

## New Jersey Department of Education Special Education Monitoring

**District:** New Milford School District

**County:** Bergen

**Monitoring Dates:** April 28, 2006

**Monitoring Team:** Jenifer Spear and Michelle Fenwick

### ***Background Information:***

During the 2004–2005 school year, the New Milford School District conducted a self-assessment of policies, procedures, programs, services and student outcomes. This self-assessment component of the monitoring process provided the New Milford 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 New Milford 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. Interviews were conducted with the district's special education administrators, building principals, general education and special education teachers, speech-language specialists and child study team members. Parents of students with disabilities were interviewed by phone.

### **Data Summary:**

A review of the district's data for students with disabilities indicates that during the 2004-2005 school year, the district educated 43.7% of students with disabilities in the general education setting for more than 80% of the school day. This slightly exceeds the state average of 41.6%. Although the district had no preschool students with disabilities educated in a full-time general education setting during the 2004-2005 school year, 53.8% of preschool students with disabilities were educated in part-time general/special education settings. This exceeds the state average of 11%. The district has a classification rate of 11.28% which is significantly below the state average of 16.58%.

## New Jersey Department of Education Special Education Monitoring

### Sections Demonstrating Compliance

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
- Statewide Assessments
- Least Restrictive Environment (LRE)
- Programs & Services

### 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"> <li>• Oversight of individualized education program (IEP) implementation</li> <li>• Extended school year</li> <li>• Provision of programs</li> </ul>
Procedural Safeguards	<ul style="list-style-type: none"> <li>• Consent</li> <li>• Implementation without undue delay</li> <li>• Content of written notice</li> <li>• Interpreters at meeting</li> <li>• Independent evaluations</li> </ul>
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> <li>• Child Find ages 3-21</li> <li>• Referral process</li> <li>• Direct referrals</li> </ul>
Evaluation	<ul style="list-style-type: none"> <li>• Multi-disciplinary evaluations</li> <li>• Standardized assessments</li> <li>• Functional assessments</li> <li>• Bilingual evaluations</li> <li>• Written reports prepared by evaluators (ESERS)</li> </ul>
Reevaluation	<ul style="list-style-type: none"> <li>• Reevaluation when a change of eligibility is considered</li> <li>• Procedures when parental consent cannot be obtained</li> <li>• Documentation of efforts to obtain parental consent</li> </ul>
Eligibility	<ul style="list-style-type: none"> <li>• Meeting participants</li> <li>• Eligibility criteria</li> <li>• Signature of agreement and/or disagreement and rationale</li> <li>• Statement of eligibility (Specific Learning Disability)</li> </ul>

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

<b>Section</b>	<b>Areas Demonstrating Compliance</b>
Individualized Education Program (IEP)	<ul style="list-style-type: none"> <li>• Meeting participants</li> <li>• IEP provided to parent prior to implementation</li> <li>• Teachers informed of their responsibilities (knowledge of and/or access to IEPs)</li> </ul>
Transition to Preschool	<ul style="list-style-type: none"> <li>• Child study team participation in transition planning conference</li> </ul>
Transition to Adult Life	<ul style="list-style-type: none"> <li>• Beginning at age 16, IEP statement of “needed transition services”</li> <li>• Identification of post-secondary liaison</li> <li>• Student and agency invitation to IEP meetings</li> <li>• Activities, annual goals and benchmarks related to the student’s desired outcomes</li> </ul>
Discipline	<ul style="list-style-type: none"> <li>• Suspension tracking system</li> <li>• Discipline procedures employed equitably for all students</li> <li>• IEP team meeting for first removal beyond 10 days</li> <li>• Procedures for determination of change in placement</li> <li>• Procedures for conducting functional behavioral assessment and development of behavior intervention plan</li> <li>• Short-term removals resulting in a change of placement</li> <li>• Short-term removals that are not a change in placement— school personnel determining the extent of services to be provided</li> <li>• Interim alternative educational settings</li> <li>• Manifestation determinations</li> </ul>
Graduation	<ul style="list-style-type: none"> <li>• Out-of-district student participation</li> </ul>

## New Jersey Department of Education Special Education Monitoring

### Areas of Noncompliance - Improvement Plan Review

The following table lists the results of the review of the improvement plan, developed to correct noncompliance identified in the self-assessment, submitted by the district. Areas verified as compliant during the monitoring visit are noted.

Section	Area	Compliance Review
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> <li>▪ Provision of related services – Services are not consistently provided as per IEPs since the district is unable to secure personnel to provide counseling services.</li> <li>▪ Transfer procedures – The district lacks a procedure for annual review of the IEP and evaluation data for students transferring into the district. In addition, interim IEPs are not consistently developed, when required.</li> </ul>	<p>The district demonstrated compliance in this area.</p> <p>The district's improvement plan is sufficient.</p>
Procedural Safeguards	<ul style="list-style-type: none"> <li>▪ Notices in native language – The district does not provide notice of a meeting and written notice in the native language of the parent.</li> </ul>	<p>The district's improvement plan is sufficient.</p>
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> <li>▪ Pre-referral interventions – The district does not consistently develop and implement pre-referral intervention strategies.</li> <li>▪ Health summary – The district does not provide the health summary to the child study team prior to the identification meeting.</li> <li>▪ Vision and hearing screenings – The district does not provide vision and hearing screening information to the child study team prior to the identification meeting.</li> <li>▪ Identification meeting timelines – The district does not conduct identification meetings within 20 days of receiving a request for an evaluation. The district identified lack of sufficient staff as a barrier to compliance.</li> </ul>	<p>The district's improvement plan is sufficient.</p> <p>The district's improvement plan is sufficient.</p> <p>The district's improvement plan is sufficient.</p> <p>The district's improvement plan is sufficient.</p>

