

**Department Of Education
Special Education Monitoring**

District: Brick

Monitoring Dates: June 5-8, 12-15, 2000

Monitoring Team: P. Bilik; C. Carthew; S. Coplin; K. Ellmore; C. Messier, L. Stellatella; B. Tucker

Background Information

On May 16, 2000 prior to the monitoring visit, New Jersey Department Of Education facilitated a focus group public meeting with parents and district representatives. 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. Activities conducted during the course of the on-site visit included a review of documentation accumulated and maintained by the district, 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 strength and 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.

District Strengths

The district is partnered with the county in a program geared towards students who are not attending school. The district refers students who are over 15 and suspended from school. The program is voluntary and requires parental consent. Housed in the municipal building, the students are afforded their IEP instruction from a certified special education teacher and counseling from a county employed service provider. District administrators attest to the success of the program.

Areas Demonstrating Compliance with Requirements

Of the fifteen (15) areas reviewed during the on-site monitoring visit, it was determined that the district has met the requirements for **Graduation Requirements**.

Section I: General Provisions

Summary of Findings:

The Brick Town School district adopted board policies on April 6, 2000 with amendments. However, because the district attached an addendum, automatic approval could not be granted. At this time, the district has decided to go back to the board and readopt only the State required statements without an addendum. These policy statements are on the board agenda for June 28, 2000.

Areas of Need:

Board Policies: Currently, the district does not have approved policies and procedures.

- Upon adoption by the board, the district must forward the policy statements to the county office for approval. Additionally, the district will submit the approved policies as part of their improvement plan resulting from this monitoring.

Section II: Free, Appropriate Public Education

Summary of Findings:

The district makes available a free appropriate public education to students with disabilities between the ages of 3 to 21 at public expense. All special education teachers and related services personnel are fully certified. The academic year for students with disabilities is as least as long as that established for non-disabled students and students with disabilities have available to them the variety of educational programs and services available to non-disabled students. Physical education (regular, modified or adaptive) is provided for all students with disabilities, as appropriate. All educational programs are located in facilities, which are accessible to the disabled and have been approved by the New Jersey Department of Education (NJDOE).

Problems, however, were identified with extended school year, procedures for transfer students, provision of counseling services, provision of appropriate educational programs, and conducting OT and PT evaluations in a timely fashion.

Areas of Need:

Extended School Year – The district does not ensure consistently that a free, appropriate, public education is available to all students with disabilities between

the ages of three and twenty-one in the area of extended school year. The district provides a summer program solely for disabled students called Camp Beadleston. This camp program is not IEP driven. Staff members describe this camp as available to all classified students whether or not they are in need of an extended school year program. Although IEPs address this component, information obtained through interviews with staff and parents indicates that during IEP meetings, the need for an extended school year is not consistently discussed and considered for all classified students regardless of disability, category or placement. In addition, IEPs inconsistently document the rationale for the decisions and individual determinations regarding the need for an extended school year program.

- The district will develop an improvement plan that identifies the procedure it will follow to ensure that the need for an extended school year will be considered and discussed at meetings for every child. Should it be determined that an extended school year is required, the district must ensure that all required services are included in that program. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Transfer Students – When a student transfers into the district, the Child Study Team conducts a review of the student's files. Based on this review, however, the district does not consistently document that the current IEP, if determined appropriate and the parent is in agreement, is implemented. When the current IEP was not appropriate, there was no documentation that the district revised the IEP. In addition, though the district currently utilizes a form to document the acceptance of reports from previous districts, a review of student files indicates this form is not used on a consistent basis.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that when a student transfers into the district, the child study team conducts an immediate review of the record. If the current IEP is appropriate and the parent is in agreement, the IEP must be fully implemented. Should it be determined the IEP is inappropriate, the district must develop an interim IEP pending further evaluation. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.
- The district will develop an improvement plan that identifies the procedure it will follow to ensure that when a student transfers into the district, the child study team documents acceptance/rejection of prior reports. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Provision of Counseling Services – Although the district provides a variety of related services such as speech, occupational therapy, physical therapy and counseling, the provision of counseling services is not consistently implemented as specified in student IEPs. In reviewing pupil records, it was indicated for some students at the Pathways and middle/high school programs that counseling services were to be provided on a daily basis for some students or on a bi-weekly basis for others. Schedules indicated, however, that those children were seen only weekly or monthly, respectively.

