

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

District: Toms River

Monitoring Dates:
May 1,2,3,4,8,9,10,11, 2000

Monitoring Team:

**Caryl Carthew, Celeste Curley,
Elaine Lerner, Jane Marano,
Lucille Stelatella**

Background Information:

On April 18, 2000, prior to the monitoring visit, New Jersey Department of Education facilitated a focus group public meeting with parents and district representatives. The information obtained from this meeting was used, in addition to other sources of information, to highlight areas of concern for the onsite visit. Activities conducted during the course of the on-site visit included a review of documentation accumulated and maintained by the district, interviews with district personnel and parents, as well as a review of other relevant information as determined appropriate by the monitoring team.

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

District Strengths

The district offers a wide range of assistive technology devices and programs.

Transition Counselors in the Schools Project and a Speakers Program, provide information and presenters from various post-secondary agencies.

The district provided clubs and activities such as the Sign Language Club, the Buddy Club, the Homework Club, and an Elementary and High School Mentor program.

The district provided Project PRIDE – a district funded program to meet the needs of children experiencing temporary difficulty with the academic program.

The district provides consultation and staff development by the Eden Institute on a weekly basis to the staff of the Autistic program.

There are two special education parent groups which are involved in district activities, including the publishing of "Extra Special", a newsletter for parents of special needs children.

The district provided an auditory impaired class, which uses a whole communication approach.

Projects KARE, HOPE, and SAVE are programs utilizing a non-traditional approach for dealing with a difficult population.

The district has many students with disabilities participating in statewide assessments.

Areas Demonstrating Compliance with Requirements:

Of the fifteen (15) areas reviewed during the on-site monitoring visit, it was determined that the district has met the requirements in the following: **General Provisions, Discipline, Statewide Assessment, Graduation and Location, Referral and Identification.**

Section II: Free, Appropriate Public Education

Summary of Findings:

The district makes available a free appropriate public education to students with disabilities between the ages of 3 to 21 at public expense. All special education teachers and related services personnel are fully certified, the academic year for students with disabilities is as least as long as that established for nondisabled students, students with disabilities have available to nondisabled students. Physical education (regular, modified or adaptive) is provided for all students with disabilities. All educational programs are located in facilities, which are accessible to the disabled and have been approved by the New Jersey Department of Education (NJDOE). When a student with disabilities transfers into the district, the Child Study Teams conduct an immediate review of the evaluation, if sufficient information and the IEP are available, and the parent is in agreement, the program is implemented as written. Information obtained through staff interviews indicated that meetings are conducted in the language used for communication by the parent, and language interpreters or translators are provided.

Problems, however, were identified in the length of the school day for students with disabilities in certain programs, the provision of related services, notice of meetings in the native language of the parents, and the consideration and availability of extended school year.

Areas of Need:

Length of the School Day - The district does not ensure consistently that a free, appropriate, public education is available to all students with disabilities between the ages of three to twenty-one. The district offers shortened school day programs for certain groups of disabled students. These programs include Project CARE, HOPE and SAVE as well as the cognitively impaired class at High School North and the autistic class at Hooper 1144. Rationale for shortened school day programs is not documented for individual students attending these programs.

- The district is directed to develop an improvement plan that will ensure that individual decisions are made with regard to the need for shortened school days. Further, the improvement plan should also address the need to document the rationale for a shortened school day.

Provision of Related Services - Although the District provides a variety of related services such as speech, occupational therapy, physical therapy and counseling, the provision of counseling services is not routinely documented in the IEP. In reviewing pupil records, it appears that the delivery of counseling services were minimal especially at the high school level. However, during staff interviews it was communicated that counseling is provided to students on an as needed or crisis basis, or upon student or teacher request. Staff interviews also indicated that regular counseling sessions are not considered at IEP meetings for the high school classified population, primarily due to staff availability.

- The district is directed to develop an improvement plan to identify the process it will follow to ensure that the need for regularly scheduled counseling services will be considered for students.