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

<b>Section</b>	<b>Area</b>	<b>Compliance Review</b>
Evaluation	<ul style="list-style-type: none"> <li>▪ Educational impact statement (ESLS) – Speech-language evaluations do not document the educational impact of the speech problem.</li> <li>▪ Written reports prepared by evaluators (ESLS) – Speech-language evaluations do not include all the required components.</li> </ul>	<p>The district demonstrated compliance in this area.</p> <p>The district demonstrated compliance in this area.</p>
Reevaluation	<ul style="list-style-type: none"> <li>▪ Timelines – Reevaluations are not completed within 3 years of the previous date of eligibility. The district identified lack of sufficient staff as a barrier to compliance.</li> <li>▪ Re-evaluations prior to age 5 – Preschool students with disabilities are not reevaluated prior to June 30 of their last year in a preschool program. The district identified lack of sufficient staff as a barrier to compliance.</li> </ul>	<p>The district's improvement plan is sufficient.</p> <p>The district's improvement plan is sufficient.</p>
Eligibility	<ul style="list-style-type: none"> <li>▪ Copy of evaluation reports to parents – Evaluation reports are not provided to parents 10 days prior to eligibility meetings.</li> </ul>	<p>The district's improvement plan is sufficient.</p>
Individualized Education Program (IEP)	<ul style="list-style-type: none"> <li>▪ IEP required considerations and components – Goals and objectives for related services are not included in IEPs. In addition, the required considerations and components are not included in IEPs for students eligible for speech and language services.</li> <li>▪ Implementation dates – The district lacks sufficient staff to complete mandated activities within timelines.</li> <li>▪ Meetings held annually or more often if necessary, to review, and or revise the IEP – IEP meetings are not held when required. The district identified lack of sufficient staff as a barrier to compliance.</li> </ul>	<p>The district demonstrated compliance in this area.</p> <p>The district's improvement plan is sufficient.</p> <p>The district's improvement plan is sufficient.</p>

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

<b>Section</b>	<b>Area</b>	<b>Compliance Review</b>
	<ul style="list-style-type: none"> <li>▪ Annual reviews completed by June 30 – Annual reviews are not completed by June 30 for preschool students transitioning to Kindergarten and students transitioning from elementary to secondary programs. The district identified lack of sufficient staff as a barrier to compliance.</li> <li>▪ 90-day timelines – Initial evaluations are not completed with 90 days of receiving parental consent. The district identified lack of sufficient staff as a barrier to compliance.</li> </ul>	<p>The district's improvement plan is sufficient.</p> <p>The district's improvement plan is sufficient.</p>
Transition to Preschool	<ul style="list-style-type: none"> <li>▪ IEPs for preschool students with disabilities implemented no later than age 3 – IEPs for preschool students are not implemented by their third birthdays. The district identified lack of sufficient staff as a barrier to compliance.</li> </ul>	The district's improvement plan is sufficient.
Discipline	<ul style="list-style-type: none"> <li>▪ Notification of removal forwarded to case manager – Case managers are not notified when students with disabilities are suspended.</li> </ul>	The district demonstrated compliance in this area.
Graduation	<ul style="list-style-type: none"> <li>▪ Written notice of graduation – Written notice of graduation is not provided when required.</li> </ul>	The district demonstrated compliance in this area.

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

**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.

<b>Section</b>	<b>Area</b>	<b>Activity</b>
Procedural Safeguards	<p>Provision and content of notice of a meeting – Notice of a meeting is not consistently provided to parents. The district's current notice form does not include all required components.</p> <p>Meetings – Meetings are not consistently held when required.</p> <p>Provision of written notice – Written notice is not consistently provided to parents.</p>	<p>The district is directed to revise notice of meeting forms to ensure that they include all required components. The district will also ensure that notice of a meeting is sent to parents and, when appropriate, adult students, when required. The district is advised to adopt the model notices provided by the NJDOE. Implementation of these activities will ensure that parents are fully informed regarding the time, purpose, location and participants who will attend the meeting. The district must implement an oversight mechanism to ensure correction and ongoing compliance.</p> <p>The district is directed to ensure that meetings are conducted when required. Implementation of these activities will ensure that parents and the other members of the IEP team are provided with the opportunity to fully participate in the decision-making process. The district must implement an oversight mechanism to ensure correction and ongoing compliance.</p> <p>The district is directed to ensure that written notice is provided when required. Implementation of these activities will ensure that parents are provided with documentation of decisions made at meetings. The district must implement an oversight mechanism to ensure correction and ongoing compliance.</p>
Location, Referral and Identification (LRI)	<p>Identification meeting participants – Required participants do not consistently attend identification meetings.</p>	<p>The district is directed to ensure that identification meetings are conducted with the required participants. Implementation of these activities will ensure that parents and the other required participants have with the opportunity to fully participate in the decision-making process. The district must implement an oversight mechanism to ensure correction and ongoing compliance.</p>