- The district will develop an improvement plan that identifies the procedure it will follow to ensure counseling services are provided as specified in student IEPs. The procedure must include a mechanism that requires service providers to document the provision of all required related services.

Provision of appropriate educational programs – Two areas of noncompliance were identified regarding the provision of appropriate programs: A review of student IEPs and interviews with staff and parents indicate that all students follow the same district reading program with a variety of modifications and accommodations as required by individual IEPs. Interviews further indicated that while some students are achieving successful results with this reading program, there remain a number of students who would benefit from a different reading program. However, because alternate programs are not available, these student needs are not being addressed. The second area of noncompliance involves the availability of seats within specific programs. Interviews with staff members indicate that at the high school level, there is a waiting list for certain special education classes. As a result, IEPs are being written to reflect programs and services that are available, not the programs and services that are required by the students.

- The district will develop an improvement plan that identifies the procedures it will follow to ensure the development of IEPs is based on the individual needs of the students and not on the availability of programs and services. Additionally, the procedures must include a mechanism to ensure the timely provision of those programs and services as well as a mechanism to ensure administrative oversight of the implementation of this procedure.

Provision of OT and PT evaluations – A review of student records, district lists, and interviews with staff and parents indicate that there is a waiting list of approximately 30 students for occupational and physical therapy evaluations. Some students have been waiting for these evaluations since early spring and as a result, may have been denied appropriate services.

- The district will develop an improvement plan that identifies the procedures it will follow to ensure that evaluations, specifically OT and PT, are provided without undue delay. The procedures must include a mechanism that ensures the employment of sufficient staff to accommodate the evaluation needs of the students.

Section III: Procedural Safeguards

Summary of Findings:

The district has policies and procedures in effect to ensure that students' with disabilities and their parents are afforded procedural safeguards. Documentation indicated that at least one year prior to the student reaching 18, the district informs the parent and student of transfer of all rights to the student reaching the age of majority. Annually, the district submits the required reports related to: the number of students with disabilities enrolled in the district; staff providing services to students with disabilities and the number of students with disabilities who are exiting education. The district makes available to parents of students with disabilities and to the general public all documents relating to the eligibility of the district under Part B of the IDEA. The district provides interpreters for conferences and student evaluations are completed in the native language.

Problems were noted with provision of written notice in native language, meeting participants, 15 day timelines, components of notice of a meeting, and maintaining documentation in student records.

Areas of Need:

Native Language – Although the district provides interpreters at parent meetings when required, notice of meetings and written notice are not provided in the parent's native language.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that notices of meetings and written notice are provided in the native language of the parents. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Meeting Participants – The district does not consistently document that all required participants attend meetings.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure required participants attend meetings. The plan must include a mechanism to document that participation as well as a mechanism that ensures administrative oversight of the implementation of the procedures.

15 Day timeline – The district does not consistently document that written notice is provided to parents within 15.

- The district will develop an improvement plan that identifies the procedure it will follow to ensure that written notice is provided to the parent within 15 days. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Notice of IEP Meeting – Notice of an IEP meeting does not contain a statement about the parent's right to invite a person with expertise to attend the conference.

- The district will revise its notice of an IEP meeting to include a statement informing the parents of their right to invite a person with expertise to attend the conference.

Notice of an Eligibility/IEP meeting – The district currently conducts eligibility and IEP meetings on the same day, when appropriate. The notice for this dual purpose meeting indicates that a special education teacher will attend "as appropriate." The extent of the special education teacher's participation is unclear.

