

New Jersey Department of Education Special Education Monitoring

District: Linden School District

County: Union

Monitoring Dates: March 11,12, 13, 2002

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Background Information

During the 2000-2001 school year, the Linden School District conducted a self-assessment of policies, procedures, programs, services, and student outcomes. This self- assessment component of the monitoring process provided the Linden School District with an opportunity to evaluate its strengths and areas of need with regard to:

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

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

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

As the first step in the on-site monitoring process, the NJDOE held a focus group meeting for parents and community members on February 28, 2002. Information obtained from that meeting was used to direct the focus of the monitoring visit.

During the on-site, the NJDOE team reviewed district documents, including district policies and procedures, student count information, master student lists, class lists, schedules of students, teachers, related service personnel, and other relevant information, including a representative sample of student records. Interviews were conducted with the district's special education administrators, building principals/vice principals, speech therapists, transition coordinator, behavior interventionist, child study team members, general education and special education teachers.

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Section I: General Provisions

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of Policies/Procedures and dissemination of public information. The required Statement of Assurances and procedures have been submitted to the county office.

During the self-assessment process, the district identified a concern regarding the training of staff in the areas of behavioral interventions and other instructional strategies. The district has developed an improvement plan that is sufficient to address this area of need.

No additional areas of need were identified during the on-site monitoring visit.

Section II: F.A.P.E.

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of goals/objectives for speech and certifications.

During the self-assessment process, the district identified concerns regarding the provision of special education programs/related services as required by IEPs, contracting services to ensure provision of related services specified in IEPs and transfer procedures. The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks an administrative oversight component to bring about the required changes. The plan needs to be revised to include this component.

Additional areas of need were identified during the on-site visit regarding documentation of length of school day/year, documentation of location for counseling services, extended school year, goals/objectives for OT/PT/counseling and changes in programs/placements without convening an IEP meeting.

Area(s) of Need:

Length of School Day/Year - During the on-site monitoring it was determined that although the length of a student's school day/year is determined on an individual basis, the district does not consistently identify the length of the school day/year in the IEP.

- **The district will revise the improvement plan to include procedures to ensure that the length of school day/year is documented in each IEP. The improvement plan must also include an administrative oversight component to ensure the implementation of the procedures.**

Location of Counseling Services - During the on-site monitoring it was determined that IEPs do not consistently document the location of counseling services.

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- **The district will revise the improvement plan to include procedures to ensure IEPs document the location of counseling services. The improvement plan must also include an administrative oversight component to ensure the implementation of the procedures.**

Extended School Year (ESY) - During the on-site monitoring it was determined through interviews and record review that although extended school year is considered for the most severely disabled students, ESY is not consistently considered for all students at each annual review meeting.

- **The district will revise the improvement plan to include procedures to ensure that extended school year is considered for all students at each annual review meeting and that all relevant factors are considered and documented in each IEP. The improvement plan must include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Goals and Objectives for OT, PT, and Counseling - During the on-site monitoring it was determined that goals and objectives for OT, PT, and counseling are not consistently developed and included in IEPs.

- **The district will revise the improvement plan to include procedures to ensure that goals and objectives for OT, PT, and counseling are included in IEPs. The improvement plan must include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Changes to a Students Program/Placement - During the on-site monitoring it was determined through interviews and record review that the district does not consistently convene an IEP meeting prior to making changes to the student's program/placement.

- **The district will revise the improvement plan to include procedures to ensure that the district convenes an IEP meeting and provides appropriate written notice prior to making any changes to the student's program/placement. The improvement plan must include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Section III: Procedural Safeguards

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the area of independent evaluations.

During the self-assessment process, the district identified concerns regarding surrogate parents, parental consent for reevaluations, scheduling of meetings, content of district

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notices, provision of written notice within timelines and written notice/meetings in the native language of the parent(s). The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks procedures, in-service training and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements. It is recommended that the district adopt the notices developed by the Department of Education, Office of Special Education Programs.

Additional areas of need were identified during the on-site monitoring visit regarding meeting participants and 20-day/90-day/annual review timelines.

Areas(s) of Need:

Meeting Participants - During the on-site monitoring it was determined that regular education teachers do not consistently participate at IEP meetings.

- **The district will revise the improvement plan to include procedures to ensure that all required participants attend meetings. The improvement plan must also include an administrative oversight component to ensure the implementation of the procedures.**

20-day, 90-day and Annual Review Timelines - During the on-site monitoring it was determined that the district does not meet 20-day, 90-day and annual review timelines.

