify regulatory requirements and describe effective practices to enhance transition planning and services. Using the transition protocol developed by NJOSEP, teams will learn about student, family and transdisciplinary school involvement in IEP development and transition planning; interagency resources and linkages; and preparation for integrated employment, independent living, and postsecondary education. In addition, in-district technical assistance activities will be provided, upon request. **(Activity 2006-2007)\*\*\***

The following activities are relevant to the indicators linked to transition, specifically Indicators 1, 2, 13, and 14.

**Policy/Regulation:** NJOSEP has continued to require that transition services be addressed in students' Individualized Education Programs, beginning at age 14. Specifically, N.J.A.C. 6:28 requires that... Beginning with the IEP in place for the school year when the student will turn age 14, or younger if determined appropriate by the IEP team, and updated annually, the IEP must include:

- a statement of the student's strengths, interests, and preferences;
- identification of a course of study and related strategies and/or activities that are consistent with the student's strengths, interests, and preferences and are intended to assist the student in developing or attaining postsecondary goals related to training, education, employment and, if appropriate, independent living;
- as appropriate, a description of the need for consultation from other agencies that provide services to individuals with disabilities including, but not limited to, the Division of Vocational Rehabilitation Services in the Department of Labor; and
- as appropriate, a statement of any needed interagency linkages and responsibilities.

**(Activity 2006-2007)\*\*\***

**Self-Assessment/Monitoring:** Effective February 2007, NJOSEP realigned its self-assessment/monitoring system to be consistent with the SPP indicators. Districts were selected for monitoring based on federal monitoring priorities – placement in the least restrictive environment and disproportionate representation of specific racial/ethnic groups in special education. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and to examine their data compared to state targets. Following the review conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets. Districts are required to develop activities for continuous improvement in areas where their data do not meet state SPP targets.

Monitoring activities in the areas of graduation rate, dropout rate and transition service needs are linked in the self-assessment. Each district identified for self-assessment reviews their graduation and dropout rates against the state annual SPP targets, completes a protocol to identify needs for continuous improvement in transition planning and reviews related compliance requirements. Districts that self-identify noncompliance are required to correct noncompliance within one year. If a district has identified noncompliance or their graduation and drop-out data do not meet state SPP targets, a verification visit will be conducted approximately six months following identification of noncompliance to review related requirements and verify correction of any noncompliance identified during self-assessment. A review of implementation of activities for continuous improvement toward state SPP targets will also be conducted. Improvement strategies include, but are not limited to:

- District level data collection and analyses for graduation and dropout rates;
- Use of the state recommended model IEP form and notices;
- Program development to increase student engagement in learning and increase graduation rates including use of Structured Learning Experiences, Community-Based Instruction; Student Self-Advocacy Activities; Mentoring and Transition Planning from Middle to High School Programs as well as Transition Planning from School to Adult Life;
- Linkages to post-school agencies;
- Parent – Family Involvement;
- Instructional supports and accommodations at the secondary level; and
- Positive Behavioral Supports.

**Technical Assistance for Self-Assessment Districts:** To assist districts in conducting their self-assessment and preparation of improvement plans regarding transition practices, NJOSEP conducted seven regional trainings for district teams participating in the 2006-2007 self-assessment. Team composition included: special education administrators, general education administrators, child study team members, parents, guidance personnel and/or transition coordinators. Forty-seven districts participated in the training. This training clarified regulatory requirements and described effective practices to enhance transition planning and services. Using the transition protocol developed by NJOSEP, teams learned about student, family and transdisciplinary school involvement in IEP development and transition planning; interagency resources and linkages; and preparation for integrated employment, independent living, and postsecondary education. In addition, in-district technical assistance activities were provided, upon request. **(Activity 2006-2007)\*\*\***

**State Level Capacity Building:** NJOSEP, through its “transition-related” initiatives, has emphasized the importance of linking school experiences to post-school education, employment, self-advocacy and independence. The development and implementation of these initiatives are frequently conducted in collaboration with other offices/units within the Department of Education as well as other agencies outside of the Department. This focus is reflected in the activities listed below.

**a. Statewide Training and Technical Assistance:** To promote knowledge of effective practices for transition from school to adult life for students with disabilities, NJOSEP organized and provided statewide trainings as well as in-district technical assistance on a proactive and on a request basis.

These activities were conducted for school districts, other offices within the Department of Education, other agencies, professional organizations, and parent organizations. The purpose of the training and technical assistance was to clarify regulatory requirements and policy, share promising practices and resources, and provide guidance on transition program development and an improvement planning process. During the 2006-2007 school year, five regional proactive trainings were conducted statewide. 124 educators and parents from 85 secondary programs attended these proactive sessions. Additionally, nine in-district trainings and three statewide presentations were conducted for other agencies, professional organizations and parent groups. **(Activity: 2006-2007)\*\*\***

**b. Student Leadership “Dare to Dream” Conferences:** To promote self-advocacy and self-determination among New Jersey youth with disabilities, NJOSEP organized and conducted five Student Leadership “Dare to Dream” conferences for students with disabilities in the spring of 2007. These conferences were held regionally throughout the state on college campuses. Approximately 1,400 high school students, parents, and school personnel were provided training and guidance in the areas of self-advocacy and legal rights and responsibilities. The conferences featured presentations by youth and young adults with disabilities. **(Activity: 2006-2007)\*\*\***

**c. Interagency Collaboration - Structured Learning Experience/Career Orientation Educator:** NJOSEP continued to support implementation of regulations adopted by the New Jersey State Board of Education on March 2, 2005 that established a training requirement enabling certified teachers to serve as a coordinator of career awareness, career exploration, and/or career orientation. The regulation also established the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences. Structured Learning Experience (SLE) (N.J.A.C. 6A:19-1.2, NJDOE) means experiential, supervised educational activities designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved. All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor. Structured learning experiences may include, but are not limited to: apprenticeships; community service; cooperative education; internships; job shadowing; school-based enterprises; volunteer activities; vocational student organizations; and the work experience career exploration program (WECEP).

A major benefit of this regulation is the flexibility for districts to assign staff to these positions and to increase the local school districts’ capacity to provide appropriate transition services through work-based learning. To support implementation of the structured learning experience requirements, NJOSEP, in collaboration with the Office of Vocational-Technical, Career and Innovative Programs, sponsored workshops that: (a) enable appropriate school staff to meet the training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Activity: 2006-2007)\*\*\***

**d. Interagency Collaboration - Community-Based Instruction (CBI):** To promote the use of community-based instruction for students with disabilities, including a specific focus for students with significant disabilities, NJOSEP entered into a cooperative agreement with The Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ) to conduct regional trainings for districts statewide that focus on the development and improvement of community-based instruction (CBI). Because the knowledge and support of district administration is critical to the development and/or expansion of the practice of CBI, 8 regional sessions for administrators were held across the state in February and April, 2007. These sessions described quality components of CBI programs for students with disabilities, essential administrative supports to implement CBI, as well as upcoming staff training opportunities. In order for staff to register for CBI trainings, administrators were required to attend these administrative sessions. In attendance at these sessions were 155 administrators or their designees, representing 145 secondary programs.

In April 2007, two-day staff training sessions were conducted regionally on the topics of CBI for students with severe disabilities and job development for all students in CBI. The training entitled *CBI for Students with Severe Disabilities* provided information on areas of instruction, the relationship between the New Jersey Core Curriculum Content Standards (NJCCCS) and CBI, integrating school-based and community-based instruction, student assessment, support strategies for students with behavioral, physical, or medical challenges as well as planning for program development and implementation. *Job Development in Career Exploration for All Students* provided information on the use of this approach for Career Exploration; linkages to Structured Learning Experience and strategies about how to locate and establish worksites in the community for students with disabilities ages 16-21 through partnerships with community businesses. A total of 200 educators attended one or both of these training sessions from 65 secondary programs. Beginning in the fall of 2007, NJOSEP and the Boggs Center will follow-up with districts that participated in the trainings to determine the extent to which programs have been initiated or expanded, the number of students who are participating in these programs, factors contributing to the creation and/or expansion of these programs as well as the need for further technical assistance support. Technical assistance will be provided, upon request to these participating programs. **(Activity: 2006-2007)\*\*\***

**e. *Interagency Collaboration - Pathways to Adult-Life for Parents:*** To promote interagency collaboration and support for parents of students with developmental disabilities (ages 14-19), the NJDOE, Office of Special Education Programs, organized and participated in an interagency parent training initiative along with the New Jersey Department of Labor, Division of Vocational Rehabilitation Services; the New Jersey Department of Human Services, Division of Disability Services and the Division of Developmental Disabilities; and The Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ). This training was designed for parents of students with developmental disabilities (ages 14-19) and provided specific information regarding referral, eligibility determination, and the range of service options available through the state agencies. More than 400 parents participated in 12 regional sessions that were held throughout New Jersey. **(Activity: 2006-2007)\*\*\***

**f. *Interagency Collaboration - Councils/Committees:*** To assist in the service coordination across state departments and agencies, and share the education perspective with others, representatives of the NJDOE, Office of Special Education Programs participated on the following statewide councils and committees:

- New Jersey Department of Labor, Division of Vocational Rehabilitation Services State Rehabilitation Council
- New Jersey Department of Human Services, Commission for the Blind and Visually Impaired State Rehabilitation Council
- New Jersey Department of Community Affairs, Commission on Recreation for People with Disabilities
- New Jersey Commission on Higher Education, Special Needs Advisory Group
- New Jersey Supported Employment Interagency Workgroup
- New Jersey State Agency Directors Forum
- New Jersey Department of Human Services, Division of Disability Services Interagency Stakeholder Group
- National Down Syndrome Society Transition and Higher Education Committee

**(Activity: 2006-2007) \*\*\***

**g. *Interagency Collaboration - Centers for Independent Living - Promoting Self Advocacy:*** To promote self-advocacy for students and families, NJOSEP continued to support the Centers for

Independent Living. NJOSEP entered into an interagency cooperative agreement with the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, enabling each of the twelve Centers for Independent Living in New Jersey to continue implementation of the *Promoting Self-Advocacy* project. This project is focused on the following: 1) increasing the number of students, families, and school personnel that are aware of and use the resources and services of the Centers for Independent Living in New Jersey; 2) increasing students' knowledge of rights, responsibilities and resources; 3) increasing students' use of self-advocacy, self-determination, and self-help skills in their daily lives; and 4) increasing students' participation and decision making in the transition planning process with specific regard to postsecondary resources, services and linkages. Each Center for Independent Living offers self-advocacy, self-determination, and self-help programs and services to students with disabilities, their families and schools using current and effective materials and resources. During the period between June 1, 2006 and October 31, 2006, the *Promoting Self-Advocacy* project assisted 585 students (ages 14-21) in developing and implementing an individualized plan to increase self-advocacy skills in the areas of independent living, community participation, employment, and/or recreation. An additional 1,276 students received information and referral services during this period.

