

New Jersey Department Of Education Special Education Monitoring

District: Washington Township **Monitoring Dates:** February 1-3 and 8-10, 2000

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Background Information

On January 19, 2000, prior to the monitoring visit, NJDOE facilitated a public focus group meeting with parents and district representatives. The meeting participants provided information regarding staff development, access to the general education curriculum in the least restrictive environment, parental involvement, provision of written notice, and transition planning processes.

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. Other sources of information included reviews of documentation, 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.

Noteworthy Programs and Practices

The district offers a wide range of assistive technology including auditory trainers, augmentative communication devices, and complete classroom sound amplification. In addition, the district provides software to support instruction in written expression and is currently piloting a new program designed to support remediation of language disorders and speech delays.

The district has invested a great deal of time and resources in staff development efforts. They have provided workshops on inclusion and in-class support, learning styles and multiple intelligences, and innovative teaching methodologies. This is an on-going effort expected to continue over the next few years.

The district makes provision for collaborative planning time for teaching teams in in-

class support settings. This is done on a daily and monthly basis for the purpose of short and long term instructional planning.

The district provides for a wide range of clubs and activities designed to include students with disabilities. This includes the Signing Club, which fosters the integration of students with auditory impairments.

With the introduction of the World Languages program, the district has created an adaptive Spanish program for students with disabilities.

The district offers summer reading and enrichment programs, designed to reinforce skills acquired during the school year.

The district offers a number of transition programs, extending from first grade through the high school level. The district provides on-site job opportunities for students in high school. At the kindergarten level, the district has implemented the TEEM program, which is a collaborative effort that aids in transitioning students to elementary programs.

With the increased emphasis on state-wide assessment, the district has made provision for a large number of students to participate in these assessments, including those taking the assessments with accommodations and modifications.

Areas of Compliance:

The district has demonstrated systemic compliance with the requirements established in Section V - Protection in Evaluation, Section XII - Assessment, Section XIII - Graduation, Section XIV - Programs and Services, and Section XV - Student Records.

Section I: General Provisions

Summary of Findings:

Review of the district's policies and procedures indicated that annually the district submits required IDEA reports regarding the numbers of students with disabilities and a report of certified and contractual staff. The district makes information regarding the IDEA application available to parents and the general public as required.

The district is currently revising their policies to be in compliance with federal and state regulations, per the directive from the Office of Special Education Programs.

Area of Need:

Current Policies and Procedures - The district's current policies and procedures are not compliant with IDEA 1997 and N.J.A.C. 6A:14.

- The district is directed to revise their policies and develop procedures as directed in the memo issued by the Office of Special Education Programs.

Section II: Free, Appropriate Public Education

The district makes available a free appropriate public education to students with disabilities between the ages of 3 to 21, including students with disabilities that have been suspended or expelled from school. All special education teachers and related service personnel are fully certified. The school day and academic year for students with disabilities is at least as long as that for non-disabled students. Students with disabilities have available to them the variety of programs and services that are available to non-disabled students. Students with disabilities are afforded the opportunity to participate in extracurricular activities.

Problems, however, were noted in the area of extended school year as well as the determination of access to the general education curriculum for specific groups of special education students.

Areas of Need:

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 with regard to the provision of extended school year programs. Although the district offers various summer programs to students in the district, the IEPs reviewed did not consistently contain documentation that an extended school year was considered and discussed for all classified students. Teachers, child study team members, and parents report the consideration of the need for an extended school year was not always discussed at IEP meetings.

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

Access to the General Education Curriculum- The special education department maintains and implements a separate special education curriculum. While many students have access to the general education curriculum, students participating in special education classes as a whole, specifically those in self contained classes and pull out replacement, participate in the special education curriculum. Documentation in these IEPs did not reflect consideration on an individualized basis.

- The district is directed to develop an improvement plan that identifies the

procedure it will follow to ensure that consideration and determination of participation in the general education curriculum is documented based on individual student need. This procedure must also include documentation of the need for accommodations and adaptations within the context of the regular education curriculum for individual students.

Section III - Procedural Safeguards

Summary of Findings:

The district has appropriate procedures in place for the provision of surrogate parents, should the need arise. The district obtains parental consent, as required. The district follows proper procedures with regard to the provision of independent evaluations. The district provides PRISE, 6A:14, and 1:6A as required and upon parental request.

Problems were noted with written notice, documentation of provision of notice within required timelines, and notice of transfer of rights at the age of majority.

