

New Jersey Department Of Education

Special Education Monitoring

District: Atlantic City

Monitoring Dates: December 6-9,13-15, 1999

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Background Information

On November 8, 1999, prior to the monitoring visit, NJDOE facilitated two focus group public meetings with parents and district representatives. There were very few parents in attendance at either meeting. The parents and grandparents in attendance provided information regarding access to the general education curriculum in the least restrictive environment, parental involvement, and class size.

The information obtained from this meeting was used, in addition to other sources of information, to highlight areas of concern for the on-site visit. Other sources of information included reviews of documentation, interviews with district personnel and parents, as well as a review of other relevant information as determined appropriate by the monitoring team.

The purpose of the on-site monitoring was to determine the district's compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) 1997 and the New Jersey Administrative Code (N.J.A.C.) 6A:14. Areas of need were noted and are identified in the following report of findings. Additionally, improvement plan directives are provided to assist the district in correcting all areas of need.

Section I: General Provisions

Summary of Findings:

Review of the district's policies and procedures indicated that annually the district submits required IDEA reports regarding the numbers of students with disabilities and a report of certified and contractual staff. However, supporting documentation for the December 1 count indicated that there was difficulty correctly completing this report. Though the district is currently revising their policies to be in compliance with federal and state regulations, the policies that were in effect at the time of the monitoring had last been approved by the board of education in 1997.

Area of Need:

Current Policies and Procedures - The district's current policies and procedures are not compliant with IDEA 1997 and N.J.A.C. 6A:14.

- The district is directed to develop procedures to implement the policies required by federal and state statute and regulation.

Section II: Free, Appropriate Public Education

The district does not make available a free appropriate public education to students with disabilities between the ages of 3 to 21. There is insufficient staff (teachers and related service professionals) as well as materials and supplies to insure an appropriate education for all students. Of the staff currently employed, all are fully certified. However, the district does not aggressively seek and hire personnel for special education vacancies or for positions determined through student needs.

Student placement is often determined by the child study team and is not usually a collaborative decision between the IEP team members which includes the parent, regular, and special education teachers. The attendance of regular education teachers at the IEP meeting does not always include the teacher who has knowledge of the student. Student placement is often based on available programs and space and not on student need. For the most part, special education students have limited access to the regular curriculum. Adaptive physical education is not offered at the high school. Extended school year does not appear to be considered, discussed or appropriately documented in the IEP for each child. At the time of this monitoring, students placed out of district were not being notified of extra curricular activities allowing opportunities for participation. However, in-district, special education student did participate in a wide variety of extra curricular sports and activities. Finally, the district does not consistently ensure that transfer students are provided services without delay and according to the IEP.

Areas of Need:

Availability of Sufficient Staff and Materials – Interviews, observations and review of class lists established that there was a need for additional special education staff including teachers and service providers. In some cases, children are denied services for long periods because of staff vacancies. Some team members were assigned administrative responsibilities that prohibited their supportive role for students and teaching staff. Materials, including textbooks, were not always available to students.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to review the need for additional staff and materials, and should the need warrant, obtain additional staff and/or materials.

Availability and Consideration of General Education Program Options - A review of IEPs and interviews indicated that the availability of general education program options varied depending on the building, grade level, and subject area. Adaptive physical education is not provided at the high school, although there is an expressed need for this service. Frequently when records of transfer students were accepted the program placement was denied based on the availability of services. As a result, according to information obtained through interviews, program recommendations were limited by program availability factors.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that program and placement options are determined and based on the individual needs of the students and not on the availability of programs currently offered by the district.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that adaptive physical education is available at the high school.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that placement decisions are made collaboratively by the IEP team and that the student's regular education teacher, or a teacher who has knowledge of the student will be present.

Access to the Regular Curriculum - The special education department maintains and implements a separate special education curriculum. All students participating in special education classes, therefore, do not have access to the general education curriculum.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that decisions about participation in the general education program will be made on an individual basis and that the need for accommodations and adaptations within the context of the regular education curriculum are considered for all classified students.