Native Language - The district does not provide notices of meetings and IEPs in the native language of the parents when needed.

- The district is directed to develop an improvement plan that will ensure that notices of meetings and IEPs are provided in the native language of the parents. The plan must include the manner of which the district will document its effort.

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 in the area of extended school year. Though the district offers various summer programs for disabled students, information obtained through the interview process and records review indicated that during IEP meetings, the need for an extended school year is not consistently discussed and considered for all classified students regardless of disability, category or

placement. Student records lack documentation of the consideration of individual determinations regarding the need for an extended school year program.

- The district is directed to develop an improvement plan to identify the process it will follow to ensure that the need for an extended school year will be considered and discussed at meetings for every child. Should it be determined that an extended school year is required, the district must ensure that all required services are included in that program.

Section III: Procedural Safeguards

Summary of Findings:

The district has policies and procedures in effect to ensure that students with disabilities and their parents are afforded procedural safeguards. The district has developed a list of adults who are willing to be surrogate parents. They have been trained and are available when a student may be in need. Record review of files and interviews noted that all parental requests for independent evaluations have been honored in a timely manner and in accordance with N.J.A.C. 6A:14. Documentation indicated that at least one year prior to the student reaching 18, the district informs the parent and student of transfer of all rights to the student reaching the age of majority. Annually, the district submits the required reports related to: the number of students with disabilities enrolled in the district; staff 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. Although the district provides interpreters for conferences and student evaluations are completed in the native language, the district doesn't consistently provide notice including the IEP in native language. Problems were also identified with notice of an IEP meeting and participants at meetings.

Areas of Need:

Native Language – Notice of meetings, written notice, including the IEP when used as written notice, were not provided in the parent's native language.

- The district will develop an improvement plan that will address notice forms in language other than English.

Attempt to Secure Parental Participation – When parents did not attend a meeting, follow-up efforts to contact them were not documented in student records. Although numerous files indicated that the district did phone parents to discuss the meeting outcomes, teleconferencing was not an available option.

- The district will develop an improvement plan that will establish a procedure to document all attempts to secure parental participation at meetings.

Participants at a Meeting - Interviews and record reviews indicated that although a regular education teacher attends IEP conferences, it is not consistently a teacher having knowledge of a student.

- The district will develop an improvement plan to ensure that all IEP conferences have the appropriate participants in attendance.

Notice of IEP Meeting – Notice of a meeting does not contain a statement about the parent's right to invite a person with expertise to attend the conference.

- The district will revise notice forms to include the statement referenced above.

Section V – Protection in Evaluation and Evaluation Procedures

Summary of Findings:

The district implemented evaluation procedures, including those for students referred for speech and language issues, that are technically sound, are neither culturally nor racially discriminatory, and are administered by trained personnel. The district conducted evaluations using a multi-disciplinary team. At least one evaluator was knowledgeable in the area of the suspected disability. The district evaluated only after consent has been obtained. The timeline from initial consent to implementation of the initial IEP met the 90-day requirement. Written reports were signed and dated by the evaluators. These reports, however, did not include all the required components of functional assessments.

Areas of Need:

Evaluation – A review of student records indicates that evaluation reports did not consistently include all required components, specifically the interview with the child's teacher and a review of the documentation of classroom interventions.

- The district is directed to develop an improvement plan that identifies the procedure the district will follow to ensure that evaluation reports include an interview with the child's teacher and a review of documentation of classroom interventions.

Section VI: Re-evaluation

Summary of Findings:

By June 30th of the student's last year in a program for preschoolers with disabilities, a re-evaluation was conducted and, if the student continued to be a student with a disability, the student was classified according to N.J.A.C. 6A:14-3.5 or 3.6.

Multi-disciplinary reevaluations were conducted within three years, or sooner, if conditions warranted. The IEP teams reviewed existing data to determine whether additional data was needed. If additional data was needed, the IEP teams determined the nature and scope of the reevaluation. Problems were noted with the components of written notice of the nature and scope of the reevaluation, provision of notice within required timelines, and consent for reevaluation.

