

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

**District:** Howell Township      **Monitoring Dates:** January 5, 6, 7, 10, 11, 12, 13, 2000

**Monitoring Team:** P. Bilik; S. Coplin; K. Ellmore; B. Tucker, C. Radeke, L. Stelatella.

**Background Information**

On December 14, 1999, 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 a total of eight hundred thirteen (813) classified students; of that number, only twenty-nine (29) are in out-of-district placements.

The district has received two (2) consecutive awards for "Exemplary Practices in Inclusion." The awards, presented by the Developmental Disabilities Council (DDC), are for the district's efforts to include students with disabilities in district programs.

Annually, the district conducts "Spring Articulation" meetings between elementary and middle school students and staff.

The district provides extra prep periods for staff, to help facilitate discussion between In-Class Support teachers, both regular and special education.

The district provides excellent inservice opportunities for all staff.

**Areas Demonstrating Compliance with Requirements**

Of the fifteen (15) areas reviewed during the on-site monitoring visit, it was determined that the district has met the requirements in the following: **General Provisions,**

## **Protection in Evaluation and Evaluation Procedures, Re-evaluation and Programs and Services.**

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

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

The district makes available a free appropriate public education to students with disabilities between the ages of 3 to 21 at public expense. All special education teachers and related service personnel are fully certified; the length of the school day and the academic year for students with disabilities is at least as long as that established for nondisabled students; students with disabilities have available to them the variety of programs and services that are available to nondisabled students; some of the programs observed were of "best practices" quality. Physical education (regular, modified or adaptive) is provided for all students with disabilities. Related services are provided to students who would benefit from the services and as specified in their IEP. All educational programs are located in facilities, which are accessible to the disabled and have been approved by the New Jersey Department of Education (NJDOE). The district ensures that transfer students with disabilities are provided services without undue delay and according to their IEP. When a student with disabilities transfers into the district, the Child Study Teams conducts an immediate review of the evaluation, if sufficient information and the IEP are available, and the parent is in agreement, the program is implemented as written. Information obtained through review of student records indicated that meetings are conducted in the language used for communication by the parent, and language interpreters or translators are provided. The district does have notices of meetings that are translated, in a language other than English.

Problems however were identified in the provision of extended school year, preschool handicapped programs, and native language. Additionally, student records did not consistently include documentation of the IEP team's acceptance or rejection of reports and assessments submitted by outside child study team members for students transferring into the district.

#### **Area(s) of Need:**

**Extended School Year-**The district does not ensure consistently that a free, appropriate public education is available to all students with disabilities between the ages of three and twenty-one. Though the district offers various summer programs for disabled students including the traditional summer school program, information obtained through the interview process indicated that during IEP meetings, the need for an extended school year is not consistently discussed and considered for all classified students regardless of disability category or placement. Student records lacked documentation of individualized determinations regarding the need for an extended school year program. The district's "IEP Checklist" form, which Child Study Teams currently use, does not provide sufficient documentation to substantiate that these discussions take place.

- The district is directed to develop an improvement plan to identify the process it will follow to ensure that the need for an extended school year will be considered and discussed at meetings for every child. Should it be determined that an extended school year is required, the district must ensure that all required services are included in that program.

**Preschool Handicapped**-The district places students in the 3-5 aged population almost exclusively in district self-contained programs. As a result, students in these programs have little or no opportunity to participate in activities with their nondisabled peers. There are 29 preschool programs identified by the district, yet only one student is currently participating in a program with his/her nondisabled peers. The district is currently expanding its contacts with the private sector and considering in-district options to eliminate this situation.

- The district is directed to develop an improvement plan to ensure that not only are sufficient contacts with private sector programs or in-district alternatives provided, but that when appropriate, the district's preschool students are provided an opportunity to participate in these programs. The plan must include the manner in which the district will document its efforts in this area.