Extended School Year - A review of student records and interviews indicated that the district did not individually determine the need for an extended school year program. The IEPs reviewed did not consistently contain documentation that an extended school year was considered for individual students. Interviews indicated that the consideration of the need for an extended school year was not discussed at IEP meetings.

- The district is directed to develop an improvement plan that identifies the process it will follow to ensure the need for an extended school year program will be considered for every child and will be discussed at meetings. Should it be determined that an extended school year program is required, the district must ensure that all required services are included in that program.

Notification of Out-Of-District Students Regarding Extracurricular Activities - As identified in this section and confirmed through additional interview and review activities conducted in monitoring Section XIV, students placed in out-of-district programs are not consistently informed of or offered opportunities to participate in extracurricular activities.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure students placed in out-of-district programs are appropriately notified of opportunities to participate in district-sponsored extracurricular activities.

Transfer Students - Record review and interviews indicated that procedures for transfer students do not consistently include an immediate review of the evaluation information and IEP. In addition, when the district disagreed with the current evaluation and/or IEP, there was no documentation that an interim IEP was developed and provided to instructional staff.

- The district is directed to develop an improvement plan that will identify a procedure that ensures that transfer students with disabilities are provided services without delay and according to an IEP.

Section III - Procedural Safeguards

Summary of Findings:

The monitoring of this section resulted in a determination that there was no consistent system to ensure the provision of notice for identification and annual review meetings. When notice was provided, the following required components were not included: identification of team members by discipline; a statement that the parent may bring a person(s) that has knowledge of the pupil or expertise; and documentation of the provision of PRISE. The district currently requests that parents sign a waiver refusing additional copies of PRISE. This practice is not compliant with administrative code. Records did not document that parents were contacted at least twice with sufficient notice to attend meetings. Written notice following meetings is not provided within required timelines. In addition, there was inconsistent documentation that parents receive a copy of the IEP or the short procedural safeguards statement. In the files that did document provision of written notice following IEP meetings, it was indicated that parents receive this information several months after the meeting and not consistently prior to implementation. In instances when the short procedural safeguards statement was provided, the district was not using the current version of the statement. It was also found that IEPs were not consistently provided to parents in their native language.

Documentation was not consistently present that notified students of their procedural safeguard rights at least one year prior to the age of majority. Files did not document

that students with disabilities age 14, or younger, if appropriate are invited to IEP meetings.

Areas of Need:

Written Notice – The district has written a corrective action plan to revise the current notices and to ensure these notices contain all mandated components. The plan must be implemented immediately. In addition, the following actions should take place:

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that more than one attempt is made to secure parent participation at meetings and that notice is provided early enough to ensure that parents and/or adult students have the opportunity to attend.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure provision of written notice, including all required components, within mandated timelines and that documentation is maintained in student records.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to determine if parents require written notice in a language other than English, and provide translations if required.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that students and parents are informed, in writing, of the transfer of rights at least one year before the student's 18th birthday.

Section IV- Location, Referral and Identification

Summary of Findings:

The district utilizes Child Find location efforts via mailings to various agencies and medical facilities concerned with the education of children ages 3-21. However, interviews revealed that high school age students do not register for school until late fall as an accepted practice. Issues were identified regarding the direct referral process, as well as missing components of the evaluation-planning meeting. (Written notice issues were again identified. Corrective action is addressed in previous section.)

Areas of Need:

Location of High School Special Education Students – Interviews indicated that as an accepted practice, it is anticipated that students will register in late fall for school and

begin to drop out in late winter. The computer system was not current with the student movement. Child Find practices were not defined for this population.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that Child Find procedures are implemented for high school aged students.