Areas of Need:

Written Notice of the Nature and Scope of the Reevaluation – While the district has revised written notice format for initial evaluations to include all the required components, the same procedure was not utilized for reevaluations. As a result, notice of the determination of the nature and scope of the reevaluation did not adequately address the following components: a description of the proposed or denied action; an explanation of why the district proposed or denied the action; the options considered by the district and why they were rejected, if any; a description of procedures, tests, records or reports used by the district as the basis for determining the proposed or denied action; a statement of other factors relevant to the decision; and a statement of procedural safeguards afforded to the parent. In addition, the district did not consistently document that parents are provided with written notice within 15 days. It is recommended that the district consider adapting their revised initial evaluation plan format for use with reevaluations.

- The district will revise its written notice of the nature and scope of the reevaluation to include all the required components.
- The district will develop an improvement plan that will ensure that written notice is provided within 15 days of the determination.

Parental Consent for Reevaluation – The district currently requests consent for reevaluation, however, the notice format does not distinguish between consent and participation. One signature is used for both purposes.

- The district will revise its written request for consent to ensure a clear distinction between signature of consent and signature of participation.

Section VII: Eligibility

Summary of Findings:

The district did conduct eligibility meetings with required participants. PRISE was documented in the record as being sent or given to the parents(s).

The district ensures that students are determined eligible and classified "eligible for special education and related services" when the student has one or more of the disabilities as defined in N.J.A.C.6A:14-3.5c, the disability adversely affects the student's educational performance, and the student is in need of special education and related services. The district employs appropriate specialists who use the correct diagnostic instruments to determine eligibility. The same procedures are enacted for children classified as "eligible for speech language services".

Concerns were noted with documentation of provision of the statement of determination of eligibility, including evaluation reports, within required timelines. In addition, problems were noted with the components of this statement.

Areas of Need:

Notice of the statement of determination of eligibility – Based on a review of student records, it was determined that the statement of the determination of eligibility does not clearly document the rationale for classification, including a collaborative summary of evaluation results. In addition, the district failed to consistently document provision of this statement, including the evaluation reports within required timelines.

- The district will develop an improvement plan that will ensure that the statement of the determination of eligibility includes a collaborative summary and rationale for classification.
- The district will develop an improvement plan that will ensure that the statement of the determination of eligibility is provided to the parent, including copies of evaluation reports, within required timelines.

Section VIII - Individualized Education Program

Summary of Findings:

The district ensures that the appropriate team members conduct an IEP meeting to develop, review and, if necessary, revise the IEP for those students determined eligible for special education and related services and for students determined eligible for speech language services. It should be noted that the

district is using the state IEP format as their IEP. This assures that all required components are included in their IEP. During the teacher interview process, it was stated that IEPs are maintained in the classroom and are current. This information was also confirmed during classroom observations and record reviews. It should also be noted that the IEP goals and objectives were related to the core curriculum content standards. This was verified through record reviews.

However, problems were identified in the areas of the effective dates on annual reviews, the individualizing of goals and objectives in the IEP as well as the reporting of student progress to parents.

Areas of Need:

Annual Reviews During record reviews, it was noted that there were problems in the effective dates for annual reviews. Some examples noted include IEPs in effect for more than one year, more than one IEP in place for a given period of time, and/or timeframes for services that did not match the effective dates of the IEP.

- The district will develop an improvement plan to ensure that IEPs are in effect for one year and that the IEPs are reviewed on an annual basis.

Goals and Objectives – A review of IEPs indicated that goals and objectives were not individualized to meet the students' educational needs. The district utilizes a standard listing of goals and objectives that appears in the IEP. However, the IEP does not identify the individual goals and objectives being used to instruct each pupil.

- The district will develop an improvement plan to ensure that goals and objectives are individually determined and that these goals and objectives are reflected in the IEP.

Reporting of Progress – During staff interviews it was noted that there were no consistent procedures among the classroom teachers in reporting student progress to parents. The reporting of progress in meeting goals and objectives is inconsistent across schools and programs.

