

**New Jersey Department Of Education
Special Education Monitoring**

District: Franklin Lakes

Monitoring Dates: September 18-20, 2000

Monitoring Team: Karen Ellmore; Stephanie De Bruyne; and Joshua Gillenson.

Background Information

The self-assessment conducted by the Franklin Lakes district provided the foundation for this monitoring visit. The district convened a 19-member steering committee consisting of school personnel and parents. Its cumulative findings (areas of need) became the basis for the district's improvement plan, consisting of indicators and activities to facilitate improvement. The on-site monitoring visit, which is the focus of this report, enabled the monitoring team to review the areas of need that were self-identified by the steering committee, as well as areas identified as compliant.

Prior to the on-site monitoring visit, the monitoring team facilitated a focus group public meeting with parents, advocates, and district representatives. The information obtained from this meeting, in conjunction with data from written documents and other sources, highlighted areas of concern that were subsequently reviewed during the on-site visit. Activities conducted during the course of the on-site visit included: a review of accumulated documentation that is maintained by the district; interviews with district personnel and parents, and school visitations to observe a sampling of programs serving students with disabilities.

The on-site visit confirmed the district is compliant in the area of Programs and Services and Eligibility. Graduation requirements are non-applicable to this district because they serve students to grade eight only.

Self-Assessment Findings

During the self-assessment process the district identified areas of need within the sections of General Provisions, Free and Appropriate Public Education, Procedural Safeguards, Protection in Evaluation and Evaluation Procedures, Individualized Education Programs, Least Restrictive Environment and Transition. The district is developing an improvement plan to address these areas of need.

Additional areas of need were identified during the on-site monitoring visit. The following findings must be addressed and included in the district's improvement plan.

Section I: General Provisions

Summary of Findings:

The district's self-assessment indicated compliance in this area. However, because the district is awaiting approval of their special education policies from the county office, a final determination of the appropriateness of those policies cannot be made at this time.

Section II: Free, Appropriate Public Education

Summary of Findings:

The district provides special education and related services to students with disabilities through grade eight at public expense, under public supervision, and with no charge to the parent. Programs are administered, supervised, and provided by appropriately certified and/or licensed professional staff members. The length of the school day and the academic year is at least as long as that established for non-disabled students. Transportation services for students in out-of-district placements is consistent with, and adheres to, the calendar for the receiving school. The district, in completing its self-assessment, accurately assessed these areas as compliant.

During the on-site monitoring visit, areas of need were identified relative to the provision of Free and Appropriate Public Education that had not been identified by the district's self-assessment. These areas included extended school year programs and transfer students.

Areas of Need:

Extended School Year – The IEPs reviewed contained documentation that extended school year services were considered. However, instructional staff and parents indicated that the consideration of an extended school year was not discussed at IEP meetings for all students. Furthermore, parents reported that extended school year programs were denied to their children due to funding availability. They indicated that the IEP team could not make decisions about extended school year programming at the time of the IEP meeting, as decisions about the provision of extended school year programs were made by the Director.

Staff reported that there is a summer school program throughout the district, and that some students with disabilities have attended this in the past. Interviews indicated that while this summer school program might meet the extended school year needs of some students, it does not meet the individual needs of all students.

- **The district will revise its improvement plan to ensure extended school year services are considered on an individual basis for each classified student in the district, document those considerations in the IEP, and provide the**

services as needed. The plan will also ensure that the IEP team makes determinations of extended school year services.

Transfer Students – Interviews with child study team members indicated that between September and June the records of students with disabilities who transfer into the district are reviewed without delay. Teams reported that as long as existing in-district programs are consistent with a newly arrived student’s IEP, that IEP is implemented without delay. However, if the IEP for an in-coming student specifies a program that is unavailable in the district, the IEP is reviewed and revised. However, the revised IEP reflects programming options available within Franklin Lakes and not programs based on the individual needs of the students.