**Transfer Students** - When the district believes that the information it receives is insufficient and/or the IEP is not available, the district develops an interim IEP. However, student records did not consistently document whether or not IEP teams accepted or rejected reports and assessments submitted by outside child study team members.

- The district is directed to develop an improvement plan that will ensure when reports and assessments of child study team members or specialists from other public agencies, approved clinics or agencies or professionals in private practice are submitted to the IEP team for consideration: (1) the IEP team accepts or rejects the entire report(s) or any part of the report(s); (2) acceptance of the report shall be noted in writing and shall become part of the report(s) of the district; and (3) if a report or part of the report is rejected, a written rationale shall be provided to the parent or adult student by the IEP team. The plan must include the manner in which the district will document its efforts.

**Native Language**- Non-English speaking parents were incorrectly identified as English speaking, and notices to those parents were only provided in English as determined by record review.

- The district is directed to develop an improvement plan that will ensure that notices of meetings are provided in the native language of the parents. The plan must include the manner in which the district will document its efforts.

### **Section III – Procedural Safeguards**

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

The district has policies and procedures in effect to ensure that students with disabilities and their parents are afforded procedural safeguards. The district obtains consent prior to conducting any initial evaluation, implementing the initial IEP, conducting any re-evaluation, and releasing student records. In addition, the district implements without undue delay, the action for which consent was granted. The district has developed a list of adults who have been trained and are willing to serve as surrogate parents.

However, record reviews indicated that there were a variety of errors with notices that are forwarded to the parents and problems related to follow-up contact with parents.

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

**Notice and Follow up contact with parents** – It was determined that notices to attend a meeting did not specify the discipline of the meeting participants which was addressed in the Year 3 Program Review Report. There was no documentation that the district attempted follow-up contact with the parent when they were unable to attend a meeting. Additionally, when parents were unable to attend the IEP meeting, there was no documentation that the district afforded the parent their 15-day right to consider the IEP contents prior to its implementation.

- The district must develop a plan to ensure that: (1) the participants are designated by discipline in the notice of meeting; (2) there are procedures in place for documenting all attempts to contact parents; and (3) when parents do not attend IEP meetings, the proposed program/IEP is not implemented for 15-days, unless written consent is received from the parent.

### **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.

Pre-referral interventions in general education programs as well as implementation of these interventions are documented in the files that were reviewed for purposes of this monitoring. Specifically, the Student Resource Committee (SRC) documents that a student is referred for an evaluation when interventions in the general education program have not been effective. There is not currently a backlog of initial referrals.

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

According to interviews with parents and teachers, direct referrals may be made to the CST. However it is the district's common practice for the parent or teacher referral to go through the SRC in order to facilitate interventions prior to referral. SRC procedures are documented in each school building.

Interviews with school personnel confirm that parents may request a direct referral via a written statement. The CST initiates (via phone and by letter of notice) a planning meeting within 20 calendar days of the request. Records reviewed for the 20-calendar day requirement were compliant.

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

The participants in the planning meeting reviewed existing data, including the school nurse summary of health and medical information, within the context of the planning meeting. The participants in the planning meeting determined whether an evaluation was warranted and documentation to that effect was handed or mailed (within 15 calendar days), to the parent(s). When the evaluation was warranted, the student was identified as potentially disabled.

However, there was a problem noted with regard to the district reconvening the IEP Team when it has been determined that an additional assessment(s) may be warranted.

**Area(s) of Need:**

**Need for additional assessment(s)**-When the need for additional assessment(s) has been identified for a classified student, the district typically communicates with the parent(s) by phone identifying that need. The parent verbally agrees, the district obtains written consent and then conducts the proposed assessment(s). The district does not send notification of a meeting, reconvene an appropriately configured IEP Team to discuss the need for an additional assessment nor does the district provide the parent written notice.

- The district will develop an improvement plan to identify the procedures it will follow prior to conducting additional assessments of a classified student. This plan shall include 1) sending parents notification of a meeting, 2) convening an appropriately configured IEP Team to discuss the need for an additional assessment and 3) providing the parent written notice.

