

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

District: Plainfield

County: Union

Monitoring Dates: October 18, 19, 20, 21, 22, 25, 26, 1999

Monitoring Team: D. Bogart, R. Burton, S. DeBruyne, K. Ellmore, A. Errichetto, G. Strauss, M. Varley. Also: C. Carthew, S. Coplin, E. Lerner, C. Messler, G. Shellem, and B. Tucker.

Background Information

Prior to the monitoring visit, the New Jersey Department of Education (NJDOE) facilitated a focus group public meeting with parents, advocates, and district representatives, who provided information in the areas identified by NJDOE as the focus of the visit. During the on-site visit, NJDOE reviewed district documentation, including district policies and procedures, student count information, master student lists, class lists, schedules of students, teachers, and related service personnel, contracts with outside agencies, and other relevant information, including eighty-four student records. Interviews were conducted with the district's special education director and supervisor, twelve building principals, the high school vice-principal/special education chairperson, all members of the district's four child study teams, and all six speech-language specialists. Input was received from eight additional parents. All twelve district school buildings were visited, and general and special education teachers were interviewed.

District compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) and the New Jersey Administrative Code for Special Education (N.J.A.C. 6A:14) was assessed. Areas of strength and areas of need were noted. Areas of noncompliance were investigated and analyzed to determine their nature and scope. Issues determined to be sporadic and/or incidental were addressed under separate cover. Systemic (i.e., significant) issues of noncompliance are identified in the findings below.

Noteworthy Programs and Practices

Extended School Day Programs. The district has established an extended school day program, through a grant from the Geraldine Dodge Foundation, which is available for students in the district, including those with disabilities. The program operates daily, and endeavors to increase literacy skills through small group instruction and family literacy activities. Transportation is provided to the school site. Additional after-school programs include Century 21, Safe Haven, Family Friendly Center, and School Based Youth Services. In addition to tutorial services, counseling is available for all students.

New Jersey Department of Education Special Education Monitoring

Middle School of Choice Program. The district provides a 'Middle School of Choice' program for all students in grades six through eight. Students participate in one of eight small theme-based 'schools' within the two middle school buildings, and themes range from performing arts to global issues. Both middle schools offer a technology school of choice. Regardless of the emphasis of the particular school of choice, each middle school provides instruction in the core curriculum content standards for all students to enable them to participate in state and district-wide assessments.

Discipline. A detailed system is in place to identify and track students with disciplinary issues. The discipline code is comprehensive as well as school-level specific. The high school has a proactive problem-solving/conflict resolution program, and since its implementation one year ago, in-school suspension has ceased. The vice-principal and a guidance counselor assigned to the special services department are involved in the program, and its philosophy is to employ all strategies of crisis prevention, in order to maintain or return a student to his or her daily routine. A Discipline Review Committee meets to determine readmittance following suspensions and to develop behavioral contracts. The director of special services serves as a member of the Disciplinary Review Committee and of the Safe-School Committee. Counseling services are provided through School Based Youth Services, a contracted agency located on-site at the high school. These counseling services are free of charge and are available to the entire district.

Pupil Assistance Committee / Interventions in General Education

The district has a comprehensive program in place for general education interventions. The Pupil Assistance Committee (PAC) consists of a core team of district professionals, including: the building principal (or permanent designee with authority to implement decisions), a child study team member, and at least one of the following: a regular classroom teacher, the school nurse, remedial teachers, guidance personnel, librarian/media specialist, supervisors of instruction, curriculum coordinators, basic skills staff, other regular education staff, and a child study team member. An *Information Handbook* was developed and distributed throughout the district. This handbook describes the PAC procedures, and includes specific activities for district staff members. As noted in the handbook, all of the members of the core committee must be present in order for a meeting to be conducted. The handbook identifies the district's school administrators and special services personnel, and describes the purpose, means, advantages, and structure of the PAC. In addition, the handbook outlines a variety of strategies for district and instructional personnel, ranging from varying the instructional material and classroom organization and management to developing a program with parents for home reinforcement, and counseling. The handbook also includes addresses and telephone numbers for community resources, greater Plainfield agencies, and others. District staff was knowledgeable of the procedures, strategies and resources outlined in the handbook.