Parents reported that during the months of July and August there were no child study team members available to review materials or to make necessary revisions to IEPs. Therefore, the review of materials in these instances did not occur until September. The Director indicated that he determined the need for summer CST member services based on the status of the existing cases in June. The district usually funds one week of CST service in July. There is however, no plan for providing CST services over the entire summer for any student needs that may present themselves during that time. Likewise, notices in files indicated that the Director informed parents that a review would occur in September.

- **The district is directed to revise its improvement plan to ensure the IEPs of transfer students are processed without delay throughout the school year, including July and August. The plan must address staffing for the months of July and August in a more effective manner. Additionally, the plan must ensure that when the IEP is reviewed and revised, programs and services will be based on the individual needs of the student and not solely on what is currently available in the district. The plan must include the method the district will utilize to determine the effectiveness of the procedures.**

Section III: Procedural Safeguards

Summary of Findings:

The district obtains consent prior to conducting any initial evaluation, implementing the initial IEP, and releasing student records. The district implements the action for which consent was granted without undue delay. The district addresses the native language needs of the parents by having translators available and assuring parental understanding of the documents provided to them. A surrogate parent has been identified for the district. The district accurately assessed these areas as compliant after completing their self-assessment.

During the onsite-monitoring visit, areas of need were identified in Procedural Safeguards that had not been identified by the district in the self-assessment. These

areas included the provision of all notices and the required components of notices for students eligible for special education and related services and eligible for speech language services.

Areas of Need:

Provision of Notices of Meetings and Written Notices – Though it was reported that parents receive notices, the district has not consistently maintained copies of these notices in the students' files.

- **The district is directed to revise its improvement plan by developing a procedure to ensure that copies of notices of meetings and written notices are maintained within student files. The plan will include a mechanism for administrative oversight of the implementation of this procedure.**

Required Components of Notice of Meetings and Written Notices – A review of student records determined that team members did not consistently complete all of the areas of the written notices used by the district. Further record review indicated that team members were sometimes utilizing older versions of notices of meetings and written notice despite being provided with the new forms. Additionally, incorrect notices of meetings were forwarded to parents. For example, an identification meeting notice was sent to a parent when the meeting was to be a re-evaluation-planning meeting. This impacts on parents being informed of the actual purpose of the meeting.

For students who were being evaluated for speech language services only, written notices referred to N.J.A.C. 6:28 rather than N.J.A.C. 6A: 14. The notices also indicated that these same students were being evaluated to determine eligibility for “special education and related services”, not “speech-language services.” The participants were identified as “child study team members” not “speech/language specialist”. Furthermore, the form has an area that indicates receipt of parental consent, however, this was frequently left blank.

- **The district is directed to revise its improvement plan to ensure notices of meetings and written notices are reformatted to include all of the required components and to ensure they accurately reflect the current administrative code. The plan must include a mechanism to ensure consistent use by team members. It is recommended the district use the sample notices provided by the Office of Special Education Programs.**

Section IV: Location Referral and Identification

Summary of Findings:

The district stated that written procedures are in place to locate, refer, and identify students. The district provides interventions within the general education program in an attempt to alleviate educational problems experienced by students.

The district self-assessment document did not identify any areas of need pertaining to location, referral and identification. However, the on-site monitoring visit identified issues with child find, the referral process, and the identification meetings.

Area of Need:

Child Find – The district has developed a pamphlet that lists the district’s programs from pre-school through grade three. Although these pamphlets are distributed throughout the community, the focus group discussion and interviews indicated that communication is lacking between the district and the parents. Parents felt they lacked sufficient knowledge about pre-school services to which they are entitled, and, similarly, did not know to whom they should direct their inquiries. Moreover, parents reported instances in which they felt that they were discouraged from pursuing a concern. These parents described their experiences as having to “fight” for information regarding services for which their children are eligible. Both parents of new special education students and those whose children had been served for some time shared this experience.