- The district will revise its notice of an eligibility/IEP meeting to more clearly identify and define the roles of the meeting participants at each meeting.

Documentation in student files– A review of student records indicated that notices of meetings and written notice are not consistently maintained in student files.

- The district will develop an improvement plan to identify the procedure it will follow to ensure that documentation of notices of meetings and written notice is maintained in student files.

Section IV: Location, Referral, and Identification

Summary of Findings:

In an interview with the director, it was reported that the district has procedures to locate, refer and identify potentially disabled students. The procedures apply to student ages three through 21, who reside within the local school district. The district has a child find advertisement for the 3-5 year old population that is aired on the local cable station.

Pre-referral interventions in general education programs as well as implementation of these interventions are documented in the files that were reviewed for purposes of this monitoring. Specifically, the Pupil Assistance Committee (PAC) documents that a student is referred for an evaluation when interventions in the general education programs have not adequately addressed the educational difficulties. Currently, timelines for completing initial referrals within 90 days are compliant.

Interviews with school personnel and parents as well as files reviewed, confirmed that parents might request a direct referral via a written statement. When a child study team evaluation is warranted, the district does secure parental consent for the evaluation as documented on the evaluation plan form.

Although, the district has child find procedures for informing non-public school parents of services for children ages 3-5, there are no procedures in place for the parents of non-public students in the 6-21 age group. Additionally, the district has instituted a procedure to secure parental consent prior to referral to the speech language therapist. This procedure presents a problem since this consent is not required by state or federal mandates.

Area(s) of Need:

Child Find- An interview with the director and supervisor of child study indicated that the district does not inform parents of non-public school students of services for children ages 6-21.

- The district will develop an improvement plan to ensure that procedures are developed and implemented for informing parents of non-public school students of services for children ages 6-21.

Speech Referral Procedures- Interviews with speech therapists indicated that the district requires parental consent prior to referral to the speech language therapist. Because parental consent is not required to refer a student for evaluation services this procedure may result in a barrier to conducting the identification meeting and obtaining consent that is required by federal and state regulations.

- The district is directed to cease this practice immediately. The district is further directed to develop an improvement plan that identifies the procedures it will follow to ensure that when a referral is received by the speech therapist, notice is sent to the parents and an identification meeting is held with the required participants to discuss the need for a speech evaluation in accordance with N.J.A.C. 6A: 14. The plan must include a mechanism to ensure all staff members are knowledgeable about these procedures as well as a mechanism to ensure administrative oversight of these procedures.

Section V: Protection in Evaluation and Evaluation Procedures

Summary of Findings:

The district ensures that evaluation procedures are technically sound, are neither culturally nor racially discriminatory, and are administered by trained personnel. The district also ensures that students with disabilities receive a comprehensive evaluation conducted by a multidisciplinary team of professionals who utilize a variety of assessment tools and strategies to assess the student in all areas of suspected disability.

Written reports prepared by child study team members are consistently signed by the individual(s) who conducted the evaluation.

However, written reports prepared by child study team members for children classified as "eligible for special education and related services" do not consistently contain all of the components of a functional assessment. For students evaluated by a speech-language specialist and classified "eligible for speech-language services" written evaluations were inconsistently found in the files.

Area(s) of Need:

Child Study Team Written Reports- A review of reports prepared by child study team members indicated that they did not consistently document in the evaluation all the components of a functional assessment according to 6A14-3.4 (d).

- The district will develop an improvement plan that identifies a procedure to ensure that written reports prepared by child study team members include all the components of a functional assessment according to 6A14-3.4 (d). The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Speech-Language Written Reports- Interviews and a review of records indicated that although speech therapists prepared written reports for students receiving language as a related service and are classified "eligible for special education and related services", they do not prepare written reports for students classified "eligible for speech-language services" (ESLS).