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

Statement of Findings

I. General Provisions

The district board of education provides publicly funded educational programs and services to students with disabilities in accordance with federal and state regulations.

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. Amendments to required policies, procedures and programs are made in accordance with State procedures.

The district had adopted and implemented fourteen policies and procedures, which are currently under review. At this point, however, two of the required policies were not evident.

Area of Need:

The following two required policies were not evident:

- a) 'Students with disabilities who were placed in private schools by the district board of education are provided special education and related services at no cost to their parents.' It was noted that District Policy #11 includes policy statements and procedures relevant to implementation of Chapter 192 and Chapter 193; however, these procedures do not address the required policy.
- b) 'All personnel serving students with disabilities are appropriately certified and licensed, where a license is required.'

II. Free, Appropriate Public Education.

The district provides special education and related services to students with disabilities age three through twenty-one at public expense, under public supervision and with no charge to the parent. Programs are administered, supervised and provided by appropriately certified and/or licensed professional staff members. Programs are located in facilities that have been approved by the Department of Education, and which are accessible to the disabled. The length of school day and academic year for students with disabilities is at least as long as that established for nondisabled students, and transportation for students in out-of-district placements is provided consistent with the school calendar of the receiving school. Physical education (regular, modified or adaptive) is provided for all students with disabilities, including those students in separate facilities.

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

The district ensures that hearing aids worn by deaf and hard of hearing students in school are functioning properly.

Areas of Need:

- 1) **Availability of Programs - Extended School Year.** The district does not ensure consistently that a free, appropriate public education is available to all students with disabilities between the ages of three and twenty-one, specifically with regard to an extended school year. Although the district offers various summer enrichment programs, as well as a summer camp for preschool children with disabilities, extended school year programs are not considered for all students with disabilities regardless of disability category or placement. Student records lacked documentation of individualized determinations regarding the need for an extended school year program, and interviews confirmed that extended school year programs were discussed and provided mainly for those students with disabilities who were placed in out-of-district programs.
- 2) **Provision of Programs and Services – Speech/Language and Guidance Counseling.** The district does not ensure consistently that educational programs and related services are provided to meet the individual needs of students with disabilities, specifically with regard to the provision of speech-language services and guidance counseling. Services were provided on a standard basis, rather than on an individualized basis according to student need. Speech-language services were provided to eligible students for a standard of one time per week for thirty minutes per session. Interviews indicated that these services did not usually begin until one month after the start of the school year, due to the amount of time needed for scheduling and preparation. In addition, Individualized Education Programs (IEPs) indicated that students with disabilities received ‘guidance counseling’ as a related service, and its provision was also a standard of one time per week for thirty minutes per session.
- 3) **Transfer Students.** The district does not ensure consistently that transfer students with disabilities are provided services without delay and according to an IEP. When a student with a disability transfers into the district, the CST does not always conduct an immediate review of the evaluation information and the IEP, and as a result, IEPs are not implemented as written, and/or interim IEPs are not developed.

Entry dates have not always been documented, and in those cases where records from the previous school district are incomplete or unavailable, transfer students are not always placed into an interim educational program consistent with the available information, and IEPs are not developed and/or revised without delay.

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

Interviews indicated that transfer students with disabilities have not always been identified during the registration process, and as a result, the district has formed a committee to address the issue and revise the process.

III. Procedural Safeguards

The district has policies and procedures in effect to ensure that students with disabilities and their parents are afforded procedural safeguards. While the district has situations which involve foster parents, there are no cases of surrogate parents. The district obtains consent prior to conducting any initial evaluation, implementing the initial IEP, conducting any reevaluation, and releasing student records. In addition, the district implements without undue delay the action for which consent was granted. The district informs the parent and student that all rights will transfer to the student on reaching the age of majority, at least one year before the student reaches age eighteen.