- **The district will revise the improvement plan to include procedures to ensure that 20-day, 90-day and annual review timelines are met. The improvement plan must include a mechanism to determine if the district employs staff in sufficient numbers to ensure these timelines are met. Furthermore, the district must include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Section IV: Location, Referral, Identification

Summary of Findings:

During the self-assessment process, the district identified concerns regarding district-wide referral procedures and pre-referral interventions. The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks procedures, in-service training and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements.

Additional areas of need were identified during the on-site monitoring visit regarding Child Find activities, health summaries, vision/hearing screenings and direct referrals.

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Area(s) of Need:

Child Find Activities - During the on-site monitoring it was determined that although Child Find information is distributed throughout the community for ages 3-5, the district's Child Find activities do not address students between the ages of 6 to 21 nor do they continue throughout the entire year.

- **The district will revise the improvement plan to include procedures to ensure that Child Find activities continue throughout the year including summer months to locate and refer potentially disabled students between the ages of 3-21 including migrant and homeless students. The improvement plan must include an administrative oversight component to ensure the implementation of the procedures.**

Health Summaries - During the on-site monitoring it was determined that the school nurse does not consistently review and summarize available health/medical information when a student is referred to the child study team.

- **The district will revise the improvement plan to include procedures to ensure that upon receipt of a referral to the child study team, the school nurse reviews and summarizes available health/medical information. The improvement plan must also include an administrative oversight component to ensure the implementation of the procedures.**

Vision/Hearing Screenings - During the on-site monitoring it was determined through record review and staff interviews that students do not consistently receive vision/hearing screenings when referred to the child study team for evaluation.

- **The district will revise the improvement plan to include procedures to ensure the district conducts vision/hearing screenings when students are referred to the child study team for evaluation. The plan must include a mechanism to document those results in student files. The improvement plan must also include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Direct Referrals - During the on-site monitoring it was determined through staff interviews that the district does not have a procedure for direct referrals by parents or teachers.

- **The district will revise the improvement plan to include procedures to ensure staff and parents have the ability to directly refer a student to the child study team and to participate in meetings when they believe the nature of the student's problem is such that an evaluation is warranted without delay. At that meeting, a decision may be made that an evaluation is not warranted and that the student needs to be referred to PAC. The improvement plan must include a mechanism to establish criteria that identifies the type of documentation that would support a staff request for a direct referral. The plan must further include in-**

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service and an administrative oversight component to ensure consistent, compliant implementation of these activities.

Section V: Evaluation

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of multidisciplinary evaluations for students eligible for special education and related services, standardized assessments and bilingual evaluations.

Areas of need were identified during the on-site monitoring visit regarding multidisciplinary evaluations for students eligible for speech and language services, functional assessment, written reports and acceptance/rejection of outside reports.

Area(s) of Need:

Multi-disciplinary Evaluations - During the on-site monitoring it was determined that although the speech therapists conduct their evaluations, a written educational impact statement from the student's teacher is not included in the written report.

- **The district will revise the improvement plan to include procedures to ensure that a written educational impact statement from the classroom teacher is included in the written report to fulfill the requirement for a multi-disciplinary evaluation for students determined eligible for speech/language services. The improvement plan must include in-service and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Functional Assessments - During the on-site monitoring, a review of evaluation reports indicated these reports do not consistently include the required components of a functional assessment. Specifically, these missing components varied from report to report.

- **The district will revise the improvement plan to include procedures to ensure that functional assessments contain all required components identified in NJAC 6A:14-3.4(d)2. The improvement plan must include staff training and an administrative oversight component to ensure the implementation of the procedures.**

Evaluation Reports - During the on-site monitoring it was determined that speech therapists do not consistently develop evaluation reports. In addition, it was determined that although child study team members develop written reports, these reports are not dated.

- **The district will revise the improvement plan to include procedures to ensure evaluation reports are developed subsequent to conducting an assessment by speech therapists. The plan must also include procedures**

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to ensure assessment reports developed by child study teams are dated. The improvement plan must include an administrative oversight component to ensure implementation of the procedures.

Acceptance/Rejection of Outside Reports - During the on-site monitoring it was determined that although IEP teams review reports provided by outside specialists, agencies or other districts, they do not document the acceptance of all or part(s) of the report, or the rejection of all or part(s) of the report with a rationale for any rejection.