- **The district is directed to revise its improvement plan to ensure its child find efforts effectively address parental communication concerns.**

Referral process – Parents expressed concerns with the amount of time that it takes for a referral to be acted upon by the CST. Interviews with staff noted that the first step in the referral process is to have the teacher discuss strategies that might be utilized in the classroom with the principal. After some time is devoted to this step, and if the suggested strategies were ineffective, the teacher may then write a referral to the PAC. The PAC process is designed to be a 30-day process. At the end of 30 days, a meeting is held. If the recommended PAC strategies were not effective then there is a written referral to the CST. This is the practice for all referrals, including those sent by a parent or agency. Therefore, there is no procedure in place for a direct referral to the child study team when that referral is determined appropriate. Additionally, the CST does not convene ID meetings within 20 days of the arrival of these referrals.

- **The district is directed to revise its improvement plan to ensure that parents, agencies, and district personnel may refer a student directly to the child study team if conditions warrant and that identification meetings to determine the need for an evaluation are conducted in a timely manner.**

Summer referrals - The district has implemented a plan to complete outstanding cases identified toward the end of the school year. However, that plan does not address the need for CST services that might arise in July and August. The need to remedy this area of need has been addressed in Section II: FAPE.

ID meetings - The record review and interviews noted that identification meetings did not consistently occur within 20 days of receipt of a written request for an evaluation.

- **The district is directed to revise its improvement plan to ensure that identification meetings are conducted within 20 days of the receipt of a request for an initial evaluation.**

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 a student with disabilities receives a comprehensive evaluation conducted by a multidisciplinary team of professionals, utilizing a variety of assessment tools and strategies that assess the student in all areas of suspected disability. Written reports prepared by child study team members contain the required components. Reports are consistently signed by the individual(s) who conduct the evaluation.

Written reports prepared by speech-language specialists included the use of standardized tests, a structured observation of the student, information from the classroom teacher, an additional informal measure and an oral motor evaluation. The district self-assessment document did not identify any areas of need relevant to evaluation procedures. However, the on-site monitoring visit indicated that these reports did not contain all of the components of a functional assessment. Additionally the acceptance or rejection of outside assessments was not consistently documented.

Area(s) of Need:

Functional assessments – While information is obtained from the classroom teachers, the reports of students who are classified eligible for speech and language services did not contain an explanation of how the student’s speech disability impacted upon his/her functioning in the classroom.

- **The district is directed to revise its improvement plan to ensure that the speech evaluation reports contain a description of how the student’s classroom work/performance is impacted by the student’s disability.**

Outside Reports Accepted or Rejected - The district does not consistently document acceptance or rejection of reports submitted by outside agencies. The director and CST

stated in interviews that there is a form letter for this purpose, however, this form was not consistently maintained in those records that required them.

- **The district is directed to revise its improvement plan to ensure that the procedure for accepting or rejecting an outside assessment is implemented consistently throughout the district. The plan must include a mechanism to ensure administrative oversight of the implementation of this procedure.**

Section VI: Re-evaluation

Summary of Findings:

By June 30 of the student's last year in a program for preschoolers with disabilities, a re-evaluation is conducted and, if the student continues to be a student with a disability, the student is classified according to the code.

Interviews with staff, record review, and a review of database information all indicate that the district completes their re-evaluations every three years. The district self-assessment document did not identify any areas of need related to the re-evaluation process. However, during the on-site monitoring visit areas of need were identified. As noted in Section III: Procedural Safeguards, notices of the re-evaluation planning meeting and written notice of this meeting were not maintained in student records. This area of need will be addressed through the revised improvement plan in Section III. An additional area of need was identified regarding documentation of parental consent to evaluate.

Area(s) of Need

Consent – The district failed to maintain documentation of parental consent for additional assessments.

- **The district is directed to revise its improvement plan to ensure that consent is obtained prior to conducting additional assessments and that a copy of that consent is maintained in student records. The plan should include the method the district will utilize to determine that this plan is consistently implemented.**

Section VIII: Individualized Education Program

Summary of Findings:

A review of student records indicated that IEP meetings are held within 30 calendar days of the eligibility determination. IEPs are reviewed annually, and the required participants are in attendance. The district obtains consent prior to implementation of

an initial IEP. The district accurately assessed these areas as compliant during the self-assessment process.

