

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

District: Newark County: Essex

Monitoring Dates: May 8, 9, 10, 11, 15, 16, 17, 22, 23, 24, 26, 2000

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Background Information

The Newark Public Schools operates 82 schools. These schools are divided into five school leadership teams (SLT's), with administrative personnel assigned to each one. The Director of Special Services, who oversees special education activities throughout the district, has one special education supervisor assigned to each SLT. These supervisors report to the Director, but also to the administrator(s) within their respective SLT. The Director of Special Services was hired in January 2000. Two of the five SLT Supervisors were hired during the 1999-2000 school year.

Prior to the on-site monitoring visit, the New Jersey Department of Education (NJDOE) facilitated a focus group public meeting with parents, advocates, 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 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 identified areas of need.

Section I: General Provisions

Summary of Findings:

The district board of education ensures that it provides publicly funded educational programs and services to students with disabilities in accordance with federal and state regulations. The district has revised its policies to reflect changes since the adoption of N.J.A.C. 6A:14. Additionally, the district's special education department is in the process of developing a manual of procedures.

Annually, the district submits the required reports related to the number of students with disabilities enrolled in the district; staff (including contracted personnel) providing services to students with disabilities; and the number of students with disabilities who are exiting education. The district makes available to parents of students with disabilities and to the general public all documents relating to the eligibility of the district under Part B of the IDEA.

However, problems were identified with meeting the in-service training needs of professional and paraprofessional staff.

Area(s) of Need:

In-service Training of Professional and Paraprofessional Staff – The district has provided in-service training opportunities for district personnel at staff meetings, through workshops offered in the district, and by supporting attendance at workshops provided by outside agencies. During the public focus group meeting, parents indicated that district personnel continue to lack knowledge regarding federal and state special education regulations in spite of the training provided. Areas of concern included transition from school to post-school, discipline procedures, IEP requirements, the provision of supplementary aids and services and program modifications that will enable the student to be involved and progress in the general education curriculum and in general education programs.

Additionally, interviews indicated that when in-service training is provided, the district does not have a procedure in place to facilitate the "turnkey training" of information. The district does not hold staff accountable to implement requirements identified in the technical assistance sessions. Furthermore, the district does not employ strategies to evaluate the effectiveness of in-service training that is provided to district personnel.

- The district will develop an improvement plan that will ensure that the in-service needs of both professional and paraprofessional staff who provide special education, general education or related services are

identified, and that appropriate in-service training is provided. The plan will include:

1. the development of a needs assessment instrument to identify the training needs of district personnel;
2. the development of a procedure to facilitate turnkey training throughout the district;
3. the development of a procedure to hold staff accountable to implement regulatory requirements; and
4. the development of a procedure to evaluate the effectiveness of in-service training.

Section II: Free and Appropriate Public Education

Summary of Findings:

The district provides special education and related services to students with disabilities ages three to twenty-one at public expense, under public supervision, and with no charge to the parent. Programs are administered and supervised by appropriately certified and/or licensed professional staff members. Transportation for students in out-of-district placements is provided consistent with the calendar in the receiving school.

However, problems were identified in the provision of FAPE regarding transfer students, students placed in approved facilities, extended school year programs, related services, instruction provided in the absence of teachers of the handicapped, the long term use of substitutes, provision of personal aides, and implementation of the IEP team's placement decision.

Areas of Need:

Transfer Students – Information obtained from parents at the public focus group meeting indicated a concern about the length of time it takes for children to receive services.

Information obtained through the review of records and staff interviews supported the parents concerns about the length of time it took for transfer students to receive services. Interviews reported that these students were placed in regular education classes until the review of records was completed. Interviews also indicated that a significant delay in reviewing records was due to the uneven deployment of child study team members throughout the district. Parents who

register their children in the schools are often turned away as teams are not in the building that day.

A review of records indicated that documentation exists within the pupil records of the dates the students registered in the district. However, an immediate review of the evaluation information and the IEP was not conducted. Documentation within the records indicated that it took over a month before these reviews took place. Records also indicated that due to the delay in the review of records, appropriate educational programs/placements were not made immediately. In some instances, document review failed to indicate that previous evaluations were reviewed or accepted by team members. Additionally, document review failed to indicate that records were requested from the student's previous school district.

- The district will develop an improvement plan that includes a procedure to ensure that when a student with a disability transfers into the school district the child study team:
 - 1) conducts an immediate review of the evaluation information and the IEP;
 - 2) arranges placement without delay; and
 - 3) immediately completes additional evaluations as needed.
- The district will develop an improvement plan will ensure Central Office oversight of the full and prompt implementation of this procedure by all child study team members.
- The district will develop an improvement plan that will address the effective deployment of staff throughout the district to ensure the timely placement of students who transfer into the district. The plan must include a mechanism to implement the procedure in the event child study team members are not on-site at the time a student and parent seek admission.

Placement in approved facilities – Parents had expressed concerns about room sizes at the public focus group meeting. During the onsite visit, some classrooms were found to be too small for the number of students assigned there. Furthermore, several classrooms and offices throughout the district had no windows; all rooms must have viewing access.

Of specific concern were the following:

- East Side High School's Child Study Team Office;
- Arts High School's Child Study Team Office, room O-19, 400, and Science 310;
- McKinley School's use of space; and
- E. Alma Flagg's basement classroom size.

The Essex County Office of Education had no record of requests for approvals for the use of substandard rooms. These concerns were reported to the County Office for their immediate attention and review.

- The district will develop an improvement plan that will ensure that programs and services are provided in facilities approved by the Department of Education.

Extended School Year – Interviews and a review of records determined that extended school year services are provided for students who are severely disabled. However, the need for extended school year services is not routinely considered for all students with disabilities.

The district is providing a "Special Education Summer Program" as part of a corrective action plan to provide compensatory services. However, this is not an extended school year program. There is no evidence to support that for any student, a process is in place that would ensure that an extended school year program is considered, developed and provided on an individual basis as required by N.J.A.C. 6A:14-4.3(b). Interviews indicated that child study team members are unaware that the need for extended school year services must be considered for every student. IEPs did not indicate any consideration of an extended school year program. In most cases, the area in the IEP that is designated for Extended School Year documentation was left blank.

