

**New Jersey Department of Education  
Special Education Monitoring**

**District:** Hamilton                      **Monitoring Dates:** December 1,2,6, 7, 8, 9,13, 1999

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The review included interviews with child study team members, special education teachers, regular education teachers, parents, principals, supervisors, student assistance counselor and observations in a number of classrooms.

Twelve schools were visited including three high schools, two middle schools, seven elementary schools and the AIM Program.

**Background Information**

On November 16, 1999, prior to the monitoring visit, NJDOE facilitated a focus group public meeting with parents and district representatives. The meeting participants provided information in the following areas such as access to the general education curriculum in the least restrictive environment; parental involvement in the education of children with disabilities; transition from early intervention to preschool; and transition from school to work or from school to post-secondary education.

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 accumulated and maintained by the district, interviews with district personnel and parents, as well as a review of other relevant information as determined appropriate by the monitoring team.

The purpose of the on-site monitoring was to determine the district's compliance with the requirements of the Individuals with Disabilities Education Act. (IDEA) 1997 and the New Jersey Administrative Code (N.J.A.C.)6A:14. Areas of strength and areas of need were noted and are identified in the following report of findings. Additionally, improvement plan directives are provided to assist the district in correcting all areas of need.

**Areas of Compliance**

Of the (15) fifteen areas reviewed during the on-site monitoring visit, it was determined that the district has met the requirements in the following areas: General Provisions; Protection in Evaluation and Evaluation Procedures; Statewide Assessment; and Graduation.

## **Section II: Free, Appropriate Public Education**

### **Summary of Findings:**

The district provides special education and related services to students with disabilities age three to twenty-one at public expense, under public supervision, and with no charge to the parent. At the time of this review documentation regarding the certified and/or licensed staff was not available. This information will be generated and verified at the Department of Education, Mercer County Office. The Mercer County Office is also in the process of reviewing facilities in Hamilton Township. Once this is completed, documentation regarding facilities will be available. If noncompliance is found in either the annual report of certificated staff or the facilities monitoring, it will be addressed through the Mercer County Office.

A review of school calendars, student records and interviews with staff and parents indicated that the school day and academic year for students with disabilities is at least as long as that for non-disabled students. A review of IEPs indicated that students with disabilities have available to them the variety of programs and services that are available to non-disabled students, in general.

Nonacademic programs and extracurricular activities are available to all students. Principals, child study team members and teachers indicated that there are no restrictions on the participation of students with disabilities in extracurricular activities. This was also documented in individual student IEPs.

Teachers reported they had all the materials needed to implement the IEPs for their students.

However, there are weaknesses in the area of FAPE regarding extended school year, availability of program and services, and the procedure for processing transfer students.

### **Areas of Need:**

**Extended School Year-** A review of student records and interviews with staff and administrators indicated that the district does not consider extended school year services for all classified students. The IEPs reviewed varied considerably in regard to documentation. Some of the records documented a consideration of an extended school year, while others did not. Interviews indicated that the consideration of an extended school year is not discussed at all IEP meetings. Additionally, staff and administrators did not demonstrate an understanding of the regulatory requirement to consider an extended school year for all students with disabilities.

- The district will develop an improvement plan that will ensure extended school year services are considered for each classified student in the district, independent of placement or disability category and then, document those considerations in the IEP.

**Availability of Educational Programs and Services** – Interviews indicated that educational program recommendations are not consistently based on identified student needs. Staff reported that the type and amount of service provided is based on district availability of programs and services. The educational programs available to special education students varied depending on the building, grade level, and subject area.

Some staff reported that related services are not consistently available to students. IEPs did not consistently document the beginning date of service, frequency, location, and duration of related services nor did it contain goals for related services identified in the IEP.

- The district will develop an improvement plan that will ensure determinations regarding the provision of educational programs and related services are based on the individual needs of students and are not dependent on program and/or service availability or staffing limitations.
- The district will develop an improvement plan that will ensure IEPs document the beginning date, frequency, location, and duration of related services. The plan must also ensure that goals will be developed and documented in the IEP for all recommended related services specified in individual IEPs.

**Transfer Students** – Interviews with staff and parents, and the review of records indicated that when classified students transfer into the Hamilton Township School District the child study team convenes as soon as possible (in some cases the same day), to assess the students program and place the student as expeditiously as possible. The district child study team has documented acceptance of the former district Child Study Team records and where a similar program is available the student is placed without delay. In contrast however, other records of transfer students did not have a current IEP, did not contain documentation of acceptance of former district evaluations and did not provide an interim IEP to ensure these students were receiving appropriate programs and/or services. Additionally, when a student enters the district without all the child study team records or if the student's current program is not available in the district appropriate procedures to develop an interim IEP are not implemented.

