

## New Jersey Department of Education Special Education Monitoring

**District:** Brigantine School District                      **County:** Atlantic

**Monitoring Dates:** December 5 and 6, 2005

**Monitoring Team:** Kenneth Richards and Patricia Fair

### ***Background Information:***

During the 2004-2005 school year, the Brigantine School District conducted a self-assessment of policies, procedures, programs, services and student outcomes. This self-assessment component of the monitoring process provided the Brigantine School District with an opportunity to evaluate strengths and areas of need with regard to:

- The provision of a free, appropriate public education (FAPE) for students with disabilities in the least restrictive environment;
- The protection of procedural safeguards for students and their families;
- The development and implementation of policies and procedures resulting in procedural compliance; and
- The organization and delivery of programs and services resulting in positive student outcomes.

The self-assessment was designed to identify areas of strength, promising practices, areas that need improvement and areas that may be noncompliant with state and federal requirements. The Brigantine School District developed an improvement plan to address identified areas of need.

The Office of Special Education Programs (OSEP) conducted an on-site monitoring to verify the self-assessment findings, to assess the appropriateness of the improvement plan and to determine the progress in implementing the plan.

During the on-site visit, the New Jersey Department of Education (NJDOE) monitoring team reviewed district documents, including district policies and procedures, student count information, master student lists, class lists, schedules of students, teachers, related service personnel and other relevant information. A representative sample of student records was also reviewed. Interviews were conducted with the district's special education administrator, building principals, general education and special education teachers, speech therapist and child study team members. Parents of students with disabilities were interviewed by phone.

### **Data Summary:**

A review of the district's data for students with disabilities indicates that during the 2004-2005 school year, the district educated 53% of students with disabilities in the general education setting for more than 80% of the school day. This rate is higher than the state rate of 41.9% for the 2004-2005 school year. The district's classification rate of 11% for the 2004-2005 school year is below the state rate of 14.6% for the 2004-2005 school year. For each of the past three years, the district's classification rate has been below the state rate and the percentage of students with disabilities who receive instruction in general education for more than 80% of the school day has exceeded the state rate.

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With regard to placement of preschoolers, for the 2004-2005 school year, the district reported that 5 of 9 preschoolers with disabilities were placed in general education settings. This exceeds the state rate for preschoolers for that year.

### Sections Demonstrating Compliance with All Standards

The self-assessment process required the district to review implementation of federal and state regulations categorized into 15 sections. Within each section, a number of areas were reviewed. The on-site monitoring visit involved verification that the sections and areas identified as compliant by the district in their self-assessment were compliant with regulations. These sections were identified by the district during self-assessment and the NJDOE during the monitoring process as compliant: Evaluation, Transition to Preschool, Least Restrictive Environment, Statewide Assessment and Programs and Services

### Areas Demonstrating Compliance

The following areas within the remaining sections were identified by the district's self-assessment committee and by the Department of Education as compliant. The areas were reviewed regarding students who are eligible for special education and related services (ESERS) and those eligible for speech and language services (ESLS). Areas compliant for only one group of students are noted in the table.

Section	Areas Demonstrating Compliance
General Provisions	<ul style="list-style-type: none"> <li>▪ Parent training</li> </ul>
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> <li>▪ Provision of programs</li> <li>▪ Provision of related services</li> <li>▪ Transfer procedures</li> </ul>
Procedural Safeguards	<ul style="list-style-type: none"> <li>▪ Consent</li> <li>▪ Implementation without undue delay</li> <li>▪ Provision of notice of a meeting</li> <li>▪ Meeting</li> <li>▪ Interpreters at meeting</li> <li>▪ Independent evaluations</li> </ul>
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> <li>▪ Child Find Ages 3-21</li> <li>▪ Referral process</li> <li>▪ Pre-referral interventions</li> <li>▪ Direct Referrals</li> <li>▪ Identification meeting timelines</li> <li>▪ Identification meeting participants</li> </ul>

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Section	Areas Demonstrating Compliance
Reevaluation	<ul style="list-style-type: none"> <li>▪ Reevaluation when change of eligibility is considered (ESERS)</li> <li>▪ Timelines</li> <li>▪ Planning meeting participants</li> <li>▪ Reevaluations prior to age 5</li> <li>▪ Procedures when parental consent cannot be obtained</li> <li>▪ Documentation of efforts to obtain parental consent</li> </ul>
Eligibility	<ul style="list-style-type: none"> <li>▪ Meeting participants</li> <li>▪ Eligibility Criteria</li> <li>▪ Copy of evaluation reports to parents</li> </ul>
Individualized Education Program (IEP)	<ul style="list-style-type: none"> <li>▪ IEP required considerations and components</li> <li>▪ Implementation dates</li> <li>▪ IEP provided to parent prior to implementation</li> <li>▪ Meetings held annually, or more often if necessary, to review and/or revise the IEP</li> <li>▪ Annual reviews completed by June 30</li> <li>▪ Teachers informed of their responsibilities (knowledge of and/or access to IEPs)</li> <li>▪ 90-day timelines</li> </ul>
Transition to Adult Life	<ul style="list-style-type: none"> <li>▪ Activities, annual goals and benchmarks relative to the student's desired outcomes</li> </ul>
Discipline	<ul style="list-style-type: none"> <li>▪ Suspension tracking system</li> <li>▪ Discipline procedures employed equitably for all students</li> <li>▪ IEP team meeting for first removal beyond 10 days</li> <li>▪ Procedures for determination of change in placement</li> <li>▪ Procedures for conducting functional behavioral assessment and development of behavior intervention plan</li> <li>▪ Short-term removals resulting in a change of placement</li> <li>▪ Short-term removals that are not a change in placement—school personnel determining the extent of services to be provided</li> <li>▪ Interim alternative educational settings</li> <li>▪ Manifestation determinations</li> </ul>