Direct Referral Process – Interviews indicated that there was not a school wide system for referral. Staff was unaware that they could directly refer a student to the Child Study Team. It is the general practice of the district, at all grade levels, to make referrals via the ACEIS (Atlantic City Educational Intervention Services) located in each building. The ACEIS do not meet regularly, and therefore, the referral process can take many months before a referral to evaluate arrives at the child study team office. The system for referral currently in place requires parent consent once to refer a student and again to evaluate a student. This system delays the process of referral and service to students.

- The district is directed to develop an improvement plan that identifies an appropriate procedure for referring and evaluating students. This plan must also include a mechanism for informing parents and staff of this procedure, as well as the procedure for direct referral by teachers and parents.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that parents and school personnel are afforded their rights to directly refer a student to the child study team.

Identification Meetings – The provision of written notice either proposing or denying an evaluation was not consistently and completely documented for each student, nor did this notice include all required components. The district has written a corrective action plan to revise the notice of an identification meeting. This plan must be implemented immediately.

Section V- Protection In Evaluation and Evaluation Procedures

Summary of Findings:

The district conducts evaluations using a multi-disciplinary team. At least one evaluator is knowledgeable in the area of the suspected disability, however, appropriate tests, individual decisions and consent related to evaluations were not compliant. In addition, the evaluation process often exceeded the 90-day timeline. Functional assessments of academic and behavior needs were not consistently completed for students.

Areas of Need:

Evaluations - The district uses tests and other evaluation materials that are considered outdated. Determination of the evaluations that were needed did not appear to be individualized. Consent was not consistently obtained before evaluations were conducted. Evaluators did not consistently sign reports or include students' abilities in those reports. In addition, the evaluation process was not consistently completed within required timelines.

- The district is directed to develop an improvement plan that identifies a procedure the district will follow to ensure that standardized tests used for evaluations are current and up-to-date.
- The district is directed to develop an improvement plan that identifies procedures that the district will follow to ensure that, within 90 days of parental consent for initial evaluation, determination of eligibility, and if eligible, development and implementation of an IEP is completed.
- The district is directed to develop an improvement plan that identifies procedures that the district will follow to insure that: each evaluation plan is developed individually based on student need; consent is obtained before evaluations begin; individualized reports are signed, and student abilities are addressed within those reports.

Functional Assessments - Functional assessments of academic performance and behavioral assessments were not always completed. Additionally, it was noted that the district inconsistently completes a structured observation in other than a testing situation. Additionally, functional assessments, structured observations, interviews with parent(s) and referring teacher(s), a review of developmental/educational histories and a review of interventions by classroom teachers are not consistently documented in the record.

- The district is directed to develop an improvement plan that identifies a procedure the district will follow to ensure that each required component of a functional and behavioral assessment is provided and documented in the student file.

Standard VI- Re-evaluation

Summary of Findings:

Multi-disciplinary reevaluations are conducted, but not consistently within required timelines. The IEP teams reviewed existing data to determine whether additional data was needed. If additional data was needed, the IEP teams determined the nature and scope of the reevaluation.

Areas of Need:

Re-evaluation -- A review of the records demonstrated that in many cases, reevaluation did not take place within three years. In addition, reevaluations were not conducted prior to three years, when warranted or if requested by the teacher. When reevaluations were conducted, there was evidence that the actual evaluations conducted did not consistently follow the re-evaluation plans.

- The district is directed to develop an improvement plan that identifies the procedure the district will follow to ensure that re-evaluations are conducted at least every three years or more frequently, if conditions warrant, or if the student's parent or teacher requests the reevaluation.
- The district is directed to develop an improvement plan that identifies the procedure the district will follow to ensure that the evaluations conducted follow the evaluation plans determined by the IEP teams.

Section VII- Eligibility

Summary of Findings:

Eligibility is determined by meeting the criteria in one or more of the eligibility categories and is based on all assessments conducted, including assessment by CST members and other specialists. The district employs appropriate specialists who use diagnostic instruments to determine eligibility. Eligibility is determined consistent with N.J.A.C. 6A:14-3.5 (c) and 3.6 (b), and is based on the required assessments. The district documents eligibility statements. However, written notice of eligibility is not provided within required timelines.