- The district will develop an improvement plan to ensure the appropriate implementation of procedures regarding transfer students.

### **Section III: Procedural Safeguards**

#### **Summary of Findings:**

Interviews indicated that the district has no present need for a surrogate parent. There is documentation to verify that the district has a procedure to select and train surrogate parents.

Documentation indicated that at least one year prior to the student reaching age 18, the district informs the parent and student of transfer of all rights to the student on reaching of majority.

However, problems were identified in 20-day timelines, the notice forms.

#### **Areas of Need:**

**20-Day Timeline Requirement** - As previously reported in the 1998-99 monitoring report, this monitoring noted that the 20-day timeline requirement was not always met. The district's CAP regarding this area needs to be implemented more effectively to ensure correction of this area of noncompliance.

**Attempts to secure parental participation** – Record review failed to document the efforts made by the district to ensure parental participation at IEP meetings.

- The district will develop an improvement plan that will establish a procedure to document all attempts to secure parental participation at all meetings.

**Notice of a meeting** - Meeting notices contained the statement "... as you are aware you are entitled to 15 days notice as per N.J.A.C. 6A:14 . . ." This reflects an inaccurate understanding of the code requirements. The code states, "Parent and adult students shall be given notice of a meeting early enough to ensure that they will have an opportunity to attend" (6A: 14-2.3 (3)). There is no provision in code for a 15-day waiting period as stated in the district's notice forms, numbered 5, 9 and 10.

- The district will revise meeting notice forms to exclude the erroneous statement they currently contain.

**Notices in Native Language-** The district has identified parents whose native language is other than English and has hired interpreters for some of the meetings. However, there were no notices in the child study team files in any language other than English. Likewise, there was no other documentation to verify that notice is ever provided in the parent's native language.

- The district will develop an improvement plan that will address notice forms in languages other than English.

#### **Section IV: Location, Referral and Identification**

##### **Summary of Findings:**

The district board of education ensures that students with disabilities who are in need of special education and related services, regardless of the severity of their disabilities, are located, referred and identified. The district maintains and utilizes "Child Find" procedures for students ages 3 through 21.

Prereferral interventions in general education programs as well as implementation of these interventions are documented in most of the files that were reviewed for purposes of this monitoring. Currently, timelines for initial referrals are compliant.

When an evaluation is warranted, the district does immediately secure parental consent for the evaluation, as documented on the evaluation plan form. In addition, within 15 days of conducting the evaluation plan meeting, the school district provides to parents the written notice of the determination to evaluate.

However, problems were identified in conducting identification meetings within 20 calendar days of receipt of a request for an initial evaluation and in the district's procedure regarding direct referrals to the child study team.

### **Areas of Need:**

**Identification Meeting Timelines** – In records reviewed for this indicator, the district does not consistently document that they provide notice and meet with parents of a potentially disabled student within 20 calendar days of receipt of a parent or teacher request for an initial evaluation. An improvement plan for this area will be developed in response to the same identified noncompliance in Section III.

**Direct Referral Process** – Administration and staff were not able to articulate an understanding of the requirements for referral of potentially disabled students directly to the child study team.

- The district will develop an improvement plan that will ensure that there is a district-wide procedure in place for direct referral to the child study team as required in N.J.A.C. 6A:14-3.3(d).

### **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 in conducted and, if the student continues to be a student with a disability, the student is classified according to the code. The district completes approximately 750 school-age re-evaluations during the school year.

However, while most of the re-evaluations are completed in a timely manner a number were completed beyond the mandated timelines.

#### **Areas of Need:**

**Re-evaluation** – Although the majority of the re-evaluations were completed in a timely manner and in accordance with code, the district's database is not accurate. Various child study teams input their reevaluation data in different formats or provide no information regarding reevaluations. This results in a database for reevaluations that is incomplete and not up-to-date in the central office files.

- The district will develop an improvement plan that will ensure the timely completion of all reevaluations through the increased accuracy of its database. The plan should also include the system that district administrators will use to more effectively oversee the data that is being entered into the database by its team members.

## Section VII: Eligibility

### Summary of Findings:

The district does conduct eligibility meetings. PRISE was documented in the record as being sent or given to the parent(s). While documentation was inconsistent in older records, those records that contained the most recent IEP format documented the provisions of written notice, including the eligibility determination, to parent no less than 15 days after the eligibility meeting.