- The district will develop an improvement plan that identifies a procedure to ensure that written reports are prepared for all students evaluated for speech and/or language services and these reports must be provided to parents. Furthermore, these assessments and the subsequent reports must contain all of the components required by 6A: 14-3.6. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Section VI: Re-Evaluations

Summary of Findings:

The district conducts planning meetings and obtains consent prior to conducting re-evaluations. By June 30 of a student's last year in a program for preschoolers with disabilities, a re-evaluation is conducted.

Although the district's policies state that they ensure that students are re-evaluated every three years or sooner if conditions warrant, problems were identified with meeting timelines. Additionally, re-evaluations are not being conducted for classified seniors who may require a re-evaluation during the last two marking periods of their senior year at the high school.

Area(s) of Need:

Re-evaluation- A review of records, the district's re-evaluation data sheet and interviews with staff indicated that re-evaluations are not conducted every three years throughout the district. Additionally, when a re-evaluation is conducted sooner at the request of a parent or teacher, or because conditions warrant, the re-evaluation is not completed in a timely manner. Furthermore, re-evaluations are not conducted for classified seniors who require a three-year re-evaluation during the last two marking periods of their senior year at the high school.

- The district will develop an improvement plan that identifies a procedure to ensure that all students with disabilities, including those students in their last year of school who require a reevaluation are evaluated within three years of the previous classification. Furthermore, this plan must include an administrative oversight mechanism to ensure that all re-evaluations are completed in a timely manner.
- The district will develop an improvement plan that identifies a procedure to ensure that when a re-evaluation is conducted sooner than three years at the request of a parent or teacher or because conditions warrant, that the re-evaluation is completed without undue delay.

Section VII: Eligibility

Summary of Findings:

The district ensures that a student is determined eligible and classified, "eligible for special education and related services", when the student has one or more of the disabilities defined in N.J.A.C. 6A: 14-3.5 (c), the disability adversely affects the student's performance, and the student is in need of special education and related services. The district also ensures that students are "eligible for speech-language services" when the student has a speech-language disorder that adversely affects classroom performance and the student requires speech-language services only.

However, problems were identified in the documentation of written evaluation reports being provided to parents.

Area(s) of Need:

Copies of Evaluation Reports- The district ensures a student is determined eligible and classified "eligible for special education and related services" at a meeting with required participants. Information obtained through record review and interviews indicated that although the district provides parents with copies of these evaluation reports, they do not document this information in the student's record.

- The district will develop an improvement plan to ensure that parents are provided copies of the evaluation report(s) and that this is documented in the student record. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Section VIII: Individualized Education Program

Summary of Findings:

This review noted several different IEP formats utilized in the past year. Most of the IEP reviewed in the files were missing required components. Upon interview it was stated that the district has recently begun to utilize the state IEP format.

However problems were identified in the completion of the required sections of the IEP, program implementation dates, timeliness of annual review conferences, goals and objectives for students receiving in-class replacement services, and implementation of the IEP recommendations.

Area(s) of Need:

Components of the IEP - The record review noted that even though the state IEP format has recently been utilized, district personnel are not consistently filling in each section. Often there were sections left blank or the statements written did not convey the full extent of the consideration or the discussion. The most consistent section left blank was the notification of rights transferring to the student upon reaching the age of majority.

- The district must develop a plan to ensure the IEP is completely filled out on a consistent basis. This plan must include staff development to ensure all team members are aware that each area requires discussion and documentation of the factors that led to the recommendations proposed for the student.

IEP Implementation Dates – A review of IEPs indicated team members were including conflicting information regarding program implementation dates. For example, an IEP may indicate an implementation date of April 25, 2000 as well as contain a statement that the existing IEP will remain in effect until the end of the school year.

Additionally, the teacher(s) is not given a copy of the IEP that is supposed to be in effect in a timely manner. As a result, the teacher(s) who is charged with implementation of the IEP may not be aware of any revisions that may have been made to the document.

