

New Jersey Department of Education Special Education Monitoring

District: Lodi School District

County: Bergen

Monitoring Dates: January 23, 2006

Monitoring Team: Susan Wilson, Michelle Fenwick, Tracey Pettiford-Bugg and Robert Schweitzer

Background Information:

During the 2004-2005 school year, the Lodi School District conducted a self-assessment of policies, procedures, programs, services and student outcomes. This self-assessment component of the monitoring process provided the Lodi School District with an opportunity to evaluate 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 Lodi 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.

During the on-site visit, the New Jersey Department of Education (NJDOE) monitoring team reviewed district documents, including district policies and procedures, student count information, master student lists, class lists, schedules of students, teachers and related service personnel and other relevant information. A representative sample of student records was also reviewed. Parents of students with disabilities were interviewed by phone.

Data Summary:

A review of the district's special education placement data for the last three years indicates that the district is educating students with disabilities in the general education setting for more than 80% of the day at a rate that is significantly below state averages (28.2%, 21.7% and 21.8% respectively for 2003-2004, 2004-2005 and 2005-2006). Additionally, the district educated 24.8% of students with disabilities in separate public and private schools. This was well above the state average for that year of 9.2%. Over the last three years, preschool students with disabilities have been educated primarily in segregated settings (69.2%, 84.2% and 86.4% respectively for 2003-2004, 2004-2005 and 2005-2006). This rate is also significantly above the state rates for those years. The district identified the continuum of placements as an area of need during self-assessment and developed an improvement plan to address the need. Barriers to

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educating students in less restrictive settings included a need for additional classroom space. The classification rate for the district for the 2004-2005 school year was below the state rate of 14.7%, at 11.7%.

Sections Demonstrating Compliance with All Standards

The self-assessment process required the district to review implementation of federal and state regulations categorized into 15 sections. Within each section, a number of areas were reviewed. The on-site monitoring visit involved verification that the sections and areas identified as compliant by the district in their self-assessment were compliant with regulations. These sections were identified by the district during self-assessment and the NJDOE during the monitoring process as compliant: General Provisions, Evaluation, Reevaluation, Transition to Preschool, Statewide Assessment and Graduation.

Areas Demonstrating Compliance

The following areas, within the 15 sections reviewed, were identified by the district's self-assessment committee and by the NJDOE as compliant. These areas were reviewed for students eligible for special education and related services (ESERS) and students eligible for speech and language services (ESLS). Areas compliant for only one group of students are noted.

Section	Areas Demonstrating Compliance
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> ▪ Oversight of individualized education program (IEP) implementation ▪ Provision of programs ▪ Provision of related services ▪ Transfer procedures
Procedural Safeguards	<ul style="list-style-type: none"> ▪ Consent ▪ Implementation without undue delay ▪ Provision of notice of a meeting ▪ Content of notice of a meeting ▪ Meetings ▪ Content of written notice ▪ Interpreters at meeting ▪ Independent evaluations
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> ▪ Direct referrals ▪ Health summary ▪ Vision and hearing screenings
Eligibility	<ul style="list-style-type: none"> ▪ Meeting participants ▪ Signature of agreement and/or disagreement and rationale ▪ Statement of eligibility (ESERS-Specific Learning Disability) ▪ Eligibility criteria
Individualized Education Program (IEP)	<ul style="list-style-type: none"> ▪ Meeting participants ▪ Implementation dates ▪ IEP required considerations and components ▪ Meetings held annually, or more often if necessary, to review and/or revise the IEP ▪ Annual reviews completed by June 30

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Section	Areas Demonstrating Compliance
	<ul style="list-style-type: none"> ▪ Teachers informed of responsibilities (knowledge of and/or access to IEPs) ▪ 90-day timelines
Least Restrictive Environment (LRE)	<ul style="list-style-type: none"> ▪ Notification of and participation in non-academic and extracurricular activities for students educated outside of the district
Transition to Adult Life	<ul style="list-style-type: none"> ▪ Beginning at age 16, IEP statement of needed transition services ▪ Identification of post-secondary liaison
Discipline	<ul style="list-style-type: none"> ▪ Notification of removal forwarded to case manager ▪ Suspension tracking system ▪ Discipline procedures employed equitably for all students ▪ IEP team meeting for first removal beyond 10 days ▪ Procedures for determination of change in placement ▪ Procedures for conducting functional behavioral assessment ▪ Short-term removals resulting in a change of placement ▪ Short-term removals that are not a change in placement—school personnel determining the extent of services to be provided ▪ Manifestation determinations
Programs & Services	<ul style="list-style-type: none"> ▪ Class size ▪ Age range ▪ Group size

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Areas of Noncompliance – Improvement Plan Review

The following areas were identified by the district’s self-assessment committee as noncompliant. The district must ensure improvement plan activities are implemented as directed below, for any area where there is an “x” in the ‘Plan is Insufficient’ column.