- The district will develop an improvement plan that identifies the procedure child study teams will follow to ensure that the need for extended school year programs are considered on an individual basis for every classified student in the district and that these considerations are appropriately documented in each IEP.

Related Services – The district has a corrective action plan in place to address the provision of speech-language services to students. Problems continue to exist with the provision of speech-language services in spite of the corrective action plan. Lack of staffing also impacts on the delivery of counseling services.

Concerns about the provision of related services were expressed by parents at the public focus group meeting. Parents reported that services were unavailable when providers were absent or on a long term leave of absence, and that there were not enough providers within the district to address the needs of all of the students.

Information obtained confirmed these parental concerns. It was determined that the provision of services is often based on availability of staff and not on the

individual needs of students. Child study team members indicated that although they have students scheduled to receive counseling as per their IEP, they can not provide the counseling services due to the lack of time. Speech language specialists indicated that being assigned to multiple schools impacted on the frequency of services that the IEP team would and could recommend.

No problems were identified in the related service areas of physical therapy and occupational therapy because the district contracts with approved clinics and agencies for the provision of these services.

- The district will develop an improvement plan that will ensure that related services are provided as required by IEPs. The plan will include procedures for hiring and/or contracting for sufficient numbers of speech-language specialists and counselors.
- The district will develop an improvement plan that will ensure the appropriate documentation of the provision of services. Additionally, the plan must include a mechanism that will ensure appropriate administrative oversight of the provision of services.

Instruction provided in the absence of staff - Interviews with district principals and teachers of the handicapped assigned to resource programs confirmed that substitutes are not provided when teachers are absent. District staff indicated that students assigned to resource programs do not receive these services when the resource program teacher is absent. This includes students receiving in-class as well as pull-out resource instruction.

- The district will develop an improvement plan that will ensure that special education services are provided to students with disabilities whenever the assigned teachers of the handicapped are absent.

Long Term use of Substitutes - Concerns were expressed by parents at the public focus group meeting regarding the long term use of substitutes for staff who are on long term disability or who have left the district. Parents were concerned that substitutes were unable to implement IEPs due to their lack of training in special education. Interviews with district principals and teachers indicated that the district has been using long term substitutes on an ongoing basis throughout each SLT.

In 1984, the Superior Court of New Jersey ruled that a local board of education could not indefinitely fill a vacancy through the use of substitutes, no matter how financially advantageous it might be. The district has been circumventing this decision, and must correct this inappropriate practice without undue delay.

- The district will develop an improvement plan that will ensure that staff vacancies are filled expeditiously, and will immediately cease the practice of utilizing long term substitutes rather than hire staff on a permanent basis.

Provision of Personal Aides – A review of IEPs indicated that some students were in need of a personal aide throughout their school day. Upon visitation to their respective schools, schedules were reviewed. Aides were not consistently available for the students throughout the entire day. Staff reported that there was no procedure in place to provide an aide for the students during staff lunch periods.

- The district will develop an improvement plan that will ensure that personal aides are provided to students as determined by their IEPs. The plan must address the provision of aides to students during staff breaks, lunches, and absences.

Implementation of the IEP team's placement decisions - As reported in the Background Information section, the district is divided into five school leadership teams (SLTs), with administrators assigned to each. Class openings may exist in some SLTs, while others may not have any spaces available. Child Study Team members reported that there was no way that students from one SLT could be placed in another SLT by the IEP team; placement could only occur with approval from the Assistant Superintendents of the respective SLTs. This approval process takes a long time, resulting in program implementation delays. A review of documentation and team interviews indicated that students are awaiting placement, even though openings are available in different SLTs.

In some of the schools visited, in-class support was being provided to students as per their IEP. Principals reported that they did not agree that in-class support was appropriate for some students. As a result, they reported that they would not permit these students to participate in in-class support sections. When discussed further, principals indicated they were unaware that they could not make these changes, nor did they know that they needed to participate in the IEP process if they had strong opinions about programming options for students.

- The district will develop an improvement plan that will ensure that a procedure is developed that will eliminate administrative barriers regarding specific programming and placements, thereby allowing placements to occur throughout the district without requiring administrative approval.

- The district will develop an improvement plan that will ensure that IEPs are implemented as written, and not changed by principals or any other staff member. The plan must include an in-service for principals regarding their roles and responsibilities in the development and implementation of IEPs.

Section III: Procedural Safeguards

Summary of Findings:

Findings of the Program Review conducted during the 1998-99 school year indicated that parents were not consistently provided notices regarding Identification meetings, and that notices did not reflect all required components. A complaint investigation conducted by OSEP identified additional issues with timelines throughout the special education process and the provision of notice in the native language of the parent(s). The district has developed a Corrective Action Plan (CAP) to address these areas of need, and implementation of the CAP is in process. The implementation of CAP activities was reviewed during the current on-site monitoring visit, as well as other procedural safeguards requirements.

Problems were identified with ensuring that the required participants attend meetings. Areas of need regarding participants at specific meetings (e.g. Identification, Eligibility, IEP, Reevaluation) will be addressed in subsequent sections of this report of findings.

Problems were also identified with meeting timelines throughout the special education process, the provision of notice of a meeting and written notice, selecting and training surrogate parents, and informing parents and students that all rights will transfer to the student on reaching the age of majority.

Area(s) of Need:

Timelines- The district has implemented a tracking system to monitor timelines, and submits tracking logs to OSEP for review on a monthly basis. Although the district has demonstrated improvement in this area, the lack of staff and the ineffective deployment of staff resulting from this insufficiency continues to impact on the district's ability to adhere to requirement timelines. Parents at the public focus group meeting stated that timelines regarding initial evaluations,

annual reviews, and reevaluations continue to be problematic. A review of records verified parental concerns.