- The district must develop an improvement plan that identifies a procedure to ensure IEPs contain accurate information regarding proposed implementation. The plan must include staff development to ensure team members are knowledgeable regarding the development of IEPs.
- The district must develop an improvement plan that identifies a procedure to ensure IEPs are provided to teachers who are charged

with implementing the students' programs and services in a timely manner.

Annual Reviews – Annual reviews were not consistently completed in a timely manner.

- The district must develop an improvement plan that identifies a procedure to ensure IEPs are reviewed at least annually. This procedure must include a mechanism to ensure administrative oversight of the implementation of this procedure.

Annual Goals and Short Term Objectives – During the document review and interview processes, it was indicated that when it was determined a student would remain in a general education classroom with replacement services, each goal stated that the student would complete the curriculum as per the core curriculum content standards. Neither annual goals nor short term objectives were developed to reflect the replacement services the student was required to receive.

- The district must develop an improvement plan that identifies a procedure to ensure team members develop appropriate annual goals and short term objectives that identify the modifications to the general education curriculum. This plan must include staff development to ensure implementation of this plan.

IEP Implementation – A review of records indicated services being provided to students failed to correspond to the services required by the IEP. This problem was noted in the provision of resource room programs and related services.

- The district must develop an improvement plan that identifies a procedure to ensure that programs and services are provided in accordance with the programs and services identified in the IEP. The plan must include staff development to building administrators who must oversee the provision of services to students within their buildings.

Section IX: Least Restrictive Environment

Summary of Findings:

Interviews noted that though district personnel attended a technical assistance session provided by the Office of Special Education Programs (OSEP) this monitoring review confirmed that the areas of need identified in the previous monitoring continue to exist.

Area(s) of Need:

Provision of a continuum of Alternative Placements- A review of student records and interviews indicated that placement decisions are not consistently made on an individualized basis. Most often placements are determined by building level program availability rather than determining what is needed by the individual student.

- The district must develop an improvement plan that identifies a procedure to ensure placement decisions are based on the student's individual needs and not on program availability. The plan must include a mechanism that will allow the district to identify and provide programs in a more timely manner.

Pre-school students, although educated in a primary learning center of 900 students, are still not afforded any program other than the pre-school disabled class. The director noted during the interview that in September 2000 there will be other program option for these children.

- As part of the district's improvement plan, the district is directed to submit a detailed description of their plan to provide alternative placements to preschool disabled students. The plan must also include staff development to ensure district-wide awareness of these alternate program options.

Decision-Making Process and IEP Documentation - The record review noted that the IEP statement did not document the consideration of regular education with supplementary aids and services for students prior to removal from the general education setting. When the state IEP format was utilized, this section was often not completely filled out or the statements did not reflect a discussion that lead to the decision to remove.

- The district must develop a plan that identifies a procedure to ensure discussions take place at each IEP meeting to effectively consider and document placement in the general education setting with supplemental aids and services. The plan must include staff development to ensure implementation of the procedure.

Program Placement Decisions - The interviews noted that programs are developed based on staff availability and scheduling considerations. Additionally, there are some teams that will not write the appropriate program recommendation on the IEP if that program or class is not available. Instead, they keep the students on a mental wait list.

- The district will develop an improvement plan that identifies a procedure to ensure programming decisions and placements are based on individual student needs and provided in a timely manner. The plan must include a mechanism to ensure programs, services, and staff are available to meet the needs of these students. Additionally, the district must identify those students who are on the mental wait list of the CST members, and immediately place those students in appropriate programs. As indicated in a previous improvement plan directive, the district needs to identify the method by which it intends to identify, develop and staff programs and services in a manner that will ensure the timely provision of services to students.