Outcomes from the project include: increased numbers of students and school staff who have become aware of and use the services provided by the Centers for Independent Living; increased collaboration amongst the Centers of Independent Living throughout the State; and increased collaboration with school districts as evidenced by invitations to project staff into their classrooms to provide direct instruction to students with disabilities on their rights, responsibilities and resources. .  
**(Activity: 2006-2007, 2007-2008)**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006**

Not applicable. There were no revisions for proposed targets, improvement activities, or timelines.

**Indicator #14: Post-Secondary Transition Outcomes****FFY 2007 Update for SPP Submitted February 2, 2009****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #14, Post-Secondary Transition Outcomes, was discussed with the stakeholder group on October 21, 2005. NJOSEP presented an overview of the SPP requirements for this indicator, including the revised timelines for reporting baseline data, APR, February 1, 2008. Stakeholders were informed that NJOSEP would follow the procedures for conducting the post-school outcome study recommended by the National Center for Post-School Outcomes (NPSO) and that contractual options for implementing the study were being explored (request for proposals to State colleges and universities; individual vendor; part-time employee etc.)

**Stakeholder Response:** At the October 21, 2005 meeting, one of the stakeholders indicated that was familiar with the work of the NCPO and wanted to make sure that NJOSEP staff were familiar with their publications on sampling; provided names of potential vendors; and suggested that student placement be incorporated as a variable in the study.

On January 11, 2008 procedures for conducting the post school outcomes study, baseline results, and proposed targets were shared with the stakeholders. Stakeholders reviewed this information and provided input to NJOSEP. Several stakeholders expressed concern about the measurement, preferring a longitudinal data collection.

With regard establishing targets, most stakeholders agreed that the first year's outcome of 79% engagement for students with disabilities was very positive. While some stakeholders recommended raising the targets, others felt that the proposed targets were appropriate. NJOSEP has decided to maintain the proposed targets for the coming year. This decision was based on a number of considerations. First, this is the first time that NJOSEP acquired outcome data on student exiters and therefore, trend data is not available. Secondly, as students in the next cohort of districts have already graduated, improvement activities conducted in the coming year will not affect their outcomes. The proposed targets maintain the same high level of engagement achieved in the baseline year (79% engagement) and then increase the target 1% each year thereafter. An opportunity to reset the targets for coming years will be provided next year when the stakeholders examine the results of the second cohort of districts.

Some stakeholders also asked NJOSEP to conduct subgroup analyses to see if there are implications for improvement activities. NJOSEP will conduct subgroup analyses when conducting trend analyses for the next cohort of districts.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B/Effective Transition</b>
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**Indicator #14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.**



**Measurement:** Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

**Description of how data are to be collected so that the State will be able to report baseline data and targets in the APR due February 1, 2008.**

**Description of the sampling methodology outlining how the design will yield valid and reliable estimates**

**Overview of Issue/Description of System or Process:**

NJOSEP will follow the guidelines discussed in the document, *Post-School Outcomes for Youth with Disabilities-Establishing a Representative Sample of Your State to Address Indicator # 14*, developed by the National Post-School Outcomes Center, for the purpose developing and implementing a sampling methodology that will yield valid and reliable estimates and collecting baseline data as reflected in the sampling plan described below.

**NJOSEP Sampling Plan and Methodology for Post-School Outcome Data Collection:**

- NJOSEP will identify *school districts* as the “unit of selection” in the sampling process;
  - NJOSEP will include *all students leaving those districts in the initial statewide sample*; those students will form the respondent group to be queried regarding their post-school experiences;
  - Accuracy in sampling will be achieved by sampling school districts, as the distribution of student with IEPs should form a *representative sample* when aggregated statewide;
  - All LEAs will be *included at least once* in the data collection over the period of the SPP;
- NOTE: LEAs with enrollments of over 50,000 are to be included in the survey annually; however, New Jersey has no districts with this enrollment size.**
- NJOSEP will establish a *3% sampling error*, i.e. the sample that is chosen must be representative of the population of interest at a level of error that will be plus or minus 3% -- an error band of 6%;

**FFY 2005 Revised for clarification: FFY 2005**

The sampling parameters will include:

- district enrollment (size);
  - number of students with disabilities
  - disability categories - percentages of learning disabled, emotionally disturbed; mentally retarded and a category for all other.
  - race/ethnicity
  - gender – percent of female students with disabilities;
  - Abbott / Non Abbott designation.
  - drop out
- NJOSEP will use the *Sampling Calculator* being developed by NPSO, a software system that will read in the complete listing of all New Jersey school districts and will have the capability to receive input on the sampling parameters listed above. The Sampling Calculator software *will select a representative sample reflecting the population of the State at a pre-set confidence level of plus or minus 3%*;

- The representative sample of districts will be contacted by NJOSEP before the end of the 2005-2006 school year. These districts will be required to generate a list of **all school leavers** for the 2005-2006 school year (including drop-outs and students who did not return); obtain contact information for them after leaving high school; and describe the purpose of the follow-up that will be conducted between *April and June, inclusive*;
- NJOSEP will use the data collection protocols developed by NPSO, *Student Exit Survey (SES)* and *Post-School Data Collection Survey (PDS)*;
- In order to *address any problems with response rates and missing data*, NJOSEP will incorporate a variety of response options into its data collection process (e.g. phone surveys, web-based responses, mail distribution) and provide ample time for multiple follow-up contacts with non-responders). NJOSEP will be proactive in limiting missing data through a series of training and technical assistance sessions with district staff involved in the data collection activities. In addition, follow-up data collection activities will provide for the acquisition of missing data.
- Through the establishment of the 3% sampling error and the use of the NPSO sampling calculator, selection bias should be prevented.

### **FFY 2006 Update to implementation of the data collection process for the Post-Secondary Transition Outcome Study:**

- **District Sample Identified** – using the NPSO sampling calculator, district samples for the period of the SPP were generated. The first sample consists of 42 local school districts.
- **Technical Assistance to Districts** - In May 2006, NJOSEP conducted a technical session for the 42 school districts selected for participation in the 2006-2007 post-secondary data collection. Districts were required to identify students with disabilities who have exited during the 2005-06 school year. This includes 2006 graduates, students who will be aging out of school, and students who have dropped out, including students who have moved, but not continuing. The 42 districts were required to collect contact information on all exiters and to notify the students and their parents that they will be contacted within a year to determine the student's post-school status. A copy of the survey was disseminated to the school district representatives.

Staff from the 42 districts will conduct the actual follow-up interviews with former students between April and September 2007, and report the results to NJOSEP by October 2007. Districts will be encouraged to use a variety of strategies (e.g., phone and/or mail survey, face to face interviews) to collect the survey data. The student or family member would be an acceptable designee to complete the survey.

- **Definitions for Data Analysis** - NJOSEP will use the **definition for Enrollment of Postsecondary School as one of the following:**
  - 2-year college or community college
  - 4-year college or university
  - Technical college
  - High school completion degree
  - Vocational or short-term training program
  - On-the-job training program

**Full time enrollment is defined as enrollment in at least 12 credits.**

NJOSEP will use the Rehabilitation Act's definition of competitive employment which reads: Competitive employment means work- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled. Competitive

employment is full-time (35 or more hours per week) and part-time (less than 35 hours per week). (Authority: Sections 7(11) and 12(c) of the Act; 29 U.S.C. 705(11) and 709(c)).

**Competitive employment is defined as:**

- in an integrated community employment setting
  - working 35 hours per week or less
  - earning minimum wage greater
  - can include the military or supported employment
- **Establishing Valid and Reliable Estimates:** Once data are gathered in the yearly post-school data collection, a critical issue will be to establish that the respondents in the data collection were equivalent to the original, representative sample. NJOSEP will use the Response Calculator developed by NPSO to verify that the respondents are representative of all student exiters in the first cohort of districts. Once these data are entered, the calculator conducts statistical comparisons between the original representative sample and the respondent group to identify how similar - or different - those two groups are on the designated variables. After analysis, NJOSEP will be able to report baseline, targets and improvement activities with the FFY 2006 APR due Feb. 1, 2008.

### **Baseline Data for FFY 2005 (2005-2006):**

#### **Discussion of Baseline Data**

**Data Collection:** Using the NPSO sampling calculator, a representative sample of districts was selected to participate in the first data collection. 41 districts constituted the first cohort of districts (baseline) for the post school outcome study. One district that had been originally identified for inclusion in this cohort (of 42 districts) was not included. This district had recently established a new high school program and as yet, did not have any special education student exiters during 2005-2006. This district will be included in the survey during the final data collection year. Using the NPSO protocols, data were collected between April and September of 2007 on student exiters from these districts.

**Exiters for 2005-2006:** The total number of exiters for 2005-2006 was 2584. This number was based on the End of Year Report of special education exiters submitted by the districts and verified with each district prior to the beginning of the data collection period. The number of exiters included students who had graduated, aged out, or dropped out, including students who moved but were not known to be continuing. Dropouts included students ages 14-21 who left during 2005-2006 school year. In a few instances, the number of exiters reported on the End of Year Report was revised, primarily due to the discovery that 32 students had reenrolled during the fall of 2007.

**Response Rate:** Because New Jersey does not have a student level database, the decision was made to collect demographic information on all exiters for 2005-2006 by requiring each district to complete Part 1 of the Post-School Data Collection Protocol based on the protocol developed by NPSO. New Jersey amended Part 1 of the protocol to include information on placement, structured learning experience, and referral to adult service agencies. Part 2 of the protocol contains information on student outcomes post graduation. Information on respondents was obtained from protocols that contained completed information for Parts 1 and 2.

Data on 43 out of 2584 exiting students in this sample were not included in the analysis due to missing information. As this number constituted a very small percentage of all exiters ( $43/2584=.017\%$ ), the impact on the validity of the study was minimal. 2541 surveys had useable data for Part I. This number was used as the total number of student exiters for 2005-2006. 1696 surveys had complete information for both Part 1 and Part 2 of the survey. This number represented the number of student respondents.

#### **The response rate for the baseline was 66.75%**

Using the NPSO Response Calculator, response rate was computed as 1696 respondents divided by 2541 student exiters = 66.75%.