- The district will develop an improvement plan that will ensure the employment of sufficient staff and the effective deployment of staff.

Notice and Written Notice – The district has developed notice and written notice formats to address meetings surrounding various events throughout the special education process. However, a review of student records indicated that these notices are not utilized on a consistent basis by district staff. Some records lacked documentation to reflect notices were provided. Other records included versions of notices that were outdated and lacked the required components.

- The district will develop an improvement plan that will ensure parents are provided with notice of meetings and written notice. The plan must include an oversight component to ensure that district personnel utilize the most current notice formats.

Surrogate Parents – Information obtained through an interview with the Director indicated there have been no recent cases of students for whom a surrogate parent has been required. The Director stated that she will be contacting the director of adult and continuing education in the district to discuss plans for offering a course to train surrogate parents in the fall of the 2000-2001 school year. However, no formal method of selecting and training surrogate parents has yet been established.

- The district will develop an improvement plan that will ensure that a method is established for selecting and training surrogate parents.

Age of Majority – A review of records of students, ages sixteen and one half and older, indicated the district did not consistently inform parents and student that all rights will transfer to the student on reaching the age of majority. Signatures of students acknowledging they were informed of the transfer of rights were not consistently documented in the records

- The district will develop an improvement plan that will ensure parents and students will be informed that all rights will transfer to the student on reaching the age of majority, at least three years before the student reaches age eighteen as specified in the amendments to N.J.A.C. 6A:14 adopted by the State Board of Education.

Section IV: Location, Referral, and Identification

Summary of Findings:

The district board of education has written procedures for students ages three through 21, including students attending nonpublic schools who reside within the local school district to locate, refer, and evaluate students. Procedures provide for referral by instructional staff, administrative staff and other professional staff of the local school district, parents, and agencies concerned with the welfare of students. Additionally, the school district provides interventions in general education programs to alleviate educational problems unless the student's educational problem(s) is such that direct referral to the child study team is required.

Findings of the Program Review conducted during the 1998-1999 school year indicated that Identification meetings were convened upon receipt of a referral for initial evaluation. However, it could not be determined through a review of records whether Identification meetings were conducted within the required timelines and with the required participants. The district has developed a corrective action plan (CAP) to ensure referrals for evaluations are obtained in writing, date stamped upon receipt and that Identification meetings are convened within 20 calendar days upon written receipt of the written referral. Implementation of the CAP is in process.

During the current on-site monitoring visit, records of students referred for a speech disorder in articulation, fluency, or voice were reviewed. It was determined that these records lacked documentation of the written referral. Additionally, student records reflected that when a student was referred for a suspected disorder of articulation, voice or fluency, and presented with language issues, the student was not consistently referred to the child study team.

Furthermore, student records inconsistently documented that students referred for a special education evaluation received an audiometric and vision screening.

Area(s) of Need:

Referral for Speech-Language Evaluation - Information obtained through interviews and record review indicated that although the district convenes an identification meeting with the appropriate participants when a student is referred to the speech-language specialist, documentation of the referral is not consistently maintained in the student record. Additionally, it could not be determined through a review of documentation whether the identification meeting was held within the required 20 day timelines.

- The district will develop an improvement plan that will ensure records of students referred for a speech disorder in articulation, fluency, or voice include documentation of the written referral as well as document that the identification meeting is held within the required timelines.

Referral for a Suspected Language Disorder - A review of records indicated that when students referred for a suspected disorder of articulation, voice or fluency presented with language issues, the student was not consistently referred to the child study team.

- The district will develop an improvement plan that will ensure that when a student has been referred and/or determined eligible for speech-language services and a language disability is suspected, the student shall be referred to the child study team.

Audiometric and Vision Screenings – Although information obtained through the interview process indicated that students referred for special education evaluations receive an audiometric and vision screening, this practice was not consistently documented in student records.

- The district will develop an improvement plan that will ensure documentation of the results of audiometric and vision screening is maintained in the student file.

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.

However, problems were identified with evaluation procedures used to determine students' eligibility for speech-language services, assessing preschoolers in all areas of suspected disability, and with written reports prepared by child study team members and speech-language specialists.

Area(s) of Need:

Evaluation Procedures to Determine Students' Eligibility for Speech-Language Services - Interviews with speech-language specialists in the district

indicated they meet with classroom teachers and conduct informal observations/screenings of students prior to the Identification meeting. Once parental consent to conduct the speech-language evaluation is obtained, speech-language specialists do not consistently interview the teacher and conduct a structured observation in other than a testing situation as part of a functional assessment of academic performance and, where appropriate, behavior.

In addition, a review of records indicated that when students referred for a suspected disorder of articulation, voice or fluency presented with language issues, the student was not consistently referred to the child study team. This was addressed previously in Section IV: Location, Referral, and Identification.

- The district will develop an improvement plan that will ensure that evaluations to determine a student's eligibility for speech-language services includes each of the required components of functional assessment of academic performance and, where appropriate, behavior. The plan will ensure that an interview with the teacher(s) referring the potentially disabled student and a structured observation of the student in other than a testing situation is conducted as part of the speech-language specialist's assessment. The interview and the structured observation will be conducted only after parental consent to conduct the assessment has been obtained.

Assessing Preschoolers in All Areas of Suspected Disability – Information obtained through the interview process and a review of student records indicated that when the district receives a referral of a preschool aged child, the preschool child study team makes a home visit and conducts an Identification meeting with the parent. If it is determined that an evaluation is warranted, the child is evaluated, eligibility is determined, and if the child meets eligibility, an IEP is developed. All of these events occur in one day. The preschool child study team stated that they received over 300 referrals during the 1999-2000 school year and that this procedure was implemented to expedite the process.

Though it is permissible for the district to conduct the activities described above in one day as long as parents are informed of their procedural safeguards, are active participants in the decision-making process, and provide consent as required, information obtained through interviews indicated that the district's current practice limits the nature and scope of the evaluation plan and does not ensure that each preschool child is assessed in all areas of suspected disability. While the full child study team is available to conduct assessments during this home visit, the process makes no provision for assessments by an occupational therapist, physical therapist, and/or other specialist prior to the determination of eligibility and the development of the IEP.

