

New Jersey Department Of Education

Special Education Monitoring

District: Cherry Hill

Monitoring Dates: March 1-3, and 6-8, 2000

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Background Information

On February 17, 2000, prior to the monitoring visit, NJDOE facilitated a focus group public meeting with parents and district representatives. About 40 members of the public attended the 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 Cherry Hill School District should be proud of the many successful programs provided for special education students. In particular, noteworthy programs include: the provision of collaborative planning time for regular and special education teachers at East High School and with the sixth grade teams at Carusi Middle School; a proactive school-wide behavior discipline program at West High School; the early childhood inclusion program; training for teachers in innovative methodology; and the sixth grade inclusion program at Carusi Middle School, as well as other inclusionary programs at the middle school.

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.

Area of Compliance:

The district has demonstrated systemic compliance with the requirements established in Section XII—Assessment.

Section I: General Provisions

Summary of Findings:

Annually, the Board of Education reports the numbers of students with disabilities and maintains the appropriate supporting documentation. Student records are made available to parents upon request.

Concerns were noted with the district's policies and procedures and inconsistency of staff development.

Areas of Need:

Policies and Procedures - The district's policies and procedures are in the process of being revised to be in compliance with IDEA 1997 and N.J.A.C. 6A:14, based on the directive from the Office of Special Education Programs.

- The district is directed to complete the process of adopting the special education policies and developing the procedures to implement those policies as directed in the memo from the Office of Special Education Programs.

Continuity of Inservice - Although the district provides many excellent inservice opportunities for staff, these programs are not uniformly available throughout the district for the same grade level staff. This inconsistency affects student programs.

- The district is directed to develop a plan to implement inservice opportunities in a uniform manner for all staff.

Section II: Free, Appropriate Public Education

The district makes available a free appropriate public education to students with disabilities between the ages of 3 to 21, including students with disabilities that have been suspended or expelled from school. All special education teachers and related service personnel are fully certified. The school day and academic year for students with disabilities is at least as long as that for non-disabled students. Students with disabilities are afforded the opportunity to participate in extracurricular activities.

Concerns were noted with regard to the consideration of the need for extended school year, as well as the provision of programs as specified in the Individualized Education Program (IEP).

Areas of Need:

Extended School Year - The district does not consistently ensure that a free, appropriate public education is available to all students with disabilities between the ages of three and

twenty-one with regard to the provision of extended school year programs. Although the district offers various summer programs to students, the IEPs reviewed did not consistently contain documentation that an extended school year was considered and discussed for all classified students, especially students who were 12 years of age and older. Teachers, child study team members, and parents report that consideration of the need for an extended school year was not consistently 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 is required, the district must ensure that all required services are included in that program.

Providing programs specified in the IEP – The district did not consistently provide services to students in accordance with their IEPs. In addition, schedules indicated that some students received services that were not specified in the IEP.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that all appropriate special education and related services are identified in the IEP and that these services are consistently provided. This plan must include a mechanism for administrative oversight to assure that programs are provided.

Section III - Procedural Safeguards

Summary of Findings:

The district has appropriate procedures in place to obtain parental consent, as required. The district follows proper procedures with regard to the provision of independent evaluations.

Problems were noted with the provision and documentation of written notice, documenting attempts to secure parental participation, written notice in response to parent requests, transfer of rights at the age of majority and the provision of PRISE. In addition, the district maintains several versions of notice forms that are out-of-date and/or incorrect.

Areas of Need:

Notice of a Meeting – Notice of a meeting did not contain a listing of the participants by discipline. In addition, notices of IEP meetings did not include a statement informing parents of their right to bring other persons with special expertise to meetings. Documentation that students, fourteen years and older, were invited to meetings was not evident. The district currently has a corrective action plan addressing the components of notice of an identification meeting. This plan must be implemented immediately.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that all notices of a meeting identify meeting participants by discipline and include a statement informing parents of their right to bring other persons with special expertise to IEP meetings.
- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that students, age fourteen years and older, are invited to IEP meetings and that documentation of these efforts is maintained in student files.

