

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

District: Union City

Monitoring Dates: October 30–November 3, 2000

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Background Information

During the 1999-2000 school year, the Union City School District conducted a self-assessment to determine whether the district's practices regarding the provision of special education programs and services meet federal and state requirements. A steering committee comprised of educators and parents was established to gather and review all information collected in order to evaluate it for the purpose of completing the district's self-assessment.

In 1999, the parents and staff were invited to attend a focus group public meeting as the first step in the self-assessment process. Information was collected from additional sources within the district. Information collected by the district was the basis for its self-assessment document that cites strengths and areas of need. The district is in the process of developing activities for compliance and/or improvement in the areas identified as areas of need.

A second focus group public meeting was held in the district on October 17, 2000 prior to the monitoring visit. The monitoring team from the New Jersey State Department of Education facilitated this focus group, which included parents and district representatives. At this meeting, parents reported that they were pleased with the district's provision of special education programs and services but had some concerns.

District Strengths

This on-site visit identified several unique programs, practices and initiatives in the district:

The district has established programs that provide enrichment for teachers, students, and their families.

Dual certification is required of all of the teachers in the district. To this end, the district has entered a partnership with Jersey City University to provide the necessary classes for teachers within the district. Teachers may choose from ESL or special education, and those receiving grades of B or higher receive tuition reimbursement.

As indicated in the self-assessment and improvement plan, the district has committed itself to a broad-based inclusive education initiative. This commitment is confirmed by the large percentage of students with disabilities being educated in general education settings. Interviews with staff throughout the district further reinforced the systemic commitment to, and acceptance of, inclusive practices.

An inclusion program has been established in partnership with the New Jersey Institute of Technology. Teachers and students in grades 7–12 are involved in this Saturday program that includes courses in math, science, vocational careers in engineering and science, and preparation for the SATs and the GEPA.

The district has initiated a comprehensive approach to transition planning and services (secondary to post-school) through effective outreach to, and linkages with, key resources in the community.

The district has employed many staff members who have been educated in Union City and remain residents of Union City. The district believes that this has fostered a close relationship between teachers and families. Likewise they believe this has aided in the decline of behavioral issues among students.

The district has received a grant from the National Science Foundation that is used to enhance the science curriculum through teacher training.

All schools are opened in the evening and the existing whole school reform models continue to be provided during these hours. Most of the schools are open until 9 p.m. They offer academics, homework assistance and non-academic classes to all students. The children are given meals and parents may pick their children up at any time. Additionally, some of the schools offer GED programs, ESL, anger management workshops, and conflict resolution classes for the adults. Additionally, the district has included a large number of its classified students in state-wide assessments and offers tutorial assistance in preparation for these tests through the extended school hours programs.

The district has implemented a diverse system of interventions through the PAC process. A unique aspect adopted by the district is the inclusion of a special education teacher as a regular member of the PAC team. PAC attempts to maintain students in the general education classroom by hiring tutors to provide service during the day and after school. The district believes this has lowered their referral rates.

The district routinely assists parents with personal social concerns. For example, the district collaborated with the Surrogates Office of Hudson County and Guardianship of New Jersey (GANJ) to provide parent workshops on guardianship. This led to the hiring by the Surrogate Office of a bilingual paralegal assistant to assist parents with the complexities of the guardianship process.

Section I: General Provision:

This section has effectively been addressed in the self-assessment document. Staff development was identified in the self-assessment as an area of need and the activities that are noted in the improvement plan are sufficient to address this area.

Section II: Free, Appropriate Public Education

Summary of Findings:

As a result of the self-assessment process, the district identified the timely development of IEPs for students who transfer into the district and the provision of programs as an alternative to home instruction as two areas of need. The district's improvement plan is sufficient to address these areas of need.

During the on-site monitoring visit, additional areas of need were identified regarding extended school year services and appropriate facilities for instruction.

Areas of Need:

Extended School Year – Child study team members indicated that extended school year services are provided to students in out-of-district programs, contingent upon its availability. However, interviews indicated that the extended school year is not routinely discussed for all students at IEP meetings, nor is the consideration documented in the IEP.

- **The district will revise its improvement plan to ensure that extended school year services are considered for all students, and that these considerations are documented within IEPs.**

Appropriate Facilities for instruction – Parents reported at the public focus group that students were being instructed in areas that were inappropriate. They reported that instructional spaces were inappropriately small and substandard and that hallways were used for instruction and the provision of therapy services. Parents also expressed concerns about the lack of private space for child study team members who provide counseling to students.

Visitations to schools throughout the district confirmed parent concerns regarding the use of hallways and stairwells for instructional and therapeutic sessions. In a number of schools, cafeterias were being utilized for resource pullout instruction.

