

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

District: Hillsborough

Monitoring Dates: May 1-4, 8-10, 2000

Monitoring Team: P. Bilik, S. Coplin, K. Ellmore, C. Messler, B. Tucker

Background Information:

On April 17, 2000 prior to the monitoring visit, New Jersey Department of Education facilitated a focus group public meeting with parents 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 areas of need.

District Strengths:

- The district has developed several programs for children with Autism. Specialized training has been provided to staff working in these programs. Pupils are integrated into other special education or regular education classes as appropriate.
- The High School Career Exploration program provides on the job experiences and work place readiness training for high school pupils with disabilities. Pupils are encouraged to identify their career interests and to explore a variety of work settings.
- The district has partnered with the county to provide an instructional/counseling program to students who have been suspended from school. This program is available to any student 16 years old or older. The parent(s) must sign a consent form for the student to participate. The program is housed in a county building and has social workers to work with the student and family regarding any area of need. The school district provides the teacher who instructs the students. The district believes this program is successful in dealing

with the problems that these students and family may be having and therefore results in fewer suspensions.

Area Demonstrating Compliance with Requirements:

Of the 15 areas reviewed, the following areas were found to have met all of the requirements:

Section I: General Provisions - Policies and procedures have been adopted by the Board and Information is disseminated to the public as required.

Section IV: Location, Referral and Identification - The district ensures that all students with disabilities who are in need of special education and related services are located, referred and identified.

Section VII: Eligibility – The district ensures that students determined eligible and classified eligible for special education and related services and eligible for speech/language services are appropriately classified at a meeting with required participants.

Section XII: Statewide Assessment - Students participate in assessment and documentation of modifications was found in records.

Section XIII: Graduation - Students participate in graduation and documentation of graduation requirements was found in 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 which is provided at public expense, under public supervision and with no charge to the parent, and which 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.

Problems were identified in the provision of FAPE regarding the consideration and provision of an extended school year, and with the district's Guided Resource Center program.

Areas of Need(s):

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 and an extended school year program is not considered or discussed for all classified students, as required.

- The district will develop an improvement plan that will ensure extended school year services are individually considered for all classified students and documented in the student record.

Guided Resource- To address the needs of students at the middle and high school level with emotional and/or behavioral disabilities, the district developed a "Guided Resource" program where students acquire credits. A school social worker or a school psychologist instructs the class. The students in this program are considered "at risk" for out of district placement, and receive daily counseling and monitoring. This program is designed to teach skills in the areas of anger management, decision making, stress management, problem solving, communication, relationship building, and drug and alcohol awareness. Though the program is designed to address the social concerns of the students at risk, it is taught by professionals who are certified to counsel and not to teach.

- The district is directed to assign appropriately certified instructional personnel to the guided resource classes. The district is further directed to submit documentation of the implementation of this directive.

Section III: Procedural Safeguards

Summary of Findings:

The district board of education provides publicly funded educational programs and services to students with disabilities in accordance with federal and state regulations. Annually, the district submits the required reports related to the number of students with disabilities enrolled in the district; staff (including contracted personnel) providing services to students with disabilities; and the number of students with disabilities who are exiting education. The district makes available to parents of students with disabilities and to the general public, all documents relating to the eligibility of the district under Part B of the IDEA. Required policies were recently adopted.

However, as was identified in the 1998-1999 program review, as well as in the current monitoring, there continues to be problems with some of the district's notices. Additionally, the wording of the short procedural safeguard statement was altered prior to being forwarded to the parents.

Area of Need(s):

A review of notices indicated that the some of required components were missing:

Evaluation /Decision not to Evaluate Notice- A review of this notice indicated it did not contain an explanation of why the district was taking the proposed action.

- The district must revise their notice to include the missing statement.

Notice of an IEP meeting - The notice of an IEP meeting for students classified as ESLs did not contain the location of the meeting. Additionally, a list of all required participants was inconsistently included in the notice.

- The district will revise its notice of an IEP meeting to ensure that it contains the location of the meeting and accurately identifies the meeting participants.

Short Procedural Safeguard Statement – The wording of this notice was altered prior to being forwarded to the parents.

- The district is directed to revise its short procedural safeguard statement to ensure that it contains the exact wording that was provided by the New Jersey Department of Education, Office of Special Education 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 multidisciplinary team of professionals who utilize a variety of assessment tools and strategies to evaluate the student in all areas of suspected disability.

Interviews with speech language specialists and review of speech/language files documented that written reports included the use of standardized tests or measure of phonology, an oral motor evaluation, and an additional informal measure.