Documentation of Parent Participation – Records do not consistently reflect the participation of parents at meetings or if teleconferencing was an available option to ensure their participation.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that parent participation is appropriately documented.

Written Notice in Response to a Parent Request– The district does not consistently document that written notice is provided in response to a parent request.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that written notice is provided in response to a parent request.

Documentation of Written Notice – The district does not consistently maintain copies of notices in student files. Interviews with child study team members indicate that these notices are provided, but documentation was not consistently found in pupil records. In addition, written notice does not consistently include all the required components and does not consistently document the provision of the short procedural safeguards statement.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure documentation of the provision of written notice, including the required components and the short procedural safeguards statement, is maintained in the student files.

Transfer of Rights at the Age of Majority – The district does not consistently document that parents and students are informed that all rights will transfer to the student on reaching the age of majority.

- 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 three years before the student's 18th birthday and that documentation is maintained in pupil records on a consistent basis.

Provision of PRISE – The IEPs included a statement that asked parents to sign that they waive the receipt of PRISE. This practice is not consistent with administrative code and does not eliminate the District's responsibility to provide PRISE, when required.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that PRISE is provided consistent with N.J.A.C. 6A: 14.

Native Language – The district does not consistently provide notice of a meeting and written notice in the native language of the parent. Samples of various notices translated into different languages were reviewed, however, these notices were not consistently used, when required. The district has developed a corrective action plan to address notice of an identification meeting. This plan must be implemented immediately.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that notice of a meeting and written notice are provided in the native language of the parent.

Notice Forms – The district maintains several versions of the various forms used in the special education process. Some of these versions are out-of-date and/or incorrect and there was no consistent procedure to ensure that staff members utilize the correct forms.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that only current and up-to-date forms are maintained in the district for staff use.

Section IV- Location, Referral and Identification

Summary of Findings:

The district utilizes Child Find location efforts via mailings to various agencies and community facilities concerned with the education of children ages 3-21.

However, issues were identified regarding the referral process and conducting identification meetings, including timelines, and summer referrals.

Areas of Need:

Referral Process – Interviews and review of records indicate that there was a lack of knowledge of a school and district-wide referral policy. Procedures for referral varied among schools and documentation was not appropriately completed to reflect the process. The completion of the referral process did not consistently meet appropriate timelines.

- The district is directed to develop an improvement plan that identifies

appropriate written procedures for referral that meet the timeline requirements as outlined in N.J.A.C. 6A: 14. This plan must include a mechanism for ensuring consistent implementation throughout the district.

Identification Meeting – A review of student records and interviews indicated that the procedures for conducting the identification meeting are inconsistent. Documentation of these efforts is not maintained on a consistent basis. Because no clear referral date is noted in each file, timelines for conducting the identification meeting could not be verified. At the identification meeting, a review of the data is not consistently documented and the nature and the scope of evaluations are not determined on an individual basis. Hearing and vision screenings are not consistently completed as part of the referral process. Documentation does not indicate that the parents receive notice 15 days after the identification meeting or that they have received a copy of NJAC 1:6A in addition to N.J.A.C. 6A: 14.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that identification meetings are held within required timelines. In addition, notice of the meeting and prior written notice must include all the required components (specifically, participants by discipline; review of available data; and the nature and scope of the evaluation) and document that decisions are made on an individual basis. Finally, this plan must ensure that hearing and vision screening are conducted and that parents receive a copy of NJAC 1:6A.

Summer Referrals – Interviews with parents and staff as well as a review of written documentation indicate that referrals during the summer months were problematic and often did not meet appropriate timelines.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that summer referrals are addressed consistent with code.

Standard V – Evaluation

Summary of Findings:

The district implements evaluation procedures that are technically sound, are neither culturally nor racially discriminatory, and are administered by trained personnel. The district conducts evaluations using a multi-disciplinary team. At least one evaluator is knowledgeable in the area of the suspected disability. In addition, written reports were signed and dated by the evaluators.