- **The district will revise the improvement plan to include procedures to ensure that when IEP teams review reports provided by outside specialists, agencies or other districts, they must document the acceptance of all or part(s) of the report or the rejection of all or parts of the report with a rationale for any rejection. The improvement plan must include an administrative oversight component to ensure the implementation of the procedures.**

Section VI: Reevaluation

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of planning meetings/participants and reevaluations of students by June 30th of their last year in preschool.

During the self-assessment process, the district identified a concern regarding the three-year timeline for reevaluations. The district has developed an improvement plan that is sufficient to address this area of need.

No additional areas of need were identified during the on-site monitoring visit.

Section VII: Eligibility

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the area of eligibility meetings/participants.

An area of need was identified during the on-site visit regarding eligibility statements and evaluation reports to parents/adult students.

Area(s) of Need:

Eligibility Statements - During the on-site monitoring it was determined that the specific learning disability (SLD) eligibility statements do not consistently include the specific area(s) of the severe discrepancy.

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- **The district will revise the improvement plan to include procedures to ensure that eligibility statements for SLD include all the required components. The improvement plan must include an administrative oversight component to ensure the implementation of the procedures.**

Provision of Reports to Parents - During the on-site monitoring it was determined that although the child study team members and speech therapist provide evaluation reports to parents, the provision is not consistently documented in the file.

- **The district will revise the improvement plan to include procedures to ensure the district documents the provision of evaluation reports to parents/adult students. The improvement plan must include an administrative oversight component to ensure the implementation of the procedures.**

Section VIII: IEP

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of goals and objectives aligned with the CCCS and teacher access to IEPs.

During the self-assessment process the district identified concerns regarding the provision of IEPs to parents, teacher IEP implementation/responsibilities and measurement of the student's progress in meeting annual goals. The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks procedures, in-service training and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements.

Additional areas of need were identified during the on-site regarding the IEP components/required statements and present levels of educational performance statements.

Area(s) of Need:

IEP Components - During the on-site monitoring it was determined that required components of IEPs varied from building to building.

- **The district will revise the improvement plan to include procedures to ensure that all components and required statements are included in the district's IEP format. The improvement plan must include staff training and an administrative oversight component to ensure the implementation of the procedures. It is recommended that the district adopt the IEP format developed by the Office of Special Education Programs.**

PLEPs - During the on-site monitoring it was determined that although PLEP statements developed at the elementary level contain current and relevant information, PLEP

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statements developed at the middle/high school levels do not consistently contain sufficient information to determine the student's current performance/progress or how the student's disability impacts his involvement in the general education curriculum.

- **The district will revise the improvement plan to include procedures to ensure the present levels of educational performance statements contain current and relevant information that is sufficient to determine the student's current performance/progress and how the student's disability impacts his/her involvement in the general education curriculum. The improvement plan must include staff training and an administrative oversight component to ensure the implementation of the procedures.**

Section IX: Least Restrictive Environment

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of regular education access/participation and participation of out-of-district students in extracurricular activities within district.

During the self-assessment process, the district identified a concern regarding the documentation of the consideration of regular education placement with supplementary aids and services. The district has developed an improvement plan that does not sufficiently address this area of need because it lacks procedures, in-service training and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements.

Additional areas of need were identified during the on-site regarding the individualized decision-making process and the continuum of programs.

Area of Need:

Individualized Decision-Making Process/Continuum of Programs - During the on-site monitoring it was determined through interviews and record review that because the district has not established linkages with community-based preschool programs, teams do not have the ability to consider placement in a general education setting with necessary supports and services.

- **The district will revise the improvement plan to include procedures to ensure it establishes linkages with community-based preschool settings to ensure teams have the ability to consider and place preschool students with disabilities into integrated preschool programs, when appropriate. The plan must include an administrative oversight component to ensure implementation of the procedures.**

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Section X: Transition to Post-School

Summary of Findings:

During the self-assessment process, the district identified areas of concern regarding student/agency invitations and participation, post secondary liaison, agency failure to provide services, monitoring of the provision of services by an outside agency, community experiences/resources and agency linkages. The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks procedures, in-service training and an administrative oversight component to bring about the desired changes. The district will revise the improvement plan to include these elements.

Additional areas of need were identified during the on-site monitoring visit regarding interests/preferences, meeting participation of a representative from the shared time vocational program, components/documentation within the statement of Transition Service Needs and Needed Transition Services statement.