Area of Need:

Eligibility Meetings - The district does not consistently provide written notice of eligibility within the required timelines. Provision of written notice with required timelines is addressed in Section III, Procedural Safeguards.

Section VIII- Individualized Education Program

Summary of Findings:

The records reviewed indicated that the IEP meeting is held within 30 calendar days of the eligibility determination. Typically the IEP meeting is combined with the eligibility meeting. IEPs were implemented as soon as possible following the IEP meeting. However, interviews indicated that often the staff responsible to implement the IEP had not reviewed the document. Others said they did not find the documents useful. Teachers in the high school and middle school indicated that child study team members

were not readily available for consultation. Other concerns included: participants at the IEP meeting, decision-making process during IEP development, and inadequate documentation with the IEP.

Areas of Need:

Meeting Participants - The notices reviewed in student records did not consistently contain documentation that all required members of the IEP team were present at the IEP meeting. Signatures on the IEP documented that regular education and special education teachers were not always present at IEP meetings, as required. Often, when signatures were present it was not clear which titles the signatures represented, as titles were not documented in the IEP. Guidance counselors, at times, attended IEP meetings in place of regular education teachers. Some teachers reported that they were unable to attend IEP meetings because they were not provided coverage for their class, while other teachers indicated that a fellow teacher would monitor two classes while the teacher attended IEP meetings. Teachers were notified of IEP meetings for students for whom they did not have knowledge. Interviews indicated that agencies such as the Division of Developmental Disabilities (DDD) and the Division of Vocational Rehabilitation (DVR) had not been part of IEP meetings, there was no documentation in files of students 14 and older to supporting attendance of these agencies.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that teachers, both regular education and special education, who know the student (or in the case when no such teacher exists, a teacher who knows the program) attend IEP meetings. In addition, this plan must include provision of appropriate coverage for their teaching assignments and procedures for maintaining participant signatures.

IEP Development – Interviews with teachers and parents indicated that child study team members make placement decisions independently. Collaborative development of the IEP does not usually take place at the IEP meeting. Parents reported that they were not always informed of IEP changes nor were they asked for input when changes and revisions were made. For students in a sending-receiving relationship with Atlantic City, two IEPs are developed on the same day, one by the sending school and one by Atlantic City. For some students, the meetings occur on separate days without the required participants at both meetings. A similar practice is in place for students attending the vocational school on a shared-time basis. In a sending-receiving relationship, the receiving district has two options available: one is to accept the sending district's IEP and implement it until the next annual review or; if the district is in disagreement, they must reconvene an IEP team meeting to revise the IEP, including provision of written notice.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that all members of the IEP team have input into the content of the IEP and that decision making reflected in the IEP is collaborative.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that all required participants of the IEP team are in attendance.

IEP Documentation – The IEPs did not include all components necessary for compliance. Several IEPs lacked goals and objectives. A review of records indicated that some IEPs did not contain criteria for mastery of goals and objectives. Related services were not consistently noted with frequency and duration of service. Participants' signatures should be identified by job title. Behavior plans were not included for students who had histories of behavioral concerns. The district is currently implementing a corrective action plan with respect to IEP documentation of least restrictive environment. It is recommended that the district adopt the state IEP and carefully review all components for compliance.

- The district is directed to develop an improvement plan that identifies procedures to ensure that IEPs contain all of the required components established in code. The district should take note of the document's usefulness to those who will implement its contents.

