

New Jersey Department of Education
Special Education Monitoring

District: East Brunswick Public School County: Middlesex

Monitoring Dates: March 1-3 & 6-9, 2000

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Background Information

Prior to the on-site monitoring visit, the New Jersey Department of Education (NJDOE) facilitated a focus group public meeting with parents, advocates, 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 identified areas of need.

District Strengths

The district has a wide range of in-service training opportunities for instructional staff. Workshops are offered on topics relevant to general and special education staff. Additionally, training regarding in-class support strategies is offered to regular education teachers prior to placing a classified student in the general education classroom.

Communication between teachers and parents is facilitated through use of the "parent link" and "Friday folders".

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 in the following: General Provisions, Re-evaluation, Graduation, Programs and Services, and Student Records.

Section II: Free, Appropriate, Public Education

Summary of Findings:

The district provides a system of free, appropriate special education and related services to students with disabilities age three through twenty-one. It is provided at public expense and is located in facilities that are accessible to the disabled. The length of the school day and the academic year for students with disabilities is at least as long as that established for non-disabled students. Physical education is provided for students with disabilities, including those in separate facilities. However, concerns were identified in the provision of FAPE regarding transfer students, extended school year programs and related services.

Area(s) of Need:

Transfer Students – A review of records and staff interviews indicated that classified students transferring into the district are placed in programs according to their IEP. However, student records did not document when a student entered the district or if the outside evaluations were accepted or rejected.

- The district will develop an improvement plan that will ensure that classified students transferring into the district have their records reviewed immediately. Documentation of this review must include acceptance or rejection of the records received and a decision regarding the need for any additional information if prior records are incomplete. The plan must include staff development for CST members.

Extended school year- Information obtained through record review reflected that the district does not consistently document individualized determinations for students with disabilities regarding the need for an extended school year program.

Interviews indicated that staff is not knowledgeable regarding the requirement to consider an extended school year for all classified students and indicated this consideration was discussed for students in specific programs only.

- The district will develop an improvement plan that will ensure extended school year services are individually considered for all classified students and document those considerations in the IEP.

Related Services- Although the district provides a variety of related services, the frequency of the service was not consistently documented in the IEPs.

- The district will develop an improvement plan that will ensure that the frequency of related services is documented in IEPs.

Section III: Procedural Safeguards

Summary of Findings:

Record review and interviews noted that parental requests for independent evaluations have been honored in a timely manner in accordance with N.J.A.C.6A:14.

The district has developed and has available a list of adults who are willing to be surrogate parents.

However, documentation of providing notice of a meeting and written notice in the native language of parent(s) and the participation of translators at meetings were not found.

The record review found that invitation notice to an IEP meeting and written notice of that meeting are not consistently provided to parents.

Informing parents and students that all rights will transfer to the student on reaching the age of majority at least one year before the student reaches age eighteen, was likewise not consistently documented.

As was identified in Year 3 Program Review, the district did not consistently hold identification meetings within the 20-day timeline. This requirement is addressed under Section IV, Location, Referral and Identification.

Consistent with the Year 3 Program Review, the district did not document the provision of 1:6A as required.

A review of documentation found that the short procedural safeguards statement is distributed to parents as required. However, as indicated in Year 3 Program Review, this statement has not been revised to reflect current code requirements.

Area(s) of Need:

Native Language: A review of the records of students whose native language and/or that of their parent(s) is not English, indicated that these documents were not translated. There was no documentation of the determination that the parent(s) read English. Interviews indicated that the district has identified approximately 60 languages as the parents' native languages, there was however, no documentation that written notice was ever provided in a language other than English.

- The district will develop a improvement plan to ensure that the parent(s) whose native language is other than English, are able to understand the correspondence that is sent to them. The plan must include a system of documenting the determination of which language is appropriate to communicate with the family.

Notices: A review of records indicated that notice of an IEP meeting and written notice following the IEP meeting was not consistently provided to parents in a timely manner.

- The district will develop an improvement plan to ensure that notice of an IEP meeting and written notice following the IEP meeting is provided to parents within required timelines.

Age of Majority: A review of records for students ages sixteen and one half and older, did not reflect documentation that the parent or adult student had been advised that all rights would transfer to the adult student upon reaching the age of majority.

- The district will develop an improvement plan that will ensure that parents and students are informed that all rights will transfer to the student upon reaching the age of majority, at least 3 years before the student reaches age eighteen.

Provision of 1:6A and N.J.A.C.6A: 14: A review of student records did not indicate provision of 1:6A and in numerous cases the records indicated N.J.A.C.6: 28 was provided instead of N.J.A.C.6A: 14.