Parents and adult students are given written notice of a meeting early enough to ensure they will have an opportunity to attend, and meetings are scheduled at a mutually agreeable time and place. The district employs a number of strategies to ensure parental participation at meetings, and these outreach efforts include many home visits. Meetings are conducted in the language used for communication by the parent and student, and foreign language interpreters or translators and sign language interpreters for the deaf are provided at no cost to the parent. Documentation of meeting participants is maintained.

The district has proper procedures for the provision of written notice. Written notice is provided at the required times, and reflects the required components.

The district has followed proper procedures regarding the provision of an independent evaluation.

Area of Need:

While notices of meetings were provided to parents, they did not reflect all required components, and this is consistent with the findings from the previous year's Program Review. The district has developed a Corrective Action Plan to address this area, and implementation of the Plan is in process. In addition to the components identified last year, notices of IEP meetings do not include a statement informing the parent (or adult student) that individuals who have knowledge or special expertise may be invited to an IEP meeting at the discretion of the parent (or adult student) or of the school district.

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

IV. Location, Referral and Identification

The district has written procedures for students ages three through twenty-one, including students attending nonpublic schools who reside within the district to locate, refer and evaluate students.

The district convenes identification meetings with all required participants within 20 days of receipt of the referral. Parents are provided with notice of the meeting, and the participants review existing evaluation data and determine whether an evaluation is warranted. If an evaluation is warranted, the meeting participants determine the nature and scope of the evaluation. Written notice of the evaluation determination is provided to the parent within 15 days of the meeting, with all required components.

Areas of Need:

- 1) Although the district's written procedures indicate that interventions in the regular education program are not prerequisite to an evaluation, interviews indicated that direct referrals to the child study team are accepted only from parents and outside agencies.
- 2) Although the district has an established system of regular education intervention, written documentation of the implementation and effectiveness of the interventions was not always evident.
- 3) Audiometric and vision screening has not consistently been conducted for every student referred for a special education evaluation, especially for preschool age children.

V. Protection in Evaluation and Evaluation Procedures

The district ensures that evaluation procedures are technically sound, are neither culturally nor racially discriminatory, and are administered by trained personnel.

The district also ensures that students with disabilities receive a comprehensive evaluation.

However, the district does not consistently ensure that appropriate evaluation procedures are followed to determine students' eligibility for special education and related services, in the following areas:

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

Areas of Need:

- 1) Although functional assessments have been conducted, they have not consistently included structured observations.
- 2) Written reports were not consistently signed by the individuals who conducted the assessments.
- 3) Written reports of the results of the assessments have not consistently included:
 - a) An analysis of the instructional implications appropriate to the professional discipline of the evaluator, and
 - b) A statement regarding relevant behavior of the student (either reported or observed), and the relationship of that behavior to the student's academic functioning.
- 4) Acceptance or rejection of reports and assessments submitted to the IEP team for consideration has not consistently been noted in writing.

VI. Reevaluation

The district ensures that students with disabilities are evaluated every three years or sooner if conditions warrant.

Area of Need:

Although a multi-disciplinary reevaluation is conducted within three years of the previous classification, there was no documentation in the student records to confirm that the IEP team reviews existing data to decide whether additional data are needed to determine continued eligibility and subsequent programmatic information.

VII. Eligibility

The district ensures that a student is determined eligible for special education and related services (or eligible for speech-language services) at a meeting with the required participants.

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

Area of Need:

There was no documentation in the student records to confirm that a copy of the evaluation report(s) is given to the parent or adult student.

VIII. Individualized Education Programs

The district ensures that IEPs are implemented and in effect as required, and are reviewed at least annually.

However, the district does not consistently ensure that the appropriate team members conduct an IEP meeting to develop, review and if necessary revise the IEP, specifically with regard to the attendance of general and special education teachers.