- The district will develop an improvement plan that will ensure that preschoolers with disabilities receive a comprehensive evaluation, and are assessed in all areas of suspected disability. The plan will include a component to ensure that the nature and scope of the evaluation plan developed at the Identification meeting addresses all areas of suspected disability, and is not based on administrative convenience.

Written Reports Prepared by Child Study Teams Members— A review of student records indicated that written reports prepared by child study team members were not consistently signed and dated by the individual(s) who conducted the assessment. Written reports included an appraisal of the student's current level of functioning. Information obtained through the interview process indicated that child study team members included functional assessment as part of the evaluation process. However, written reports did not consistently include each of the components of functional assessment of academic performance and where appropriate, behavior. Additionally, written reports did not include an analysis of instructional implications appropriate to the professional discipline of the evaluator; a statement regarding relevant behavior of the student; and the relationship of that behavior to the student's academic functioning.

- The district will development an improvement plan that will ensure each written report is dated and signed by the individual(s) who conducted the assessment.
- The district will develop an improvement plan that will ensure written reports by child study team members include functional assessment of academic performance and where appropriate, behavior. Each of the components of functional assessment shall be completed by at least one evaluator as required under N.J.A.C. 6A:14-3.4(d)2.

Written Reports Prepared by Speech-Language Specialists- A review of records of students evaluated and determined eligible for speech-language services indicated that, in several cases, written reports of the results of speech-language evaluations were not maintained in the files. Instead, results of speech-language evaluations were summarized in the IEPs of students determined eligible for speech-language services. Written reports that were contained in student files lacked documentation of the educational impact of the speech problem provided by the student's teacher and components of functional assessment. Additionally, reports lacked an analysis of instructional implication(s); a statement regarding relevant behavior of the student, either reported or observed; and the relationship of that behavior to the student's

academic functioning. Furthermore, written reports were not consistently signed and dated.

- The district will develop an improvement plan that will ensure the speech-language specialist prepares a written report of the results of the evaluation, and that these reports are maintained in student files.
- The district will develop an improvement plan that will ensure each written report prepared by the speech-language specialist is dated and signed by the individual(s) who conducted the assessment and includes:
 1. The required components of functional assessment of academic performance and where appropriate, behavior as required under N.J.A.C. 6A:14-3.4(d)2;
 2. An appraisal of the student's current functioning and an analysis of instructional implication(s) appropriate to the professional discipline of the evaluator; and
 3. A statement regarding relevant behavior of the student, either reported or observed and the relationship of that behavior to the student's academic functioning.

Section VI: Reevaluation

Summary of Findings:

Although the district's policies and procedures state that they ensure that students are reevaluated every three years or sooner if conditions warrant, problems were identified with meeting timelines, and having the required participants at planning meetings. Not only does the district inconsistently document the planning meeting, it also does not consistently obtain parental consent prior to conducting additional assessments.

Areas of Need:

Timelines – Interviews with teachers, parents, child study team members, and speech and language specialists indicated that reevaluations are not conducted every three years throughout the district. Information obtained through a review of student records indicated that the district was not meeting the three year time lines. During the interviews conducted with the child study team members and speech-language specialists they acknowledged that there is a backlog of reevaluations. The interviews also revealed that the current deployment of staff

and insufficient number of child study team members and speech-language specialist impacts on the timelines.

- The district will develop an improvement plan that will ensure that reevaluations will be conducted every three years, or sooner as conditions warrant or if a teacher or a parent requests the reevaluation.
- The district will develop an improvement plan that will ensure the backlog of reevaluations is addressed without delay through the use of approved clinics and agencies, educational services commissions, and special services school districts.
- As indicated in Section III: Procedural Safeguards, the district will develop an improvement plan that will ensure the employment of sufficient numbers of child study team members and speech-language specialists and the to effective deployment of staff.

Nature and Scope – A review of pupil records could not verify a reevaluation meeting was conducted. Therefore it could not be determined whether the IEP team reviewed existing evaluation data and considered if additional assessments were warranted in order to determine continued eligibility.

- The district will develop an improvement plan that will ensure that the reevaluation planning meeting occurs, and at this meeting the IEP team reviews existing data and determines the need for any additional assessments. Results of the reevaluation planning meeting will be documented in the student record. *

Notice of a Meeting and Written notice – Interviews indicated that notices of meetings and written notices are provided to parents and adult students. However, when reviewing the student records documentation of the provision of these notices was not found.

- The district will develop an improvement plan that will ensure that the district consistently documents that notice of a meeting and written notice is provided to parents and to adult students. *

Parent Consent – Child study teams and speech-language specialists indicated that parent or adult student consent was obtained prior to conducting a reevaluation. However, the review of records failed to indicate that consent was obtained or that the district documented their attempts to obtain consent.

- The district will develop an improvement plan that will ensure that consent for reevaluation will be obtained or that documentation demonstrates that sufficient attempts were made to obtain consent.



Section VII: Eligibility

Summary of Findings:

The district board of education ensures that a student is determined "eligible for special education and related services" or "eligible for speech-language services" at the required meeting. The district also ensures that a student is not determined eligible for special education and related services if the determinant factor is due to a lack of instruction in reading or math or due to limited English proficiency.

However, problems were identified with the participation of a regular education teacher at eligibility meetings; district procedures for determining severe discrepancy; utilizing the appropriate renamed eligibility category at the time of the next reevaluation; and providing the parent(s) with a copy of the evaluation report(s).

Area(s) of Need:

Participation of the Regular Education Teacher - Information obtained through the interview process and a review of student records indicated a regular education teacher did not consistently participate in the meeting to determine a student's eligibility for special education and related services for students ages 3 through 21.