The district has revised the IEP document for students eligible for special education and related services throughout the 1999-2000 school year. The most recent revision to the format occurred in June 2000. The district has incorporated selected pages from the state model IEP into their format including the Statement of Transition Service Needs. The district continues to maintain an Instructional Guide within each IEP that identifies strategies and materials per subject area.

During the on-site monitoring visit an additional area of need was identified regarding the documentation of participation in statewide assessment (see Section XII: Statewide Assessment).

- **The district has developed an improvement plan that is sufficient to correct the identified areas of need.**

Section IX: Least Restrictive Environment

Summary of Findings:

Interview information indicated district personnel attended a technical assistance workshop that had been provided by the Office of Special Education Programs (OSEP) on September 23, 1999. IEPs generated after January 1, 2000 were reviewed by the on-site monitoring team to assess the district's progress in implementing the decision-making process and in documenting requirements for placement in the least restrictive environment.

As a result of this year's on-site monitoring it was determined that the district has increased opportunities for access to regular education programs since the 1998-1999 program review visit. Students placed in in-district and out-of-district programs are afforded opportunities to participate in extracurricular and nonacademic activities with their non-disabled peers. Supplementary aids and services are available and provided. The district accurately assessed these areas as compliant during the self-assessment process.

During the on-site monitoring visit additional areas of need were identified regarding the individualized decision-making process, IEP documentation, and consideration of and access to regular education for student's ages three to five years.

Areas of Need:

Individualized Decision-Making Process— Though the district has increased the number of in-class support programs, due to scheduling issues, they have structured this program in a manner that results in the need for some students to receive support instruction in a pull-out program regardless of the pupil's individual needs.

- **The district is directed to review its current scheduling practices to determine how it may increase in-class support options for those students for whom it would be appropriate.**

IEP Documentation – Information obtained from staff indicated many changes to the IEP format and changes to the way they document options.

A review of IEPs determined that the documentation on all of the pages does not sufficiently describe the comparison of the benefits provided in the regular class and the benefits provided in the special education class. The documentation within the IEPs provides information on the benefits in the special education class, without consistently comparing this to the benefits found in the regular class. Furthermore, insufficient documentation exists to support whether the student can be educated satisfactorily in a regular classroom with supplementary aids and services. The district does not provide a history of efforts made to accommodate the student in a regular class or the consideration of specific supplementary aids and services.

- **The district is directed to revise their improvement plan to ensure that IEPs sufficiently document the discussion of the decision-making process for placement in the least restrictive environment. The plan must include the method the district will utilize to determine that the improvement plan has been implemented.**

Consideration of and access to regular education – The district operates two self-contained preschool disabled classes. Interviews with district staff reported that there is limited involvement with regular education peers as there are no non-disabled preschool programs operated by the district. However, when school-based activities and assemblies are conducted, the children in the preschool disabled class are invited to attend and participate.

Parents indicated that the only option available to them was a self-contained preschool disabled class. They further indicated that no consideration was given to regular education placements with supplementary aids and services. A review of IEPs of children ages three to five failed to document either consideration of a regular education placement with supports or the efforts made by the district to provide opportunities for access to regular education.

- **The district will revise its improvement plan to ensure that access to regular education programs for students' ages three to five is considered and provided as appropriate and documented in the student's IEP. The plan must include a mechanism to establish linkages with community based sites such as early childhood centers.**

Section X: Transition to Preschool

Summary of Findings:

The district has determined eligibility, developed an IEP, and provided programming to children by age three. The district accurately assessed this during the self-assessment process.

During the on-site monitoring visit an additional area of need was identified regarding participation in the preschool transition planning conference.

Area of Need:

Participation in the preschool transition planning conference - Interviews with child study team members indicated that although they had been invited to participate in meetings in previous years, they had not been invited to attend meetings during the past school year. The district personnel members did not understand why this was occurring, nor were they aware of any correspondence that may have occurred between the district and the Department of Health and Senior Services to remind them of the district's obligation to participate in these conferences.