## **Section VII: Eligibility**

### **Summary of Findings:**

The district ensures that a student is determined eligible and classified "eligible for special education and related services" when the student has one or more of the disabilities defined in N.J.A.C. 6A: 14-3.5(c) 1 through 13, the disability adversely affects the student's educational performance, and the student is in need of special education and related services. The district also ensures that students are determined eligible and classified "eligible for speech-language services" when the student has a speech-language disorder that adversely affects classroom performance and the student requires only speech-language services. Eligibility is determined at a meeting with the required participants.

However, problems were identified in the documentation of written evaluation reports being provided to parents.

### **Area of Need:**

**Copies of Evaluation Reports** - Although the district ensures a student is determined eligible and classified "eligible for special education and related services" at a meeting with the required participants, information obtained through record review and interviews indicated that the district does not document the provision of copies of these evaluation reports in the student's record.

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

## **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 and for students determined eligible for

speech-language services. IEPs are implemented, in effect as required, and are reviewed at least annually.

Although regular and special education teachers attend IEP meetings, their specific discipline is not documented. Additionally, problems were identified in the areas of district representative, copies of IEPs to parents, numerous dates on IEPs and documentation of program changes.

**Area(s) of Need:**

**Regular and Special Education Teachers and District Representative-**Interviews indicated that both regular and special education teachers both attend IEP meetings. However documentation in the student records did not identify which of the teachers in attendance were the regular or special education teacher. Additionally, the district has not documented the attendance of an individual designated as the district representative at IEP meetings for students determined eligible for special education.

- The district is directed to develop an improvement plan to ensure that documentation in students' IEPs identifies the regular and special education teacher and a district representative. The district may designate one individual as both Child Study Team member and district representative, but when doing so, must document that the individual is serving in both capacities.

**Copy of IEP to Parent-** A review of IEPs and student schedules indicated that students receive the educational program and related services indicated in their IEP. However, a review of some records indicated that when parents did not attend IEP meetings, the district immediately implemented the IEP and did not document their attempts to provide parents with a copy of the IEP prior to implementation. The district is directed to develop an improvement plan to ensure documentation of all attempts to provide parents with a copy of the IEP prior to program/IEP implementation.

**Dates on IEPs-**A review of IEPs indicated a number of different dates regarding activities that occurred on one date. The district needs to identify in a more accurate manner the date that an IEP is developed and/or revised as well as the date of proposed implementation.

- The district is directed to develop an improvement plan to ensure that all dates, indicated on students' IEPs, accurately reflect the activities that occurred on those dates.

**Documenting Program Changes-** Staff interviews indicated that when a substantive program change was proposed, parents were contacted, a meeting was held and the change was implemented. Record reviews did not consistently document the occurrence of the meeting, the date of the implementation of change, or both.

- The district is directed to develop an improvement plan which will document (1) the provision of notice to the parent regarding a meeting to review and revise the IEP; and (2) that the meeting has occurred through the provision of written notice to the parent.

## **I. Least Restrictive Environment**

### **Summary of Findings:**

Interviews and record reviews indicated that the district has a variety of educational programs including supported regular education, in-class and pull-out resource programs, special classes and out-of-district placements. The district is involved in interventions in general education programs as well as the implementation of these interventions.

However, problems were identified with consideration of the placement rationale and problems with participation of out-of-district students with nondisabled peers.

### **Area(s) of Need:**

**Rationale for Placements-**A comparison of IEPs generated prior to November 1999 and those written after that date indicate that these IEPs continue to have generalized statements in their rationale for placements or program recommendation sections. Although the district's revised IEPs are much improved, they still require additional detail in terms of the placement justification.

- The district is directed to develop an improvement plan to ensure the decision making process and documentation requirements for removing a student from general education programs includes: (a) an individualized discussion of what supplementary aids and services and program modifications were considered to support the student, and (b) an explanation of why the supplementary aids and services and program modifications were not appropriate to meet the student's individual needs within the general education class.