- The district will develop an improvement plan that will ensure that the meeting to determine a student's eligibility for special education and related services includes the participation of a regular education teacher who is knowledgeable about the student's educational performance or the district's programs.

Determining Severe Discrepancy - Information obtained through interviews with child study team members indicated that a student is determined eligible for special education and related services under the category of "specific learning disability" when the student demonstrates a statistical and/or functional

discrepancy between achievement and intellectual ability. However, child study team members and administrators stated that the district has not adopted a specific procedure that utilizes a statistical formula and criteria for determining severe discrepancy.

- **The district will adopt a statistical formula and identify criteria for determining severe discrepancy.**

Utilizing the Appropriate Renamed Eligibility Category – The practice of assigning classifications based on eligibility was revised with the adoption of N.J.A.C. 6A:14. Under N.J.A.C. 6A:14-3.5 there are two generic classifications, one for special education and related services and a second classification for speech-language services. Entry into these generic classifications is based on meeting the criteria for the various eligibility categories, some of which were renamed to conform to federal categories. On June 17, 1998 OSEP issued a memo to LEAs that clarified issues regarding determination of eligibility and program criteria.

A review of student records subsequent to July 6, 1998 reflected that, in some cases, the district did not utilize the appropriate renamed eligibility category at the time of reevaluation. Records still reflected the use of the category "perceptually impaired."

- **The district will develop an improvement plan that will ensure that by July 2001 the IEP teams will identify the appropriate eligibility category in accordance with N.J.A.C. 6A:14-3.5.**

Copies of Evaluation Reports – Information obtained through interviews with parents and a review of student records indicated that parents do not consistently receive copies of evaluation reports conducted by child study team members and other specialists.

- **The district will develop an improvement plan that will ensure a copy of the evaluation report(s) is provided to the parent(s) no later than when written notice of the eligibility determination is provided. The plan will include a procedure for ensuring that the provision of the evaluation report(s) is documented in the student record.**

Section VIII: Individualized Education Program

Summary of Findings:

A review of student records found that IEP meetings are held within 30 calendar days of the eligibility determination. The district maintains documentation of the meeting participants and obtains consent prior to implementation of an initial IEP.

In the fall of 1999, the district revised its IEP for students eligible for special education and related services to include components from the state model IEP format. Staff were given the new format in October 1999, and were instructed to begin utilizing the document at that time. However, problems were evident with the implementation of this document.

Additional problems were identified with written notice of IEP determinations, participants at IEP meetings, the decision-making process, the annual review of IEPs, IEP considerations and required statements, the implementation of IEPs, and the IEP document for students eligible for speech language services.

Areas of Need:

Implementation of revised IEP Document – In October 1999 the Department of Special Services instructed the Child Study Teams to begin utilizing the revised IEP document. In a review of IEPs generated after November 1999, it was determined that the revised IEP document was not being implemented. Record review found that numerous versions of IEPs were being utilized throughout the district. Some current IEPs contained formatted pages reflective of N.J.A.C. 6:28, which expired in July 1998.

Supervisors reported that in October 1999 they reminded teams to discard any older versions of IEP formats. However, as of the on-site visit, teams were still not utilizing the revised document. Interviews with child study teams revealed that many were refusing to use the revised document, and that they consciously decided to ignore administrative directives to utilize the district's customized IEP format. They criticized the IEP and the efforts the district made to revise it.

- The district will develop an improvement plan that will ensure that the district's revised IEP document is fully implemented. The plan will include a procedure for the collection and destruction of older IEP formats. In addition, the plan will include a procedure to hold child study team members accountable for the implementation of the document.

Written Notice of IEP Determinations – As reported in Section III: Procedural Safeguards, the district has developed forms which meet the requirements of written notice. However, information obtained through a review of pupil records could not demonstrate that written notices of IEP determinations were consistently provided within 15 days of the meeting. Although the district has revised their IEP form which includes the requirements for written notice, consistent use of this IEP document as written notice has not been accomplished.

- The district will develop an improvement plan that will ensure that appropriate written notice of IEP determinations are provided to parents or adult students within the timelines required by code. The plan must include a procedure to hold child study team members accountable to use the appropriate versions of notices as provided by district administrators.

Participants in IEP meetings – A review of student records and information obtained through the interview process verified the district does not ensure the consistent participation of regular education or special education teachers in IEP meetings. While some schools reported that teachers were always involved in the IEP meeting, other schools reported that teachers only participate on occasion.

Students are not consistently involved in the development of their IEPs when appropriate. Furthermore, a review of records found signatures of students on blank IEP cover sheets; these signatures were obtained prior to the meeting.

- The district will develop an improvement plan that will ensure that signatures indicate participation at meetings and are not obtained prior to the meeting or when participation did not occur.

Decision-Making Process – During the public focus group meeting, parents expressed concerns about the lack of their participation in the decision-making process regarding their child's IEP. They reported that they are handed a document with all decisions completely made. Interviews with district staff indicated that the entire IEP document was always developed prior to the IEP meeting, without parental involvement. Team members indicated that parents do not regularly attend IEP meetings, so they prepare the document ahead of time to expedite the process.

Though it is permissible for district staff to come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, they

must make it clear to parents at the onset of the meeting that the services proposed are only recommendations for review and discussion with them. Parents have the right to bring questions, concerns, and recommendations to an IEP meeting as part of a full discussion before the IEP is finalized. The district's current practices preclude the parent from full participation in the IEP decision-making process.

- The district will develop an improvement plan that will ensure that parents are afforded the opportunity to attend and participate in all meetings where program and placement decisions are made.

Annual Review of IEPs – IEPs reviewed for students eligible for speech-language services were conducted on an annual basis. However, a review of IEPs for students eligible for special education and related services demonstrated that annual reviews were not consistently conducted on an annual basis. In many instances, IEPs had not been reviewed for over a 12 month period. Teachers who were interviewed acknowledged that IEP meetings had not been conducted annually, and that the IEPs they were utilizing for their students were over 12 months old.

- The district will develop an improvement plan that will ensure that IEPs are reviewed at least annually.

