

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

District: Middletown

Monitoring Dates: April 3-6, 10-12, 2000

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Background Information

On March 16, 2000 prior to the monitoring visit, New Jersey Department Of Education facilitated a focus group public meeting with parents and district representatives. The information obtained from this meeting was used, in addition to other sources of information, to highlight areas of concern for the on-site visit. Activities conducted during the course of the on-site visit included a review of documentation accumulated and maintained by the district, interviews with district personnel and parents, as well as a review of other relevant information as determined appropriate by the monitoring team.

The purpose of the on-site monitoring was to determine the district's compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) 1997 and the New Jersey Administrative Code (N.J.A.C.) 6A: 14. Areas of strength and areas of need were noted and are identified in the following report of findings. Additionally, improvement plan directives are provided to assist the district in correcting all areas of need.

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, Location, Referral and Identification, Statewide Assessments and Programs and Services.**

Section II: Free, Appropriate, Public Education

Summary of Findings:

The district provides a system of free, appropriate special education and related services to students with disabilities age three through twenty one which is provided at public expense, under public supervision and with no charge to the parent, and which is located in facilities that are accessible to the disabled. The length of the school day and the academic year for students with disabilities is at least as long as that established for non-disabled students. Physical education is provided for students with disabilities, including those in separate facilities. However, problems were identified in the provision of FAPE regarding transfer students, extended school year programs and related services.

Area(s) of Need:

Transfer Students- A review of records and staff interviews indicated that classified students transferring into the district are placed in programs according to their IEP. However, student records did not document when a student entered the district, nor was there documentation to state whether the outside evaluations were accepted or rejected.

- The district will develop an improvement plan that will identify when a student has transferred into the district and ensure that the records are reviewed immediately. Documentation of this review must include acceptance or rejection of the records received and a decision regarding the need for any additional information if prior records are incomplete.

Extended School Year- Information obtained through record review reflected that the district does not consistently document individualized determinations for students with disabilities regarding the need for an extended school year program. Interviews with parents indicated there was no discussion regarding extended school year programs and that if a program was offered there would be no discussion regarding the program or services.

- The district will develop an improvement plan that will ensure extended school year services are discussed with parents in a collaborative manner and that ESY programs and services are provided based on individual needs of students and not on the availability of programs and services. This plan must include a mechanism to document these discussions and considerations in the IEP.

Related Services-Although the district provides a variety of related services, determinations regarding the frequency were not consistently documented in the IEP. Parents indicated that no discussion occurs regarding the frequency of services since all determinations are made by district personnel with little or no participation by the parents. Additionally, goals and objectives for the individual related services were not consistently included in the IEP.

- The district will develop an improvement plan that will ensure parental participation in the decision-making process regarding the frequency of related services. The plan must include a component to ensure those determinations are based on the individual needs of the student and not on the availability of district resources. The plan must also include a mechanism to document those discussions and considerations in the IEP.
- The district will develop an improvement plan that will ensure goals and objectives are developed and included for each related service identified in the IEP.

Section III: Procedural Safeguards

Summary of Findings:

The district has policies and procedures in effect to ensure that student's 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 entered into an agreement with the Department of Human Services to provide a surrogate parent in the event that one is needed.

Although the district has revised its notices, neither the old nor revised forms were maintained in the student records reviewed at the time of the monitoring visit. The few notices that were in the records were missing several of the components.

Areas of Need:

Notices – Though the revised notices of a meeting contain all of the components, team members are not using them on a consistent basis.

- The district must develop an improvement plan that ensures the consistent use of these notices. The plan must include an oversight mechanism to ensure the full implementation of this plan.

Written notice after the meeting – The revised notice of the nature and scope of the evaluation is missing the required component that indicates options considered and rejected.

- The district must revise the notice to include all of the required components. The plan must include a mechanism to ensure consistent use of the corrected form.

Section V: Protection in Evaluation and Evaluation Procedures

Summary of Findings:

The district ensures that evaluation procedures are technically sound, are neither culturally nor racially discriminatory, and are administered by trained personnel. The district also ensures that students with disabilities receive a comprehensive evaluation conducted by a multidisciplinary team of professionals who utilize a variety of assessment tools and strategies to assess the student in all areas of suspected disability.

Written reports prepared by child study team members contain the required components. Reports are consistently signed by the individual(s) who conduct the evaluation.

Written reports prepared by speech-language specialists included the use of standardized tests, a structured observation of the student, information from the classroom teacher, an additional informal measure and an oral motor evaluation.

However, written reports prepared by the speech-language specialists did not contain all of the required components.