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**Areas of Noncompliance – Improvement Plan Review**

The following areas were identified by the district’s self-assessment committee as noncompliant. The district must revise the improvement plan for any area where there is an ‘X’ in the ‘Needs Revision’ column.

Section	Area	Plan Is Sufficient	Plan Needs Revision	Implemented and the district has demonstrated compliance
FAPE	<ul style="list-style-type: none"> <li>▪ Extended school year (ESY) determination – ESY is considered only for students receiving instruction in out of district placements and in self-contained programs within the district.</li> </ul>			X
	<ul style="list-style-type: none"> <li>▪ Oversight of Individual Education Program (IEP) Implementation – The district does not consistently monitor the implementation of IEPs of students placed outside of the district.</li> </ul>			X
Procedural Safeguards	<ul style="list-style-type: none"> <li>▪ Content of notice of meeting – Notice of meeting does not include the development of a transition service plan when transition planning is a purpose of the meeting.</li> </ul>	X		
	<ul style="list-style-type: none"> <li>▪ Notices in native language – The district sends all notices in English and not in the native language of the parent.</li> </ul>			X
LRI	<ul style="list-style-type: none"> <li>▪ Health Summary – Health summaries are not conducted prior to identification meetings.</li> </ul>			X
	<ul style="list-style-type: none"> <li>▪ Vision and hearing screenings – Screenings are not conducted prior to identification meetings.</li> </ul>			X
Eligibility	<ul style="list-style-type: none"> <li>▪ Statement of eligibility – A copy of the documentation of eligibility is not provided to the parent.</li> </ul>	X		
IEP	<ul style="list-style-type: none"> <li>▪ Meeting participants – All required IEP team members do not consistently attend IEP meetings.</li> </ul>			X
Transition to Adult Life	<ul style="list-style-type: none"> <li>▪ Age 14 Transition Service Needs – Assessments for post secondary outcomes are not conducted.</li> </ul>	X		X
	<ul style="list-style-type: none"> <li>▪ The IEP does not identify outcomes for students age 14 and older.</li> <li>• Students age 14 or older are not invited to IEP meetings when transition will be discussed.</li> </ul>			X

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Section	Area	Plan Is Sufficient	Plan Needs Revision	Implemented and the district has demonstrated compliance
Discipline	<ul style="list-style-type: none"> <li>▪ Notification of removal – The district does not forward written notification of removal and a description of the reason to the case manager.</li> </ul>			X

***Additional Areas of Need***

The following areas were originally identified by the district's self-assessment committee as compliant but were found to be noncompliant by the NJDOE during the on-site monitoring.

Section	Area	Activity
Procedural Safeguards	<p>Content of Written Notice – Parents are not provided with a copy of the due process hearing rules with written notice of the identification meeting.</p> <p>Provision of Written Notice – Written notice is not consistently provided to the parent following a meeting when the IEP team determines that services are no longer needed.</p>	<p>The district is directed to revise the improvement plan to include activities to ensure that parents receive a copy of the due process hearing rules with written notice of the identification meeting. These activities must include procedures, in-service training and oversight to ensure that the parents are informed of their rights regarding due process.</p> <p>The district is directed to revise the improvement plan to include activities to ensure that parents receive written notice following a meeting when the IEP team determines that services are no longer needed. These activities must include procedures, in-service training and oversight to ensure that the parents are fully informed of all considerations in the decision making process.</p>
Reevaluation	<p>Reevaluation when a change in eligibility is considered (ESLS) – Reevaluation planning meetings are not conducted prior to determining that a student no longer requires speech and language services.</p>	<p>The district is directed to revise the improvement plan to include activities to ensure that reevaluation planning meetings are conducted for students who are eligible for speech and language services when a change in eligibility is considered. These activities must include procedures, in-service training and oversight to ensure that the IEP team members have opportunity to provide input into the eligibility determination and decision making process.</p>