The district had no record of county office approvals for these spaces.

- **The district will revise its improvement plan to ensure that only appropriate or approved spaces are used for instructional and therapeutic purposes.**

Section III: Procedural Safeguards

Summary of Findings:

During the self-assessment process, the district identified two areas of need in the section of Procedural Safeguards. These areas focused on the need for the district to provide translators at meetings for parents whose native language is other than English or Spanish, and the need for notices to be translated into languages other than English. The district developed an improvement plan with activities that are sufficient to address these areas of need.

Additional areas of need were identified during the on-site monitoring visit regarding 20-day and 90-day timelines, required participants at meetings, components of notices, surrogate parents, and notification of the age of majority.

Areas of Need:

20-day timelines – A review of records and interviews with child study team members determined that the identification meeting is not consistently held within the mandated 20-day timeline.

- **The district is directed to revise its improvement plan to ensure that the identification meeting is held within the 20-day timeline as required by N.J.A.C. 6A: 14.**

90-day timelines – A review of records and interviews with child study team members determined that the district is not meeting the 90-day timeline from the time of obtaining consent.

- **The district is directed to revise its improvement plan to ensure the determination of eligibility (with IEP development and implementation, if determined eligible) is completed within the required 90-day timeline.**

Required Participants at Meetings –

A) Teachers – Interviews with district staff indicated that although the special education teacher usually participates in meetings, regular education teachers do not. A review of documentation confirms that the regular education teacher is not consistently present.

- **The district is directed to revise its improvement plan to ensure that regular education teachers participate in all meetings as required by N.J.A.C. 6A:14.**

The plan must include an administrative oversight component to ensure full implementation of this activity.

B) Full Child Study Team at the Identification Meeting – Although interviews indicated that child study team members understand that they are required to attend the identification meeting, a review of documentation and interviews indicated that this does not occur on a consistent basis.

- **The district is directed to revise its improvement plan to ensure that the full child study team participates at the identification meeting.**

C) Identification of a Case Manager – Although all Child Study Team members have case management responsibilities, a review of documentation of participants at IEP meetings indicated that the case manager is not identified as such. Additionally, at the public meeting, parents reported that there were numerous changes regarding the case manager assignment throughout the year, and that they were not informed of these changes. As a result, a breakdown in communication occurs that leads to delays in responding to parental requests.

- **The district is directed to revise its improvement plan to ensure the IEP identifies the individual assigned as the case manager. The district may wish to include a mechanism to notify parents when a change occurs to avoid confusion and maintain the continuity of services and communication between the parent and the school community.**

Components of Notices – Interviews with district staff indicated that notices have been revised to reflect the required components. However, review of these notices indicated they still do not contain all required components. Additionally, during the interview process it was reported that the IEP is used as written notice. However, a review of a number of IEPs indicated the IEP used by team members is missing the page that contains the required notice information.

- **The district is directed to revise its improvement plan to ensure that written notices, including the IEP, contain the required components, and that the revised notices are utilized by all child study team members throughout the district.**

Surrogate Parents – Interviews with district staff indicated that they have not had a need for a surrogate parent. However, it was also identified that the district has not established a method for selecting or training surrogate parents.

- **The district is directed to revise its improvement plan to ensure they have identified a method for selecting and training individuals to serve as surrogate parents.**

Notification of the Age of Majority – IEPs from the two district high schools were

reviewed for documentation of notification of the age of majority. IEPs from Union Hill High School indicated a statement informing parents of the transfer of rights to students. This notification is provided one year before the student reaches the age of majority, not three as required by the revised code. IEPs from Emerson High School did not include this statement.

The district reported that they had not yet made the change within the IEP document to reflect this requirement. However, they did indicate that the IEP format is scheduled to be changed in January 2001, and this requirement would be incorporated at that time.

- **The district is directed to revise its improvement plan to ensure that the notification of the transfer of rights is included in student IEPs, and that this notification to parents is provided at least three years before the student reaches the age of majority.**

Section IV: Location, Referral, and Identification

Summary of Findings:

During the self-assessment process, the district identified that its Child Find procedures were an area of need. An improvement plan was developed that is sufficient to address this area of need.

During the on-site monitoring visit, additional areas of need were identified regarding responding to referrals from early intervention programs, the implementation of an incorrect procedure for evaluating preschool-aged children, and a delay in forwarding the referral from PAC to the child study team.

Areas of Need:

Referrals from early intervention programs – Interviews with child study team members and a review of records indicated the district was not responding to written referrals from early intervention programs nor are they consistently attending EIP transition planning meetings. A further review of records indicated that the identification meetings were being postponed until after the family registered the child within the district.