The district child study team ensures that students are determined eligible and classified "eligible for special education and related services" when the student has one or more of the disabilities as defined in N.J.A.C. 6A:14-3.5c, the disability adversely affects the student's educational performance, and the student is in need of special education and related services. The district employs appropriate specialists who use the correct diagnostic instruments to determine eligibility. The same procedures are enacted for children classified as "eligible for speech language services".

However, problems were noted in the areas of maintaining documentation of meetings or the rescheduling of those meetings, documentation of the attempts to ensure the opportunity for parental participation (identified and addressed in Section III), participation of the regular education teacher, and the provision of evaluation reports to parents.

In the majority of files reviewed and from staff interviews, it is clear that the district does not provide evaluation reports to parents within the 15 day notice period.

### Areas of Need:

**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 also fails to maintain documentation of meetings that are changed or rescheduled to ensure a mutually convenient time.

- The district will develop an improvement plan that will ensure that notice of a meeting is sent to all parents and that this documentation is copied to the student's child study team file.

**Attempts to secure parental participation** – As noted in Section III, the district does not document attempts to secure parental participation at meetings. An additional improvement plan is not required.

**Participants at eligibility meetings** – Based on a review of files, participants' signatures, and interviews conducted with staff, the regular education teacher is not consistently present at eligibility meetings.

- The district will develop an improvement plan that ensures the participation of all required members at each meeting.

**Evaluation reports** – Based on information obtained through a review of files and on information obtained through staff interviews, it is indicated that the district does not provide copies of evaluation reports to parents in a timely manner.

- The district will develop an improvement plan with procedures that will ensure that parents receive a copy of all evaluation reports at the eligibility meeting or at least within 15 days of the eligibility meeting as part of written notice.

### **Section VIII: Individualized Education Program**

#### **Summary of Findings:**

A review of student records, including students determined eligible for speech and language services, indicated that the district did conduct an IEP meeting within 30 calendar days of the eligibility determination. The IEPs are implemented as soon as possible following the IEP meeting. IEPs for preschool children with disabilities are implemented no later than age three. Currently, programs for preschool age children with disabilities are provided through Mercer County Special Services and in community nursery schools. The district also contracts with Mercer County Special Services School District to provide evaluations and develop IEPs for preschool age children with disabilities. The annual review for a preschool student with disabilities is completed by June 30<sup>th</sup> of the students' last year in preschool program.

However, problems were noted in the IEP process conducted by Mercer County Special Services School District, changing programs and/or placements without conducting meetings, IEPs that did not contain all required components, appropriate participants at meetings (identified and addressed in Section VII), and the inconsistent provision of notice subsequent to a meeting.



## Areas of Need:

**Individual Education Plan** – A review of student records indicated that some records did not contain evidence that an IEP meeting was held prior to changing a student's program and services. Some records indicated that though IEPs generally reflected current dates, the program and/or services had been changed. These IEPs contained hand written changes and no indication that a meeting had been held to discuss the change in program.

Additionally, the IEPs reviewed did not consistently document all of the required statements and did not consistently contain goals and objectives for all related services. The provision of written notice following the IEP meeting was inconsistent. While records that contained the most recent IEP format documented the provision of written notice to the parent, use of this IEP format was inconsistent. When the state IEP format was not used the record did not document that a copy of the IEP was given to the parent.

- The district will develop an improvement plan that ensures the consistent provision of notice of a meeting and written notice subsequent to each meeting.
- The district will develop an improvement plan that ensures IEP meetings are conducted prior to changing a student's education program.
- The district will develop an improvement plan that ensures the development of IEPs that contain all of the components required by code.

**Mercer County Special Services School District Process** – A review of student records indicated that when Mercer County Special Services has completed the assessment(s) and developed in IEP, this IEP is sent to Hamilton School District with a cover letter stating it is a "suggested" IEP even though the IEP has been agreed to by the parent.

- The district must develop an improvement plan that clarifies the procedure implemented for children transitioning from an Early Intervention Program when those procedures are being implemented through Mercer County Special Services School District.

## **Section IX: Least Restrictive Environment**

### Summary of Findings:

Interviews and record reviews substantiated that the district has a full continuum of programs. Pre-school children are provided opportunities to be educated with their non-disabled peers.

However, as identified in Section II, determinations regarding programs and services for classified students is determined by availability and not solely on the individual needs of these students. Because this area was identified and addressed in Section II, another improvement plan is not required. Problems with documenting program considerations were also identified.