The NPSO Response Calculator was used to derive response rate demographic statistics the results are as follows:

**Response Rates by Demographics**

	Overall Number of Exiters	LD	ED	MR	AO	Female	Minority	Out of District Public or Private	Dropout	Abbott
<b>Student Exiters</b>	2541	1606	273	73	589	920	1259	274	502	576
<b>Respondents</b>	1696	1081	161	45	409	617	778	173	209	334
<b>Response Rates</b>	66.75%	67.31%	58.97%	61.64%	69.44%	67.07%	61.80%	63.14%	41.63%	57.99%

**Representativeness of the Respondents to the Original Sample of Student Exiters**

New Jersey used the NPSO response calculator to determine the representativeness of the respondents to all student exiters from the first cohort of districts. A difference of greater than +/- 3% is considered a statistical difference. The sample of respondents very closely matched the target leavers for all categories except for students who dropped out (-7.43% difference) and a slight difference for minority status (-3.67% difference).

**Representativeness of Respondents to Student Exiters**

	SLD	ED	MR	AO	Female	Minority	Out of District Public or Private	Dropout	Abbott
<b>Student Exiters Representation</b>	63.20%	10.74%	2.87%	23.18%	36.21%	49.55%	10.78%	19.76%	22.67%
<b>Respondents Representation</b>	63.74%	9.49%	2.65%	24.12%	36.38%	45.87%	10.20%	12.32%	19.69%
<b>Difference</b>	0.53%	-1.25%	-0.22%	0.94%	0.17%	-3.67%	-0.58%	-7.43%	-2.98

**Student Outcome Data: 2005-2006 exiters**

**79% of New Jersey youth who had an IEP and who exited secondary school during 2005-2006 have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.**

**Actual numbers used in the calculation**

Using the NPSO response calculator, the calculation for the percent of youth with IEPs, no longer in secondary school, and who have been competitively employed, enrolled in some type of secondary school, or both, within one year of leaving high school was computed by dividing the total number of students who reported engagement in competitive employment, secondary school or both, within one year of leaving high school, divided by the total number of statewide respondents 1348/1696 =79%. Similarly, the calculation for each subcategory of engagement

was computed by dividing the number of students who reported engagement in that category by the total number of statewide respondents.

**Student Outcomes: 2005-2006 Student Exiters**

	Total Positive Engagement	Competitively Employed Only	Postsecondary School Only	Both Employed & School	Other	Neither
% of students	79%	27%	9%	43%	13%	8%
Number of Respondents In Each Category	1348	463	152	733	213	135
Total Number of Statewide Respondents	1696	1696	1696	1696	1696	1696

This outcome demonstrates the positive impact of New Jersey’s special education programs and services across the state. This is a statistic to be proud of and represents the efforts of dedicated educators and families across New Jersey. As this report further describes the students who are represented in this study, there will be particular subgroups of students for whom specific attention is warranted. Nevertheless, it is important to recognize the accomplishments and commitment New Jersey school schools are making and to commend these efforts.

Of the students who were positively engaged, 27% reported they have been competitively employed, 9% reported they have been enrolled in postsecondary school and 43% reported that they have been both employed and in post secondary school or training within one year of leaving high school. In addition to these students, another 13% of students reported they were engaged in “other activities”. These activities included engagement in non-competitive employment (e.g. sheltered workshops, working in the home, babysitting, caretaking, working in prison) or engagement in studies by exiters who were incarcerated. An additional 8% of exiters reported that they had neither worked nor attended post secondary education or training in the year following exiting from high school.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006</b> (2006-2007) <b>Baseline year</b>	<b>79% of students who have been competitively employed, enrolled in some type of post secondary school, or both, within one year of leaving high school</b>
<b>2007</b> (2007-2008)	<b>79% of students who have been competitively employed, enrolled in some type of post secondary school, or both, within one year of leaving high school</b>
<b>2008</b> (2008-2009)	<b>80% of students who have been competitively employed, enrolled in some type of post secondary school, or both, within one year of leaving high school</b>
<b>2009</b> (2009-2010)	<b>81% of students who have been competitively employed, enrolled in some type of post secondary school, or both, within one year of leaving high school</b>

2010 (2010-2011)	82% of students who have been competitively employed, enrolled in some type of post secondary school, or both, within one year of leaving high school
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**Improvement Activities/Timelines/Resources:****FFY 2006 Update: Post School Outcomes Study: Improvements in Data Collection**

**Meetings with District Staff Prior to Data Collection:** For each cohort of districts, New Jersey will meet twice with district administrative staff and transition coordinators who will be responsible for collecting data on student exiters. The first meeting will be held in mid-winter (February) of each year, prior to notifying graduating students. The purpose of the meeting will be to introduce the post school outcome study, the data collection process and district responsibilities. Districts will be informed that they must inform students prior to graduation about the transition study, encourage their participation and collect follow-up contact information for each student. A second meeting will be held with district staff the following February to prepare district staff to collect student demographic information on all students and to conduct the follow-up survey of student outcomes. Emphasis will be placed on strategies for acquiring a high response rate and submission of complete surveys to ensure valid and reliable data for all students. A particular focus will be placed on increasing response rates for dropouts and minority students through strategies such as repeated contact attempts and increasing the type of contact information collected (cell phone numbers, email addresses, existing family members currently in school, friends). Data collection on exiters will be conducted from April through the end of August each year. **(Activity: 2006-2007 to 2010-2011)**

**Incentives:** New Jersey will continue to employ an incentive system for response rates. Districts will be reimbursed for the costs of conducting this study, including a supplemental award depending upon response rates. Districts will complete a contract detailing their responsibilities for conducting the study, the number of verified exiters and compensation to be provided based on completed, returned surveys. **(Activity: 2006-2007 to 2010-2011)**

**Monitoring/Technical Assistance:** Ongoing communication will occur between district staff and Department of Education staff during the course of data collection. Department of Education staff will monitor surveys returned and follow up with individual districts to ensure completeness of data. Department of Education staff will be available to respond to district questions and to provide support and suggestions. **(Activity: 2006-2007 to 2010-2011)**

**Post School Outcome Study Protocol:** The post-school outcome study protocol will be reviewed to determine the need for revision. Revision will be based on the need for further clarity and/or additional information to inform outcomes and program improvement. **(Activity: 2006-2007 to 2010-2011)**

**Assistance from NPSO and NERRC** NJOSEP will continue to seek assistance from the NPSO and the NERRC in coming years. The technical assistance provided through phone, web conferences and on-site meetings has been and will continue to be a valuable source of support for this work. **(Activity: 2006-2007 to 2010-2011)**

**Data Analysis**

Trend data analysis on outcomes will be conducted following the collection of cohort 2 data to inform targets and improvement activities. As part of this analysis, subgroup analyses will be conducted to inform improvement activities, as appropriate.

**Application of Data from the Post School Outcomes Study**

The data from the post school outcomes study will be used in a number of ways to improve programs and services for students, including the following activities:

**Follow-up Technical Assistance for Participating Districts**

A follow-up meeting will be held each year with each cohort of districts who participated in the post school outcomes study. At that meeting statewide findings will be discussed and individual district results will be

presented and reviewed. NJOSEP staff will facilitate a structured review of district results and improvement planning strategies. Follow-up technical assistance will be provided for individual districts based on their data. **(Activity: 2007-2008 to 2010-2011)**

Self Assessment/Monitoring/Technical Assistance: Data from the post-school outcome study will be used to inform the self-assessment monitoring process. As districts are selected for monitoring, information on exiters will be used in conjunction with other data (e.g. dropout rates, graduation rates, age 16 statements, linkages to other agencies) to determine areas of need and improvement plans as well as strategies to direct training or technical assistance. **(Activity: 2007-2008 to 2010-2011)**

### Dissemination Activities:

Showcasing Practices: Data will be used to identify districts that had positive survey results. These districts will be contacted to delineate practices that are contributing to these outcomes. Practices employed by these districts will be disseminated through OSEP's transition training and technical assistance activities and through OSEP's website. **(Activity: 2007-2008 to 2010-2011)**

## **Update to Improvement Activities FFY 2007 – 2/2/09**

For the next cohort of districts, strategies to increase the number of students who dropout and/or who are from minority groups will be guided, in part, by demographic data. In cohort two, an analysis of district response rates, revealed that three districts with high numbers of both dropouts and minority students were among the districts with the lowest response rates. In coming years, demographic analysis will be used to identify districts for individual technical assistance meetings *prior to* as well as *during data collection*. Individual meetings will be held with these districts prior to the start of data collection to collaboratively develop a district's plan for data collection, including activities, timelines, and individuals responsible. As part of the plan, provision will be made for periodic progress reporting to district administrative staff as well as to NJOSEP. **(Activity: 2008-2009)**

Additionally, during April and early May of 2009, NJOSEP will provide training to district staff who will interview students. Strategies regarding when to call, introductions and rapport building, as well as how to ask and record responses to questions will be covered. **(Activity: 2008-2009)**

## Indicator # 15: Identification and Correction of Noncompliance

### Part B State Performance Plan (SPP) for 2005-2010

#### Overview of the State Performance Plan Development:

Indicator #15, Identification and Correction of Noncompliance, was discussed at the first stakeholder meeting held on October 21, 2005. NJOSEP staff presented an overview and explanation of the indicator. The presentation included information on the State's procedures related to the compliance monitoring process – both present and future. Data on the current status of districts monitored from 1999-2005 were presented using the categories described below. Sanctions were also described. Details of the proposed monitoring process were presented along with a comparison of the present and future systems.

Additionally, the stakeholders were provided information on the State's procedures related to tracking noncompliance that is identified through complaint investigation. Current data from the 2004-2005 school year were presented to show the number of findings of noncompliance and the number and percentages of corrections completed within one year from identification.

**Stakeholder Input:** Feedback was favorable from the stakeholders. They responded well to the focus of the system which is on the federal monitoring priority areas. Since the target for Indicator 15 must be 100% there was little discussion regarding the target.

*(The following items are to be completed for each monitoring priority/indicator.)*

#### Monitoring Priority: Effective General Supervision Part B/General Supervision

**Indicator # 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

#### Measurement:

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in not case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms
- b. # of findings of noncompliance made
- c. # of corrections completed as soon as possible, but in no case later than one year from identification.

Percent = c divided by b times 100



**Overview of Issue/Description of System or Process:****Indicators 15 A. and B.****Noncompliance identified through monitoring process****Monitoring Process: 1999-2006**

The NJDOE monitoring process includes self-assessment by each district and charter school, the development of a district-wide improvement plan to address areas of non-compliance, on-site monitoring by a team from the Office of Special Education Programs, revision of the improvement plan, if necessary, for any area of non-compliance and verification of implementation of the improvement plan by the County Office of Education.

- **Self-Assessment and Improvement Plan Development**

Each year of the six-year monitoring cycle, a selection of districts and charter schools participated in self-assessment and improvement plan development. The process required districts to identify areas of need regarding federal and state special education regulations, barriers to compliance that exist in the district and activities with timelines to eliminate the barriers and achieve compliance. Stakeholders, including parents and community members were required participants in the self-assessment process at the district level. Districts and charter schools were given one year to complete the self-assessment and develop an improvement plan which was to be approved by the district or charter school board of education prior to submission to the NJOSEP. The districts were provided with IDEA-B funds to support self-assessment activities.