- The district will develop an improvement plan that will ensure that parents receive 1:6A and N.J.A.C.6A: 14.

Notice: When the IEP is used as notice, the IEP does not contain all components of notice and it is often not mailed within fifteen days of the eligibility/IEP conference.

- The district will develop an improvement plan that will ensure that IEPs contain all components of notice, if it is to be used as such. The plan must ensure that the parent(s) receive written notice in a timely manner.

Short Procedural Safeguards Statement: A review of records indicates that the short procedural safeguard statement forwarded to parent(s) is not compliant with the current code requirements.

- The district will revise their short procedural safeguard statement and develop a plan that ensures its proper use. There can be no modifications to the state approved short procedural safeguards statement except for district specific information. The body of the statement may not be revised.

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. These procedures apply to students' ages three through 21, including students attending nonpublic schools who reside within the local school district.

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 Student Assistance Committee (SAC), documents that a student is referred for an evaluation when interventions in the general education program have not been effective. There are no backlogs of initial referrals from the time period July 1999 to the present. Interviews with staff indicated that the district employs 10-month social workers and learning consultants, and 12-month psychologists. During the summer, the district contracts with independent learning consultants and social workers to complete evaluations.

In the files reviewed for this monitoring, an access sheet was consistently inserted in the CST file, and utilized by professionals authorized to review student files.

Interviews with school personnel and parents as well as files reviewed confirm that parents may request a direct referral with a written statement.

Regarding attendance by all required participants at the planning meeting, there is documentation that parents and school personnel are notified, and that appropriate coverage for teacher(s) to attend this meeting is provided. In some records reviewed, the parents did not attend the planning meeting, even though the meeting appeared to have been scheduled at a mutually convenient time. In those cases, documentation indicated that the district mailed the evaluation plan to the parents, asked the parents to review the recommended plan and return the signed consent page, if the parent(s) agreed with the recommended evaluation plan.

The participants in the planning meeting review existing data, which include the school nurse summary of health and medical information. In addition, they discuss the nature and scope of the evaluation and documentation to that effect is handed or mailed (usually within 15 calendar days), to the parent(s). When the evaluation is warranted, the student is identified as potentially disabled.

However, problems were identified in the areas of child find activities, the referral process and the 20-day timelines for the identification meeting.

Area(s) of Need:

Child Find- In an interview with the supervisor of special education it was stated that the district does not conduct child find activities every year. The supervisor indicated that a

child find flyer is disseminated to local merchants and pediatricians. However, documentation of this activity could not be provided.

- The district will develop an improvement plan which will include written procedures to locate, refer and identify students ages 3 to 21. These procedures should include activities such as yearly advertisement in the district's newsletter, frequent coverage on the local cable station and information in the parent handbook and/or school calendar.

Referral process- Information obtained through interviews with child study team members, teachers, students assistance/guidance counselors indicated that direct referrals do not follow the procedures outlined in N.J.A.C. 6A:14. The district does not recognize that interventions in the regular education program (through SAC) are not a prerequisite to an evaluation for services under this chapter.

Information obtained through interviews indicated that the student assistance counselor/guidance counselor gathers information about the student, "staffs" the potential referral with a member(s) of the child study team, decides whether or not to evaluate the student then schedules a planning meeting with the parents to discuss their proposed decision.

- The district will develop an improvement plan that discontinues the practice of meeting and making a decision prior to referral. It must include staff development for the CST and other district staff to ensure that code requirements are understood and that the appropriate members are present at the meeting.

20-Day Timelines Requirement- As previously reported in the 1998-1999 monitoring report, this monitoring noted that the 20-day timeline requirement was not always met.

- The district will develop an improvement plan to ensure that within 20 calendar days of receipt of the written request, the district convenes a meeting to include the child study team, the parent, and the regular education teacher who is knowledgeable about the student's educational performance or the district's programs.

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 multi-disciplinary 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 contain the required components. Reports were consistently signed by the individual(s) who conduct the assessment.

However, problems were identified in the areas of bilingual evaluations and written speech assessments.

Area(s) of Need:

Bilingual evaluations- Record reviews indicated that when a potentially disabled student was identified as being bilingual, there was no documentation that the assessment was conducted in the student's native language.

- The district will develop an improvement plan to ensure that when it is determined that a student's native language is other than English, evaluations will be provided and administered in the student's native language. The plan must include a systematic way to document the determination of the language of evaluation. Additionally, staff development must occur to ensure an understanding of this procedure.

