

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

District: Wayne Township

County: Passaic

Monitoring Dates: December 6,7,8,10,13,14,15, 1999

Monitoring Team: D. Bogart, R. Burton, S. DeBruyne, K. Ellmore, A. Errichetto,
G. Strauss, M. Varley

Background Information

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

The purpose of the on-site monitoring was to determine the district's compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) 1997 and the New Jersey Administrative Code (N.J.A.C.) 6A:14. Areas of 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 identified areas of need.

District Strengths

The district has developed a comprehensive system to provide interventions in general education by utilizing the Regular Education Intervention Committee (REIC).

The district provides a variety of in-service training opportunities for professional and paraprofessional staff providing special education, general education or related services.

The district has implemented a number of effective conflict resolution programs that have resulted in a decrease in disciplinary incidents and referrals.

A number of students with moderate and severe disabilities have been returned to new in-district programs.

The district supports the inclusion of a number of students with moderate and severe disabilities by providing personal aides and full-time nurses.

The district has recently hired a transition coordinator to facilitate the development, expansion, and implementation of specific transition from school to post-school initiatives.

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, Reevaluation, Discipline, Statewide Assessment, Graduation, Programs and Services, and Student Records.**

Areas Needing Improvement

Of the fifteen (15) areas reviewed during the on-site monitoring visit, it was determined that the district needs to address areas within the following sections.

Section II: Free, Appropriate Public Education

Summary of Findings:

The district provides special education and related services to students with disabilities between the ages of three and 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 the school day and the academic year for students with disabilities is at least as long as that established for nondisabled students.

Problems, however, were identified in the provision of FAPE regarding extended school year programs and counseling as a related service.

Area(s) of Need:

Extended School Year – Summer programming for disabled students exists within the district. This includes a traditional summer school program and extended school year services. Information obtained through the interview process indicated that during IEP meetings for students at the elementary level, the need for an extended school year is

discussed and considered. A review of IEPs verified that the provision of extended school year services is determined on an individual basis for these students. Parents at the public focus group meeting, however, indicated the consideration for extended school year services is not consistently discussed at IEP meetings for students in the middle schools and high schools. This concern was substantiated through interviews with parents and district staff, as well as, a review of student records.

- The district will develop an improvement plan that will ensure extended school year services are considered for each classified student in the district, independent of the age of the student and then, document those considerations in the IEP.

Counseling Services – Although the district provides counseling services, determinations regarding the frequency were not based on the individual needs of students. A review of records and information obtained through the interview process indicated the majority of students receiving counseling as a related service are scheduled for two sessions per month.

- The district will develop an improvement plan that will ensure determinations regarding the provision of counseling services are based on the individual needs of students, and are not dependent on district-wide scheduling practices.

Section III: Procedural Safeguards

Summary of Findings:

The district has policies and procedures in effect to ensure students with disabilities and their parents are afforded procedural safeguards. 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.

Parents at the public focus group meeting raised concerns regarding the willingness on the part of the district to accommodate schedules of working parents when arranging meetings. Information obtained through interviews conducted with parents during the on-site monitoring visit indicated meetings are scheduled at a mutually agreeable time and place, and that parents are given written notice of a meeting early enough to ensure they will have an opportunity to attend. A review of signatures in student records verified the participation of parents at meetings.

Findings of the Program Review conducted during the 1998-99 school year indicated that, although notices were provided to parents regarding the Identification meeting, the notices did not reflect all required components. The district has developed a Corrective Action Plan to address this area of need, and implementation of the Plan is in process.

During the current on-site monitoring visit, notices surrounding other events in the special education process were reviewed. Information obtained through the interview process and a review of notices in student records indicated notice is provided at the required times, and reflects the required components. Problems were identified, however, with the provision of notice in the native language of the parent(s), and with documenting the participation of interpreters at meetings.

Area(s) of Need:

Native Language – A review of notices in records of students whose native language and/or that of their parent(s) is not English indicated that notices were not translated. Additionally, records lacked documentation of attempts to obtain translation services. Information obtained through interviews indicated that the district does provide interpreters at meetings and employs a number of strategies to ensure meetings are conducted in the native language of the parent(s). Student records, however, lacked documentation to reflect the participation of interpreters at meetings.

- The district will develop an improvement plan that will ensure notices are provided in the native language of the parent(s). The plan will also include a component to ensure attempts to obtain translation services are documented in the student record.
- The district will develop an improvement plan that will ensure that the participation of interpreters at meetings is documented in the student record.

Section IV: Location, Referral, Identification

Summary of Findings:

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

Records of students referred for a speech disorder in articulation, phonology, fluency, or voice, however, lacked documentation of the written referral.