In the year following self-assessment, districts receive an onsite monitoring visit to verify findings in the self assessment. Improvement plans are reviewed and reports are generated and disseminated outlining the final findings and results of the improvement plan review. Reports are posted on the NJDOE web site and districts are required to read the summary page of the report at a board of education meeting.

- **Process for Selecting LEAs for Monitoring**

Districts were selected for monitoring for each year of the six year cycle based on size and geographic region and prioritized according to information from complaint investigations, due process hearings and placement data that indicated pervasive problems. Districts with the most significant compliance and placement issues were scheduled for the first year of the monitoring cycle. All districts and charter schools received training in the process prior to their self-assessment year.

- **Technical Assistance and Training**

During the year in which a district or charter school was conducting self-assessment, technical assistance and training were provided by the Bureau of Program Accountability and the Bureau of Program Development. Targeted training addressed educating students in the least restrictive environment and transition to adult life, areas where patterns of noncompliance had been identified. Additionally, each district participates in training by the monitors to assist them in identifying areas of need, identifying barriers to correction, and developing improvement plan activities to remove barriers and achieve compliance. Each district had the opportunity to meet with the monitoring team leader to discuss any questions the district might have regarding the process. Monitoring team leaders were available through phone consultation throughout the self-assessment and improvement plan development process. The final group of districts and charter schools completed their self-assessments and improvement plans during the 2004-2005 school year.

Technical assistance and training, including small group or individualized meetings, are available to receiving schools through the County Offices of Education. Staff in the Bureau of Program Review and Approval also provides technical assistance upon request.

- **Parent Involvement**

As part of the self-assessment process, each district was required to hold a stakeholder meeting and gather information from parents regarding their perceptions of the delivery of special education and related services in the district. Prior to the monitoring visit, a meeting was conducted by the monitoring team with parents in the district to gather additional input. Parents are also surveyed by phone. Parent input is included in each monitoring report in the summary page which is read at a board of education meeting.

- **Data Collection**

NJOSEP collects and maintains data on each district and charter school in order to track statewide patterns of noncompliance and ensure that all districts and charters are monitored during the six year cycle. The results of verification activities are also tracked to ensure timely correction and identify districts where sanctions are warranted.

- **Sanctions**

The NJOSEP instituted a categorical system during FFY 2005 to monitor correction of noncompliance and establish criteria for sanctions. If a district demonstrates pervasive and persistent noncompliance, and is unwilling or unable to achieve correction, the district is categorized as high risk. At a minimum the district receives monthly visits by a monitoring team. Based on results of a statewide verification process that occurred in the spring and summer of 2004, updated correction action plans were developed in the fall of 2004 for districts that are high risk or districts that are potentially high risk. Expedited timelines were defined also. The monitors provide technical assistance, conduct co-training with district staff, provide resource materials and conduct verification activities once technical assistance or training has occurred. Districts that continue to have problems with correction meet with the director, Office of Special Education Programs and the county superintendent and ultimately, funds are directed or withheld.

### **Baseline Data for FFY 2004 (2004-2005): Monitoring**

The attached chart (Attachment 1) lists the number of findings in the monitoring priority areas and the percent of findings of noncompliance corrected within one year. The calculations are as follows:

- A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification
  - a. # of findings of noncompliance related to monitoring priority areas and indicators: 154
  - b. # of corrections completed within one year: 83Percent =  $83/154 \times 100 = 54.0\%$
  
- B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:
  - a. # of findings of noncompliance made related to such areas: 196
  - b. # of corrections completed as soon as possible but in no case later than one year from identification 87Percent =  $87/198 \times 100 = 44.4\%$

**Discussion of Baseline Data:**

During the 2003-2004 school year, 109 districts were monitored. These districts completed a self-assessment during the 2002-2003 school year. Baseline data reflect findings in 77 districts since the remaining districts monitored have had less than 1 year to correct noncompliance from the point of identification.

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken - Monitoring**

In order to expedite correction of noncompliance, NJOSEP continues to implement a categorical system tied to specific sanctions for delays in implementation of improvement plans. This system has been utilized to report to the USDOE on all districts monitored during this cycle.

When pervasive and persistent noncompliance has been identified as part of the self-assessment or through onsite monitoring, and the district or charter was unable or unwilling to correct the noncompliance in a timely fashion, the district has been identified as high risk. Sanctions have been imposed including monthly visits by a monitoring team charged with overseeing the implementation of activities to achieve compliance. When a district has failed to achieve compliance, additional sanctions were imposed including a meeting with the County Superintendent, Director, Office of Special Education Programs and Assistant Commissioner and/or the direction or withholding of federal and/or state funds.

Districts categorized as high risk received extensive technical assistance from both the Bureau of Program Accountability and the Bureau of Program Development related to procedures for implementing and ensuring continued compliance with IDEA focusing on areas that have been identified by the USDOE as monitoring priority areas. During FFY 2004, a monitoring team identified areas that continued to be noncompliant and worked with each high risk district to develop activities designed to correct noncompliance, and expedited timelines for completion of the activities and verification of implementation. Activities included technical assistance and co-training with district staff, revision of procedures for oversight within districts, dissemination of resources that were found to be effective in other districts in the state, re-allocation of district staff, and changes in administrative structure. Procedures were put in place for the monitoring team for each high risk district to review results of complaint investigations conducted in the district and include systemic findings in the district's improvement plan

**Note:** The attachments described below include the number of agencies monitored related to the monitoring priority areas and indicators, and the number of agencies monitored related to areas not included in monitoring priority areas and indicators.

A. Monitoring Findings Related to Priority Areas:

**See Attachment 1 – Table for Indicator 15 A**

Baseline data reflect monitoring of compliance issues related to the priority areas as designated in the related requirements document developed by the USDOE.

**Note 1:** Although a new monitoring system will be implemented, and categorization of monitoring findings will change to better reflect monitoring priorities, the system will continue to track the factors presented in the baseline data.

B. Monitoring Findings Not Related to Priority Areas:

**See Attachment 1 – Table for Indicator 15 B**

Although baseline data is included in the attachment for these findings, the new monitoring system may not include all of the areas included. The APR for 2005 will clearly define the indicators in this category.

**Indicator 15 C.****Noncompliance Identified through other mechanisms (complaints, due process, hearings, mediations, etc.)****Mediation/Due Process**

The New Jersey Office of Special Education Programs (NJOSPEP) identifies noncompliance with respect to mediation and due process hearings in two ways. Whenever a pattern (number of mediations or due process hearings related to a particular issue in a district) is discerned, the information is conveyed to the regional monitoring team for review of policies and procedures that may affect the number of requests in a district for mediation or due process hearings.

In addition, NJOSPEP enforces the district's compliance with mediation agreements and due process hearing decisions. Parents may request enforcement of a state mediated agreement or a decision of an administrative law judge (ALJ) by writing to the NJOSPEP when the parent believes the district has failed to implement the agreement or decision as written. For agreements, a mediator will be assigned to enforce the agreement. For decisions of an ALJ, a complaint investigator will be assigned to enforce the decision. In each instance the district is required to submit documentation of compliance with the agreement or decision.

Should a district fail to correct the noncompliance after enforcement activities have been conducted, the matter is referred to the Office of the Attorney General for further action. If the district will not comply at this point, the Office of the Attorney General will initiate procedures for a show cause order. A hearing will be conducted in a state court of appropriate jurisdiction.

**Baseline Data:****Mediation Enforcement Data**

For the 2003-04 school year, there were seven requests for enforcement of mediation agreements. Data show that three were enforced within the required timeline. The data for the remaining four are incomplete and although the cases are closed, it is not possible to determine whether the noncompliance was corrected within the required timeline. Improvements in the data collection are needed to ensure correction of noncompliance within one year of identification.

**Due Process Enforcement Data**

For the 2003-04 school year, there were 10 requests for enforcement of ALJ decisions. Two requests were not enforced (one was withdrawn; the other was already being enforced through civil action of the petitioner). There were eight enforcements conducted among seven school districts. Of the eight enforcements, six cases of noncompliance were corrected within one year of identification. In the remaining two cases, there were findings of noncompliance. In one district the noncompliance was not corrected within the one year timeline. The remaining case was forwarded to the Office of the Attorney General and is currently being addressed through the courts.

a = 7 agencies where noncompliance was identified

b = 8 cases of noncompliance

c = 6 cases of noncompliance corrected within one year of identification

$6/8 = 75\%$  of enforcement of noncompliance in due process cases was corrected within one year of identification

**Discussion of the Baseline Data**

To determine the 2004-05 baseline of the percentage of noncompliance related to the enforcement of due process cases that was corrected within one year from identification, NJOSEP collected the number of enforcement cases with findings of noncompliance for the 2003-04 school year. (The 2003-04 school year begins July 1, 2003 and ends June 30, 2004.) NJOSEP then identified the date each district was notified of the request for enforcement. NJOSEP calculated the number of days from the date the district was notified to the date the noncompliance was corrected. The percentage was derived by dividing the number of cases closed within one year by the total number of cases.

At present the database is not capable of tracking correction of noncompliance by finding. Rather, the system can only track correction of noncompliance by case. In cases where more than one finding of noncompliance is identified, all findings of noncompliance must be corrected before the database will report that noncompliance has been corrected.

Improvements are needed with respect to the collection and reporting of enforcement data regarding mediation agreements. Such improvements are currently being developed and implemented for the enforcements conducted during the 2004-05 and 2005-06 school years.

**Complaints**

Upon completion of a complaint investigation report, the investigator enters data into the complaint database as to whether the district was determined compliant or noncompliant for each allegation. The NJOSEP has identified 41 different elements related to compliance indicators that are also tracked through the monitoring process. The “common” elements are included within broader topical areas as follows:

- Procedural Safeguards (Notice, Consent, and Independent Educational Evaluations),
- Referral/Identification
- Evaluation/Reevaluation
- Eligibility
- IEP (Development and Implementation)
- Parent Participation
- Placement (LRE, Full Continuum)
- Provision of Related Services
- Extended School Year Services
- Participation in Statewide Assessment
- Student Records
- Transition (Part C to B, Secondary)
- Discipline

In addition to the three full-time complaint investigators, the NJOSEP employs two part-time individuals (one full-time equivalent) to oversee the correction of noncompliance that has been identified through complaint investigation.