Speech Assessment- Record reviews and interviews with district staff indicated that speech language evaluation reports are not being written. A short speech language evaluation (summary), which does not meet the code requirements of an evaluation report, can be found in the body of the IEP.

- The district will develop an improvement plan to ensure that reports of speech-language specialists' assessment are written. The plan must stipulate that the report include an analysis of instructional implications; a statement regarding relevant behavior of the student, either reported or observed, the relationship of the behavior to the student's academic functioning; and a functional assessment of academic performance. In addition, each written report shall be dated and signed by the individual who conducted the assessment. The plan must also indicate that a copy of the report has been provided to the parent(s).

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) 1 through 13, the disability adversely affects the student's educational performance, and the student is in need of special education and related services. The district also ensures that students are determined eligible and classified "eligible for speech-language services" when the student has a speech-language disorder that adversely affects classroom performance and the student requires only speech-language services.

However, problems were identified in the documentation of written evaluation reports being provided to parents and inconsistent documentation that notice was sent to parents regarding eligibility meetings.

Area(s) of Need:

Copies of Evaluation Reports- The district ensures students are determined eligible and classified "eligible for special education and related services" at a meeting with the 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 in the student's record.

- The district will develop an improvement plan that establishes a procedure for ensuring that the provision of the evaluation report(s) is documented in the student record.

Notice of eligibility meeting- Based on a review of student records, it was determined that there is inconsistent documentation of the notice of meeting for eligibility in the files.

- The district will develop an improvement plan that will ensure that notice of an eligibility meeting is sent to all parents and that it is documented in the student's child study team file.

Section VIII: Individual Education Program

Summary of Findings:

The district adopted a new IEP format in January 2000. IEPs using the new format as well as those developed prior to January 2000 were reviewed during this monitoring. The IEPs reviewed for students classified eligible for special education and related services and eligible for speech and language services, indicated that all of the required considerations and components are not present.

Meetings to develop or review IEPs did not consistently include all required participants.

The record review indicated that IEPs were implemented, as soon as possible, following the IEP meeting. IEPs for preschool children were implemented by age three.

Area(s) of Need:

IEP Documentation- The district does not consistently ensure that the IEPs developed for students determined eligible for special education and related services or eligible for speech and language services contain the appropriate considerations and required statements. The IEPs reviewed did not consistently document the following:

- ◆ The strengths of the student and the concerns of the parents for enhancing the education of their child;
- ◆ Whether the student requires assistive technology devices and services;
- ◆ Beginning at age 14, the need for technical consultation from DVRS.
- ◆ Measurable annual goals;

- ◆ Frequency, location, and duration of related services;
 - ◆ The frequency and amount of instructional time the in-class resource teacher is present in the class
 - ◆ Beginning at age 14, a statement of transition service needs
 - ◆ Beginning at age 16, a statement of needed transition services;
 - ◆ The person responsible to serve as the liaison to post-secondary resources;
 - ◆ By age 17, a statement that the student has been informed of the rights under N.J.A.C. 6A:14 that will transfer to the student on reaching the age of majority;
 - ◆ How the student's progress toward annual goals will be measured;and
 - ◆ How the student's parents will be regularly informed of their child's progress toward the annual goals, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.
- The district will develop an improvement plan that will ensure that IEPs are developed with all the appropriate considerations and components. It must include staff development with the agenda and signature of the attendees attached.

IEP Meetings- Meetings conducted to develop or revise an IEP did not document the participation of all required IEP team members.

- The district will develop an improvement plan that will ensure that all required participants attend IEP meetings for children determined eligible for special education and related services or speech and language services.

Section IX: Least Restrictive Environment

Summary of Findings:

Information obtained through the interview process indicated district personnel attended a technical assistance session provided by the Office of Special Education Programs (OSEP). This training session focused on the implementation of N.J.A.C. 6A: 14 with regard to providing students with disabilities access to the general education curriculum and general education programs.

This year's onsite monitoring confirmed that the areas of need identified in the previous monitoring continue to be of concern. However, it should be noted that the revised Special Education Year 3 Program Review report was recently sent to the district and did not allow time to correct these issues.

A review of student records and interviews indicated that placement decisions are not consistently made on an individualized basis. The record review did not document the consideration of regular education with supplementary aids and services for students prior to removal from the general education setting. Interviews, which concurred with record review, indicated that some programs are developed based on staff availability and scheduling considerations.

Area(s) of Need:

Provision of a Continuum of Alternative Placements-The previous year's monitoring identified the need for a continuum of alternative placements, including general education preschool programs, for preschool disabled children. This issue continues to be of concern.