- **The district will revise its improvement plan to ensure the consistent attendance at EIP transition planning meetings. The plan should include a mechanism to provide registration information/materials to the parent at this meeting to ensure team members convene identification meetings and have programs in place in accordance with the requirements established in code.**

Procedure for evaluating preschool-aged children- Review of records of preschool-aged children identified a form that indicates the district follows a procedure that allows child study team members to determine, without an identification meeting and without

parental input, whether the child will be evaluated for preschool services. If the CST determines that an evaluation is warranted, the parent is notified of this decision and an appointment is made for the parents to sign consent. If the CST determines that an evaluation is not warranted, the parent is sent a notice entitled "Evaluation is Denied" with a rationale for this decision, a follow-up plan, and a copy of PRISE.

Though the child study team indicated they no longer used this procedure, a review of recent records indicated they are.

- **The district will revise its improvement plan to ensure the teams conduct identification meetings within 20-days of the district's receipt of the parental request for an evaluation. That meeting must include all required participants who will review available data and determine whether an evaluation is warranted.**

Referrals from PAC – A review of records of students who were referred from PAC to the child study team for an evaluation indicated a delay of up to 4 months in forwarding the PAC referral to the child study team.

- **The district will revise its improvement plan to ensure that referrals from PAC are forwarded to the child study team without delay. The plan must include an oversight component to ensure full implementation of this activity.**

Section V: Protection in Evaluation and Evaluation Procedures

Summary of Findings:

The self-assessment identifies an area of need regarding written reports. It indicated that reports contained some content that was irrelevant. The activity for compliance or improvement noted in the improvement plan is sufficient to address this area of need.

The on-site monitoring visit identified additional areas of need regarding the referral process when there was a suspected language disability, and written notice.

Area(s) of Need:

ESLS Referral Process – Based on a review of records and interviews with staff it was indicated that in the event an ESLS classified student presented with a possible language disability, that student was automatically referred to the PAC committee instead of to the child study team.

- **The district will revise its improvement plan to ensure that students classified as ESLS with a suspected language disability are referred directly to the CST.**

Section VI: Reevaluation

Summary of Findings:

The district's self-assessment identified a need to train staff in the district's data system. The activities for compliance or improvement in the improvement plan are sufficient to address this need.

An additional area of need was identified during the on-site visit regarding reevaluation planning meetings for students classified ESLs and the newly developed Speech/Language procedures manual.

Area(s) of Need

Reevaluation Planning Meeting – The district is not conducting reevaluation planning meetings for those students classified ESLs.

- **The district will revise its improvement plan to ensure reevaluation planning meetings are conducted for those students classified as ESLs and that subsequent to those meetings parents are provided with appropriate written notice.**

ESLS Procedures Manual - The manual does not indicate that consent must be obtained when additional assessments are needed. A further review of the manual fails to mention the need for a meeting to review and revise, as appropriate, the IEP goals and objectives.

- **The district will revise its S/L manual to ensure the inclusion of accurate procedures.**

Section VII: Eligibility

The self-assessment identified the level of parental participation as an area of need. The improvement plan has identified activities that are sufficient to address this area of need.

Additional areas of need were identified during the on-site visit regarding the use of eligibility categories, teacher participation at eligibility meetings, and eligibility meetings for ESLs students.

Area(s) of Need:

Eligibility Category –Record review indicated that teams are inconsistently using the eligibility categories identified in N.J.A.C. 6A:14. Instead, records of recently reevaluated students still include eligibility categories such as perceptually impaired and neurologically impaired.

- **The district will revise its improvement plan to ensure that all IEPs reflect appropriate eligibility categories in accordance with N.J.A.C. 6A: 14-3.5.**

Teacher Participation – According to interview information and record review, teachers are not consistently attending eligibility meetings.

- **The district will revise its improvement plan to ensure that teachers are invited to and attend eligibility meetings.**

Eligibility Meetings for ESLs students – Based on record review it was indicated the district does not conduct eligibility meetings for those students classified as ESLs as part of the reevaluation process.

- **The district will revise its improvement plan to ensure that eligibility meetings are consistently conducted for students classified ESLs as part of the reevaluation process.**

Section VIII: Individualized Education Program

Summary of Findings:

During the self-assessment process, the district identified that their current IEP model did not match the state model IEP format. The district's improvement plan indicated that the state model IEP would be adopted. A review of the newly formatted document identified areas of need that will need to be addressed.

Additional areas of need were identified during the on-site monitoring visit regarding revisions to IEPs, implementation of IEPs, and the IEP as written notice (this area of need was addressed in Section III – Procedural Safeguards).