These individuals work closely with the regional monitoring teams to share information regarding the identification of noncompliance through complaints and to coordinate corrective actions. The monitoring unit (Bureau of Program Accountability) is notified of districts where repeated noncompliance has been identified in a particular district. Repeated identification of noncompliance of a monitoring priority within a district would trigger joint action that includes conducting onsite reviews and coordinating the implementation of corrective actions. The inability of districts to correct the noncompliance would place a district at risk and may ultimately result in a designation of high risk. When noncompliance is identified in high risk districts, the monitoring unit is notified. Corrective actions that are related to the provision of services to a particular child or group of children are overseen by the complaint investigation unit; while noncompliance regarding systemic and procedural issues is overseen by the monitoring unit.

**Baseline Data for FFY 2004 (2004-2005): Complaint Investigation**

- a = **98 education agencies** in which noncompliance was identified through complaint investigation
- b = **160 cases with findings** of noncompliance
- c = **111 cases** with findings of noncompliance **corrected within one year** of identification
- 111/160 = **69%** of cases of noncompliance **corrected within one year** of identification

For the 2003-04 school year, 365 findings of noncompliance were identified. Each finding was identified according to the common elements. In the priority areas, the following were identified:

<b>TOPIC</b>	<b>#OF FINDINGS</b>	<b>PERCENT OF FINDINGS</b>
Parent Participation	4	1%
Placement in the LRE	5	1.4%
Transition from EIP	4	1.1%
Transition to Post-Secondary	3	.8%
Graduation	0	0%
Statewide Assessment	3	.8%
Discipline	27	7.4%
Implementation of IEP	58	15.9%
Provision of Related Services	42	11.5%

**Discussion of Baseline Data:**

To determine the 2004-05 baseline of the percentage of noncompliance that was corrected within one year from identification, NJOSEP collected the number of cases with findings of noncompliance for the 2003-04 school year. (The 2003-04 school year begins July 1, 2003 and ends June 30, 2004.) NJOSEP then identified the date each report was approved and the date the corrective action plan (CAP) was “closed” for correcting the noncompliance. NJOSEP calculated the number of days from the date the report was approved to the date the noncompliance was corrected. The percentage was derived by dividing the number of CAPs closed within one year by the total number of CAPs. Additionally, the number of education agencies with findings of noncompliance was identified. Finally, the findings of noncompliance were identified by topic for analysis.

At present the database is not capable of tracking correction of noncompliance by finding. Rather, the system can only track correction of noncompliance by case. In cases where more than one finding of noncompliance is identified, all findings of noncompliance must be corrected before the database will report that noncompliance has been corrected. Therefore, it may appear that there are many more instances of noncompliance than correction.

With respect to the open CAPs, the NJOSEP has determined that six districts have four or more open CAPS and account for 21% of open CAPs. While continuing to work towards correcting 100% of identified noncompliance within one year of identification, NJOSEP will continue to work on closing all outstanding CAPs as quickly as possible. NJOSEP will target those districts with four or more open CAPs for immediate intervention.

With respect to the priority areas that were identified as being noncompliant, Parent Participation, Placement in the LRE, Transition from EIP and to Post-Secondary, Statewide Assessment and Graduation account for just 5.1% of all findings of noncompliance identified through complaints. The NJOSEP will continue to work with districts to assure that districts follow all appropriate procedures with respect to these issues.

With respect to the monitoring priority of Discipline, the NJOSEP believes the noncompliance is related to a lack of understanding of the appropriate procedures that districts must implement. NJOSEP has developed materials and provided technical assistance to districts whose policies and procedures were noncompliant and will continue to monitor this area of noncompliance for improvement.

With respect to the non-priority monitoring area of Provision of Related Services, the NJOSEP believes a shortage of staff, including speech-language specialists and school counselors, is contributing to the number of findings in this area. With respect to the shortage of speech-language specialists, NJOSEP amended its regulations in the 2003-04 school year to permit districts to contract for the services of fully certified speech personnel. A decrease in the number of complaints related to the provision of speech-language services is expected. The NJOSEP will continue to monitor this area of noncompliance.

With respect to the non-priority monitoring area of Implementation of the IEP, the NJOSEP will continue to monitor this area to identify barriers which are contributing to the noncompliance.

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken - Complaint**

When a district fails to complete corrective actions in a timely manner, the department has depending on the circumstances, provided technical assistance, notified the district board of education of the district's failure to complete the corrective action in a timely manner and arranged for a meeting with the district superintendent and president of the board of education to review and summarize the outstanding corrective actions. In the event this is not sufficient to correct the noncompliance, the department will initiate the process to withhold approval of the district's IDEA grant or delay payment of the funds until the noncompliance is corrected. In the case of a charter school, the same procedures with respect to technical assistance and interaction with the director and board of directors are in place. However, the department has the authority to place the charter school on probation and if necessary, revoke the school's charter. At present, meetings with three district superintendents and board presidents have occurred; one district has been advised that IDEA funding may be withheld and one charter school is on probation. At present, each education agency is making progress towards the completion of the corrective actions. These same procedures would be utilized to ensure that corrective action is completed within one year of identification.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-2006)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2006</b> (2006-2007)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>

<p><b>2007</b> (2007-2008)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2008</b> (2008-2009)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>

**Improvement Activities/Timelines/Resources:**

**I. Implementation of New Monitoring System:**

A new monitoring system will be implemented during the 2006-2007 school year. The system will include self-assessment, development of improvement plans, onsite monitoring visits, public reporting of findings and focused monitoring. The goal of the new system is to focus improvement activities on requirements that facilitate positive outcomes in the areas of placement in the least restrictive environment, access to the general education curriculum, equitable identification of students with disabilities, graduation, and statewide assessment. The system will also include strategies to expedite the identification and correction of noncompliance. Districts will be required to establish timelines for



the timely correction of noncompliance. The new monitoring system will enable NJOSEP to track all monitoring findings by individual compliance issue.

Focused monitoring will be implemented to provide those districts with the most significant problems assistance in identifying barriers and activities to expand placement options and achieve equitable identification of students with disabilities. The Bureau of Program Development and Bureau of Program Accountability will collaborate with a group of districts, selected based on specific data-based criteria, to conduct an in-depth review in the areas of placement in the least restrictive environment and overrepresentation of minority students in special education. Parents will participate on the focused monitoring teams.

A technical assistance document is under development to assist administrators with implementing, and overseeing the implementation of special education regulations. Districts will be provided with guidelines, sample procedures and forms to assist personnel in monitoring the special education process. This should reduce the time spent on paperwork and increase time available for program improvement. Dissemination is scheduled for June 2006 to coincide with the adoption of state regulations that implement IDEA 2004. **(Activity: 2005-2006 through 2010-2011)**

## **II. Complaint Investigation and Mediation/Due Process Enforcement Policy and Procedures**

- a. Establish timelines for CAP activities to ensure that correction of noncompliance identified through complaint investigation is completed within one year of identification. **(Activity: 2005-2006 through 2010-2011)**
- b. Establish timelines for enforcement activities to ensure that correction of noncompliance identified through enforcement activities is completed within one year of identification. **(Activity: 2005-2006 through 2010-2011)**
- c. Identify districts with repeated findings of noncompliance and continue to coordinate with monitoring unit. **(Activity: 2005-2006 through 2010-2011)**

## **III. Data Collection and Analysis**

- a. Track CAPs to ensure compliance with the one year timeline. **(Activity: 2005-2006 through 2010-2011)**
- b. Explore feasibility of modifying the complaint, mediation and due process hearing databases in an effort to track correction of noncompliance by finding. **(Activity 2005-2006)**

## **IV. Training/Technical Assistance**

- a. Identify priority/topical areas that indicate a need for training/technical assistance in an effort to eliminate/reduce the complaints in a particular issue. **(Activity: 2005-2006 through 2010-2011)**

- V. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

*Attachment 1*  
*Table for #15A*

Monitoring Priority Indicators		Related Requirements	Number within one year of approved improvement plan*	Number of Findings a.	Number Corrected within 1 year b.	Percent of Findings Corrected within 1 year*
#	Indicator					
1. 2.	Percent of youth with IEPs graduating from high school with a regular diploma. Percent of youth with IEPs dropping out of high school.	Transition	71	37	20	54.1
3.	Participation and performance of children with disabilities on statewide assessments.	Participation Documented in IEP	71	15	8	53.3
4.	Rates of suspension and expulsion	Discipline Procedures	71	45	24	53.3
5. 6.	Percent of children with IEPs aged 6 through 21 and preschoolers-educational placements.	LRE Decision making and Continuum of Placements	71	57	31	54.4
8.	Percent of parents with a child receiving special education services who report that schools facilitated parent involvement. <b>NEW INDICATOR NO DATA 2004-2005</b>					
9 & 10 .	Percent of districts with disproportionate representation of racial and ethnic groups in special education. <b>NEW INDICATOR NO DATA 2004-2005</b>					
12 .	Percent of children referred by Part C prior to age 3 who have an IEP developed and implemented by their third birthday.					

**SPP Template – Part B (3)**

**New Jersey**  
State

Monitoring Priority Indicators		Related Requirements	Number within one year of approved improvement plan*	Number of Findings a.	Number Corrected within 1 year b.	Percent of Findings Corrected within 1 year*
#	Indicator					
13	Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals. <b>NEW INDICATOR – NO DATA FOR 2004-2005</b>					
<b>TOTALS</b>		109	71	154	83	54.0

\*Districts that are within one year of approval of their improvement plan are excluded from the calculation.

*Table for #15B*

Related Monitoring Priority Indicators	Number of LEAs with Findings* a.	Number Corrected within 1 year b.	Percent of Findings Corrected within 1 year*
<b>Parent Involvement</b> <ul style="list-style-type: none"> <li>• Notice of Meeting</li> <li>• Written Notice</li> </ul>	37	21	56.8
<b>IEP</b> <ul style="list-style-type: none"> <li>▪ Meeting participants</li> <li>▪ Required considerations and statements (ESERS / ESLS)</li> <li>▪ Copy of IEP to parents prior to implementation</li> <li>▪ Implementation dates</li> <li>▪ Annual Reviews</li> <li>▪ By June 30</li> <li>▪ Knowledge/access to IEPs</li> </ul>	51	24	47.1
<b>Location, Referral and Identification</b> <ul style="list-style-type: none"> <li>▪ Child Find 3-21</li> <li>▪ Referral Process</li> <li>▪ Pre-referral Interventions</li> <li>▪ Direct Referrals</li> <li>▪ Health Summary</li> <li>▪ Vision and Hearing Screenings</li> <li>▪ ID meetings-Timelines/participants</li> </ul>	16	10	62.5
<b>Evaluation Eligible for Special Education and Related Services (ESERS)</b> <ul style="list-style-type: none"> <li>▪ Multi-disciplinary</li> <li>▪ Standardized Assessments</li> <li>▪ Functional Assessments</li> <li>▪ Bilingual Evaluations</li> <li>▪ Written Reports</li> </ul>	47	16	34.1
<b>Re-evaluation</b> <ul style="list-style-type: none"> <li>▪ 3-year timelines</li> <li>▪ planning meeting/participants</li> <li>▪ Completed by June 30<sup>th</sup> of student's last year in preschool</li> </ul>	45	16	35.6
<b>Total</b>	196	87	44.4

\*Districts that are within one year of approval of their improvement plan are excluded from the calculation.