However, the speech/language reports were missing components of the functional assessment. Additionally, problems were noted in the acceptance or rejection of outside evaluations by Child Study teams.

Area of Need(s):

Speech/Language Reports – A review of the speech/language reports indicated that they did not consistently include a structured observation of the student, an interview with the parent and teacher, written information from the classroom teacher, the student's developmental history, and teacher interventions.

- The district will develop an improvement plan that will ensure written speech/language reports include a structured observation of the student; an interview with the parent and teacher; written information from the classroom teacher; the development history; and teacher interventions.

Acceptance or Rejection of Outside Evaluations – A review of evaluations indicated that child study teams did not consistently document whether they accepted or rejected reports or assessments submitted by other public agencies, approved clinics or agencies or professionals in private practice.

- The district will develop an improvement plan to ensure that when reports or assessments are received from another school district, approved clinics/agencies or professionals in private practice, that they are accepted or rejected, totally or partially. The plan must also ensure that the acceptance or rejection is noted in writing and shall become part of the student record. If a report or part of the report is rejected, a written rationale shall be provided to the parent or adult student.

Section VI: Re-evaluations

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, record review and an analysis of the district's re-evaluation schedule indicated that re-evaluations are not completed within mandated timelines.

Areas of Need(s):

Re-evaluation – Re-evaluations were not completed in a timely manner.

- The district will develop an improvement plan that will ensure that all students with disabilities are re-evaluated within three years of the previous classification or sooner if conditions warrant or if the student's parents or teacher request a reevaluation.

Section VIII: Individualized Education Program

Summary of Findings:

The district ensures that the appropriate team members conduct an IEP meeting to develop, review and, if necessary revise the IEP for those students determined eligible for special education and related services or speech-language services. IEPs developed for students determined eligible for special education and related services, and for students determined eligible for speech-language services are reviewed at least annually. Additionally, the IEP format utilized to record the present levels of educational performance in an annual review was thorough and identified student strengths, strategies and modifications, and the impact of the disability in the regular education classroom.

However, problems were identified with documentation of all required IEP considerations, as well as, the documentation and implementation of related services and elementary resource programs.

Area of Need(s):

Required Considerations and Components – The district does not consistently ensure that the IEP developed for students determined eligible for special education and related services contain all of the required considerations and components. The IEPs reviewed did not consistently document the following:

- The concerns of the parent(s) for enhancing the education of their child,
- Consideration the need for assistive technology devices and services,
- Beginning at age 14, consideration of the need for technical consultation from the Division of Vocational Rehabilitation, 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 revise its IEP to ensure that all considerations and components are included for students determined eligible for special education and related services .

Section IX: Least Restricted Environment

Summary of Findings:

Staff and parent interviews substantiated that the district offers a full continuum of special education programs as well as full access to the regular education curriculum for its classified students. All students have full access to extracurricular and non-academic activities and a large percentage of classified students participate fully.

However, there are several areas of concern. Students who are placed in out-of-district programs do not always have the opportunity to participate in district activities. The expressed reasons were distance and transportation arrangements. Additionally, they were not always informed of the time and place of the district activity.

Parents of high school students expressed concern that there were limited in-class support classes for college prep courses and none for science, math, and foreign language. They believed that their children could benefit from an in-class support program if such classes were available.

The LRE section of IEPs did not include documentation of sufficient consideration of LRE options or an adequate rationale for the specific placement of the student. This was noted in the 1998-99 program review report.

Area of Need(s):

District Activities – The students who receive instruction in out-of-district placements are not afforded the opportunity to participate with their non-disabled peers for district extra-curricular activities.

- The district will develop an improvement plan to ensure that notification of district extra-curricular activities is given to all students who are placed in out-of-district programs.

In-class Support – Interviews revealed that in-class support was limited to certain classes and therefore not available in other classes even when needed.

- The district will develop an improvement plan to ensure that students receive the in-class support services that are needed. The determination of need must be decided on an individual basis and not on existing teacher programs.

LRE Documentation – The IEPs in student records did not document the considerations discussed regarding LRE options.

- The district will develop an improvement plan to ensure documentation in the IEP of the considerations/rationales for its placement recommendations.

Section X: Transition

Summary of Findings:

In October 1999, the district received on-site technical assistance regarding transition from the Office of Special Education Programs. Following this visit the district expanded their transition services and revised their documentation to comply with the current regulatory requirements.

A transition planning interest survey was developed to assess students' interest in various careers and to plan for activities of adult living. The district also initiated a separate student invitation to the IEP meeting for students' age 13 and older. Finally, the IEP contains a statement of transition service needs.