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

<b>Section</b>	<b>Area</b>	<b>Activity</b>
Reevaluation	Meeting participants – Required participants do not consistently attend reevaluation planning meetings.	The district must ensure that when reevaluation meetings are conducted, the required participants are in attendance. Implementation of these activities will ensure that parents and the other members of the IEP team are provided with the opportunity to fully participate in the decision-making process. The district must develop an oversight mechanism to ensure correction and ongoing compliance.
Transition to Adult Life	Beginning at age 14, IEP statement of “transition service needs” – The statement of “transition service needs” is not included in IEPs in effect during the year the student turns 14.	The district must ensure that IEPs include statements of “transition service needs” for students turning 14. These activities must include procedures, in-service training and oversight to ensure correction and ongoing compliance.
Graduation	IEP requirements – Graduation requirements are not documented in IEPs in effect the year the student turns 14.	The district is directed to revise the improvement plan to include activities to ensure that IEPs include graduation requirements for students turning 14. These activities must include procedures, in-service training and oversight to ensure correction and ongoing compliance.



# New Jersey Department of Education Special Education Monitoring

## Summary

On-site special education monitoring was conducted in the New Milford School District on April 28, 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 bring about systemic change.

A review of the district's data for students with disabilities indicates that during the 2004-2005 school year, the district educated 43.7% of students with disabilities in the general education setting for more than 80% of the school day. This slightly exceeds the state average of 41.6%. Although the district had no preschool students with disabilities educated in a full-time general education setting during the 2004-2005 school year, 53.8% of preschool students with disabilities were educated in part-time general/special education settings. This exceeds the state average of 11%. The district has a classification rate of 11.28% which is significantly below the state average of 16.58%.

During interviews conducted with parents by phone, many parents expressed their satisfaction with the district's programs and services and staff.

Standards identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit included:

- General Provisions
- Least Restrictive Environment (LRE)
- Statewide Assessments
- Programs & Services

Areas identified as consistently compliant by the district during self-assessment and verified during the on-site monitoring visit include:

- Oversight of individualized education program (IEP) implementation
- Extended school year
- Provision of programs
- Consent
- Implementation without undue delay
- Content of written notice
- Interpreters at meeting
- Independent evaluations
- Child Find ages 3-21
- Referral process
- Direct referrals
- Multi-disciplinary evaluations
- Standardized assessments
- Functional assessments
- Bilingual evaluations
- Written reports prepared by evaluators (ESERS)
- Reevaluation when a change of eligibility is considered
- Procedures when parental consent cannot be obtained
- Documentation of efforts to obtain parental consent
- Eligibility meeting participants
- Eligibility criteria
- Signatures of agreement and or disagreement and rationale
- Statement of eligibility (Specific Learning Disability)
- IEP meeting participants
- IEP provided to parents prior to implementation
- Teachers informed of their responsibilities (knowledge of and/or access to IEPs)
- Child study team participation in transition planning conference

## New Jersey Department of Education Special Education Monitoring

- Beginning at age 16, IEP statement of “needed transition services”
- Identification of post-secondary liaison
- Student and agency invitation to IEP meetings
- Activities, annual goals and benchmarks related to the student’s desired outcomes
- 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 and development of behavior intervention plan
- 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
- Interim alternative educational settings
- Manifestation determinations
- Out-of-district student participation in graduation

During the self-assessment process, the district identified areas of need regarding:

- Transfer procedures
- Notices in native language
- Pre-referral interventions
- Health summary
- Vision and hearing screenings
- Identification meeting timelines
- Reevaluation timelines
- Reevaluations prior to age 5
- Copy of evaluation reports to parents
- IEP implementation dates
- Meetings held annually, or more often if necessary, to review, and or revise the IEP
- Annual reviews completed by June 30
- 90-day timelines
- IEPs for preschool students with disabilities implemented no later than age 3.

Areas of need originally identified by the district but determined to have been corrected prior to the on-site monitoring visit by the NJDOE include:

- Provision of related services
- Educational impact statement (ESLS)
- Written reports prepared by evaluators (ESLS)
- IEP required considerations and components
- Notification of removal forwarded to case manager
- Written notice of graduation

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

The on-site visit identified additional areas of need within the various standards, regarding:

- Provision of notice of a meeting
- Content of notice of a meeting
- Meetings
- Provision of written notice
- Identification meeting participants
- Reevaluation meeting participants
- Beginning at age 14, IEP statement of “transition service needs”
- IEP requirements for graduation

The improvement plan submitted by the district to correct the areas of need identified during self-assessment is approved. The district must implement activities to correct the additional areas of noncompliance identified during the monitoring visit within six months of this report. Verification of correction will be conducted by the county office of education.