- The district will develop an improvement plan that will ensure the availability of a continuum of placements to meet the needs of students with disabilities for students' ages 3 to 21. The plan must include staff development with the agenda and signature of the attendees attached.

Decision-Making Process and IEP Documentation- Documentation of the decision making process, the consideration of regular class placement and the specific supplementary aids and services considered were not consistently found in the records. The records reviewed did not reflect documentation that the IEP team considered a variety of supplementary aids and services and program modifications to determine whether the student can be educated in a general education classroom.

- The district will develop an improvement plan to ensure that the decision-making process is individualized. The plan must also ensure that the process considers a variety of supplementary aids and services, program modifications, determination of whether the student can be educated in a regular classroom, and documents this decision-making process in the IEP. The plan must include staff development to ensure that all CST members are aware of the code regulations regarding LRE and general education.

Section X: Transition

Summary of Findings:

Student records and staff interviews documented that when preschool aged students, who were potentially disabled were brought to the attention of the district, they were evaluated by the district and if eligible, placed in a program within time guidelines.

IEPs of students, aged 14 and older, inconsistently documented transition needs and services. Additionally, there was no documentation that the student was invited to the meeting for the purpose of discussion transition.

Area(s) of Need:

Transition from Early Intervention Programs: Documentation that the district attended the transition meeting conducted by the early intervention provider was inconsistently found. District personnel report that they were not always notified of the transition meeting.

- The district will develop an improvement plan that ensures a working relationship with local early intervention programs. The plan must stipulate the efforts of establishing the necessary coordination between the early intervention provider and district personnel to ensure that all eligible children receive services by their third birthday.

Transition Requirements for Students age 14: A review records for students' ages 14 and older indicated inconsistent documentation of the transition requirements in individual IEPs. However, students who attend vocational or co-op programs received the services of a job coach and their records contained a transition plan with more detailed information.

- The district will develop an improvement plan to ensure that IEPs developed for students' age 14 or younger if appropriate document a statement of transition service needs. The plan must include staff development with a copy of the agenda and signature of the attendees attached. Include in the plan the method that will be used to determine the your stated goal has been achieved.
- The district will develop a plan to ensure that IEPs developed for students age 16, or younger if appropriate, document a statement of needed transition services. The plan must include staff development with a copy of the agenda and signature of the attendees attached.
- Student Invitation Notice to Discuss Transition: The district will develop a letter of invitation explicitly inviting the student to the transition meeting. An improvement plan will be developed to ensure that this letter is forwarded to the student in sufficient time to attend the meeting. The plan must provide a way of systematically documenting that the letter has been sent.

Section XI: Discipline

Summary of Findings:

The district has developed a calendar, which is distributed to each parent noting the district's discipline policies. In addition, each student is given a handbook, to take home for their parent, which contains the discipline procedures for each school.

Although disciplinary meetings are being conducted and a variety of individuals participate in the decision making process, they are not always considered to be manifestation determination meetings and the IEP team is not always present.

Additionally, the letter utilized to inform the parents of suspension and the individual school handbooks reference the former code [N.J.A.C. 6:28].

Areas of Need:

Behavioral Intervention Plans: A review of files revealed that Behavioral Intervention Plans were not always part of the IEP and there was no documentation to demonstrate how often they were to be reviewed or by whom. The plan was basic and did not target specific behaviors with interventions directed to them.

- The district will develop an improvement plan to ensure that behavioral intervention plans are developed specific to identified behaviors. These plans must include the time frame for their review and by whom.

Manifestation Determination: The manifestation determination meeting must be held with the IEP team.

- The district will develop an improvement plan that ensures manifestation determination meetings are conducted at the appropriate time with the correct participants. The plan must include training to all district staff involved in the suspension of a student.

Suspensions: The district has an in-school suspension program that does not provide instruction. These in-school suspension days are not counted toward the total number of days a student is removed from instruction.

- The district will develop an improvement plan that ensures the implementation of procedure that will comply with the discipline requirements established in federal and state regulations. The plan must include staff development.

Section XII: Statewide Assessment

Summary of Findings:

A review of student records and staff interviews indicated that most classified students participate in statewide assessment programs, with appropriate modifications and accommodations, when necessary. However, the student records reviewed did not consistently document if a student was exempt from the statewide assessment and the alternative assessment that would be utilized.

Area(s) of Need :

Alternative Assessments: The district inconsistently documents when a student is exempted from statewide assessments on their IEPs. Additionally, when the exemption status is documented there is no mention of what alternative assessment will be used.

- The district will develop an improvement plan that ensures that statewide assessment status is consistently considered and documented. The plan must include how an alternate assessment will be determined and ensure its documentation. Staff development is required.