

New Jersey Department of Education Special Education Monitoring

District: East Rutherford School District

County: Bergen

Monitoring Dates: November 1 & 2, 2005

Monitoring Team: Tracey Pettiford-Bugg, Jenifer Spear and Michelle Fenwick

Background Information:

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

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

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

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

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

Data Summary:

A review of the district's data for students with disabilities indicates that during the 2004-2005 school year, the district educated 41% of students with disabilities in the general education setting for more than 80% of the school day. This rate is near the state average of 41.6% for the same year. At the preschool level, as reported in December 2005, three of the eleven preschoolers with disabilities were educated in general education settings. An additional four students were educated in a combination of general and special education settings.

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The district reported a classification rate of 10.6% during the 2004-2005 school year. This rate is significantly lower than New Jersey's rate of 14.6% for the same year. The district is continuing their efforts to maintain a low classification rate. Within the self-assessment, the district identified the need to increase capacity to address the needs of diverse learners within the general education environment.

Sections Demonstrating Compliance with All Standards

The self-assessment process required the district to review implementation of federal and state regulations categorized into fifteen sections. Within each section, a number of areas were reviewed. The on-site monitoring visit involved verification that the sections and areas identified as compliant by the district in their self-assessment were compliant with regulations. These sections were identified by the district during self-assessment and the NJDOE during the monitoring process as compliant:

- General Provisions
- Statewide Assessments
- Transition to Preschool
- Programs and Services

Areas Not Reviewed

Age 16 transition services, out-of-district student participation in graduation and written notice of graduation are areas that were not reviewed by the NJDOE because the district does not serve a population of students with disabilities in the age range for which these requirements apply.

Areas Demonstrating Compliance

The following areas, within the 15 sections reviewed, were identified by the district's self-assessment committee and by the NJDOE as compliant. These areas were reviewed for students eligible for special education and related services (ESERS) and students eligible for speech and language services (ESLS). Areas compliant for only one group of students are noted.

Section	Areas Demonstrating Compliance
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> ▪ Oversight of individualized education program (IEP) ▪ Provision of programs ▪ Provision of related services ▪ Transfer procedures
Procedural Safeguards	<ul style="list-style-type: none"> ▪ Implementation without undue delay ▪ Meetings ▪ Interpreters at meetings ▪ Independent evaluations
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> ▪ Referral Process (ESERS) ▪ Direct Referrals ▪ Identification meeting timelines (ESERS) ▪ Identification meeting participants
Evaluation	<ul style="list-style-type: none"> ▪ Multi-disciplinary evaluations ▪ Educational impact statement (ESLS) ▪ Standardized assessments ▪ Functional assessments

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Section	Areas Demonstrating Compliance
	<ul style="list-style-type: none"> ▪ Bilingual evaluations ▪ Written reports prepared by evaluators (ESERS)
Reevaluation	<ul style="list-style-type: none"> ▪ Planning meeting participants ▪ Reevaluations prior to age 5 ▪ Procedures when parental consent cannot be obtained ▪ Documentation of efforts to obtain parental consent
Eligibility	<ul style="list-style-type: none"> ▪ Statement of eligibility (Specific Learning Disability)
Individualized Education Program (IEP)	<ul style="list-style-type: none"> ▪ Meeting participants ▪ Implementation dates ▪ Meetings held annually, or more often if necessary, to review and/or revise the IEP ▪ Annual reviews completed by June 30 ▪ Teachers informed of their responsibilities (knowledge of and/or access to IEPs) ▪ 90 day timelines
Least Restrictive Environment (LRE)	<ul style="list-style-type: none"> ▪ Notification of and participation in non-academic and extracurricular activities
Discipline	<ul style="list-style-type: none"> ▪ Notification of removal forwarded to case manager ▪ Suspension tracking system ▪ Discipline procedures employed equitably for all students ▪ IEP team meeting for first removal beyond 10 days ▪ Short term removals that are not a change in placement – school personnel determining the extent of services to be provided ▪ Interim Alternative Educational Settings ▪ Manifestation determinations

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Areas of Noncompliance – Improvement Plan Review