IEP Considerations and Required Statements – As reported earlier, although the district has revised its IEP format for students eligible for special education and related services, implementation of this document has not been achieved. In addition, no revisions have been made to the IEP format for students eligible for speech-language services since 1995.

A review of student records, indicated the IEPs developed did not contain documentation of all the appropriate considerations or required statements. The following considerations were not consistently documented in the student records reviewed:

- The strengths of the student (*Documentation focused on weaknesses of the student.*)
- Parental concerns for enhancing the education of their child
- Results of the most recent evaluation
- Communication needs of the student
- Whether the student requires assistive technology devices and services
- Beginning at age 14, the need for technical consultation from DVRS

- When behavior impedes learning, strategies (including positive behavior interventions) and supports to address that behavior (*When behavior was identified as a concern, Behavioral Intervention Plans were inconsistently included in IEPs.*)

The following required statements were not consistently documented in the student records reviewed:

- 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 (*Goals were not consistently measurable. Goals for related services were frequently not included. Some academic goals were based upon the Core Curriculum Content Standards, while other goals were taken from the district's original special education curriculum. Some teams reported that they would only use goals from this curriculum, and not the CCCS.*)
 - Special education and related services, and supplementary aids and services for the student (*IEPs did not address supplementary aids or services.*)
 - Extent to which the student will not participate with non-disabled students in the general education class and in nonacademic and extracurricular activities
 - Individual modifications in the administration of Statewide or district assessments or a statement of why that assessment is not appropriate, and how the student will be assessed (*This is addressed further in Section XII: Statewide Assessment.*)
 - Date services and modifications will begin and the frequency, location, and duration of services and modifications (*Speech-Language therapy was not specified as group or individual sessions.*)
 - Beginning at age 14, (or younger, if appropriate) the transition service needs
 - Beginning at age 16, (or younger, if appropriate) the needed transition services
 - The person(s) responsible to serve as the liaison to post-secondary resources
 - 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
 - How the student's parents will be regularly informed of their child's progress toward the annual goals, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.
- The district will develop an improvement plan that will ensure IEPs are developed with the appropriate considerations and required statements. The improvement plan will ensure proper documentation is contained within IEPs and those staff members responsible for IEP development receive training on the code requirements relevant to IEP development.

Implementation of IEPs – Information obtained through interviews with district personnel indicated that there was a period of time that elapsed between the IEP meeting and the implementation of the IEP. In a review of records, it was determined that in many instances there was a 2 month period of time before IEPs were implemented. As reported in Section II: F.A.P.E., openings existed in different SLTs, however, due to the district's policy which requires administrative approval, students were unable to move from one SLT to another for special education services. In many of these cases, the students were awaiting placement within the district, despite openings in classes that had vacancies and were operational.

In addition, interviews with special education teachers indicated that although they had participated in IEP meetings, they were still awaiting the new IEP document. They were unable to implement the new IEP as they were without access to the document. Interviews with general education teachers indicated that they were unfamiliar with IEPs, and had not reviewed any of these documents for the students within their classes.

- The district will develop an improvement plan that will ensure that IEPs are implemented as soon as possible after the IEP meeting. The district may wish to consider a centrally-based placement system to effectively implement this activity.
- The district will develop an improvement plan that will ensure that both special education teachers and general education teachers have access to newly developed IEPs in a timely fashion.

Section IX: Least Restrictive Environment

Summary of Findings:

This requirement was reviewed during the previous year's Program Review visit. Additional procedures were used to determine compliance for this year's visit, including a more extensive review of different types of student records, and interviews with more parents and with additional district staff (including regular and special education teachers, building principals, and more child study team members).

Information obtained through the interview process indicated district personnel have received numerous technical assistance sessions provided by the Office of Special Education Programs (OSEP). During the Fall of 1999, sessions focused

on implementation of N.J.A.C. 6A:14 with regard to providing students with disabilities access to the general education curriculum and general education programs. IEPs generated after November 1, 1999 were reviewed by the on-site monitoring team to assess the district's progress in implementing placements in the least restrictive environment.

As a result of this year's onsite monitoring, problems were identified with the IEP documentation of the decision making process, and access to regular education programs. In addition, problems with the continuum of placement options previously identified in the 1998-99 onsite monitoring visit were verified.

Areas of Need:

IEP Documentation of the decision-making process – The district had recently received technical assistance in providing students with disabilities access to general education programs. However, information obtained through a review of records indicated that IEPs did not reflect documentation to verify the IEP team considers a variety of supplementary aids and services and program modifications in determining whether the student can be educated in a regular classroom.

When students were removed from general education programs, IEPs did not reflect an individualized discussion of what supplementary aids and services and program modifications were considered to support the student, and an explanation of why they were not appropriate to meet the student's individual needs within the general education class. In addition, IEPs did not document a "comparison of the benefits provided in a regular class and the benefits provided in a special education class." IEPs contained the statement of "the potentially beneficial or harmful effects a placement may have on the student with disabilities or the others in the class" without any further elaboration or explanation of what the effects would be.

- The district will develop an improvement plan that will ensure the decision-making process and documentation requirements for removing a student from general education programs includes:
 - a) an individualized discussion of what supplementary aids and services and program modifications were considered to support the student, and
 - b) an explanation of why the supplementary aids and services and program modifications were not appropriate to meet the student's individual needs within the general education class.

- The district will develop an improvement plan that will ensure that IEPs document a comparison of the benefits provided in a regular class and the benefits provided in a special education class.
- The district will develop an improvement plan that will ensure that IEPs document the potentially beneficial or harmful effects a placement may have on the student with disabilities or the others in the class.

Access to Regular Education Programs – Parents at the public focus group meeting raised concerns regarding the appropriateness of placements for their children. Parents reported that regular education was not working for their children. They felt that teachers did not have the necessary supports or the necessary supplementary aids and services that the students required. As a result, parents tended to request special education placements where they believed teachers were better able to instruct their children.