Area(s) of Need:

Interests and Preferences - During the on-site monitoring it was determined through interviews and record review that although the transition coordinator assesses students' interests/preferences, this information is not shared with case managers, is not documented in the IEP and is not a part of the transition planning process.

- **The district will revise the improvement plan to include procedures to ensure that all information obtained by the transition coordinator is shared with case managers and that relevant information is documented within the transition section of the district's IEP and discussed at the IEP meeting. The improvement plan must also include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Shared-Time Vocational Program - During the on-site monitoring it was determined that when the district is planning an IEP meeting to discuss transition, it does not seek the participation of a representative from the shared time vocational program that the student attends.

- **The district will revise the improvement plan to include procedures to ensure that when planning an IEP meeting where transition will be discussed, an invitation is provided to a representative from the shared time vocational program that the student attends. The plan must include a mechanism to document this invitation in the student's file. The improvement plan must include an administrative oversight component to ensure the implementation of the procedures.**

Post-Secondary Transition Statements - During the on-site monitoring it was determined that the district's IEP format does not contain all the components within the

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statement of Transition Service Needs and the Needed Transition Services statement and that the remaining components are not consistently completed.

- **The district must revise the improvement plan to include procedures to ensure that the district's IEP format contains all the required transition components and that these components are completed when required. The improvement plan must include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Section X: Transition to Pre-School

Summary of Findings:

During the self-assessment process, the district identified areas of concern regarding pre-school transition planning meetings, early intervention programs to pre-school disabled programs by age three and summer evaluations. The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks procedures and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements.

No additional areas of need were identified during the on-site monitoring visit.

Section XI: Discipline

Summary of Findings:

During the self-assessment process, the district identified concerns regarding return to original placement after a 45-day removal to an IAES. The district has developed an improvement plan that does not sufficiently address this area of need because it lacks an administrative oversight component to ensure the consistent implementation of the procedures. The district will revise the improvement plan to include this element. The district further identified concerns

Additional areas of need were identified during the on-site monitoring regarding procedural safeguard rights of potentially disabled students and discipline procedures in the following areas: notification to case managers, suspension tracking, functional behavioral assessments, behavioral intervention plans and manifestation determination meetings.

Area(s) of Need:

Procedural Safeguards for Potentially Disabled Students - During the on-site monitoring it was determined that the district does not have procedures to ensure that students who are identified as potentially educationally disabled are afforded the same procedural safeguard rights as disabled students when they are removed in response to a disciplinary action.

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- **The district will revise the improvement plan to include procedures to ensure that students who are identified as potentially educationally disabled are afforded the same procedural safeguard rights as classified students when they are removed from school as a result of a disciplinary action. The improvement plan must also include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Discipline Procedures - During the on-site monitoring it was determined through interviews that case managers cannot track out-of-school suspensions because they are not provided with written notification at the time of suspension and do not have direct access to the district's suspension database. Since case managers are unable to track removals, the IEP team cannot meet to conduct manifestation determination meetings, conduct functional behavior assessments and/or develop/review behavior intervention plans when needed. Furthermore, in the instances when manifestation determination meetings are conducted, teams do not consistently document whether or not the behavior was related to the student's disability.

- **The district must revise the improvement plan to include procedures to ensure that written notifications of suspensions are provided to case managers at the time of any removal from program is being considered. It is recommended the district provide child study teams with direct access to the suspension database in order to assist them in accurately tracking the number of days that a student is removed from program. The plan must also include procedures to ensure that when required, IEP team members: conduct manifestation determination meetings; document whether or not the student's behavior is a manifestation of his/her disability; conduct functional behavior assessments, when needed; and develop and/or review behavior intervention plans. The improvement plan must include staff training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Section XII: Statewide Assessment (SWA)

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of statewide assessment participation and IEP documentation.

During the self-assessment process, the district identified an area of concern regarding alternative assessments. The district has developed an improvement plan that does not sufficiently address this area of need because it lacks procedures, in-service training and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements. The district further identified a concern regarding child study team knowledge of the content of statewide assessments. The district has developed an improvement plan that is sufficient to address this area of need.

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No additional area of need was identified during the on-site.

Section XIII: Graduation

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the area of choice of diploma for out-of-district students.

An area of need was identified during on-site monitoring regarding written notice of graduation, notification to out-of-district graduates of participation in graduation exercises/activities and documentation of a rationale for exemption from passing HSPA.