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

Section	Area	Sufficient	Plan Needs Revisions	Implemented and the district has demonstrated compliance
FAPE	<ul style="list-style-type: none"> ▪ Extended school year (ESY) determination – ESY is not considered for students receiving speech-language services. 	X		
Procedural Safeguards	<ul style="list-style-type: none"> ▪ Consent – Consent is not obtained as required. ▪ Provision of notice of a meeting – notice of a meeting is not provided when required. ▪ Content of notice of a meeting – notice of a meeting does not include required components. ▪ Provision of written notice – written notice is not provided when required. ▪ Content of written notice – written notice does not include all required components. ▪ Notices in native language - Projected timeline exceeds timely implementation of procedures. 	X X X X	 X	
LRI	<ul style="list-style-type: none"> ▪ Child Find Ages 3-21- Projected timeline exceeds timely implementation of procedures. ▪ Pre-referral interventions - Documentation of pre-referral interventions in the general education setting is not maintained. ▪ Referral Process (ESLS) – Referrals for ESLS are not documented. ▪ Health Summary and Vision and Hearing Screenings - Health summaries and vision and hearing screening results are not completed consistently prior to identification meetings. 	 X X X	 X	

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Section	Area	Sufficient	Plan Needs Revisions	Implemented and the district has demonstrated compliance
Evaluation	<ul style="list-style-type: none"> ▪ Written reports prepared by evaluators (ESLS) - ESLS files did not contain written reports to support determination of eligibility. 	X		
Reevaluation	<ul style="list-style-type: none"> ▪ Reevaluation when change of eligibility is considered – The district was not consistently scheduling reevaluation planning meetings. ▪ Timelines – Timelines for re-evaluations were not consistently met for students who are ESLS or ESERS. 	X		
Eligibility	<ul style="list-style-type: none"> ▪ Meeting participants – Required participants did not consistently attend eligibility meetings. ▪ Eligibility criteria – There was insufficient information in files to document the use of required eligibility criteria in making eligibility decisions. ▪ Copy of evaluation reports to parents - Copies of evaluation reports were not provided to parents at least 10 days prior to a meeting and provision of reports were not documented in student records. 	X		
Individualized Education Program (IEP)	<ul style="list-style-type: none"> ▪ IEP required considerations and components - Projected timeline exceeds timely implementation of procedures. ▪ IEP provided to parent prior to implementation – IEPs were not provided to parents prior to implementation. 	X	X	
Least Restrictive Environment (LRE)	<ul style="list-style-type: none"> ▪ Documentation of LRE decisions and decisions based on individual needs – IEPs were not developed with the appropriate considerations and required statements regarding LRE. ▪ Opportunity for all students with disabilities to access all general education programs and 	X	X	

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Section	Area	Sufficient	Plan Needs Revisions	Implemented and the district has demonstrated compliance
	continuum of programs - Projected timeline exceeds timely implementation of procedures.			
Transition to Adult Life	<ul style="list-style-type: none"> ▪ Beginning at age 14, IEP statement of “transition service needs” - A statement of transition service needs is not consistently documented in IEPs for students who turn age 14 during the year covered by the IEP. 	X		
Discipline	<ul style="list-style-type: none"> ▪ Procedures for determination of change in placement - Written procedures do not exist for determination of change in placement. ▪ Procedures for conducting functional behavioral assessment and development of behavior intervention plan - Procedures do not exist for conducting functional behavioral assessment and development of behavior intervention plan. ▪ Short-term removals resulting in a change of placement - When a student with a disability is suspended, written procedures do not exist for short-term removals resulting in a change of placement. 	X	X	X