Section IX- Least Restrictive Environment

Summary of Findings:

Students are placed in a variety of education programs including supported regular education, in-class and pullout resource programs, special classes and out-of-district placements but not at all levels, in all schools. Students with disabilities are provided instruction related to the core curriculum standards. Interviews indicated that special education teachers received ongoing training regarding inclusion and the implementation of curriculum. Although the district has begun to address inclusion for special education students, interviews revealed a strong sentiment that teachers "don't believe in inclusion" and that "resource serves the purpose" for special education students. The regular education staff reported that they have not been prepared to teach special education students. The preschool schedule limits the opportunity for students to interact with regular education as their day starts later and ends later due to transportation needs. Several classes at the high school were beyond the size limit set by code. Waivers were not in place and aides had not been provided as required by code. In some instances at the high school, rooms designed for small group instruction had too many students assigned to them and therefore, did not have enough physical space for the students. In some instances, teachers stated that students did not have desks, books or supplies. The new textbook series adopted by the board in math and science were not available to special education teachers and students. Teachers reported that they had asked for high interest, low vocabulary materials at the high school and had not received them. Many high school students were seen using texts marked with the names and grades of elementary schools in the district. Teachers reported that these were the only instructional materials available. When questioned

why students do not have space, desks and text books, monitors were told that special education students at the high school don't usually register until the late fall and drop out in February and March.

Areas of Need:

Preschool Disabled – Review of schedules and interviews indicated that program starting and ending times for preschool disabled classes limited the amount of interaction that students have with regular education peers.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure preschool disabled students have available to them a full continuum of placement options as well as interaction with regular education peers.

LRE Documentation - The IEPs reviewed did not consistently document that the individualized decision-making process was used regarding placement or that the removal of students with disabilities only occurs when the nature or severity of the disability is such that education in the regular education class with the use of supplementary aids and services cannot be achieved satisfactorily. This district has developed a corrective action plan as a result of Program Review 1998-99 that addresses LRE documentation. The corrective action plan needs to be implemented. Regular education teachers also need to be afforded opportunities for staff development in inclusion and other special education topics that are relevant to their teaching responsibilities.

- In addition to implementing the 1998-99 corrective action plan, the district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that regular education staff become familiar with the principles and programs of inclusion as well as other special education topics as needed.

Class Size – At the high school, a review of class schedule printouts showed many classes in which the number of students in the class did not meet code requirements for maximum numbers of students per class. In addition, aides were not consistently in place for larger classes as required by code. Classroom observations and staff interviews confirmed these findings.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that class sizes are maintained according to the requirements of the administrative code. The district is directed to immediately reduce the size of any class that is currently exceeding the maximum allowed by code.

Classroom Space, Equipment and Supplies – At the high school, classroom space approved for small group instruction was used for larger groups. Students did not

always have a desk in which to sit. Teachers' desks and single chairs were used to supplement the lack of equipment. Throughout the district, teachers and students did not have access to the textbook series for science and math that was adopted by the district. Teachers in the high school reported that the elementary text students did use were on loan from elementary schools as teacher requests for high interest low vocabulary and other adaptive materials were not honored.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that the classroom space provided matches the needs of the students, each student has a desk during class time and that teachers and students have access to regular education text as well as adaptive materials needed to instruct the students.

Annual Reviews – Student records indicate that IEPs are not consistently reviewed on an annual basis.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that IEPs are reviewed on at least an annual basis.

Section X- Transition From School To Post-School

Technical assistance in the area of transition was provided to the Atlantic City School District on July 22, 1999. On November 9, 1999 a written report providing additional technical assistance regarding transition activities was sent to the district from the Department of Education. However, at the time of the monitoring visit, there was no evidence of transition planning for students 14 years or older in Atlantic City. Teachers and parents indicated that the work-study programs were questionable as a viable transition component for students. During the monitoring visit, however, facilities for daily living skills practice at the high school were completed for student use.