Areas of Need:

IEP Format – A review of the new formatted IEP indicates it does not include an area to document that modifications and supplementary aids and services in the regular education classroom are being considered, that modifications in extracurricular and nonacademic activities may be needed, an area that identifies supports for school personnel, or an area that identifies behavioral interventions required by a student. Though the new format includes a page entitled "Least Restrictive Environment Decision", this page does contain the required Oberti considerations.

- **The district will revise its improvement plan to ensure that the district's new IEP format includes all of the considerations and required statements identified in the state model IEP.**

Revisions to IEPs – A review of records indicated that parents were being informed in writing of changes to their child's IEP without first having participated in an IEP meeting

to discuss the proposed changes. This written notification indicates “since no change can be made in your child’s program without your notification, this is to inform you about the suggested change and its rationale.”

- **The district will revise its improvement to ensure that prior to any IEP revision, the district convenes a meeting of the IEP team to review and revise, as appropriate, the student’s IEP. The district must further ensure the parent is provided with appropriate written notice prior to implementing the revised IEP.**

Implementation of IEPs – A review of IEPs and interviews with staff members indicated IEPs were rarely implemented in accordance with the implementation dates identified in the IEPs. Additionally, the document review indicated that the implementation date is recorded on four separate pages and that those dates varied from page to page.

- **The district will revise its improvement plan to ensure that IEPs clearly reflect implementation dates, and that IEPs are implemented without delay. The plan must include an administrative oversight component.**

Section IX: Least Restrictive Environment

Summary of Findings:

The district’s self-assessment indicated a number of areas of need regarding Least Restrictive Environment (LRE). The identified needs included the practice of assigning in-class support teachers as substitutes for absent teachers; the need to increase general education inclusion opportunities for students with more severe disabilities through the addition of specialized staff; and the need to augment the variety of alternative placement options. The district’s improvement plan includes activities that are sufficient to address these areas of need.

Additional areas of need were identified during the on-site monitoring visit regarding LRE statements and supplementary aids and services.

Areas of Need:

LRE Statement — Though the district ensures students are afforded placements along the full continuum, a review of IEPs indicated LRE statements are identical for each student in a particular placement.

- **The district will revise the improvement plan to ensure LRE statements reflect individual considerations leading to particular placement decisions.**

Section X: Transition

Transition to Preschool

Summary of Findings:

The district's self-assessment identified areas of need regarding CST participation at EIP transition meetings and the need to implement IEPs by the time the student reaches age three (this issue was addressed in Section IV). The district's improvement plan does not sufficiently address the identified area of need.

Areas of Need:

Participation in the preschool transition planning conferences (EIP) — The district does not ensure the consistent participation of a CST member at the EIP transition planning meeting.

- **The district is directed to revise its improvement plan to ensure consistent attendance at transition planning meetings. To facilitate this attendance, the plan should include a component to ensure clear lines of communication between EIP staff and district staff.**

Transition from school (secondary) to post-school

Summary of Findings:

The district's self-assessment identified areas of need regarding training for CSTs in transition requirements and services for students, and the need to appoint a transition coordinator in each high school. The district's improvement plan is sufficient to address these areas of need.

An additional area of need was identified during the on-site monitoring visit regarding the documentation of transition services in IEPs.

Areas of Need:

Documentation within IEPs of transition planning and services - A review of student records indicated that the statement of transition service needs for students' age 14 or younger, and the statement of needed transition services for students' age 16 or younger, were insufficiently documented. Though a variety of outside agencies consistently participate in transition planning and services for individual students this participation is also not documented in IEPs.

- **The district must revise its improvement plan to ensure that the statement of needed transition services and statement of transition service needs are documented within each student's IEP.**

Section XI: Discipline

Summary of Findings:

During the self-assessment process the district identified areas of need regarding interim alternative educational settings (IAES), staff development, and discipline options. The district has developed an improvement plan that is not sufficient to address these areas of need.

Additional areas of need were identified during the on-site visit regarding written notification to the case manager.

Areas of Need:

IAES – The district identified a need to develop/identify/provide additional placements for students requiring IAES, including those students removed as a result of weapons and/or substance abuse issues. The district also identified the need to identify other discipline options because the use of detention has no educational value.

- **It is recommended that the district include the types of programs they are considering and the manner in which these alternate settings/programs may be provided to address the needs of those students involved in more serious behavior incidents.**

Staff Training – The district identified the need for additional training regarding the development of behavior intervention strategies. They report that training has been limited to a small number of staff members on addressing the needs of very specific disorders such as ADHD and ODD.