Areas of Need:

Notice of a Meeting – Notices for identification meetings do not identify all the participants by discipline. The district has developed a corrective action plan to address this component. It must be fully implemented. Meeting notices for the reevaluation planning meeting identify the participants as the "IEP team". Notices in this instance do not identify the participants by discipline.

- The district is directed to revise notices of reevaluation planning meetings to identify participants by discipline.

Written Notice – The district does not consistently document that written notice is provided within the required 15 day timeline. In addition, the district does not consistently document that parents receive the statement of determination of eligibility. Evaluations plans for speech-language do not contain the required components of notice.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that written notice is provided within required timelines and documented in pupil records.
- The district is directed to revise their written notices of proposed speech-language evaluations to ensure they contain all the required components of notice.

Documentation of Written Notice – The district does not consistently maintain copies of notices in student files. Interviews with child study team members indicate that these notices are provided, but documentation was not consistently found in pupil records.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure documentation of all notices is maintained in the student files.

Transfer of Rights at Age of Majority – The district does not consistently document that parents and students are informed that all rights will transfer to the student on reaching the age of majority.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that students and parents are informed, in writing, of the transfer of rights at least three years before the student's 18th birthday and that documentation is maintained in pupil records on a consistent basis.

Section IV- Location, Referral and Identification

Summary of Findings:

The district utilizes Child Find location efforts via mailings to various agencies and medical facilities concerned with the education of children ages 3-21. Interventions in general education programs as well as the implementation of these interventions are documented in student files. Currently, all initial referrals are addressed by the district within required timelines.

However, issues were identified regarding the referral process, and notice of the identification meeting.

Areas of Need:

Referral Process – Interviews with district personnel and parents indicate that the process of referral in this district is in compliance with administrative code. However, the district currently has a written procedure, in chart format, reflecting an inaccurate process implying that parents are not a part of the decision to evaluate. The chart identifies the following procedures:

“After child study team review, a determination as to whether the student is potentially educationally handicapped is made and that information is shared with the appropriate guidance personnel. At times this district determination may be made collaboratively with guidance personnel. After the collaborative agreement is made to evaluate, a letter is forwarded from the child study team indicating a time for a meeting between child study team, regular education teacher, the parent, and possibly guidance personnel.”

- The district is directed to revise their current written procedures to reflect the correct procedures currently being implemented.

Identification Meetings - The district provides written notice of identification meetings, however, meeting notices did not consistently identify child study team participants by discipline. The district has written a corrective action plan to address the components of notice of an identification meeting. This plan must be implemented immediately. In addition, the district provides written notice of evaluation determination within required timelines, however, written notice for speech evaluations did not contain required components. The district used a one-page format for speech evaluation plans which did not include sufficient explanation of the reason for the evaluation, a description of options considered and rejected, procedures used as the basis for the determination, a description of other relevant factors, and documentation of provision of the short procedural safeguards statement and NJAC 6A:14 and 1:6A. It is recommended that the district modify the evaluation plan used for child study team referrals for use by the speech-language specialists. (Corrective action for written notice is addressed in Section III—Procedural Safeguards.)

A review of student records indicates that while the district has implemented a new format for evaluation plans, completion of all required components in a sufficient manner is addressed differently by different team members. There is a need for additional staff development to assure that all child study team personnel consistently document written notice per the administrative code.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that all child study team members provide appropriate written notice in a consistent manner.

Standard VI- Reevaluation

Summary of Findings:

The district conducted reevaluations within three years, or sooner, if conditions warranted. Documentation included a review of data and determination of the nature and scope of the reevaluation. Consent was obtained prior to conducting evaluations. Reevaluations were conducted by June 30 of a preschooler's last year in a preschool program. Reevaluations were conducted when considering a change in eligibility. When parents or district staff requested reevaluations sooner than three years, said evaluations were conducted without undue delay.

However, problems were noted with documentation of review and/or revision of the IEP and notice of a meeting did not identify the correct participants.

Area of Need:

Reevaluation Planning Meetings - The district did not consistently document that student IEPs were reviewed and revised, if necessary, as part of the reevaluation process. This specifically occurred when there was a decision not to conduct additional assessments. In addition, the notice of a meeting identified the participants as the "IEP team." Participants must be more specifically identified by discipline. (Corrective action for notice of a meeting is addressed in Section III—Procedural Safeguards.)