Area of Need:

Students, 14 years and older, are not consistently being invited to IEP meetings. Interviews indicated that sometimes students receive verbal invitations to attend IEP meetings rather than a letter of notice. Interviews are the main strategy the district uses to determine student interest and preferences. Documentation of the results of these interviews was not noted in the IEP. It did not appear that the district used any other formal interest inventory to determine interests or preferences. Transition statements are not part of the student's IEP when they become 14 years old if their birthday occurs within the school year following the annual review and are not properly documented for students 16 and older. Invitations to agencies needed for transition services are not consistently documented.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that students, age 14 and older, are invited to IEP meetings.
- The district is directed to develop an improvement plan that identifies the procedures it will follow in determining student interests and preferences and → how that information will be documented in the IEP.
- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that a transition plan is developed for all students by their 14th birthday, or sooner, if appropriate.
- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that agencies are invited to attend IEP meetings when appropriate. The plan should include procedures to ensure that if agency representatives are unable to attend, documentation is maintained of other attempts to secure their participation.

Section XI - Discipline

Summary of Findings:

At the high school, students are being disciplined without being identified as special education. Behavior plans are not in place for students with known behavior concerns. Parents expressed concerns the discipline is handled through repeated exclusion until the child loses interest in school and does not return.

Area of Need:

Discipline Procedures – At the high school, the vice-principal in charge of discipline works with all students, both special and regular education, when there is an infraction of school rules. The vice-principal indicated that he did not know if a child was classified at the time disciplinary action is taken. Afterward, he checks the file and contacts the child study team leader to discuss the matter. A review of the files did not show evidence of functional behavioral assessments, or manifestation determination. There were no behavior plans written for any student in the emotionally disturbed class at the high school.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure compliance with discipline requirements and to ensure appropriate documentation of those procedures.

Section XII - Statewide Assessment

The majority of students in Atlantic City participate in the statewide assessments. However, most of the students are exempt from passing the tests. Accommodations for students and decisions regarding assessment do not appear to be made individually.

Area of Need:

IEP Documentation - The review of IEPs for students younger than high school age failed to indicate the need for alternate forms of assessments when required. Accommodations for students were seldom noted. However, when they were noted, the decisions regarding those accommodations were not made on an individual basis.

- The district is directed to develop an improvement plan that ensures appropriate documentation of decisions regarding participation in the statewide assessment process and the need for accommodations and/or modifications.

Section XIII – Graduation

Summary of Findings:

A review of the records indicated that graduation requirements were not part of the IEP.

Area of Concern

The IEPs of students in the high school did not specifically address graduation requirements.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that, for high school students, the IEP format addresses graduation requirements.

Section XIV - Programs and Services

Summary of Findings:

As noted in Section II, the availability of special education program options varied depending on grade level and subject area. Related services appeared to be inadequate and not individualized to the students' needs. Although there were aides employed by the district, their use was not consistently student-centered.

Areas of Need:

Program Options/Extracurricular Activities - As noted in Section II, program options were limited by availability within a particular building or within the district itself. In-class support and supplemental supports and services were the least available options. Additionally, interviews indicated that staffing, lack of financial resources and teacher philosophical rejection of these options was the reasons for program limitations.

- Because the district has been directed to develop an improvement plan in Section II regarding program availability and extracurricular options for out-of-district students, additional CAP activities will not be required in this Section.

Related Services - Interviews of staff and parents indicated that additional counseling is needed. Counseling services' schedules are not documented in the IEP. Speech services are lacking and are not individualized in the IEP. Often, the related services listed in the IEP do not match the services the child receives.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that students receive appropriate related services and that these services are documented accurately in their IEPs.

SECTION XV - Student Records

Summary of Findings:

The district did not appear to have a procedure in place to allow and limit, as appropriate, access to a student's file. Each file did not contain an access sheet.

Review of records demonstrated that maintenance of records and compilation, as well as destruction of pupil records, was in need of corrective action.

Areas of Need:

Maintenance, Compilation and Destruction of Records - Student records were disorganized. It was difficult to locate specific information and establish a sequence of events. Access sheets were not consistently a part of each file. A listing of locations of other records was not contained in the student file. As a result, it was unclear where other records were maintained. The district had no policy or procedure regarding the retention and destruction of pupil records.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure pupil files are compiled, maintained, retained or destroyed in a manner that is consistent with federal and state regulations.