**Participation of out-of-district students-**There was inconsistent documentation that the district provides out-of-district students with the opportunity to participate in extracurricular and other non-academic activities with their nondisabled peers.

- The district is directed to develop an improvement plan to ensure that consideration has been provided to out-of-district students to participate in activities with their nondisabled peers. The plan must include the manner in which the district will document its efforts.



## **X. Transition To Post-School**

### **Summary of Findings:**

Howell is a K-8 district. Subsequently, all students continue their education after graduation from 8<sup>th</sup> grade. However, since some 8th graders are at least 14 years old the district develops a statement of transition service needs in their IEPs. The district invites students, age 14 or older, to attend IEP meetings and interests and preferences are discussed. Therefore, the district meets state requirements for this section.

### **Transition to Preschool**

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

Interviews with parents and staff indicated the district appropriately participates in preschool transition meetings prior to the placement of a three-year-old into the preschool program. However, review of records indicated that the process has been documented inconsistently.

#### **Area(s) of Need:**

**Transition to Preschool-** Based on a review of student records it was identified that the district does not consistently document its participation in preschool transition meetings.

- The district is directed to develop an improvement plan, which identifies the procedure it will follow to ensure the appropriate and consistent documentation of its participation at preschool transition meetings.

## **Section XI - Discipline**

### **Summary of Findings:**

The district has developed a calendar and informative handbook that explains the district's discipline policies. This booklet is forwarded to each parent and every community member early in the school year.

In addition, each parent receives a student handbook that contains a description of common discipline infractions along with the consequences. This handbook contains a tear-out letter to be signed by the parent and returned, acknowledging receipt of the handbook.

However, a problem was identified with regard to the manner in which the district effectively tracks suspensions.

**Areas of Need:**

**Discipline-** A review of student files and interviews with staff indicated that despite the fact that staff are aware of the number of suspensions for each student, and though the district has a computerized system to track suspensions, the district does not have procedures in place to effectively utilize the system.

The disciplinarian verbally informs the principal and child study team member about students that have been suspended. There is no documentation of these decisions regarding suspensions. Rather, if there is a suspension or detention, a letter is forwarded to the parents. Copies of these letters are maintained in the individual students' folder maintained by the disciplinarian. This information is not entered into any type of standardized tracking system.

- The district will develop and use a set of procedures to track the number of days a student is suspended. The plan will include documentation of child study team involvement.

**XII. Statewide Assessment**

**Summary of Findings:**

The district board of education ensures that students with disabilities participate in the statewide assessment. The IEPs reviewed document that accommodations and/or modifications provided by the district are approved by the New Jersey Department of Education for students who require them.

However, there was a problem with student records, which indicated "boilerplate" statements for students who are excluded from participating in the statewide assessment program.

**Area of Need:**

**Exclusion from Statewide Assessment Program-** Record reviews indicated that students excluded from the Statewide Assessment Program have a statement in their IEP that indicates that the student has not had sufficient exposure to the curriculum to pass the test. Consequently, these students are excluded from participating in the statewide assessment program.

- For those students excluded from the Statewide Assessment, the district is directed to develop (1) a statement of why the assessment is not appropriate for the student; and (2) a statement of how the student will be assessed.

### **XIII. Graduation Requirements**

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

Since Howell is a K-8 district there is no need to identify graduation requirements in IEPs.

### **Section XV - Student Records**

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

The Howell School District has met its responsibility to ensure that records are collected, maintained, secured, assessed and destroyed in accordance with state and federal guidelines. Special Education student files are maintained in five locations i.e. Board of Education Office, and four schools. All of the special education student's files contain a notice to the parents concerning where other records are maintained pertaining to their child. However, central files that are maintained in each school did not indicate the location of other files.

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

**Student Records** – A review of central files indicates 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 central files indicate the location of additional student records.