Information obtained through the interview process and from the onsite school visits determined that students placed in self-contained classrooms have limited or no access to their nondisabled peers. The students in self-contained classrooms had their own homerooms. The special education classes were grouped together and located in the same area of the school building. The students in self-contained classrooms did not participate with their nondisabled peers in grade level field trips, but only in school-wide trips.

Interviews further reported that removal from regular education was frequently due to behavior problems; teachers in regular education were unable to handle the behavioral concerns of these students. In addition, principals frequently determined placements for students with disabilities and ignored decisions made by the IEP team. For example, if the principal did not support a regular education placement, the IEP team decision would be ignored and the student would be removed and placed in a more restrictive setting. This issue was identified and addressed in Section II: F.A.P.E.

- The district will develop an improvement plan that will ensure that students with disabilities have access to regular education, and are supported with the necessary supplementary aids and services. The plan will also address the provision of necessary supports for school personnel.

Continuum of Placement Options – Space constraints and staffing schedules were issues that were identified during the 1998-99 onsite monitoring visit. These issues were verified during this year's onsite visit.

Interviews with district staff indicated that due to insufficient instructional staff, the provision of in-class support is limited. Though a plan was developed to hire additional special education teachers, due to budgetary restraints this could not be implemented. The district is currently attempting to locate funding sources to employ the additional staff.

- The district will develop an improvement plan that will ensure that a continuum of placement options is available. This plan will also address how the employment of additional teaching staff will be accomplished.

Section X: Transition

A. Transition to Preschool

Summary of Findings:

Information obtained through the interview process indicated the district works cooperatively with local early childhood programs, pediatricians, and early intervention programs to locate, refer and identify preschool aged children. However, problems were identified with district participation in the preschool transition planning conference

Areas of Need:

Participation in the preschool transition planning conference - In order to facilitate the transition from early intervention to preschool, a child study team member of the district board of education is required to participate in preschool transition planning conferences arranged by the Department of Health and Senior Service. The district has not routinely participated in these preschool transition planning conferences. No documentation exists within the pupil record indicating that the district had been invited, or that they had participated.

Staff members from Special Child Health Services acknowledged that procedures have only been in place since the Fall of 1999 to involve local districts in the preschool transition planning conference. They indicated that the district is invited to participate in these meetings, and reported that there has been dialogue with the district staff regarding children. They also reported that attendance at the meetings has not been consistent mainly due to the high

numbers of children transitioning into preschool and the insufficient numbers of team members to handle the caseloads.

- The district will develop an improvement plan that will ensure that they participate in the preschool transition planning conference arranged by the Department of Health and Senior Services. The plan will include a procedure to maintain documentation of invitations to the conferences.

B. Transition from School to Post-School

Summary of Findings:

Representatives from OSEP conducted an on-site technical assistance session in Newark during the 1999-2000 school year. This session focused on federal and state requirements for transition from school to post-school. The sessions were originally held with staff from SLT II and SLT III. In April 2000, additional sessions were held for staff in the other three SLTs.

Interviews with staff throughout the district indicated that each SLT was operating independently; some SLTs had a better understanding of the requirements, and were beginning to implement the requirements. Other SLTs had not addressed any of the transition requirements.

During the onsite visit, the district had a meeting scheduled with the Office of Special Education Programs and representatives from the Division of Developmental Disabilities (DDD) and the Division of Vocational Rehabilitation (DVR) in order to establish relationships and coordinate services for students. Prior to this time period, there had been little if any coordination of services with these agencies.

Problems were identified with notices of meetings and the documentation of transition requirements.

Areas of Need:

Notice of the IEP meeting - Students age 14 and above did not consistently attend IEP meetings. Some students were verbally invited to attend. The notice of meetings were not provided to the students. In addition, there was no evidence that agencies that would be likely to provide transition services were invited to attend the IEP meeting. Furthermore, the notice of the meeting did not indicate that the purpose of the meeting was to discuss transition issues.

- The district will develop an improvement plan that will ensure that if the purpose of the meeting is to consider transition services, the student and agencies likely to provide transition services are invited to attend.
- The district will develop an improvement plan that will ensure that if the purpose of the meeting is to consider transition services, the notice of the meeting will indicate this.

Statement of Transition Service Needs - A statement of transition service needs was documented in some of the IEPs reviewed, however, it did not indicate whether technical consultation from the Division of Vocational Rehabilitation was warranted and did not consistently contain the required courses of study for the ensuing school year.

- The district will develop an improvement plan that will ensure that beginning at age 14 or younger, if appropriate, the Statement of Transition Service Needs will address the student's courses of study and technical consultation from the Division of Vocational Rehabilitation, if warranted.

Statement of Needed Transition Services – IEPs did not consistently meet the requirements for the statement of needed transition services, including:

- Instruction
- Related Services
- Community Experiences
- Employment and other post-school adult living objectives; and
- If appropriate, acquisition of daily living skills and functional vocational evaluation

IEPs did not have these areas documented; some just had check marks next to the areas. In addition, student's preferences and interests were not addressed.

- The district will develop an improvement plan that will ensure that beginning at age 16, or younger if appropriate, the IEP contains a statement of needed transition services, including where appropriate, a statement of the interagency responsibilities or any needed linkages.
- The district will develop an improvement plan that will ensure that the statement of needed transition services is based on individual student needs, takes into account the student's preferences and interests, and addresses the required areas.

Section XI: Discipline

Summary of Findings:

Information obtained from interviews with guidance counselors, principals, assistant principals, child study team members, and other school personnel indicated that when a student with a disability is removed from his or her educational placement, the district imposes the same district procedures for disabled and nondisabled students.

However, problems were identified with providing notice of suspensions to case managers, holding and documenting Manifestation Determination meetings, and conducting Functional Behavioral Assessments and Behavioral Intervention Plans.