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that, in the event that no additional assessments are required, documentation is maintained that the IEP is reviewed and/or revised, as necessary.

Section VII- Eligibility

Summary of Findings:

Eligibility meetings were conducted following the evaluation process. Parents received notice, in sufficient time to attend meetings. Notice of a meeting included required components. When the purpose of the meeting included development of an IEP, provision of PRISE was documented. Correct participants were in attendance at eligibility meetings. The district employs appropriate specialists who use the correct diagnostic instruments to determine eligibility. Eligibility is based on the required assessments.

However, problems were noted in provision of written notice of the determination of eligibility and the criteria for eligibility for students identified as having multiple disabilities.

Areas of Need:

Written Notice - The district does not consistently document that written notice of the statement of determination of eligibility is provided to the parent within 15 days of the eligibility meeting. (Corrective action for provision of written notice is addressed in Section III—Procedural Safeguards.)

Eligibility Criteria – The district documents the criteria for eligibility through a notice form that includes the definition of the appropriate disability as identified in N.J.A.C. 6A:14-3.5 (c)1-13. A review of student records indicated, however, that the definition for students identified as having multiple disabilities included the category of "other", which included disorders such as "Oppositional Defiant Disorder" and "Depression". Use of a category of "other" is not consistent with administrative code.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that a student is classified as eligible for special education and related services when it has been determined that the student has one or more of the disabilities as defined in N.J.A.C. 6A:14-3.5(c)1-

Section VIII- Individualized Education Program

Summary of Findings:

Through record reviews and staff interviews it was determined that the district ensures that IEPs are implemented and in effect as required. Through staff interviews it was also noted that staff members have access to IEPs for all educationally disabled students in their class.

However, problems were noted with IEP components, IEP meeting participants, identifying relationships between the present levels of educational performance (PLEP) and LRE statements, as well as the relationships between the IEP's goals and objectives and the core curriculum content standards (CCCSs). Other concerns are noted with the district's practice of developing two separate IEPs when a classified student receives speech as a related service.

Areas of Need:

IEP Components- The IEPs reviewed did not contain appropriate considerations with the required statements as stated in N.J.A.C. 6A:14. Through staff interviews and review of additional materials provided to the monitoring team, it was noted that the district is planning to adopt a new IEP format. The district must review this document to ensure that it contains all of the required components. In addition, although the DOE recognizes the intent of the district to utilize this new IEP format, a vital key to the success of this new format lies in the training that will be provided to staff on the new IEP format. By providing additional training, it is believed that many of the areas of need with regard to IEP components may be addressed.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that training is provided to district child study team and instructional personnel on the implementation of the proposed IEP format. This improvement plan must include a mechanism for reviewing the document to assure that all IEP components are addressed and for evaluating the effectiveness of documenting student's programs.

Meeting participants- The district board of education does not ensure that regular education teachers are consistently present at IEP meetings. In many cases the teacher selected to attend the IEP meeting was not a teacher having direct knowledge of the student's individualized needs. The district is required to provide for a regular education teacher that has knowledge of the student, unless no such teacher exists. In that instance, the district must include a regular education teacher who is knowledgeable about district programs. In addition, the district does not maintain documentation of multiple attempts to secure parent participation in IEP meetings. Many files did not document more than one

attempt.

- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that a regular education teacher with knowledge of the student's performance (or in the case when no such teacher exists, a teacher who knows the program) is in attendance at IEP meetings.
- The district is directed to develop an improvement plan that identifies the procedure it will follow to ensure that multiple attempts are made to secure parental participation in IEP meetings and that these attempts are documented in pupil records.

Relationships between PLEP and LRE statements- The IEPs reviewed contained detailed statements regarding students' present levels of educational performance (PLEP). Teacher interviews indicated that these descriptions contained sufficient information to identify specific areas of need and to provide appropriate instruction. However, there was not a clear relationship between these statements and the rationale for placement in the least restrictive environment.

- The district is directed to develop an improvement plan that identifies the procedures it will use to ensure that IEPs document the decision-making process for placement in the least restrictive environment and how the current level of performance led to that decision.

Relationships between IEP and CCCSs- The IEPs did not contain a statement of measurable annual goals that are related to the core curriculum content standards through the general education curriculum. Since the district identifies many program options to meet students' individual needs, the district must document how the goals and objectives identified are related to the CCCSs.