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Additional Areas of Need

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

Section	Area	Activity
LRI	Identification meeting timelines could not be verified due to the lack of documented referrals for students potentially classified ESLs	The district is directed to revise the improvement plan to include activities to ensure that identification meetings are held within twenty days of receipt of written referrals. These activities must include procedures, in-service training and oversight to ensure that identification meetings are held in accordance with mandated timelines.
Eligibility	Signature of agreement and/or disagreement and rationale for disagreement	The district is directed to revise the improvement plan to include activities to ensure that CST members who conduct initial evaluations have an opportunity to document whether they agree or disagree with eligibility determinations. Further, the district will document the rationale for any disagreement. These activities must include procedures, in-service training and oversight to ensure that teachers are afforded the opportunity to express dissenting opinions and parents are made aware of this point of view regarding eligibility determinations.
Transition to Adult Life	Student and agency invitation to IEP meetings are not provided	The district is directed to revise the improvement plan to include activities to ensure that by age 14 or younger if determined appropriate, student and agencies that may provide transition services are invited to IEP meetings. These activities must include procedures, in-service training and oversight to ensure invitations are documented.
Graduation Requirements	Graduation Requirements are not documented in IEPs.	The district is directed to revise the improvement plan to include activities to ensure that beginning at age 14 the IEP specifically addresses graduation requirements. These activities must include procedures, in-service training and oversight to ensure the IEP team makes decisions regarding graduation requirements and documents them in the IEP.

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Summary

On-site special education monitoring was conducted in the East Rutherford School District on November 1 and 2, 2005. The purpose of the monitoring visit was to verify the district's report of findings resulting from their self-assessment and to review the district's improvement plan. The district is acknowledged for the comprehensive review conducted during the self-assessment process. As a result of that review, the district was able to identify nearly all areas of need and develop an improvement plan that will bring about systemic change. The district is further acknowledged for the areas determined by the district and verified by the OSEP as compliant with federal and state statutes and regulations.

A review of the district's data for students with disabilities indicates that during the 2004 school year, the district educated 41% of students with disabilities in the general education setting for more than 80% of the school day. This rate is slightly lower than the state average of 41.6% for the same year. The district has identified the need to increase its capacity to address the needs of diverse learners within the general education environment. In addition, the district reported a classification rate of 10.6% during the 2004 school year. This rate is significantly less than New Jersey's rate of 14.6% for the same year. At the preschool level, as reported in December 2005, three of the eleven preschoolers with disabilities were educated in general education settings. An additional four students were educated in a combination of general and special education settings.

During interviews conducted with parents by phone, many parents expressed their satisfaction with the district's programs, services and staff. All parents interviewed indicated that they are involved in the IEP process and are made aware of the services the district is providing to their children.

Standards identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included General Provisions, Transition to Preschool, Statewide Assessments and Programs and Services.

Areas identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included oversight of individualized education program, provision of programs, provision of related services, transfer procedures, implementation without undue delay, meetings, interpreters at meetings, independent evaluations, referral process (ESERS), direct referrals, identification meeting participants, multidisciplinary evaluations, educational impact statement for students eligible for speech and language services, standardized assessments, functional assessments, bilingual evaluations, written reports prepared by evaluators (ESERS) planning meeting participants, reevaluations prior to age five, procedures when parental consent cannot be obtained, documentation of efforts to obtain parental consent, statement of eligibility, IEP meeting participants, implementation dates, meetings held annually or more often if necessary to review and/or revise the IEP, annual reviews completed by June 30, teachers informed of their responsibilities (knowledge and/or access), 90-day timelines, notification of and participation in non-academic and extracurricular activities, notification of removal forwarded to case manager, suspension tracking system, discipline procedures employed equitably for all students, IEP team meeting for first removal beyond ten days, short-removals that are not a change in placement, interim alternative education settings and manifestation determinations.

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During the self-assessment process, the district identified areas of need regarding extended school year, consent, provision of notice of a meeting, content of a notice of a meeting, provision of written notice, content of a notice of written notice, notices in native language, child find, referral process for students eligible for speech and language services, pre-referral interventions, identification meeting timelines (ESERS), health summaries, vision and hearing screenings, written reports prepared by evaluators for students eligible for speech and language services, reevaluation when change of eligibility is considered, reevaluation timelines, eligibility meeting participants, eligibility criteria, copy of evaluation reports to parents, IEP required considerations and components, IEP provided to parent prior to implementation, documentation of LRE decisions, continuum of programs, placement decisions based on students' individual needs, opportunity for all students with disabilities to access all general education programs and IEP statement at age fourteen of transition service needs.

The on-site visit identified additional areas of need within the various standards, regarding identification meeting timelines for students eligible for speech and language services, signature of agreement and/or disagreement with eligibility determination and rationale, student and agency invitation to IEP meetings and IEP graduation requirements.

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