#### **Area of Need:**

**Documentation of Program Considerations** – The consideration of placement in the general education setting with supplemental aids and services is not always given appropriate consideration. This was substantiated through staff interviews and a review of IEPs that failed to document the consideration of regular education with supplemental aids and services as the first option.

- The district shall develop an improvement plan that ensures the consideration of a full continuum of placement options. That plan needs to identify how the district will document those considerations in the IEP.

### **Section X: Transition**

#### **Summary of Findings:**

**Transition to Preschool** – This area was reviewed and discussed in Section VIII. Issues were identified and an improvement plan to clarify this transition process with Mercer County Special Services School District was required.

**Transition from School to Post School** – A review of student records and the Transition Report of November 24, 1999 issued by the NJDOE, as well as interviews with child study team members and transition counselor/teachers, indicated that most students had detailed transitional plans which met all the requirements of the code.

However, problems regarding transition plans were noted for classified students in resource programs or those who are in general education with supplemental aides and services.

#### **Areas of Needs:**

**Transition from School to Post School** - A review of files for classified students in general education settings and in resource center programs indicated that their IEPs had no transition plans or very limited ones. Their files failed to contain documentation that either the parent or the student was invited to an IEP meeting to discuss the development of a transition plan. A review of IEPs

indicated that the transition section did not contain all of the required components.

- The district will develop an improvement plan that ensures the participation of all appropriate individuals at transition planning meetings.
- The district will develop an improvement plan that will ensure that transition plans are developed with all required components and implemented for all students fourteen or older.

## **Section XI: Discipline**

### **Summary of Findings:**

Members of the monitoring team visited the AIM program and saw some positive and effective programming for some very difficult students. Parents are provided with a Code of Conduct that identifies the consequences of behavioral infractions. A review of discipline records verified that the district has a suspension procedure in place.

However, problems were identified in documenting notice of a meeting or written notice subsequent to the meeting when a change in placement occurred, manifestation determination, behavioral interventions and related services.

### **Areas of Need:**

**Notice Issues** – There was no documentation in student records to indicate that a meeting was held with the parent whenever a suspension resulted in a change of placement.

**Manifestation Determination** – In cases where students were excluded beyond 10 days resulting in a change of placement, there was no documentation that a manifestation determination meeting occurred. The district does not have a procedure in place to insure that the case manager is notified of all suspensions.

**Behavioral Intervention Plans** – A review of files revealed that there were no behavioral intervention plans, but instead there were behavioral intervention forms that simply identifies whether a student's behavior impedes the educational program. Furthermore, there was no documentation to demonstrate that behavior plans were revised subsequent to a student's removal from his program.

- 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.

**Related Services** – Students, who are in the alternate behavioral program (AIM), are characterized as having emotional problems. Several of the IEPs were not amended to stipulate placement in the AIM program on an interim basis. Likewise, their IEPs did not necessarily contain a behavioral intervention form and counseling was recommended on an “as needed” basis, rather than indicating a specific need of an individual student. In general, we found that the IEPs did not document the frequency and duration of related services. Instead, many IEPs stated “as needed”, while still others lacked beginning and ending dates for those services. Because these issues were identified and addressed in Sections II and VIII, an additional improvement plan will not be required. However, the district is directed to immediately review and revise all IEPs for students placed in the AIM programs and to specify the frequency and duration of counseling services for each student.

#### **Section XIV: Programs and Services**

##### **Summary of Findings:**

The district board of education ensures that programs and services are provided according to the state requirements. Interviews and record reviews indicated that programs for disabled students are provided in accordance with law and code i.e. class size, teacher certification and transportation.

However, due to a delay in the December 1<sup>st</sup> count to the New Jersey Department of Education, a review of certified staff could not be conducted.

##### **Areas of Need:**

The Mercer County Office of Education will review the certification of staff and issue its findings. Until The Mercer County office of Education confirms findings, a determination cannot be made about whether or not an improvement plan is warranted.

#### **Section XV: Student Records**

##### **Summary of Findings:**

The district's “Pupil Record Format”, which is used as an individual access log for each student record, provides a detailed account of where in the district records are maintained.

However, problems were identified in a review of speech records and records for students in the AIM programs.

**Areas of Need:**

**Student Records** – Access sheets were not found in speech records located in central office or in the student records located at the AIM program. Additionally, there was no documentation of how the district informs parents of procedures to destroy or expunge student records.

- The district will develop an improvement plan that includes an immediate review of pupil records to ensure that access sheets are available in every pupil record.
- The district will develop an improvement plan to ensure that parents are informed of the district procedures to destroy or expunge student records.