- The district will develop an improvement plan that ensures consistent procedures of reporting of student progress on IEP goals and objectives across all schools and programs.

Section IX – Least Restrictive Environment

Summary of Findings:

Students are placed in a variety of education programs including supported regular education, in-class and pullout resource programs, special classes and out-of-district placements. Students with disabilities are provided instruction related to the core curriculum standards.

However, problems were noted in the areas of documenting the LRE process and LRE for preschool disabled students.

Areas of Need:

LRE Documentation - The IEPs reviewed did not consistently document that the individualized decision making process was used regarding placement or that the removal of students with disabilities only occurs when the nature or severity of the disability is such that education in the regular education class with the use of supplementary aids and services cannot be achieved satisfactorily. Some of the IEPs did state that the regular education class was considered, although the records did not consistently document what supplementary aids and services were considered. IEPs also lacked a comparison of the benefits provided in a regular class to those provided in a special class. There are students currently placed in pullout support and replacement programs that would benefit from and be recommended for in-class resource programs if such programs existed or were created within that school setting.

- The district must identify an improvement plan that identifies the procedure it will follow to ensure that disabled students have available to them a full continuum of placement options.

Preschool Disabled – Although the district currently has a corrective action plan as a result of the 1998-99 program review, regarding the area of LRE for disabled preschool students, there was no indication of increased opportunities for preschool disabled students to be educated with their non-disabled peers.

- The district must implement immediately, the corrective action plan from the 1998-99 program review.

Section X

Transition From School To Post-School

Documentation of the required "Statement of Transition Service Needs" and Needed Transition Services were found in students IEPs. The district also consistently develops IEPs from early intervention programs to the public school system.

However, problems were identified in the areas of transition goals and objectives for students, job training and student invitations.

Areas of Need:

Individualizing Transition Goals and Objectives – In reviewing student IEPs, it was determined that the goals and objectives identified were not individualized to meet the student needs.

- The district will develop an improvement plan that identifies the procedure it will follow to ensure that goals and objectives to meet transitional needs are individualized.

Job Training – During staff and parent interviews and review of pupil records, it was determined that the district provides limited opportunities for job training. There is a need for more hands-on job training other than the summer work program that the district currently offers.

- The district will develop an improvement plan that identifies how the district will increase job opportunities for disabled students.

Student Invitations – Although the district has revised procedures to allow for individual invitation to students for transition planning, it is not consistently documented in student records.

- The district will implement the revised procedures to ensure that students are consistently invited to meetings and that documentation of the invitation is maintained in the student record.

Section XIV: Programs and Services

Summary of Findings:

Interviews and record reviews indicated that programs for disabled students are provided in accordance with law and code, i.e. class size, teacher certification, transportation, and home instruction. Child study team members are employees of the Toms River Board of Education. The district operates an after school program for students needing assistance in basic skills. It provides a safe environment that offers recreational and homework activities. The district provides several in-services a year geared to families. However, the provision of collaborative planning time was found to be inconsistent from building to building.

Areas of Need:

Availability of Educational Services and Programs – Interviews indicated that the special education teachers are not consistently provided time for consultation with appropriate general education staff.

- The district will develop an improvement plan to ensure that special education teachers are provide an opportunity to collaborate with appropriate general education staff.

Section XV: Student Records

Summary of Findings:

The Toms River School District has met its responsibility to ensure records are collected, maintained, secured, assessed and destroyed in accordance with state and federal guidelines. However, numerous special education students' files did not contain access sheets. The confidential files maintained by the CST indicated location of other files, however the central files maintained in each school, did not indicate the location of other files.

Areas of Need:

Access Sheets - Access sheets were not consistently found in student records.

- The district will develop an improvement plan to ensure that access sheets are maintained in all student records.

Student Records Location –Central files did not contain information regarding the location of other files.

- The district will develop an improvement plan to ensure that central files indicate the location of other records and /or files.