Section X: Transition

Summary of Findings:

Record review and interviews document that the district has begun to utilize the state IEP. Although this IEP is utilized, teams inconsistently complete it with documentation of student interest and preference. Additionally, meeting notification and agency contact were inconsistently documented in the student's file.

Area(s) of Need:

Interest Inventory - There was inconsistent documentation of the required considerations in the records reviewed. Student interests and preferences were generalized and the students' schedules did not reflect any of their interests.

- The district will develop a plan that identifies the procedure to ensure interest and preference inventory are used as part of the transition process and in developing IEP transitional goals. The plan must include staff development to ensure that the students' courses of study are related to the transition goals that are developed.

Documentation - A review of records failed to document the provision of the notice of a meeting to the parent. Additionally, the review failed to verify attempts to link with any agency or to invite agency personnel to participate in a meeting where transition would be discussed.

- The district will develop an improvement plan that identifies a procedure to ensure parents and agency personnel are provided with notice of a meeting to ensure their participation in a meeting where transition will be discussed.

Section XI: Discipline

Summary of Findings:

The interviews noted that district staff have had discipline training and are aware of the State code regulations. The district has discipline policies that they follow for all students unless an individual IEP notes otherwise. There are two programs that are designed to provide students with their IEP mandated program and services while on suspension.

However, based on record review, it was indicated the district has not documented the procedures they were able to articulate during the interview process.

Areas of Need:

Documentation – Though information obtained through the interview process indicates the district is following the discipline regulations, that could not be documented in any of the student records. Because the district fails to maintain copies of correspondence with parents and because of the nature of the data maintained in the district's tracking system, it was not possible to determine to where the student was removed. Specifically, whether it was out of school or to one of the other suspension programs.

- The district must develop an improvement plan that identifies a procedure to ensure the accurate documentation of activities regarding the removal of students in response to disciplinary actions. The plan must ensure the district is able to identify where the student will receive instruction during the period of removal as well as who will be held accountable for tracking the number of days each student is removed from his or her program.

Behavior Intervention Plan - The record review noted that not all students who have a history of behavioral problems have a behavioral intervention plan.

- The district must develop an improvement plan that identifies a procedure to ensure the development of an appropriate behavior intervention plan for those students whose behaviors impact their ability to benefit from their educational program. The plan must include a staff development component to ensure district-wide understanding of the discipline requirements. The plan must also include a mechanism that ensures administrative oversight of the implementation of these procedures.

Manifestation Determination - Although interviews revealed that at least one manifestation determination meeting had been conducted during the year, the

record review failed to document that meeting. Likewise it was not possible to calculate how many days a student had been removed from instruction based on the documentation presented for review.

- The district must develop an improvement plan that identifies a procedure to ensure that the person responsible for calculating the number of days a student has been removed from instruction ensures that students who require a manifestation determination meeting are afforded one. The plan must include a mechanism to document the meeting and its results.

Section XII: Statewide Assessment

Summary of Findings:

Interviews and record review noted that many students participate in the statewide assessments. The IEPs of individual students indicate whether or not they are afforded modifications for these exams. The record review did however, reveal that there are some students who are exempt from statewide testing, yet these IEPs did not state that an alternative assessment would be provided in place of the statewide assessment.

Areas of Need:

Alternative assessment – The IEPs of students who were exempted from statewide assessments did not contain an alternate assessment. Rather, upon interview, the CST indicated that they utilized the goals and objectives of the IEP as the alternative assessment.

- The district must develop an improvement plant that identifies a procedure to ensure students' progress is assessed using an alternate assessment in the event those students are exempt from statewide assessments. The plan must include staff development to ensure implementation of this procedure.

Section XIV: Programs and Services

Summary of Findings:

The district board of education ensures that certificated staff provides all programs and services. Speech-Language services are provided to students individually or in groups. The size and composition of the group is determined by the IEP team in accordance with the speech-language needs of the student(s) with educational disabilities, and does not exceed 5 students. However, problems were identified with class sizes.