However, a review of student records indicates that evaluations do not consistently meet the 90-day timeline. Informed consent is not consistently obtained and when the need for additional evaluations is identified after consent is obtained, the district does not

consistently provide proper written notice. Frequently, there was no clear relationship between evaluation findings and the educational programming. Interviews indicated that evaluations were not consistently available to parents at the time that written notice of the statement of eligibility was provided there was no documentation in the file to contradict that finding. (Corrective action for this issue is addressed in Section VII—Eligibility.)

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that evaluations are completed within required timelines.
- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that the district consistently obtains consent for evaluations. If additional testing is indicated, the district must ensure that appropriate written notice is provided.

Standard VI- Reevaluation

Summary of Findings:

Reevaluations were conducted by June 30 of a preschooler's last year in a preschool program. Reevaluations were conducted when considering a change in eligibility. When parents or district staff requested reevaluations sooner than three years, said evaluations were conducted without undue delay.

However, routine reevaluations were not consistently completed within the three-year timeline. Similar problems were noted with the process and procedures for reevaluations as described for initial evaluations.

Areas of Need:

Reevaluation Timelines – Routine reevaluations are not consistently completed within the three-year timeline.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that reevaluations are completed within a three-year timeline.

Process and Procedures for Re-evaluations – Similar concerns with process and procedures for reevaluations were noted to those previously described for initial evaluations. That is, informed consent was not consistently obtained and files did not document attempts to secure consent. When the need for additional evaluations was identified after consent was given, appropriate written notice was not consistently provided. Frequently, there was no clear relationship between evaluation findings and educational programming. Interviews indicated that reports of reevaluations were not consistently provided to parents. (Corrective action for this issue is addressed under

Section VII—Eligibility.)

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that consent for reevaluation requested and that documentation of attempts to secure parent consent is maintained in student files. If additional assessments are indicated the district must ensure that appropriate written notice is provided.
- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that there is a clear connection between assessment results and educational program planning decisions.

Section VII- Eligibility

Summary of Findings:

Eligibility meetings were conducted following the evaluation process.

Problems were noted, however, with participants at eligibility meetings, documentation of provision of written notice of the statement of eligibility and documentation of eligibility for pre-school students.

Areas of Need:

Written Notice - The district does not consistently document that written notice of the statement of determination of eligibility is provided to the parent within 15 days of the eligibility meeting. (Corrective action for provision of written notice is addressed in Section III—Procedural Safeguards.)

Participants – Appropriate instructional staff members did not consistently attend eligibility meetings. Staff, specifically teachers, reported that when they did attend eligibility meetings they were not present for all decision-making components of the meeting.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that all the required instructional staff attend eligibility meetings and participate in the collaborative decision-making process.

Eligibility Documentation – Documentation was not available to indicate that assessment reports were given to parents at the time of provision of written notice of the statement of eligibility. Parent and staff interviews indicated that these reports were not consistently provided to parents. In addition, documentation was not available to indicate that that eligibility was not due to lack of instruction or limited English proficiency.

- The district is directed to develop an improvement plan that identifies the

procedures it will follow to ensure that parents are provided with assessment reports no later than when written notice of the statement of eligibility is provided and that this activity is documented. In addition the district will ensure that documentation is maintained to indicate that eligibility was not due to lack of instruction or limited English proficiency.

Eligibility of Pre-School Disabled – Documentation indicated that there was not a clear connection between assessment results and eligibility for special education and related services for pre-school disabled students.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that documentation is developed and maintained that links assessment results to eligibility criteria.

Section VIII- Individualized Education Program

Summary of Findings:

Through staff interviews it was noted that staff members have access to IEPs for all educationally disabled students in their classes.

However, problems were noted with IEP components, including the documentation of modifications, reporting student progress, LRE decision-making, as well as the documentation of consideration statements throughout the IEP such as the need for assistive technology. Other concerns included appropriate attendees at IEP meetings, attempts to secure parent participation in the IEP process and the process for revising IEPs. In addition, there was not a clear relationship between the Present Levels of Performance (PLEP), the rationale for placement in the least restrictive environment and the goals and the core curriculum content standards (CCCS).