**Indicator #16: Complaint Timelines****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development: Indicator #16 – Complaint Timelines**

Indicator #16, Complaint Timelines, was discussed at the first stakeholder meeting held on October 21, 2005. NJOSEP staff presented an overview and explanation of the indicator. NJOSEP staff provided an explanation of the complaint system and reviewed relevant data.

**Stakeholder Input:**

There was a discussion with the stakeholders about new procedures that were expected to streamline the complaint investigation process and ensure timely issuance of reports.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: General Supervision/Complaints</b>
--

**Indicator #16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.**

<b>Measurement: Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100</b>
--

**Overview of Issue/Description of System or Process:**

The NJOSEP employs 3 full-time complaint investigators, 2 part-time staff (1 full-time equivalent) and one full-time coordinator. The coordinator supervises the complaint investigation process. The investigators identify allegations; conduct fact-finding and write reports that determine compliance/noncompliance and where there is noncompliance, direct corrective action. The part-time employees are responsible for conducting enforcement of due process decisions when the parent alleges the district has failed to implement the decision of an administrative law judge. In addition, the part-time employees are responsible to oversee implementation of the corrective action plans.

New procedures for conducting a complaint investigation have been developed and implemented. These include providing the parent and education agency an opportunity to resolve the complaint, an opportunity for the education agency to acknowledge noncompliance and submit a corrective action plan, and providing the education agency an opportunity to submit a written response to the allegations of noncompliance.

**Baseline Data for FFY 2004 (2004-2005):**

55% of signed written complaints were completed within 60-day timeline or a timeline extended for exceptional circumstances. (See Attachment 1 on Page 103)

**Discussion of Baseline Data:**

On December 31, 2004, 100% of complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. Subsequently, one staff member was promoted and assigned to another work assignment (March 2005) and one staff member resigned to accept another position (May 2005). After recruitment efforts, a full complement of staff was in place as of July 2005.

In addition, efforts were undertaken to review current procedures to ensure that complaint investigations are conducted as efficiently and effectively as possible and to assist in meeting timelines. As a result three new strategies have been implemented:

1. The complainant must now send a copy of the request to the education agency that is the subject of the complaint.
2. The education agency is given an opportunity to respond to the allegations before the fact-finding begins. This strategy assists the investigator in identifying records to be reviewed and key persons to interview, thereby reducing the amount of time spent in preparing for an onsite review.
3. A resolution process (as noted in the APR for FFY 2004) has been implemented. The process has two different options for resolving a complaint:
  - a) If the complaint was filed by the parent, and the complainant and respondent(s) reach an agreement that resolves the complaint, the education agency will forward to the Office of Special Education Programs a signed notice of the complainant's withdrawal of the complaint. If some, but not all, of the issues are resolved, the parties will so notify the OSEP, which may investigate the remaining issues. If the parties do not reach an agreement by the end of the ten-day period, the OSEP will proceed with its investigation.
  - b) The education agency may propose corrective action to address one or more allegations in the complaint. The Office of Special Education Programs may accept or reject the proposed corrective action, or require other corrective actions or time lines to ensure that the education agency is in compliance with respect to the issue(s) raised in the complaint. If, however, the education agency proposes corrective action that ultimately, does not satisfy the NJOSEP, then an investigation will be conducted.

Of 73 complaints to date, 20 were offered early resolution. Of those, 7 were withdrawn, in 1 instance the education agency acknowledged noncompliance and a report was issued. Additionally, 2 education agencies submitted sufficient information as to eliminate the necessity for an onsite review. While it is too soon to determine the full impact, these practices appear to be promising for assisting in meeting timelines.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-2006)</p>	<p><b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b></p>
<p><b>2006</b> (2006-2007)</p>	<p><b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b></p>
<p><b>2007</b> (2007-2008)</p>	<p><b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b></p>

<p><b>2008</b> (2008-2009)</p>	<p><b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b></p>

**Improvement Activities/Timelines/Resources:**

**I. Monitoring Timelines**

- a. Continue to monitor timelines to ensure timely resolution of complaints. **(Ongoing Activity 2005-2006 through 2010-2011)**

**II. Early Resolution of Complaints**

- a. Continue to utilize strategies detailed above for early resolution of complaints and monitor for effectiveness. **(Activity 2005-2006 through 2010-2011)**

- III. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity 2005-2006)**

**Indicator #17: Due Process Timelines****FFY 2007 Update for SPP Submitted February 2, 2009****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 17, Due Process Timelines, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting staff from the NJOSEP presented an overview and explanation of the indicator. The presentation included information on the State's procedures related to due process hearings, including the changes that became effective July 1, 2005. Current data from the 2004-05 school year was presented to show the number of cases filed and the number of fully adjudicated due process cases held within and outside of the required timeline.

**Stakeholder Input:** Since the target for Indicator 17 must be 100% there was little discussion regarding this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B/General Supervision</b>
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**Indicator # 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.**

<b>Measurement:</b> Percent = $(3.2(a) + 3.2(b))$ divided by 3.2 times 100.
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**Overview of Issue/Description of System or Process:**

In New Jersey the Office of Administrative Law (OAL) is the agency that hears all due process cases. Data are collected throughout the year by the OAL indicating the number of due process cases transmitted to OAL, the outcome of each case and the timeline for hearing and deciding a case. The New Jersey Department of Education (NJDOE) also maintains a database and inputs the total number of cases filed in New Jersey.

All due process and mediation cases are filed with NJOSEP. All pertinent information (i.e., date received, relief requested, parent/student identifying information, issues, and attorneys) is logged into a database and the case is assigned a specific case number. If mediation is requested NJOSEP immediately gives the folder to the office scheduler who then schedules the mediation date and location.

Pursuant to New Jersey law and code the OAL is the agency responsible to hear all due process cases that are not settled through mediation/resolution session or are directly transmitted for hearing per parent/district agreement. All transmittals are clearly tracked in the office database.

NJDOE and OAL have taken steps to expedite the processing of requests for a due process hearing and completion of due process hearings, with the goal of completing all cases within the 45-day federal time period (including all legal extensions of time). The NJOSEP and OAL implemented a new system for transmittal and processing of requests for a due process hearing to OAL on February 1, 2005. Cases are now transmitted and scheduled for an initial hearing on or about day 10. If additional hearing dates are required, they are scheduled on that initial hearing date and the matter is



adjourned to the next hearing date. This system results in early case management by the administrative law judge assigned to the case, with an emphasis on keeping the parties focused on preparing for and completing the case as quickly and efficiently as possible. Parties are expected to begin their cases on the initial hearing date, and to resolve any discovery, witness or other procedural issues at that time, in order to allow for completion of the hearing on any subsequent hearing day(s) determined necessary to fully hear the matter. This system, with its added emphasis on case management at an early date, should result in a significant reduction of the number of calendar days utilized to complete due process hearings, as well as the number of federal days necessary to complete these cases.

**Baseline Data for FFY 2004 (2004-2005):** In school year 2004-05 there were a total of 848 hearing requests made to the NJDOE. Of those requests, 634 cases were ultimately transmitted to the OAL. Of the 634 transmittals, 255 resulted in settlement agreements and 86 cases were fully adjudicated at OAL. Of the 86 cases, 31 were fully adjudicated within the 45-day timeline and 44 were fully adjudicated within extended timelines. All remaining cases were either withdrawn, settled through mediation, closed or rejected by NJOSEP.

Data collected from the 2004-05 school year shows that 87.2% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended. Only 11 of the 86 cases were not fully adjudicated within the appropriate timeline. (See Attachment 1 on page 103.)

**Discussion of Baseline Data:** Of the 86 fully adjudicated cases, 31 were fully adjudicated within the 45-day timeline and 44 were fully adjudicated within extended timelines. Only 11 of the 86 cases were not fully adjudicated within the appropriate timeline. Therefore, in school year 2004-05 a total of 87.2% of fully adjudicated cases were fully adjudicated within the 45-day timeline or a timeline that was properly extended.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2006 (2006-2007)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2007 (2007-2008)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2008 (2008-2009)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2009 (2009-2010)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2010 (2010-2011)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

**Improvement Activities/Timelines/Resources:****I. Data Collection and Analysis**

- a. Approximately 1100 due process and mediation petitions are filed with NJOSEP each year. In February 2005 NJOSEP introduced a new and improved database system to log and track all due process and mediation petitions that are filed. This database is comprehensive, accurate and user friendly. Early data indicates that the new system is adding to the efficiency of the hearing process. The new databases, along with changes initiated as of July 1, 2005 are proving to be effective in assuring parents and districts a timely due process hearing. To date, all cases that were transmitted to OAL (and were fully adjudicated) since February 1, 2005 have been fully adjudicated within the 45-day timeline or extended timeline. If this trend continues, New Jersey will meet its goal of 100% in school year 2005-06. In addition, a staff member from NJOSEP is employed on a full-time basis to immediately address any issues or necessary changes that need to be made ensuring seamless updates to the system. Monitoring and review of the database system will also occur on an annual basis. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. Collaboration and monitoring of the new system for processing and hearing due process cases will occur at least four times a year beginning in 2006 through formal meetings with OAL and NJOSEP representatives. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Training**

- a. NJOSEP and OAL have a signed Memorandum of Understanding (MOU) whereby additional funds are annually appropriated to OAL to be used for annual training for all OAL judges. This will ensure that all updates on IDEA are communicated and explained on a regular basis. In addition, judges will be reminded and encouraged to conduct hearings in an efficient manner in order to adhere to the required 45-day timeline. Trainings began in July 2005 and will continue a minimum of one time each year. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. Through the MOU with OAL, additional funds are given to OAL each year to hire staff (i.e.: judges and support staff) to further ensure the completions of due process cases within the 45-day timeline. The MOU is reviewed and updated each year. It is anticipated that this will continue throughout the reporting period. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- c. Each year a formal training by an outside consultant is provided to all judges from OAL and all mediators from NJOSEP. Expert information is provided to all participants to ensure knowledge of IDEA and State special education regulations. Funds are appropriated for this activity on an annual basis and it is anticipated that this will continue throughout the reporting period. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**Update to Improvement Activities FFY 2007 – 2/2/09**

Given the increased number of due process cases, the scope of the MOU between the NJOSEP and the OAL is being expanded to hire an additional administrative law judge and fund the cost of conducting special education due process hearings. See revision at <http://www.nj.gov/education/specialed/info/spp/>. (Activity 2008-2009)\*\*\*

**Part B – SPP /APR Attachment 1 (Form)**

**Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act Complaints, Mediations, Resolution Sessions, and Due Process Hearings**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	306
(1.1) Complaints with reports issued	187
(a) Reports with findings	110
(b) Reports within timeline	99
(c) Reports within extended timelines	3
(1.2) Complaints withdrawn or dismissed	88
(1.3) Complaints pending	31
(a) Complaint pending a due process hearing	28

SECTION B: Mediation requests	
(2) Mediation requests total	557
(2.1) Mediations	411
(a) Mediations related to due process	271
(i) Mediation agreements	85
(b) Mediations not related to due process	140
(i) Mediation agreements	38
(2.2) Mediations not held (including pending)	146

SECTION C: Hearing requests	
(3) Hearing requests total	848
(3.1) Resolution sessions	0
(a) Settlement agreements (at OAL)	255
(3.2) Hearings (fully adjudicated)	86
(a) Decisions within timeline	31
(b) Decisions within extended timeline	44
(3.3) Resolved without a hearing	638

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	4
(4.1) Resolution sessions	0
(a) Settlement agreements	1
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

**Indicator #18: Hearing Requests Resolved by Resolution Sessions****FFY 2006 Update for SPP Submitted February 1, 2008****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 18, Hearing Requests Resolved by Resolution Sessions, was originally discussed at the first stakeholder meeting on October 21, 2005. NJOSEP staff presented an overview and explanation of the indicator. The presentation included information on procedures related to resolution sessions which started as of July 1, 2005. This is a new indicator; consequently there were no baseline data presented to stakeholders on October 21, 2005.