- The district is directed to develop a plan that ensures that the goals and objectives identified in the IEP are related to the CCCSs .

Procedures for Students Receiving Speech as a Related Service- When students in the district receive speech as a related service, the district's current procedures involve the practice of the developing two separate IEPs and requesting parental consent for both.

In accordance with New Jersey Administrative Code 6A:14, an IEP must be developed for a student eligible for special education and related services. This IEP must include the student's entire special education program, including related services, if appropriate. In addition, the IEP must document the projected date for the beginning of the services, and the anticipated frequency, location and duration of those services.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure that one IEP including all required components

is developed for students identified as eligible for special education and related services and requiring speech as a related service.

Section IX- Least Restrictive Environment

Summary of Findings:

Students are placed in a variety of education programs including supported regular education, in-class and pull-out resource programs, special classes and out-of-district placements.

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 the individualized decision making process for placement or that 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. In addition, IEPs did not indicate that there was consideration of a full continuum of placements for disabled students. For example, in-class support was only available to students on a full time basis. Student placements were not consistently reviewed on an annual basis and decisions were limited to programs that currently exist in the district rather than those based on individual student needs. The district currently has a corrective action plan to address these issues. This plan must be fully implemented.

Preschool Disabled - The 1999 Annual Data Report indicated that the district has 69% of the preschool children with disabilities placed in preschool disabled classes. Placement decisions for preschoolers are not based on the individual needs of students. In addition, there has been little movement in placing preschoolers in community programs. Through interviews, it was determined that there are community based programs in which preschool disabled students may participate. However, there are few students (3) who are actually placed in a community preschool program. Although the foundation has been established for participation in these programs, the district has not utilized these programs to allow for maximum participation. The district currently has a corrective action plan to address these issues. This plan must be fully implemented.

Section X- Transition

School to Post-School

Summary of Findings:

During the entrance conference, members of the monitoring team viewed a videotape of

the efforts of the district to provide work experiences to their student population through their TEEM Program. The monitoring team would like to recognize the district's efforts in expanding student work experiences. The district has implemented a new format for providing written notice of IEP meetings, for the purpose of transition planning, to students ages 14 and older. However, the district fails to fully ensure that IEPs document statements of transition service needs for students with disabilities at age 14 or younger, if appropriate, and statements of needed transition services for students with disabilities with disabilities beginning at age 16, or younger, if appropriate. Problems were identified in documenting transition services in the IEP, participants at transition meetings, documenting the preschool transition process, documentation of student interests and preferences and documentation of agency representation.

Areas of Need:

IEP Documentation - Although the district is providing some work experiences to students in their district, the documentation of these services is limited and does not meet all of the regulatory requirements. The documentation of transition programming is not in the district's current IEP format.

However, since the district is anticipating the use of the new IEP and the area of transition is included in their format, it is anticipated that given the appropriate training, staff will be documenting their efforts more effectively. Interviews with staff and parents indicate that the district is implementing transition programs, however, appropriate documentation in the IEP for implementing the transition process is lacking. In addition, there was a lack of documentation of consideration of student interests and preferences and how that information was obtained.

- The district is directed to develop an improvement plan that identifies the procedure the district will follow to ensure the development of appropriate transition plans that include all required components. The plan must include a mechanism to ensure documentation of the planning process as well as the plan itself.

Transition Meeting Participants – In reviewing student records, the monitoring team was unable to consistently document the extent of the agency representation at IEP meetings. A representative of an agency likely to be responsible for providing or paying for transition services was not consistently identified as a participant. In addition, student files did not document agency invitations.

- The district will develop an improvement plan that identifies the procedure it will follow to ensure invitation and documentation of agency participants at transition planning meetings.

Preschool Transition

Summary of Findings:

The district facilitates transition from early intervention to preschool by arranging for a child study team member to attend the preschool transition planning conferences. Preschoolers with disabilities have their IEPs implemented no later than age three.

Section XI - Discipline

Summary of Findings:

The district implements appropriate disciplinary measures when those actions are required. Manifestation determinations are held, as required, with appropriate participants. Some problems were noted with the consistent development of behavior intervention plans for students with a known history of behavior concerns.

Area of Need:

Behavior Intervention Plans – A review of the files did not show evidence of behavior management plans being developed on a consistent basis for students with a history of behavioral concerns.

- The district is directed to develop an improvement plan that identifies the procedures it will follow to ensure the development of appropriate behavior intervention plans for students who require them.