For several years a "Career Exploration Program" has been available to students with disabilities. This program allows students to sample approximately five different work sites covering a range of vocational skills. Students learn how to develop and write a resume, interview for a job and evaluate their own employment skills.

The record review, interviews, and observations conducted during this monitoring reflect a change in the provision and documentation of transition services, which comply with regulatory requirements.

However, as noted in the IEP section of this report the district did not consistently document the consideration of the need for technical consultation from the Division of Vocational Rehabilitation.

Area of Need:

Documentation - The district did not consistently document the consideration of the need for technical consultation from the Division of Vocational Rehabilitation. This area was addressed in an improvement plan identified in a previous section.

Section XI: Discipline

Summary of Findings:

The interviews noted that district staff have had discipline training and are aware of the regulations. The district has discipline policies that they follow for all students unless an individual IEP notes otherwise. There are two programs that are designed to provide students with their IEP instruction while on suspension. One program is in-school suspension and the other is a program located in the municipal building.

However, problems were identified regarding the documentation of activities resulting from discipline removals.

Additionally, interviews revealed that at least one manifestation determination meeting had been held during the year, however, there was no documentation found.

Area of Need(s):

Documentation – Although district personnel are able to articulate the appropriate procedure for disciplining special education students, there was insufficient documentation of those procedures in student files. Because of the nature of the data maintained in the district's computerized tracking system and because the district does not maintain copies of correspondence, it was not possible to determine the type of suspension program the student was given or whether the student was suspended from school with instructional services. As a result, the number of days a student is removed from instruction can not be accurately counted, determining when a student has been removed from his/her program 10 days or more was not possible, knowing when to consider whether a series of short-term removals constitutes a change in placement, or when the IEP team is required to conduct a manifestation determination meeting.

- The district must develop an improvement plan that ensures discipline procedures are appropriately implemented and documented. The plan must identify the procedure that will be implemented to determine the type of instruction that the student will receive while suspended. Additionally, the plan must clearly identify who will be responsible for tracking the number of days the student has been removed from his/her program. The plan must include a mechanism to ensure administrative oversight of the implementation of the procedure.

Manifestation Determination – Although interviews revealed that at least one manifestation determination meeting had been held during the year, no documentation of that meeting could be located by district staff or monitors. Likewise it was not possible to calculate how many days a student had been removed from instruction based on the documentation presented for review.

- The district must develop a plan that ensures that the person responsible for calculating the number of days a student has been suspended from his/her program ensures that manifestation determination meetings are conducted as required. The plan must ensure documentation of the meeting and the meeting results.

Section XIV: Programs and Services

Summary of Findings:

Staff and parent interviews as well as class rosters and related services personnel schedules verified that the district has a full continuum of program options and students are receiving services according to their IEP.

However, problems were identified in class size and group size for speech instruction. indicate that they are receiving a 30-minute group lesson in the classroom.

Area of Need(s)

Waiver - The district failed to seek a waiver from the county office prior to placing additional students beyond the legal limit in an in-class support program at the secondary level.

- The district will develop an improvement plan that will ensure that a waiver is obtained from the county office before students are placed in a class that goes beyond the allowable limits established in code.

Group Size of Speech as a Related Service - The district is providing speech instruction in group sizes that exceed those established by code. While it is permissible to provide speech instruction in the classroom when students receiving the services are not separated from the other students, under the provision of N.J.A.C. 6A: 14, the group size for the delivery of speech-language services is limited to a maximum of five students. Therefore, the speech-language specialist can be responsible for focusing on the IEP speech-language goals and objectives of no more than five students in the class at any time. For example, the speech-language specialist may conduct a 60-minute speech-language lesson in the classroom and count this as two class groups of no more than 5 students for each half-hour. The speech-language specialist must concentrate on specific student's goals and objectives during each half-hour session, and the student's IEPs must

- The district will develop an improvement plan that ensures that when the related service of speech-language is provided in the classroom, the group sizes do not exceed the limits specified under N.J.A.C. 6A: 14.

Section XV: Student Records

Summary of Findings:

The Hillsborough School District has met its responsibility to ensure that records are collected, maintained, and secured in accordance with state and federal guidelines. The director of special services reported that the district does not destroy records. Special Education files are maintained in the Board of Education Central Office.

However, central files that are maintained in each school did not document the location of other files, nor did student records contain access sheets.

Area of Need(s)

Student Records – A review of central files in each school indicated that the district failed to document the location of other records such as medical and child study.

- The district will develop an improvement plan that will ensure that all central files indicate the location of additional student records.

Access Sheets – Individual access sheets were missing in all student records including speech records.

- The district will develop a plan to ensure that all student records contain an individual access sheet.