**Update to State Performance Plan Development: FFY 2005**

At the stakeholder meeting on January 10, 2007, a discussion was held regarding the data collected and reported for FFY 2005. It was noted that the data may not have accounted for all of the resolution sessions held and the related outcomes for the reporting period. Additionally, there was only one year of data to analyze when setting the targets. As a result the targets were set below the baseline data and the stakeholders agreed that the targets could be adjusted in the future. (See discussion of baseline data below.)

**Stakeholder Input: FFY 2005**

As a result of the discussion regarding the completeness of the data, it was decided to set the target below the reported baseline data for the 2005-2006 school year. It was agreed that the targets could be adjusted in the future as the database is now fully operational and school districts are consistently reporting the outcome of resolution sessions.

**FFY 2006 Update to State Performance Plan Development**

Indicator # 18, Hearing Requests Resolved by Resolutions Sessions, was discussed at a stakeholder meeting on January 11, 2008. NJOSEP staff presented an overview and explanation of the indicator and the progress/slippage towards reaching the target. The presentation included a discussion about revising the targets so that they could be expressed in a range, as permitted by USOSEP.

Now that the states are allowed to have a range as the target, the NJOSEP and its stakeholders discussed this possibility and agreed to revise the baseline and change the targets to ranges for the remaining years of the SPP. (See below.)

<b>Monitoring Priority: Effective General Supervision Part B/General Supervision</b>
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**Indicator # 18 Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.**

<b>Measurement: Percent = (3.1)(a) divided by (3.1) times 100</b>
---

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07:**

**Overview of Issue/Description of System or Process:** As of July 1, 2005 all due process cases that are filed by parents with the New Jersey Department of Education (NJDOE) have the option of holding a resolution session or mediation session. When the cases are filed, the petitioner may indicate in the petition his or her preference for resolution session or mediation. The parent's preference is noted in a log that the Coordinator of Dispute Resolution maintains on a daily basis.

Once a new due process petition is opened by NJDOE, an acknowledgement letter is sent to all parties which states the district's responsibility to offer and coordinate a resolution session or the option that all parties may instead agree to mediation which is arranged through NJDOE. The district has 15 days to contact the parties to arrange and conduct a resolution session.

Preferably, the district notifies NJDOE of its decision to conduct a resolution session or request mediation. Since the district does not always notify NJDOE regarding the resolution session, NJDOE is continuing to pilot a process whereby on or about day 20 of the 30-day resolution period, a representative from NJDOE calls the parties to see whether a resolution session was held or whether the parties consent to schedule mediation. NJDOE also calls the parties on day 30 prior to transmitting the case to the Office of Administrative Law (OAL) to see if a resolution agreement was reached.

If a resolution session results in a signed agreement by all parties, NJDOE is notified in writing and the case is closed in the database with the outcome listed as "Resolution Agreement." This will allow NJDOE to track the number of resolution agreements reached each year.

**Baseline Data for FFY 2005:** In school year 2005-06 the NJOSEP recorded a total of 73 resolution meetings as being held. Of the 73 meetings, 56 resulted in resolution agreements which translate into 77% of the meetings resulting in agreements.

**Discussion of Baseline Data for 2005-2006:**

If a resolution session results in a signed agreement by all parties, NJOSEP is notified in writing and the case is closed in the database with the outcome listed as "Resolution Agreement." This allows NJDOE to track the number of resolution agreements reached each year. Data for this indicator are collected through the NJOSEP database system which allows NJDOE to input the outcome of all resolution sessions held in the state on a case-by case basis.

However, the data collected by the NJOSEP for this indicator may not accurately account for all of the resolution meetings held and the related outcomes for the reporting period. Two factors may have influenced the accuracy of the data. First, the tracking system for the resolution meetings was not fully operational until after July 1, 2005. Second, as the school districts began to implement this new requirement, school districts were not diligent in reporting the data to NJOSEP. Thus, some sessions may not have been reported and/or collected. As a result, the NJOSEP is setting its targets for Indicator 18 below the initial 77% to account for resolution meetings that may have been conducted and were not reported. If the rate of agreements continues to remain at 77% or above, the NJOSEP will revise the target for future years.

**FFY 2006 Update to Discussion of Baseline Data and Target Setting**

Data for this indicator are collected through the NJOSEP database system which allows NJDOE to input the outcome of all resolutions sessions held in the state on a case-by-case basis. The NJOSEP has improved its data collection systems to more accurately account for all of the resolution meetings held and the related outcomes for the reporting period.

In school year 2006-07 the NJOSEP recorded a total of 82 resolution meetings as being held. Of the 82 meetings, 42 resulted in resolution agreements which translate into 51.2% of the meetings resulting in

agreements. Notwithstanding the initial difficulties in tracking and data collection, this represents a decrease in the percentage of resolution agreements. Thus, the stakeholders agreed that the targets should be reset as a range. The revised targets for indicator 18 are as follows:

**FFY 2006 Update to State Performance Plan – Revised Targets**

FFY	Measurable and Rigorous Target
2005 (2005-2006)	65% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.
2006 (2006-2007)	45-55% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.
2007 (2007-2008)	45-55% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements. (Revised)
2008 (2008-2009)	45-55% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements. (Revised)
2009 (2009-2010)	50-60% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements. (Revised)
2010 (2010-2011)	55-65% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements. (Revised)

**Improvement Activities/Timelines/Resources:**

**I. Data Collection and Analysis**

a. NJDOE will monitor the number of due process petitions filed where a resolution session is held and settlement is reached. This data will be used to assist in setting the target for the state report. This process began on July 1, 2005 and will continue throughout the reporting period. Furthermore, the office database is now able to record information regarding resolution activities.

b. NJDOE will continue to implement procedures to call the parties on or about day 20 of the 30-day resolution period to see if they have held a resolution session or consent to schedule mediation. NJDOE also reaches out to the parties on day 30 prior to transmitting the case to the Office of Administrative Law (OAL) to see if a resolution was reached. This process started in July 2005 and the effectiveness of the process was reviewed in July 2006. Although the process was determined effective, it was also determined inefficient with respect to the use of staff time and as a result, alternatives are being explored.

**II. Policy**

a. In an effort to collect ongoing data relating to resolution sessions, the NJOSEP adopted a new code provision, effective September 5, 2006, which requires the parties to notify the office, in

writing, of the result of the resolution meeting. This new provision should aide in the collection of precise data.

**III. Information Dissemination and Training**

- a. In July 2005, guidance with respect to the requirements for due process, mediation and resolution meetings were disseminated to all districts, parents and interested parties. The information is provided to the parents when a request for mediation or a petition for due process is received. In addition, the information is available on the department's website.
- b. Code training, including the requirements for mediation, due process and resolution meetings were provided to all districts in October through December 2006.
- c. The NJOSEP is in the process of developing a formal training for districts and attorneys on dispute resolution and the mediation/due process procedures and requirements. These trainings will take place in Spring 2007. It is anticipated that information related to resolution meetings will be included in the presentation so that districts will be made aware of the requirements and procedures for resolution meetings.
- d. A representative from the NJOSEP attended the "Fourth National Symposium on Dispute Resolution in Special Education" sponsored by CADRE in December 2006. Presentations and information were provided on resolution meetings which will be reviewed for promising practices that may be incorporated into New Jersey's resolution activities.

**FFY 2006 Update to Improvement Activities**

The NJOSEP is exploring the possibility of partnering with an agency, organization, or other entity that has expertise in dispute resolution techniques to develop and/or provide training and technical assistance to districts and parents to improve outcomes for resolution sessions.

**Indicator #19: Mediation Agreements****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #19, Mediation Agreements, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting staff from the NJOSEP presented an overview and explanation of the indicator. The presentation included information on the State's mediation and due process procedures and how they have changed since July 1, 2005. Current data from the 2004-05 school year was presented including the number of cases that were filed, the number of mediations held and the percent of agreements that were reached. Recommended targets from NJOSEP were presented to the stakeholder group.

**Stakeholder Input:** A small group activity facilitated by Dr. Kristin Reedy of the NERRC, provided stakeholders an opportunity to have input into a discussion of current beliefs and assumptions related to mediation. The large group was divided into four small groups and was asked to discuss: the NJOSEP's proposed target for the percent of mediations that should result in mediation agreements; determine if they agreed with the proposed target; and if there was not agreement, the target they believed was appropriate.

As a result of the group activity the following "Assumptions/Beliefs" were stated:

- Mediation is a "unique" process and is not a settlement conference.
- A mediator is a neutral party to assist in realistic expectations for both sides.
- The goal of mediation should be to identify mutual interests and shared goals.
- Skill/quality of the mediators/mediation affects ability to "close the deal."
- Mediation should preserve relationships.
- There needs to be more training to encourage collaboration for parents and district personnel.
- There may be an imbalance in mediation because parents have more to lose if no agreement is reached. The districts do not always have a willingness/incentive to resolve the issues.
- Mediation works when both parties are motivated to work together.

A consensus was reached among the group that the overall targets should be higher than those proposed by NJOSEP at the meeting. As a result, staff from NJOSEP reviewed all stakeholder comments and subsequently raised the targets as reflected below.

Several ideas to help improve the mediation process and to aid in attaining the established targets were also discussed and have been incorporated into the Improvement Activities /Timelines/Resources.