- **The district must revise its improvement plan to include the process the district will follow to ensure training opportunities are provided on a district-wide level and to identify the manner in which the district will determine whether anticipated outcomes have been achieved.**

Written Notification – Though case managers are consistently involved through verbal communication prior to each removal from program, the district has not notified them in writing. During the interview process staff indicated that the district has implemented a new procedure that includes a discipline referral form that is automatically provided to the case manager when a student with disabilities is involved in a behavioral incident.

- **The district is directed to revise its improvement plan to include this notification system. This revision must include an administrative oversight component to ensure consistent implementation of this system.**

Section XII: Statewide Assessment

Summary of Findings:

The district's self-assessment identified areas of need regarding the implementation of testing accommodations by designated testing administrators, and considerations regarding facilities and scheduling. The improvement plan specifies activities that are sufficient to address these areas of need.

An additional area of need was identified during the on-site monitoring visit regarding the identification of alternate assessments for students who are exempt from participation in statewide assessments.

Areas of Need:

Alternate assessment – Discussions with school staff, coupled with a review of student IEPs indicated that for students determined to be exempt from statewide assessments, IEPs did not specify an alternative assessment.

- **The district will revise its improvement plan to ensure that specific alternative assessments are identified and included in IEPs for those students exempt from statewide assessments.**

Section XIII: Graduation Requirements

Summary of Findings:

The district's self-assessment identified dropouts and those students at risk of dropping out of high school and the need to retain a greater percentage of these students as areas of need. The improvement plan includes activities that are sufficient to address these areas of need.

An additional area of need was identified during the on-site monitoring visit regarding the documentation of written notice of a student's change in placement prior to graduation.

Area of Need:

Written Notice of Graduation — A review of student records indicated that written notice of graduation is not being sent to parents and adult students. Interviews with CST staff and school administrators indicated that this requirement had not been implemented to date.

- **The district is directed to revise its improvement plan to ensure that written notice is provided to parents/adult students prior to high school graduation.**

Section XIV: Programs and Services

Summary of Findings:

The district identified during the self-assessment process the need for child study team members to apportion their time efficiently in order to address case management responsibilities. The improvement plan is not sufficient to address this area of need.

An additional area of need was identified during the on-site monitoring visit regarding special education class sizes throughout the district, including early childhood class sizes at the Jefferson School indicated that exceed those required by the Abbott regulations. Staff from the PIRC have been advised of this issue.

Area of Need:

Class Sizes – Upon review of class rosters, class sizes were oversubscribed in the Edison School, the Robert Waters School, the Woodrow Wilson School, Union Hill High School, the Washington School, and the Roosevelt School.

- **The district will revise its improvement plan to ensure that class sizes comply with those permitted by N.J.A.C. 6A:14. The plan must include an administrative oversight component to ensure consistent implementation and compliance with this activity.**

Section XV: Student Records

Summary of Findings:

During the self-assessment process the district identified parent and staff training regarding student records as an area of need. The district has developed an improvement plan that is sufficient to address this area of need.

An additional area of need was identified during the on-site visit regarding access sheets in student files.

Areas of Need:

Access Sheets – A review of student files indicated the inconsistent inclusion of access sheets in the records.

- **The district must revise its improvement plan to include the procedures it will follow to ensure each student file has an access sheet.**

Summary

This on-site monitoring visit was conducted during the week of October 30, 2000 after a public focus meeting. The purpose of the monitoring was to verify the district's report of findings and review the district's improvement plan resulting from self-assessment. As a result of the district's thorough and comprehensive self-assessment process, they were able to identify most areas of need as well as develop a comprehensive improvement plan to bring about systemic change in those areas of need.

The district should be commended for its broad-based commitment to inclusive education that is clearly demonstrated by the large percentage of students with disabilities being educated in general education programs. Information obtained through interviews with staff throughout the district further reinforced and confirmed the district's systemic commitment to, and acceptance of, inclusive practices.

The monitoring process further identified a number of district strengths that included a comprehensive approach to transition planning and services, staff involvement in the community (e.g. living in Union City, longevity as district employees), staff commitment to providing assistance to families in areas related to guardianship, etc., offering services to students and adults during evening hours, and the provision of a variety of diverse interventions through PAC that are designed to successfully maintain students in regular education classes.

In addition to the areas of need identified during the self-assessment process, the on-site team identified other areas related to referral, evaluation, and discipline procedures, class size issues, notice issues, and timelines. Documentation issues included the individual decision-making process and transition activities. These areas will need to be addressed by the district through the revision of its improvement plan.

Within forty-five (45) days of receipt of this monitoring report the district will revise and submit its improvement plan to the Office of Special Education Programs.