

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

District: Livingston Public School District

County: Essex

Monitoring Dates: January 13, 14, 15 and 16, 2003

Monitoring Team: Janet Wright, Zola Mills, Damen Cooper, Gladys Miller, Tracey Pettiford-Bugg and Jenifer Tucci

Background Information:

During the 2001–2002 school year, the Livingston Public School District conducted a self-assessment of policies, procedures, programs, services, and student outcomes. This self-assessment component of the monitoring process provided the Livingston 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 Livingston School District developed an improvement plan to address identified areas of need.

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

As the first step in the on-site monitoring process, the New Jersey Department of Education (NJDOE) held a focus group meeting for parents and community members at Heritage Middle School on January 8, 2003. Information obtained from that meeting was used to direct the focus of the monitoring visit.

During the on-site visit, 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, general education and special education teachers, speech therapists and child study team members.

District Strengths:

The district is commended for its extensive system of staff development which includes in-house resources, professional consultants and collegial planning to assist these teachers in the acquisition of skills regarding the implementation of new and innovative

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strategies and programs. Special education teachers are included in these staff development activities in all curricular areas and meet regularly with their regular education peers to share their knowledge and expertise regarding strategies to instruct disabled students.

The district provides a Career Internship Program (CIP) which affords more significantly disabled high school students the opportunity to prepare for independent living and successful work experiences. Students in this program are provided with vocational experiences and training in various areas which further assists students in transitioning into their chosen career.

The district also provides an alternative education high school program for both classified and non-classified students. Students are provided with small group instruction and are taught at their own pace in a structured therapeutic environment. Students are able to participate in this program while they spend some time in the regular high school setting.

The district is also commended for receiving the National Blue Ribbon Award. In addition, students, including students with disabilities, in the district are the recipients of a variety of awards that focus on citizenship, academics, athletics, and overcoming adversity.

Areas Demonstrating Compliance With All Standards:

General Provisions, Procedural Safeguards, Location, Referral and Identification, Reevaluation, Discipline, Statewide Assessment and Program and Services were determined to be areas of compliance by the district during self-assessment and by the Office of Special Education Programs during the on-site visit.

Section II: Free, Appropriate Public Education (FAPE)

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of related services, length of school day and year, transfer students, facilities and certifications.

An area of need was identified during the on-site visit regarding extended school year services.

Area(s) of Need:

Extended School Year – During the on-site monitoring, interviews and record review indicated that the district has an elementary summer remedial program that is utilized as an ESY setting for elementary age students. However, the services provided in this program are not specific to the individual needs of these students, as determined by an IEP team. Instead, each student receives the same type of instruction, no matter what the area of need may be. Additionally, ESY services are not provided to preschool students or students at the secondary level because no other program is available.

- **The district will revise the improvement plan to include procedures to ensure that extended school year services are discussed and**

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provided, when appropriate for each student with disabilities. The plan must further ensure the ESY program address the needs of the students as identified by the IEP team. The improvement plan must include in-service training, a mechanism to determine the effectiveness of the training and an administrative oversight component to ensure the consistent, compliant implementation of the procedures.

Section V: Protection in Evaluation and Evaluation Procedures

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, functional assessments, written reports, bilingual evaluations and acceptance/rejection of reports.

During the self-assessment process, the district identified concerns in the area of multidisciplinary evaluations for students eligible for speech and language services. **The district's improvement plan is insufficient to address this area of need because it lacks an administrative oversight component to ensure the consistent, compliant implementation of the procedures.** The plan needs to be revised to include this component.

An area of need was identified during the on-site visit regarding written reports.

Area(s) of Need:

Written Reports – During the on-site monitoring, staff interviews and record review indicated that speech and language therapists and occupational therapists are documenting eligibility in their evaluation reports. In addition, speech reports do not include the required components such as observations and instructional implications.

- **The district will revise the improvement plan to include procedures to ensure that related services written reports include all required components. The plan must further ensure these reports do not include eligibility statements since those determinations may only be made by an appropriately configured IEP team. The plan must include an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

Section VII: Eligibility

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of meetings, participants, criteria, documentation of eligibility for students eligible for special education and related services and copies of evaluation reports to parents.

An area of need was identified during the on-site visit regarding statement of eligibility for students eligible for speech and language services.

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Area(s) of Need:

Statement of Eligibility – During the on-site monitoring, interviews and record review indicated that the district is not consistently providing notice of eligibility.

- **The district will revise the improvement plan to include procedures to ensure it provides notice of eligibility within 15-days of that determination. It is recommended that the district adopt the notices developed by the Office of Special Education Programs.**

Section VIII: Individualized Education Program (IEP)

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of considerations and required statements for students eligible for special education and related services, alignment of goals and objectives with the core curriculum content standards, age of majority, implementation dates, annual review timelines, ninety-day timelines and teacher access and knowledge of IEPs.

During the self-assessment process, the district identified concerns in the area of considerations and required statements for students eligible for speech and language services. **The district's improvement plan is insufficient to address this area of need because it lacks a mechanism to ensure the effectiveness of in-service training and an administrative oversight component to ensure the consistent implementation of the procedures.** The plan needs to be revised to include these components.

An additional area of need was identified during the on-site visit regarding participants at IEP meetings.

Area(s) of Need:

Participants at IEP Meetings – During the on-site monitoring, although staff interviews indicated that special education and general education teachers attend IEP meetings, record review indicated that only one teacher was in attendance at most meetings. Because these signatures did not identify whether individual teachers were regular education teachers or teachers of the handicapped, it could not be determined whether the special education or regular education teacher typically attended meetings or whether teacher participation varied from meeting to meeting.