***(The following items are to be completed for each monitoring priority/indicator.)***

<b>Monitoring Priority: Effective General Supervision Part B/General Supervision</b>
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**Indicator #19: Percent of mediations held that resulted in mediation agreements.**

<b>Measurement:</b> Percent = (2.1(a)(i) +2.1(b)(i) divided by (2.1) times 100.
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**Overview of Issue/Description of System or Process:** In school year 2004-05 the NJOSEP received a total of 557 requests for mediation (146 of which were not held, including pending cases). The requests are logged in to the office database and are separated by mediations and mediations related to due process. All files for mediation are immediately given to the office scheduler who in turn calls both parties and schedules the mediation session within approximately 10 days.

When the mediation occurs and a settlement agreement is reached the mediator will write the agreement with the parties and both parties will sign the agreement form which in turn becomes a binding and enforceable agreement. The case is then closed by the mediator in the database. The case file is held in an NJOSEP file for approximately six months at which time it is transferred to storage.

**Baseline Data for FFY 2004 (2004-2005):** In school year 2004-05 a total of 557 mediation requests were filed with NJOSEP. Of the requests, a total of 146 were not held and/or are pending. Out of the 557 mediation requests 411 mediations were held. Of those, 271 were mediations related to due process and 140 were mediations not related to due process. Of the 271 mediations related to due process, 85 resulted in mediation agreements. Of the 140 mediations not related to due process, 38 resulted in mediation agreements. This translates to 30% of mediations held in FFY 2004 resulted in a mediation agreement. (See Attachment 1 on Page 103.)

**Discussion of Baseline Data:** Baseline data used to establish NJOSEP targets was compiled by looking at the last three years of data, including 2004-2005 data. Over that time the rate of mediation agreements varied from 31% (school year 2002-2003) to 36% (school year 2003-04) to 30% (school year 2004-05). NJOSEP is setting its target slightly higher than the current levels due to the belief that the mediator must remain a neutral party in the discussions and he/she should not be pressured or expected to reach an agreement. Therefore, if the target is too high there may be direct or indirect pressure on each neutral mediator to settle a matter in a way that may not be beneficial to the parties.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	32% of mediations held will result in mediation agreements.
2006 (2006-2007)	34% of mediations held will result in mediation agreements.
2007 (2007-2008)	36% of mediations held will result in mediation agreements.
2008 (2008-2009)	38% of mediations held will result in mediation agreements.
2009 (2009-2010)	40% of mediations held will result in mediation agreements.
2010 (2010-2011)	42% of mediations held will result in mediation agreements.

**Improvement Activities/Timelines/Resources:****Note: \*\*\*\* Represents Improvement Activities Suggested by Stakeholders****I. Data Collection and Analysis**

- a. In February 2005 NJOSEP introduced an improved database system to log and track all due process and mediation petitions that are filed. This system is comprehensive, accurate and user friendly and allows each mediator to more fully capture the issues to be discussed at the mediation. Annual maintenance and evaluation of the database system will occur to ensure accurate reporting of all data. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. The NJOSEP will develop an evaluation tool to gauge participant's perspective of each mediation session. This will be a voluntary evaluation that each mediator will bring and distribute to all participants at each mediation session, both settled and not settled. The evaluation will include questions which will enable NJOSEP to monitor both positive and negative and suggested comments about the mediation process. Each evaluation will contain an addressed and stamped return envelope to encourage feedback from all parties in a timely manner. **(Activity: 2005-2006) \*\*\*\***
- c. The evaluation tool will be implemented during the 2006-2007 fiscal year and the results will be analyzed twice during the year to inform changes, if needed, to the mediation process. NJOSEP will determine the usefulness of the evaluation tool, and if found to be effective, will continue to use it on an ongoing basis. **(Ongoing Activity: 2006-2007 through 2010-2011)**

**II. Scheduling of Mediations**

- a. NJOSEP employs a full-time staff member who is responsible for scheduling all mediations in a timely manner. Additionally, parties will frequently call and speak to a mediator to gain a full understanding of the mediation process and the role of the mediator. Both the timely response to the mediation request and clarification regarding the mediation process are intended to put the parties at ease before entering the mediation room and contribute to a climate that may lead to more mediation agreements. **(Ongoing Activity 2005-2006 through 2010-2011)**

**III. Professional Development for NJOSEP Staff**

- a. Professional development of all mediators is a continuous focus of NJOSEP. All mediators are required to attend three-day training in Atlanta, Georgia sponsored by the Justice Center of Atlanta. Additional professional development activities are encouraged and supported by NJOESP throughout the year. **(Ongoing Activity 2005-2006 through 2010-2011)**
- b. Each year a formal training by an outside consultant is provided to all judges from the Office of Administrative Law (OAL) and all mediators from NJOSEP. Expert information is provided to all participants to ensure knowledge of IDEA and state special education regulations. Funds are appropriated for this activity on an annual basis and it is anticipated that this will continue throughout the reporting period. **(Ongoing Activity 2005-2006 through 2010-2011)**
- c. All policy guidance issued to districts and stakeholders is also provided to each mediator. Meetings are held with the mediators to review the guidance and answer any questions pertinent to mediation. **(Ongoing Activity 2005-2006 through 2010-2011)**
- d. Regular staff meetings are held with all mediators. An increased effort will be made by NJOSEP to include presentations and discussions on specific topics related to special education and mediation. **(Activity 2006-2007 through 2010-2011)**

**IV. Professional Development/Information Dissemination for School Personnel and Families**

- a. NJOSEP, as part of its New Jersey State Improvement Grant partnership with the Statewide Parent Advocacy Network, is developing a train the trainer workshop focused on Parent/Educator Collaboration. The workshop is being designed to: (a) increase awareness of key behaviors that facilitate effective communication and collaboration; (b) increase common understanding of students' needs relative to IEP development; (c) provide tools and strategies that facilitate ongoing parent/educator collaboration before, during and after the IEP development; and (d) foster positive attitudes about home/school partnerships. Additionally, participants will have the opportunity to develop a district plan for increasing parent/educator collaboration and communication. **(Activity: 2005-2006 through 2006-2007)**

This type of professional development is consistent with stakeholder comments regarding the need for "better communication between parties" and "a proactive approach to address the need for better communication in order for parties to work well together to prevent the need for mediation as well as during and after mediation." **(Ongoing Activity: 2005-2006 through 2010-2011) \*\*\*\***

- b. The NJOSEP is researching a pilot program on IEP facilitation. **(Activity: 2005-2006)**
- c. The NJOSEP regularly reviews, revises and disseminates its Parental Rights In Special Education (PRISE) document to ensure that it is clear and informative to all parents. The document is also posted on the Department's website. **(Ongoing Activity 2005-2006 through 2010-2011)**

- V. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

**Indicator #20: State Reported Data****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #20, State Reported Data, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for the indicator and indicated that the required target was 100%.

**Stakeholder Input:** There was minimal discussion regarding this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator #20: State Reported Data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.**

**Measurement:** State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

**Overview of Issue/Description of System or Process:**

**Data Submission Timelines** - All state reported data including 618 data and annual performance reports were submitted in a timely manner during the 2004-2005 school year. To ensure that New Jersey's 652 districts submit their data to NJOSEP in a timely manner, the following steps were taken:

- Clarifying of directions to districts regarding the Exiting, Personnel, Child Count, and Discipline counts with clear and concise timelines for them to follow;
- Ensuring prompt phone response from NJOSEP staff to questions and technical problems that occurred while districts were preparing their online data submission; during the actual data submission; and after the data submission to NJOSEP;
- Providing local school districts with strict instructions that specify the data submission deadlines and penalties for those districts not adhering to these deadlines;
- Tracking district submissions and providing follow-up phone calls and/or written correspondence to districts that appear in jeopardy of missing important deadlines.

**Data Accuracy** – The online submission of data from New Jersey's 652 districts must pass a series of edit checks to ensure the data received from each district is accurate and complete. This means that users of the system, at each district, must submit their data without errors. There is an array of multiplication and logic checks that must be satisfied before the system will accept and ultimately

allow users to submit their data. Users who are unable to submit their data due to errors must then call NJOSEP for online technical support.

Once NJ OSEP has received the data, staff will use a series of programs to further check for year-to-year inconsistencies. Districts with substantial changes are contacted and asked to either, verify, correct, and or resubmit their data. In addition, districts that are monitored during the year receive summary versions of their data in the form of a three year district profile.

Additionally, progress has been made towards the development and implementation of a Department of Education student level database. A vendor has been selected and statewide assessment data are being entered into the system. Other data will be added to the system and districts will be advised of the information that must be provided. It is anticipated that a student level database will provide an opportunity for a greater level of accuracy in all statewide data collections including annual data required under the IDEA 2004.

**Baseline Data for FFY 2004 (2004-2005):**

**Data Submission Timelines:** 100% of state reported data was submitted to USOSEP on or before due dates.

**Data Accuracy:** Based on the current edit checks, 100% of annual data collected by NJOSEP is accurate.

**Discussion of Baseline Data:**

**Data Submission Timelines:** The steps described above to ensure timely submission of data have proven very effective, resulting in 100% of all districts submitting their required data well within the due dates for the various data collections. The timely submission of district data, in turn, has afforded NJOSEP sufficient time to review the data submissions, contact districts to correct errors or inconsistencies, and analyze and submit APR and 618 data to the USOSEP in a consistent and timely manner.

**Data Accuracy:** The electronic edit-checks that are built into the NJOSEP database for collecting special education data are currently a first-level accuracy check for data submitted by districts. According to these built-in checks that ensure annual submission accuracy as well as year-to-year submission consistency, by district, 100% of the annual data collected by NJOSEP is accurate.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of state reported data are submitted in a timely and accurate manner.
2006 (2006-2007)	100% of state reported data are submitted in a timely and accurate manner.
2007 (2007-2008)	100% of state reported data are submitted in a timely and accurate manner.

<p><b>2008</b> (2008-2009)</p>	<p><b>100% of state reported data are submitted in a timely and accurate manner.</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>100% of state reported data are submitted in a timely and accurate manner.</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>100% of state reported data are submitted in a timely and accurate manner.</b></p>

**Improvement Activities/Timelines/Resources:**

**I. Data Verification**

While NJ OSEP is able to ensure data accuracy upon submission of the data, at the district level, further strategies will be explored to drill down to the district-level and clarify the accuracy of data that districts report. NJ OSEP is considering the development of a protocol using sampling to verify data accuracy reporting at the district level. **(Activity: 2005-2006 through 2006-2007)**

NJOSEP will continue to collaborate with other units within the department that are responsible for developing and implementing a statewide student-level database. **(Ongoing Activity: 2005-2006 through 2010-2011)**