Area(s) of Need:

Written Reports- A review of the speech-language reports indicated that the reports did not include an interview with the parent and teacher, information of the developmental history, or teacher interventions.

- The district will develop an improvement plan that will ensure written reports of speech-language specialists include: (a) an interview with the parent and teacher; (b) a developmental history, and (c) a summary of teacher interventions.

Section VI: Re-evaluations

Summary of Findings:

By June 30 of the student's last year in a program for preschoolers with disabilities, a re-evaluation is conducted and, if the student continues to be a student with a disability, the student is classified according to the code.

However, problems were identified with reevaluation timelines.

Areas of Need: Interviews with staff, record review, and a review of data base information a number of re-evaluations were not completed within the mandated timelines

Re-evaluation-

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

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 students education 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 the provision of copies of child study team and/or speech-language evaluations.

Area(s) of Need:

Copies of Evaluation Reports- Information obtained through record review, parent interviews and staff interviews indicated that the district does not consistently provide or document the provision of copies of child study team and/or speech-language evaluation reports to parents.

- The district will develop an improvement plan that identifies the procedure to ensure parents receive copies of evaluation reports and that that action is documented in the student record.

Section VIII: Individual Education Program

Summary of Findings:

A review of records for students determined eligible for special education and related services and speech and language services, indicated that the district conducts IEP meetings within 30 calendar days of the eligibility determination.

The IEPs are implemented as soon as possible following the IEP meeting and IEPs developed for preschool children with disabilities are implemented not later than age three. The annual review for preschool students with disabilities is completed by June 30th of the student's last year in the preschool program.

However, problems were noted with the provision of notice after meetings, meeting participants, required components and considerations in the IEP, and the timely development of IEPs.

Areas of Need:

Provision of Notice after a meeting - Based on a review of records and interviews with parents and staff, it was determined that notice, which includes the IEP, was not consistently provided to parents after a meeting nor were copies of notices consistently maintained in the student files.

- The district will develop an improvement plan that will ensure written notice, containing all required components, is provided to parents within 15 days of the meeting. The plan must also ensure a copy is maintained in the student's file.

Meeting Participants- Meetings to develop, review or revise IEPs for students determined eligible for speech and language services did not document the attendance of a district representative.

- The district will develop an improvement plan that will ensure all required participants attend meetings to develop, review or revise IEPs for children determined eligible for speech and language services.

IEP Documentation- Documentation of the following components and considerations were not consistently found in the records reviewed for students determined eligible for special education and related services and speech and language services:

- The strengths of the student,
- Parental concerns for enhancing the education of their child,
- Communication needs of the student,
- Whether the student requires assistive technology devices and services,
- Beginning at age 14, the need for assistive technology devices and services,
- Present levels of educational performance, including but not limited to how the student's disability affects involvement and progress in the general curriculum,
- Measurable annual goals,
- Frequency, location, and duration of services and modifications,
- State and local graduation requirements,
- Beginning at age 14, the transition service needs,
- Beginning at age 16, the needed transition services, and
- By age 15, a statement that the student has been informed of the rights under N.J.A.C. 6:14 that will transfer to the student on reaching the age of majority.

- The district will revise its IEP format to ensure that IEPs contain all required components and considerations.

Current IEP: A review of records failed to indicate a current IEP was maintained.

- The district will develop an improvement plan to ensure the review and revision of IEPs on an annual basis.

Section IX: Least Restrictive Environment

Summary of Findings:

Parents emphatically stated that placement decisions are not based on student needs, but rather on program availability and, at the secondary level, scheduling convenience. Staff interviews supported those statements. Those interviewed also noted that there have been times when the final program decision was not made by the IEP team but instead were made by district administrators. Because of these practices, the LRE section of the IEP did not typically justify the placement of choice for the student. Furthermore, there was no documentation of other options considered or why a particular placement was recommended and another rejected.

Record review and interviews also noted that although there is an large early childhood center, there remains only one program option for the pre-school disabled student.

Additionally, the out-of-district students are not afforded information regarding the extra-curricular activities that planned in district. All interviewed noted that out-of-district students are not discouraged from participating, but there is no procedure to inform these students of up-coming events.

Area of Needs:

Individual Placement Decisions – As noted above, placement decisions are not being made by the IEP team and are not based on the individual needs of the students.

- The district must develop an improvement plan to ensure that all placement decisions are made individually and by the IEP team. This plan must include staff development to ensure administrators and CST members understand their roles and responsibilities in the decision-making process.