Section	Area	Plan Is Sufficient	Plan Is Insufficient	Implemented and the district has demonstrated compliance
FAPE	<ul style="list-style-type: none"> ▪ Extended School Year (ESY) – ESY is not considered for students who are ESLS. The district is directed to ensure that ESY services are consistently considered during all IEP meetings and provided when appropriate. The district must implement a mechanism to document the factor(s) considered. Implementation of improvement activities will ensure that extended school year services are available to all students who require them. The district must also implement an administrative oversight mechanism to ensure correction and ongoing compliance. 		X	
Procedural Safeguards	<ul style="list-style-type: none"> ▪ Provision of Written Notice – Written notice of a proposed action is not always provided within 15 calendar days after making a determination. 	X		
LRI	<ul style="list-style-type: none"> ▪ Child Find ages 3-21– Procedures were not disseminated in pediatricians’ offices and community offices. ▪ Referral Process – The Information and Referral Services (I&RS) process needs to be revised to ensure the committee members understand how and when to make a referral to the child study team. ▪ Pre-referral interventions – A procedure is needed to ensure that documentation of interventions is forwarded to the child study team when a referral is made. Implementation must address new documentation requirements for 	X	X	X

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Section	Area	Plan Is Sufficient	Plan Is Insufficient	Implemented and the district has demonstrated compliance
	desired outcomes – When agencies other than the district board of education, do not provide the transition services included in the student’s IEP, the district has no mechanism to develop alternatives to meet the student’s objectives.			
Discipline	<ul style="list-style-type: none"> ▪ Interim alternative educational settings (IAES) – When school personnel order a change in placement to an IAES, the student is placed on home instruction until a manifestation determination can be conducted and a new IEP developed. 	X		
Programs & Services	<ul style="list-style-type: none"> ▪ Common planning time – Child study team members do not have sufficient time for case management responsibilities to ensure compliance. 	X		

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Additional Areas of Need

The following areas were originally identified by the district's self-assessment committee as compliant but were found to be noncompliant by the NJDOE during the on-site monitoring.

Section	Area	Activity
Procedural Safeguards	Notices in native language – An interview with the Director of Special Services indicated that in the case of non-English-speaking families, translators are used to ensure that parents understand documents and meeting discussions; however, a review of student files indicated meeting notices are not available in the native language of the parent.	The district is directed to ensure that written notices are provided in the native language of the parent, when feasible. The district must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Eligibility	Statement of Eligibility (ESLS) - During the on-site monitoring, it was determined that eligibility criteria are not used when eligibility determinations are made.	The district is directed to ensure that eligibility criteria are used when making eligibility determinations. The district must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Summary

On-site special education monitoring was conducted in the Lodi School District on January 23, 2006. 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 acknowledged for the 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 will correct non-compliance. The district is further acknowledged for the many areas determined by the district and verified by the OSEP as compliant with federal and state statutes and regulations.

A review of the district's special education placement data for the last three years indicates that the district is educating students with disabilities in the general education setting for more than 80% of the day at a rate that is significantly below state averages (28.2%, 21.7% and 21.8% respectively for 2003-2004, 2004-2005 and 2005-2006). Additionally, the district educated 24.8% of students with disabilities in separate public and private schools. This was well above the state average for that year of 9.2%. Over the last three years, preschool students with disabilities have been educated primarily in segregated settings (69.2%, 84.2% and 86.4% respectively for 2003-2004, 2004-2005 and 2005-2006). This is significantly above the state rates for those years. The district identified the continuum of placements as an area of need during self-assessment and developed an improvement plan to address the need. Barriers to educating students in less restrictive settings included a need for additional classroom space. Although placement rates for general education were below state rates, the classification rate for the 2004-2005 school year was below the state rate of 14.7%, at 11.7%.

During interviews conducted with parents by phone, many parents expressed their satisfaction with the district's programs, services and staff. A few parents expressed frustration regarding communication with their case managers.

Sections identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included: General Provisions, Evaluation, Reevaluation, Transition to Preschool, Statewide Assessment and Graduation.

Areas identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included: oversight of individualized education program (IEP) implementation, provision of programs, provision of related services, transfer procedures, consent, implementation without undue delay, provision of notice of a meeting, content of notice of a meeting, meetings, content of written notice, interpreters at meeting, independent evaluations, direct referrals, health summary, vision and hearing screenings, eligibility meeting participants, signature of agreement and/or disagreement and rationale, statement of eligibility (ESERS-SLD), eligibility criteria, IEP meeting participants, IEP implementation dates, IEP required considerations and components, meetings held annually, or more often if necessary, to review and/or revise the IEP, annual reviews completed by June 30, teachers informed of their responsibilities (knowledge of and/or access to IEPs), 90-day timelines, notification of and participation in non-academic and extracurricular activities for students educated outside of the district, beginning at age 16, IEP statement of "needed transition services", identification of post-secondary liaison, notification of removal forwarded to case manager, suspension tracking system, discipline procedures employed equitably for all students, IEP team meeting for first removal beyond 10 days, procedures for

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determination of change in placement, procedures for conducting functional behavioral assessments, short-term removals resulting in a change of placement, short-term removals that are not a change in placement—school personnel determining the extent of services to be provided, manifestation determinations, class size, age range and group size.

During the self-assessment process, the district identified areas of need regarding extended school year, provision of written notice, Child Find ages 3-21, pre-referral interventions, referral process, identification meeting timelines, identification meeting participants, copy of evaluation reports to parents, IEP to parents prior to implementation, continuum of programs, opportunity for all students with disabilities to access all general education programs, placement decisions based on students' individual needs, documentation of least restrictive environment (LRE) decisions, age 14 statement of transition service needs, student and agency invitation, activities related to outcomes, interim alternative education settings and common planning time.

The on-site visit identified additional areas of need within the various standards regarding notices in native language and statement of eligibility (ESLS).

The improvement plan submitted to the OSEP has been reviewed and approved. The district is expected to implement the activities described in the monitoring report to achieve compliance in all of the areas of need identified during self-assessment, and areas of need identified during the on-site visit, within six months of the date of this report. Verification of compliance will be conducted by the County Office of Education.