In addition, the district does not consistently ensure that IEPs are developed with the appropriate considerations and contain the required statements.

Areas of Need:

- 1) Although general and special education teachers provide written input for consideration at IEP meetings, they are not consistently in attendance at these meetings to develop, review and if necessary revise the IEP.
- 2) IEPs did not consistently document consideration of the following:
 - a) The strengths of the student and the concerns of the parents for enhancing the education of their child;
 - b) The communication needs of the student; and
 - c) Whether the student requires assistive technology devices and services; and
 - d) In the case of a student whose behavior impedes his or her learning or that of others, strategies (including positive behavioral interventions and supports) to address that behavior. Behavior Intervention Plans were not evident for students identified as having behavioral issues.
- 3) IEPs did not consistently include the following required components:
 - a) The special education and related services and supplementary aids and services that will be provided for the student, or a statement of the program modifications or supports that will be provided for school personnel on behalf of the student;
 - b) The transition service needs and/or needed transition services for the student, including interagency responsibilities or linkages, when appropriate; and
 - c) The person(s) responsible to serve as a liaison to post-secondary resources and make referrals to the resources as appropriate.

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

IX. Least Restrictive Environment

Since this requirement was reviewed during the previous year's Program Review visit, different 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 general and special education teachers, all building principals, and all child study team members). As a result of this review, it was determined that the district does not consistently ensure that to the maximum extent appropriate, students with disabilities age three to twenty-one are educated with students who are not disabled.

Areas of Need:

- 1) Placement in the least restrictive environment is not consistently ensured due to limitations in the continuum of alternative placements available. Specifically, in-class support is provided mainly at the high school level, and only sporadically at the elementary and middle school levels.
- 2) When determining the educational placement of each student with a disability, the IEP team did not consistently document that consideration was given at each IEP meeting to:
 - a) Whether the student can be educated satisfactorily in a regular classroom with supplementary aids and services, including preschool children with disabilities;
 - b) A comparison of the benefits provided in a regular class and the benefits provided in a special education class; and
 - c) The potentially beneficial or harmful effects which a placement may have on the student with disabilities or the others in the class.

X. Transition from School to Post-School

In July 1999, the district was visited by NJDOE representatives who identified deficiencies in the area of post-secondary transition, and provided technical assistance for improvement. Issues included: documentation of student invitation to the IEP meeting; documentation of the process used to determine student interests and preferences; IEP documentation of: the statement of transition service needs, the statement of needed transition services, justification for not providing transition services, and alternate strategies for agency failure to provide transition services; agency invitation to meetings for in-district students; increased internal procedures to ensure the involvement and participation of identified agencies when they fail to send a representative to the meeting; re-wording of the required transfer of rights and parent notification. The district is in the process of implementing the recommendations for improvement.

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

Transition to Preschool

A child study team member of the district participates in the preschool transition planning conference arranged by the Department of Health and Senior Services, to help facilitate the transition from early intervention to preschool. Preschoolers with disabilities have their IEPs implemented no later than age three.

XI. Discipline

The district ensures consistently that appropriate disciplinary measures are implemented for all students with disabilities when disciplinary action is required.

XII. Statewide Assessment

The district ensures consistently that students with disabilities participate in Statewide assessments.

XIII. Graduation

The IEP of a student with a disability who enters a high school program specifically addresses the student's graduation requirements. If a student attends a school other than that of the district, the student has the choice of receiving the diploma of the school attended or the diploma of the district of residence. Students who meet the standards for graduation requirements have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

XIV. Programs and Services

The district ensures consistently that programs and services are provided according to State requirements.

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

XV. Student Records

The district permits the parent and adult student to inspect and review any student records related to that student which have been collected, maintained or used by the district. Parental or adult student inspection and review of student records is permitted without unnecessary delay and before any meeting regarding the IEP.

Area of Need:

The district does not consistently maintain a record of the parties other than parents, students or other individuals who are assigned educational responsibility who obtained access to a student's record.