Areas of Need:

IEP Components - The IEPs reviewed did not contain sufficient documentation of the following required components: modifications that will be made for the student; frequency and form of reporting student progress; and the required consideration statements (such as the need for assistive technology).

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that the IEP includes all required components. This improvement plan must include a mechanism to assure that training is provided to district child study team and instructional personnel on the development and implementation of the IEP.

Meeting participants-The district board of education does not ensure that regular education teachers are consistently present at IEP meetings. In many cases the teacher

selected to attend the IEP meeting was not a teacher having direct knowledge of the student's individualized needs. The district is required to provide for a regular education teacher that has knowledge of the student, unless no such teacher exists. In that instance, the district must include a regular education teacher who is knowledgeable about district programs. In addition, the district does not maintain documentation of multiple attempts to secure parent participation in IEP meetings. Many files did not document more than one attempt.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that a regular education teacher with knowledge of the student's performance (or in the case when no such teacher exists, a teacher who knows the program) is in attendance at IEP meetings.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that multiple attempts are made to secure parental participation in IEP meetings and that these attempts are documented in pupil records.

Relationships between PLEP and LRE statements- The IEPs reviewed contained detailed statements regarding students' present levels of educational performance (PLEP). Teacher interviews indicated that these descriptions contained sufficient information to identify specific areas of need and to provide appropriate instruction. However, there was not a clear relationship between these statements and the rationale for placement in the least restrictive environment. (Corrective action for this issue is addressed in Section IX- Least Restrictive Environment.)

Relationships between IEP and CCCSs- The IEPs did not contain a statement of measurable annual goals that are related to the core curriculum content standards through the general education curriculum. Since the district identifies many program options to meet students' individual needs, the district must document how the goals and objectives identified are related to the CCCSs.

- The district is directed to develop a plan that ensures that the goals and objectives identified in the IEP are related to the CCCSs.

IEP Revisions – Review of the documentation indicated that revisions to IEPs were made without following the appropriate process for IEP development. There was no consistent documentation that IEP meetings are held prior to revising educational programs. Interviews indicated that parents are contacted by phone prior to changing programs, but the district does not consistently convene a meeting of the IEP team.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that when revisions to IEPs are required, the appropriate process will be implemented.

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.

However, problems were noted in the areas of documenting the LRE process, and the availability of programs at certain academic levels.

Areas of Need:

LRE Availability and Documentation - The IEPs reviewed did not consistently document the individualized decision making process for placement nor did they document that 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. The district has developed a corrective action plan to address documentation of the decision-making process. This plan must be fully implemented. In addition, IEPs did not consistently indicate a consideration of a full continuum of placements and services for all disabled students. Students were placed in programs based on availability instead of individual student need. At the Paine School there was limited access to other programs and classes for the students in the multiple disabilities classes. Parent interviews indicate that students in the lower level class, while their programs address academic objectives, some would benefit from more functionally based activities. Because they have limited access to those activities, parents feel their abilities are not being sufficiently challenged. Staff members indicate that access to regular education programs for these students are limited and that many would benefit with more opportunities for interaction with their non disabled peers. At the middle school level, classified students were placed in more restrictive special class and pullout programs rather than in-class support programs based on lack of availability.

- The district is directed to develop a plan that ensures that a full continuum of placement and service options are considered and documented for all students with disabilities and that placement and service provision is based on individual student need and not determined by other factors, such as staff availability.
- The district is directed to develop a plan that ensures that all of the students in the Multiple Disabilities classes at Paine School have access to special and regular education programs as appropriate, in order to ensure that their educational, social, and emotional needs are being addressed.

Section X- Transition

School to Post-School

Summary of Findings:

At the high school level, the district is implementing selected work related experiences. As a result of technical assistance provided by the Office of Special Education Programs, the district has examined the area of transition and the district is working to revise procedures and develop additional programs.