Records of students who entered the district from Early Intervention Programs during the 1999-2000 school year were reviewed. Although the records indicated that the students were involved in early intervention programs, no documentation existed within the pupil record indicating that the district had been invited to or participated in a preschool transition planning conference.

- **The district is directed to revise its improvement plan to ensure improved communication between EIP personnel and district staff to assist district personnel in ensuring their attendance at EIP transition planning conferences. The plan must include a mechanism to notify the Department of Health and Senior Services should the district cease to receive invitations to these meetings.**

Section XI: Discipline

Summary of Findings:

The district's self-assessment noted that disciplinary procedures are consistently provided in a compliant manner. The self-assessment indicated that interim alternative placements are not applicable to the district.

During the on-site monitoring it was noted through interviews that students are rarely suspended and no students reached the ten-day threshold last year. It was reported that there were no manifestation determination meetings because no removal

constituted a change in placement. During the on-site monitoring visit, an additional area of need was identified regarding the lack of behavioral intervention plans (BIP) in the records of students who exhibited behavior problems.

Area(s) of Need:

BIP – There were two behavior intervention plans that were available for review. These plans did not refer to the functional behavioral assessment (FBA) that was done nor did they appear to be based on the results of the FBA. Likewise they did not discuss how, when or by whom the plan would be reviewed.

- **The district is directed to revise its improvement plan to ensure that all students who have behavioral issues have behavior intervention plans that are specific to those targeted behaviors. The plan must include the method the district will utilize to determine that the improvement plan has been implemented.**

Section XII: Statewide Assessment

Summary of Findings:

A review of student IEPs and information obtained from staff indicates that the district includes the majority of its special needs students in statewide assessments. Accommodations and modifications were incorporated into the IEPs.

The district self-assessment document did not identify any areas of need pertaining to state-wide assessment practices. However, the on-site monitoring visit identified an area of need regarding alternative assessments.

Areas of Need:

Alternate assessments – Discussions with school staff, coupled with a review of student IEPs, indicated the district did not identify the method by which student progress would be assessed for those students determined to be exempted from participating in statewide assessments.

- **The district will revise its improvement plan to ensure that alternative assessments are identified and incorporated in the student’s IEP.**

Section XV: Student Records

Summary of Findings:

Interviews with parents and district personnel indicate that the district’s practices relative to student records facilitates access by parents and students.

During the self-assessment process the district did not identify any area of need regarding records. However, a review of student records indicated areas of need specific to documentation of access (individual access logs), and maintenance of records in a secure manner.

Area(s) of Need:

Documentation of Access to Student Records – Review of student records noted that individual access logs were inconsistently maintained in student files.

- **The district will revise its improvement plan to ensure that student records contain an access log.**

Maintenance of Student Records in a Secure Manner – Interviews with teachers and in-class visitations indicated that a number of regular education teachers have no secure place to keep student IEPs.

- **The district will revise its improvement plan to ensure that all teachers have a secure location to maintain student records.**

Summary

This on-site monitoring visit was conducted in Franklin Lakes on September 18, 19, and 20, 2000 after a public focus group meeting. During this visit the district's self-assessment document and records were reviewed, and teachers, district administrators and parents were interviewed. Both positive comments and a few concerns were voiced during the public focus group meeting.

In addition to the areas of need identified by the district during the self-assessment process, the on-site monitoring team identified the need to correct current procedures regarding timelines and the referral process and transfer students. Procedures regarding child find, functional assessments, participation in preschool planning conferences, and the development of behavior intervention plans also need to be addressed. The district also needs to revise its procedures regarding their IEP format, and the documentation of the provision of notice, consent, acceptance/rejection of reports, and participation in alternate assessments. Though it should be noted that the district has moved in the right direction by increasing the number of in-class support options, it must further its efforts regarding the consideration of extended school year programs and placement in general education programs with supplemental aides and services.

Within 45 days of receipt of this monitoring report, the district will revise and submit its improvement plan to the Office of Special Education Programs.