- **The district will revise the improvement plan to include procedures to ensure all required participants attend IEP meetings. The plan must include a mechanism to ensure the roles of the participants at meetings are readily identifiable. The plan must include an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

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Section IX: Least Restrictive Environment

Summary of Findings:

During the self-assessment the district accurately identified themselves compliant in the areas of individualized decision-making, Oberti statements, considerations and required statements, supplemental aids and services, nonacademic and extra-curricular activities and continuum for school-age students.

An area of need was identified during the on-site visit regarding regular education access for preschool disabled students.

Area(s) of Need:

Regular Education Access for Preschool Disabled Students – During the on-site visit, interviews and record review indicated that the district does not afford preschool disabled students the opportunity to be educated with their nondisabled peers either within community-based programs or within the district's regular education preschool programs. Instead, the district is enrolling non-disabled preschool students in the preschool disabled program. Additionally, this reverse inclusion program is staffed by a teacher of the handicapped. This practice of reverse inclusion is not recognized by the State of New Jersey Department of Education. In addition, a teacher of the handicapped is not permitted to teach regular education students.

- **The district will revise the improvement plan to include procedures to ensure the district establishes links with community-based preschool programs or develops its own general education preschool program to afford students with disabilities the opportunity to be educated with their nondisabled peers in a regular education program.**

Section X: Transition to Post-School

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of agency involvement and courses of study.

During the self-assessment process, the district identified concerns in the areas of age fourteen transition service needs, preferences and interests, student/agency invitation and age sixteen needed transition services. **The district's improvement plan is insufficient to address these areas of need because it lacks appropriate procedures, a mechanism to determine the effectiveness of the training and an administrative oversight component to ensure the consistent implementation of the procedures.** The plan needs to be revised to include these components.

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

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Section X: Transition to Preschool

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of preschool transition planning conferences and early intervention to preschool disabled by age three.

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

Section XIII: Graduation

Summary of Findings:

During self-assessment the district accurately identified themselves compliant in the areas of IEP requirements and diploma.

Areas of need were identified during the on-site visit regarding out-of-district participation and written notice of graduation for out-of-district students.

Area(s) of Need:

Participation and Written Notice for Out-of-District Students – During the on-site monitoring, interview and record review indicated out-of-district students are not participating in graduation activities nor are they provided with written notice of graduation. Doc

- **The district will revise its improvement plan to include procedures to ensure that out-of-district students are notified of all graduation activities and are provided with notice of graduation. The plan must include an administrative oversight component to ensure the consistent, compliant implementation of the procedures.**

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 maintenance and destruction of records.

An area of need was identified during the on-site visit regarding documentation of location of records.

Area(s) of Need:

Documentation of Locations – During the on-site visit, a review of records and interviews indicated that the central files do not identify the location of other records maintained by the district.

- **The district will revise the improvement plan to include procedures to ensure that central files identify the locations of other student records maintained by the district.**

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Summary

On-site special education monitoring was conducted in the Livingston Public School District on January 13, 14, 15 and 16, 2003. 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. The district is commended for the exceptionally comprehensive review conducted during the self-assessment process. As a result of that review the district was able to identify nearly all areas of need and develop an improvement plan that with some revision will bring about systemic change. The district is further commended for the many areas determined by the district and verified by the Office of Special Education Programs as compliant with federal and state statutes and regulations.

At a focus group meeting held prior to the monitoring visit, parents expressed their satisfaction with many of the district's programs and services, especially the PRIDE program. In addition, parents expressed their appreciation for the special and general education staff's dedication to their children. Some parents expressed concerns regarding the need for training to better understand their children's disabilities and the need to expand program options both in-district and out-of-district. Some parents expressed a desire to see increased attention to issues raised at the Parents and Professionals for Exceptional Children meetings.

Areas identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included general provisions, related services, length of day/year, transfer students, facilities, certifications, surrogate parents, consent, written notices, meetings, native language, independent evaluations, acceptance and rejection of reports, location, referral and intervention, multi-disciplinary evaluation for students eligible for special education and related services, standardized assessments, functional assessments, bilingual evaluations, reevaluations, eligibility meetings and participants, criteria, statement of eligibility for students eligible for special education and related services, copy of evaluation reports to parents, consideration/required statements for students eligible for special education and related services, goals and objectives aligned to core curriculum content standards, age of majority, implementation dates, annual review timelines, ninety day timelines, teacher access/responsibility, individualized decision making, Oberti statement, considerations and required statements, supplemental aids and services, nonacademic and extra curricular participation, continuum, transition courses, agency involvement, pre-school transition planning conference and transition from early intervention to pre-school disabled by age three, discipline procedures, documentation to case manager, suspension tracking, functional behavior analysis, behavior intervention plan, manifestation determination, interim alternate educational setting, procedural safeguards, statewide assessments, IEP graduation requirements, choice of diploma, class size/waivers, age range/waivers, group sizes, home instruction, access to student records, access sheets, maintenance and destruction of records.

During the self-assessment process, the district identified areas of need regarding multidisciplinary evaluations for students eligible for speech and language services, considerations and required statements for students eligible for speech and language services, age fourteen transition service needs, preferences and interests, age sixteen needed transition services and student/agency invitation.

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The on-site visit identified additional areas of need within the various standards regarding extended school year, written reports, notice of eligibility, participants at IEP meetings, regular education access for preschool disabled students, out-of-district participation in graduation and written notice of graduation and documentation of other locations.

Within forty-five days of receipt of the monitoring report, the Livingston Public School District will revise and resubmit the improvement plan to the Office of Special Education Programs to address those areas that require revisions.