However, the district continues to fail to fully ensure that IEPs document statements of transition service needs for students with disabilities at age 14 or younger, if appropriate, and statements of needed transition services for students with disabilities with disabilities beginning at age 16, or younger, if appropriate. Problems were identified in documenting transition services in the IEP; participants at transition meetings, documenting the preschool transition process, documentation of student interests and preferences and documentation of agency representation.

Areas of Need:

IEP Documentation - Although the district is providing some work experiences to students in their district, the documentation of these services is limited and does not meet all of the regulatory requirements. In addition, there was a lack of documentation of consideration of student interests and preferences and how that information was obtained.

- The district is directed to develop an improvement plan that identifies the procedure the district will follow to ensure the development of appropriate transition plans that include all required components. The plan must include a mechanism to ensure documentation of the planning process as well as the plan itself.

Transition Meeting Participants – In reviewing student records, the monitoring team was unable to consistently document the extent of the agency representation at IEP meetings. A representative of an agency likely to be responsible for providing or paying for transition services was not consistently identified as a participant. In addition, student files did not document agency invitations.

- The district will develop an improvement plan that identifies the procedure it will follow to ensure invitation and documentation of agency participants at transition planning meetings.

Student Invitations – The district does not consistently document invitation to students ages 14 and older for IEP meetings. Corrective action for this issue is addressed in Section III—Procedural Safeguards.

Preschool Transition

Summary of Findings:

The district facilitates transition from early intervention to preschool by arranging for a child study team member to attend the preschool transition planning conferences.

However, preschoolers with disabilities did not consistently have their IEPs implemented by age three.

Area of Need:

IEPs for Pre-School Students - IEPs were not consistently in place by a eligible student's third birthday.

- The district is directed to develop a plan that ensures that IEPs are developed and implemented by a student's third birthday.

Section XI - Discipline

Summary of Findings:

The district implements appropriate disciplinary measures when those actions are required. Manifestation determinations are held, as required, with appropriate participants.

Problems were noted with the consistent development of behavior intervention plans for students with a known history of behavior concerns.

Area of Need:

Behavior Intervention Plans – A review of the files did not show evidence of behavior management plans being developed on a consistent basis for students with a history of behavioral concerns.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure compliance with discipline requirements established in the Federal regulations and to ensure appropriate documentation of those procedures. This plan must include a mechanism for the development of appropriate behavior intervention plans for students who require them.

Section XIII – Graduation

Summary of Findings:

The district ensures that students with disabilities have the opportunity to graduate and participate in graduation exercises.

However, concerns were noted with documentation of graduation requirements in student IEPs.

Area of Need:

Documentation of Graduation Requirements – Student IEPs did not document graduation requirements.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that student IEPs address graduation requirements, as appropriate.

Section XIV – Programs and Services

Summary of Findings:

The district employs appropriately certified child study team personnel. Preschool programs are in operation for the required length of time. The district provides a variety of resource programs, including in-class support and team teaching. Class sizes do not exceed required limits. Related services are provided as specified in student IEPs.

Concerns were noted with the decision-making process with respect to the level of counseling services.

Area of Need:

Counseling – The district currently provides counseling as a related service, however, interviews with child study team and instructional staff indicate that decisions regarding level of service are not made on an individual basis.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that decisions regarding level of counseling services are made on an individual basis according to student need.

Section XV – Student Records

Summary of Findings:

The district responds to parental requests to review records.

Concerns were noted with maintaining required documentation in student files. In addition, problems were noted with maintaining records of those persons accessing student files and the identification of types and locations of other student records.

Areas of Need:

Maintenance of Records – Student records lacked organization. District procedures indicate that copies of specific documentation, such as written notice, IEPs, and evaluation reports, should be maintained in the central office file. Many of the files reviewed were missing this documentation. Interviews indicated that notices were in the files maintained in individual buildings. Because central office files did not indicate the location of other records in the district, this could not be verified. It is recommended that the district review the procedures for maintaining documentation in central office files. In addition, the files reviewed did not consistently include record access sheets.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that central files are clearly labeled regarding the existence and location of other files.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that all student files contain record access sheets and that documentation of access to files is maintained.