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<b>Section</b>	<b>Area</b>	<b>Activity</b>
Eligibility	Signature of agreement and/or disagreement with rationale – Child study team members (CST) do not certify in writing their agreement or disagreement with eligibility determinations.	The district is directed to revise the improvement plan to include activities to ensure that CST members, who conduct initial evaluations, certify in writing their agreement or disagreement with the eligibility determination. These activities must include procedures, in-service training and oversight to ensure that the parent is made aware of any dissenting opinion and the reason for disagreement.
Transition to Adult Life	<p>Statement of Transition Service Needs – Courses of study are not documented in the IEP.</p> <p>Transition Service Needs – The transition plan does not identify the person responsible for making referrals to post secondary resources as appropriate.</p>	<p>The district is directed to revise the improvement plan to include activities to ensure that IEPs for students beginning at age 14 include courses of study in the statement of needed transition services. These activities must include procedures, in-service training and oversight to ensure that the IEPs include all required transition components.</p> <p>The district is directed to revise the improvement plan to include activities to ensure that IEPs for students, beginning at age 14, identify the person responsible for making referrals to post secondary resources as appropriate. These activities must include procedures, in-service training and oversight to ensure that transition services are coordinated and provide opportunity for the student to achieve successful post secondary outcomes.</p>
Graduation	IEP requirements – high school graduation requirements are not documented in the IEP for students age 14 and older	The district is directed to revise the improvement plan to include activities to ensure that IEPs for students, beginning at age 14, identify high school graduation requirement. These activities must include procedures, in-service training and oversight to ensure that requirements are discussed by the IEP team.

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## ***Summary***

On-site special education monitoring was conducted in the Brigantine School District on December 5 and 6, 2005. The purpose of the monitoring visit was to verify the district's report of findings resulting from their self-assessment and to review the district's improvement plan. The district is acknowledged for the comprehensive review conducted during the self-assessment process. As a result of that review, the district was able to identify nearly all areas of need and develop an improvement plan that will bring about systemic change. The district is further acknowledged for the many areas determined by the district and verified by the OSEP as compliant with federal and state statutes and regulations.

During interviews conducted with parents by phone, parents indicated that students receive the services identified in the IEP and that services begin promptly. Parents receive written invitation to meetings and the district makes efforts to accommodate parents when scheduling meetings. The district provides sufficient information to parents regarding student progress. Overall, parents indicated that their children are being challenged academically. One parent indicated a need for additional speech therapy services for his child.

A review of the district's data for students with disabilities indicates that during the 2004-2005 school year, the district educated 53% of students with disabilities in the general education setting for more than 80% of the school day. This rate is higher than the state rate of 41.9% for the 2004-2005 school year. The district's classification rate of 11% for the 2004-2005 school year is below the state rate of 14.6% for the 2004-2005 school year. For each of the past three years, the district's classification rate has been below the state average and the percentage of students with disabilities who receive instruction in general education for more than 80% of the school day has exceeded the state average.

With regard to placement of preschoolers, for the 2004-2005 school year, the district reported that 5 of 9 preschoolers with disabilities were placed in general education settings. This exceeds the state rate for preschoolers for that year.

Standards identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included Evaluation, Transition to Preschool, Least Restrictive Environment, Statewide Assessment and Programs and Services.

Areas identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included parent training, provision of programs, provision of related services, transfer procedures, consent, implementation without undue delay, provision of notice of meeting, conducting meetings, provision of written notice (eligible for special education and related services), interpreters at meetings, independent evaluations, child find activities, referral process, pre-referral interventions, direct referrals, identification meeting timelines, identification meeting participants, reevaluation timelines, reevaluation prior to age five, procedures to obtain consent for reevaluation, eligibility meeting participants, eligibility criteria, copy of evaluations reports to parents, IEP required considerations and components, implementation dates, provision of the IEP to the parent prior to implementation, annual review timelines, annual reviews completed by June 30<sup>th</sup>, teacher knowledge and responsibilities, 90-day timelines, activities, annual goals and benchmarks relative to the student's desired post-school outcomes, suspension tracking, discipline procedures, IEP

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meeting, change in placement, functional behavior assessment/behavior intervention plan, procedures for alternative educational setting, and manifestation determination.

Areas of need originally identified by the district but determined to have been corrected prior to the on-site monitoring visit by the NJDOE are oversight of the IEP, extended school year, notice in native language, health summary, vision and hearing screenings, IEP meeting participants, documentation of post secondary outcomes and notification of removal to the case manager.

During the self-assessment process, the district identified additional areas of need regarding content of notice of meeting, provision of eligibility statement to the parent and student invitation to IEP meetings.

The on-site visit identified additional areas of need within the various standards, regarding content and provision of written notice for students receiving speech, reevaluation when a change of eligibility is considered and reevaluation planning meetings for students receiving speech, signature of agreement and/or disagreement with rationale, statement of transition service needs and documentation of high school graduation requirements in the IEP.

Within 45 days of receipt of the monitoring report, the Brigantine School District will revise and resubmit the improvement plan to the OSEP to address those areas that require revisions.