Areas of Need:

Notice of Suspensions to Case Managers - Information obtained through interviews indicated that each SLT has different understandings of the requirement that written notification of suspensions be provided to case managers. Some SLT staff reported that case managers are notified of suspensions by the building administrators, but that this is usually done by phone. Other SLT staff reported that there was inconsistent if any communication regarding suspensions. Principals reported that a district-wide procedure had not been established regarding this issue.

- The district will develop an improvement plan that will ensure the development of discipline procedures that includes a mechanism to inform the case manager, in writing, each time a classified student is suspended.

Manifestation Determination Meetings - A review of records of student suspensions resulting in a change in placement could not verify that manifestation determination meetings were conducted. Notices of these meetings or written notices after the meetings were not found in files. Interviews with staff indicated that some child study teams do arrange for manifestation determination meetings while other team members have no idea that this meeting must occur.

- The district will develop an improvement plan that will ensure that the IEP team conducts manifestation determination meetings at the required times. The plan must include a procedure to document the required meeting notices and written notices within the student file.

Functional Behavioral Assessments and Behavioral Intervention Plans – As reported in Section VIII: Individualized Education Program, behavioral intervention plans were not developed to address behaviors. Furthermore, functional behavioral assessments were not consistently completed.

- The district will develop an improvement plan that will ensure that **Functional Behavioral Assessments and Behavioral Intervention Plans** are conducted as needed.

Section XII: Statewide Assessment

Summary of Findings:

Although N.J.A.C. 6A:14-4.11 indicates that students with disabilities are to participate in statewide assessments, problems were identified with this throughout the district. Furthermore, the required documentation as specified by N.J.A.C. 6A:14-4.11 was inconsistently maintained. This included reasons for exemptions, alternative assessments to be administered, and addressing and providing necessary accommodations and modifications.

Areas of Need:

Student Participation in Statewide Assessments – A review of student records indicated that a large majority of students with disabilities are not participating in statewide assessments. This includes students who are in self contained classrooms and students who may be receiving resource room instruction for only three periods a day. Interviews with district personnel reported different interpretations and understandings of when students with disabilities participate in statewide assessments. Some staff indicated that students participate unless they are functioning three grade levels below. Many reported that students are exempt, but do participate in the districtwide assessments. No one indicated that students exemption is based upon lack of exposure to the core curriculum content standards.

- The district will develop an improvement plan that will ensure that students with disabilities participate in statewide assessments according to N.J.A.C. 6A:14-4.11.

Reasons for Exemptions and Alternate Assessments – When a student was determined to be exempt from taking the statewide assessment, documentation in the IEP only indicated “exempt” or “non-applicable”. Although the IEP format had an area to be completed which indicates the rationale for this exemption, this area was frequently left blank.

A review of IEPs also determined that when a student was exempt from taking the statewide assessment, an alternative assessment was not consistently identified. The IEP format had an area designated for teams to specify what the alternate assessment would be, however, review of IEPs determined that this was not consistently completed.

- The district will develop an improvement plan that will ensure that when a student is determined to be exempt from taking a statewide assessment, documentation in the IEP will support the rationale for exemption and identify the alternative assessment that will be used for that student.

Accommodations and/or Modifications - The IEPs reviewed did not consistently document accommodations and/or modifications approved by the Department of Education for students with disabilities who require them in order to participate in statewide or district assessments. Supervisors reported that they know IEP documentation is weak or nonexistent. Supervisors also indicated that child study teams are responsible to convey the required accommodations and/or modifications to the teachers and principals. However, this was not consistently done.

- The district will develop an improvement plan that will ensure that IEPs address the necessary accommodations and/or modifications needed by students to enable them to participate in statewide or district assessments.
- The district will develop an improvement plan that will ensure that the necessary accommodations and/or modifications needed by students to participate in statewide assessments are provided as outlined in their IEPs.

Section XIII: Graduation

Summary of Findings:

The district ensures that students with disabilities have the opportunity to graduate and participate in graduation exercises. However, problems were identified with the required documentation in IEPs.

Areas of Need:

Documentation of Graduation Requirements - Although the district ensures that students with disabilities have the opportunity to graduate and participate in graduation exercises, IEPs did not consistently document graduation requirements.

Interviews with some of the SLT supervisors indicated that they believed that the IEP document had an area designated to document graduation requirements. However, one of the SLT supervisors indicated that the IEP did not contain an area for the documentation of graduation requirements. Upon review of the IEP document, it was determined that graduation requirements had not been sufficiently addressed.

- The district will develop an improvement plan that will ensure that the IEP document will be revised to include graduation requirements.

Section XIV: Programs and Services

Summary of Findings:

The district ensures that programs and services are provided according to state requirements; however, problems were identified regarding class sizes and age range for resource program instruction and also for the special class programs for preschool, elementary and secondary levels.

Area(s) of Need:

Class Sizes and Age Ranges – Upon review of the class rosters it was determined that some classes exceeded the number allowable by N.J.A.C. 6A:14. In addition, some classes included students whose ages exceeded the permitted four-year age range.

- The district will develop an improvement plan that will ensure that instructional class size will not exceed the limits specified in N.J.A.C. 6A:14.
- The district will develop an improvement plan that will ensure that age ranges within classes will not exceed four years as specified in N.J.A.C. 6A:14.

Section XV: Student Records

Summary of Findings:

The district ensures that student records are collected, maintained, secured, and destroyed in accordance with state and federal law and regulations. However, problems were identified with the access of records of pupils identified as eligible for speech-language services. In addition, problems were identified with the documentation of location of records for both students eligible for special education and related services and students eligible for speech-language services.

Area(s) of Need:

Access to Records – The district maintains a record of the parties who accessed records of students identified as eligible for special education and related services. However, the district does not maintain a record of parties who accessed records of students identified as eligible for speech-language services.

- The district will develop an improvement plan that will ensure that it maintains a record of parties who access the records of students identified as eligible for speech-language services.

Documenting Locations of Student Records Collected – A review of central files maintained within school buildings indicated these records failed to identify where additional student records were located.

- The district will develop an improvement plan that will ensure that central files indicate where additional student records are located.