Program Options for Pre-School Students– The district has no other placement option other than a self-contained class for pre-school disabled students.

- The district must develop an improvement plan to ensure that there are opportunities for pre-school aged student's with a disability to be educated in a general education setting when appropriate. This plan must include staff development and the establishment of linkages to general education programs to ensure access to these programs.

Extra-curricular Activities for Out-of-district Students - The district has failed to develop procedures to inform students who attend out-of-district program of the extra-curricular activity opportunities in the district.

- The district must develop a plan to ensure that students who attend out-of-district programs are informed of extra-curricular activities. The plan must include the times, locations and how the student will access the activity.

Section X: Transition To Post-School

Summary of Findings:

Staff and parent interviews as well as record review indicated that prior to January 2000, the transition statement for students 14 or 16 were either non-existence or did not contain all the required components. Since January 2000, new IEPs (subsequence to state training) contain a new transition statement, which does include all the required components.

Students, particularly at the secondary level, have job coaches and are in work/school programs and the IEPs are compliant.

Additionally, the district's notice of a meeting did not contain a statement that transitional services would be discussed.

Area of Needs:

Transition services - The district is not consistently considering all areas of transition services for all disabled students 14 years or older. The transition section of the IEP for students in Resource Center programs or a combination of resource center and regular education are not completely filled out or are missing from the IEP entirely.

- The district must develop an improvement plan that ensures transition services are considered for all students aged 14 and older. The plan must ensure that the district is consistently documenting the services that have been considered.
- The district must include in their notice of a meeting that transitional services will be discussed when the meeting will include such discussion.

Section XI: Discipline

Summary of Findings:

Information obtained from interviews with district staff and a review of district data indicated that when a student with a disability is removed from his or her educational placement, the district imposes the same board of education procedures as for non-disabled students. Parents are provided with a code of conduct that identifies

behavioral infractions. The district operates an extensive in-school suspension program. At one high school a behavior modification program is provided.

However, information obtained from interviews with district staff and a review of district data indicated that manifestation determinations are only being done for extreme disciplinary cases, i.e. expulsions.

The assistant principals were tracking the number of days a student is removed from instruction. However, child study team members were not consistently provided with this information. It was also noted that staff were unable to articulate an understanding of the discipline code.

The student records reviewed did not contain documentation that FBAs and behavioral intervention plans were developed for classified students.

Areas of Need:

Manifestation Determination – A review of files and interviews indicates that in cases where students were suspended for 10 days or more resulting in a change of placement, there was no documentation of a manifestation determination meeting.

- The district will develop an improvement plan to document that a manifestation determination meeting is conducted prior to a removal that constitutes a change in placement.

Functional Behavioral Assessments – Functional behavior assessments are not being conducted for students with behavioral issues.

- The district will develop an improvement plan to ensure FBAs are conducted for those students whose behaviors impact their educational performance.

Behavioral Intervention Plan – The student records reviewed did not contain documentation that IEP teams convened meetings to develop, to review or to modify the behavioral intervention plans of classified students.

- The district will develop an improvement plan to ensure that appropriate Behavioral Intervention Plans are developed to address identified behaviors and meetings are conducted to review and modify the plans as necessary.

Notification of Suspensions - Information obtained through a review of documentation indicated that although the district has established policies and procedures for notifying the case manager of suspensions, the district could not consistently document the application of the process.

- The district will develop an improvement plan that will ensure the case manager is notified of suspensions and is tracking the number of days each classified student is removed from program.

Section XIII: Graduation Requirements

Summary of Findings:

The IEP of students who are in the high school does not document what the district's graduation requirements are for the students.

Area of need

Graduation Requirements - The IEPs of high school students are required to inform the parents and student's of the districts' requirements for graduation. This was missing in the IEPs reviewed.

- The district will develop an improvement plan that will ensure that the IEPs of high school students contain the district's requirements for graduation.

Section XV: Student Records

Summary of Findings:

Each school in the district follows the same procedure when a parent makes a request to review their child's record. Based on interviews with administrators and child study team members the procedure for a parent who does not have authority to view their child's record was appropriately articulated by everyone.

The district access sheet provides a location of other records. However, problems were identified with access sheets in speech records, as well as with the destruction of pupil records.

Areas of Need:

Access Sheets - Access sheets were not found in speech records.

- The district will develop an improvement plan to ensure that access sheets are available in all speech – language records.

Maintenance, Compilation, and Destruction of Records – The district has not met its responsibility to ensure that records are destroyed in accordance with state and federal regulations. (Pupil Records Subchapter 6.3-6.4(d).