Area(s) of Need:

Written Notice of Graduation - During the on-site monitoring it was determined that the district does not provide notice of graduation to parents/adult students.

- **The district will revise the improvement plan to include procedures to ensure that parent(s)/adult students are provided with notice of graduation and that this provision is documented in student files. The improvement plan must include an administrative oversight component to ensure implementation of the procedures. It is recommended that the district adopt the notice forms developed by the Office of Special Education Programs.**

Rationale for Exemption from Passing the HSPA - During the on-site monitoring it was determined that when a student is exempted from passing the HSPA, the rationale for this exemption is not documented in the graduation requirement component of the IEP.

- **The district will revise the improvement plan to include procedures to ensure that when a student is exempted from passing the HSPA, the rationale for exemption is documented in the graduation requirement component of the IEP. The plan must include an administrative oversight component to ensure implementation of the procedures.**

Section XIV: Programs and Services

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of age range and group/class sizes.

During the self-assessment process, the district identified areas of concern regarding home instruction, case management responsibilities and consultation time for special

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education/regular education teachers. The district has developed an improvement plan that does not sufficiently address these areas of need because it lacks procedures and an administrative oversight to bring about the required changes. The plan must be revised to include these elements.

No additional areas of need were identified during the on-site monitoring.

Section XV: Student Records

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of access to records, access sheets and location of other records.

During the self-assessment process, the district identified areas of concern regarding student record procedures. The district has developed an improvement plan that does not sufficiently address this area of need because it lacks procedures, in-service training and an administrative oversight component to bring about the required changes. The district will revise the improvement plan to include these elements.

No additional areas of need were identified during the on-site monitoring visit.

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Summary

On-site special education monitoring was conducted in the Linden School District on March 11, 12, 13, 2002. The purpose of the monitoring visit was to verify the district's report of findings resulting from their self-assessment and to review the district's improvement plan. As a result of this review the district was able to identify areas of need and develop an improvement plan that with some revision, will be sufficient to bring about systemic change.

At a focus group meeting held prior to the monitoring visit, the four parents that attended expressed their satisfaction with the ongoing communication between parents and staff, as well as many of the district's programs and services. Some parents expressed concerns regarding the provision of IEPs to parents no earlier than four weeks following an IEP meeting, changes in the contents of the final IEP from what was discussed at the meeting, student program/placement changes without convening an IEP meeting and IEPs not being implemented as written. The district had already identified many of the concerns that were raised by the parents during the self-assessment process.

Areas identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included Policies/Procedures, dissemination of public information, independent evaluations, reevaluations of students by June 30th of their last year in preschool, goals/objective within IEPs, implementation dates, choice of diploma for out-of-district students, age range, group/class sizes and location of other records.

During the self-assessment process, the district identified areas of need regarding staff training, implementation of IEPs, transfer procedures, surrogate parents, parental consent for reevaluations, scheduling of meetings, content of notices, provision of written notice within timelines, meetings/notices in native language of the parents, the referral process, pre-referral interventions, three-year timeline for reevaluations, provision of IEPs to parent(s), teacher IEP implementation responsibilities, documentation of how the student's progress toward the annual goal will be measured, least restrictive environment documentation, post-school transition issues, pre-school transition issues, interim alternative educational settings, alternate assessments, child study team knowledge of the content of statewide assessments, home instruction, case management responsibilities, consultation time for special/regular education teachers and the maintenance/destruction of student records.

The on-site visit identified additional areas of need within the various standards regarding length of school day/year, location of counseling services, extended school year, goals/objectives for OT/PT/counseling, changes made to a student's program/placement prior to convening an IEP meeting, meeting participants, 20-day/ 90-day/annual review/ timelines, Child Find activities, health summaries, vision/hearing screenings, direct referrals, multidisciplinary evaluations for students eligible for speech/language services, functional assessments, development of evaluation reports, acceptance/rejection of outside reports, eligibility statements, provision of evaluation reports to parents, IEP components, PLEPs, individual decision-making process, continuum of programs, post-secondary transition statements, interests/preferences, shared-time vocational program representation, procedural safeguards for potentially

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disabled students, discipline procedures, written notice of graduation, rationale for exemption for HSPA and class size/waivers.

Within forty-five days of receipt of the monitoring report, the district will revise and resubmit the improvement plan to the Office of Special Education Programs to address the areas of need identified during the on-site visit and those areas that require revisions to the improvement plan.