Area(s) of Need:

Referral for Speech-Language Services - Information obtained through interviews and record review indicated that, although the district convenes an identification

meeting with the appropriate participants when a student is referred to the speech-language specialist, documentation of the written request is not consistently maintained in the student record.

- The district will develop an improvement plan that will ensure records of students referred to the speech-language specialist include documentation of the written request. The plan will also include a procedure to ensure that when the district receives a referral, the date of receipt is clearly documented.

Section V: Protection in Evaluation and Evaluation Procedures

Summary of Findings:

The district ensures that evaluation procedures are technically sound, are neither culturally nor racially discriminatory, and are administered by trained personnel. The district also ensures that students with disabilities receive a comprehensive evaluation conducted by a multi-disciplinary team of professionals who utilize of a variety of assessment tools and strategies to assess the student in all areas of suspected disability.

Written reports prepared by child study team members and speech-language specialists, however, lacked documentation of specific requirements. Written reports were not consistently signed by the individual(s) who conducted the assessment. Additionally, student records did not consistently include documentation of the IEP team's acceptance or rejection of reports and assessments submitted by outside child study team members, specialists, or professionals.

Area(s) of Need:

Written Reports - Although written reports prepared by child study team members and speech-language specialists included an appraisal of the student's current functioning, written reports did not consistently include an analysis of instructional implications appropriate to the professional discipline of the evaluator, a statement regarding relevant behavior of the student, and the relationship of that behavior to the student's academic functioning. Additionally, written reports were not consistently signed by the individual(s) who conducted the assessment.

Information obtained through the interview process indicated speech-language specialists conduct structured observations and obtain information of the educational impact of the speech problem provided by the student's teacher. These procedures, however, were not consistently documented in records of students found eligible for speech-language services.

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- The district will develop an improvement plan that will ensure written reports of child study team members and speech-language specialists include: a) an analysis of 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.
 - *CST's* The district will develop an improvement plan that will ensure written reports of speech-language specialists include documentation of the educational impact of the speech problem provided by the student's teacher, and a minimum of one structured observation.
 - The district will develop an improvement plan that will ensure each written report is dated and signed by the individual(s) who conducted the assessment.

Outside Reports and Assessments - The IEP team's acceptance or rejection of reports and assessments submitted by outside CST members, specialists, or professionals was not consistently documented in student records. This was also an area of concern highlighted by parents at the focus group public meeting.

- The district will develop an improvement plan that will ensure when reports and assessments of child study team members or specialists from other public education agencies, approved clinics or agencies, or professionals in private practice are submitted to the IEP team for consideration: a) the IEP team accepts or rejects the entire report(s) or any part of the report(s); b) acceptance of the report shall be noted in writing and shall become part of the report(s) of the district; and, c) if a report or part of a report is rejected, a written rationale shall be provided to the parent or adult student by the IEP team.

Section VII: Eligibility

Summary of Findings:

The district ensures that a student is determined eligible and classified "eligible for special education and related services" when the student has one or more of the disabilities defined in N.J.A.C. 6A:14-3.5(c) 1 through 13, the disability adversely affects the student's educational performance, and the student is in need of special education and related services. The district also ensures that students are determined eligible and classified "eligible for speech-language services" when the student has a speech-language disorder that adversely affects classroom performance and the student requires only speech-language services. Eligibility is determined at a meeting with the required participants.

Student records and interviews indicated, however, that parents do not consistently receive copies of evaluation reports prepared by speech-language specialists when students are evaluated for a speech disorder in articulation, phonology, fluency, or voice.

Area(s) of Need:

Copies of Evaluation Reports - Although the district ensures a student is determined eligible and classified "eligible for speech-language services" at a meeting with the required participants, information obtained through record review and interviews indicated the district does not consistently provide parents with a copy of the evaluation report(s).

- The district will develop an improvement plan that will ensure a copy of the evaluation report(s) is provided to the parent or adult student when a student is evaluated for a speech disorder in articulation, phonology, fluency, or voice no later than 15 days after the eligibility meeting. The plan will also include a procedure for ensuring the provision of the evaluation reports(s) is documented in the student record.

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. IEPs developed for students determined eligible for special education and related services, and for students determined eligible for speech-language services are implemented and in effect as required, and are reviewed at least annually.

Problems were identified, however, with ensuring that the appropriate team members conduct IEP meetings for students determined eligible for speech-language services. Additionally, required IEP considerations were not consistently addressed in the IEPs of these students.

Area(s) of Need:

Participants in IEP meetings - A review of student records and information obtained through the interview process verified the district has not ensured the attendance of a district representative at IEP meetings for students determined eligible for speech-language services.

- The district will develop an improvement plan that will ensure a district representative attends the IEP meetings for students determined eligible for speech-language services.

Required Considerations and Components – Information obtained through the interview process indicated that the district revised its speech-language IEP format to include required considerations and components as of November 1, 1999. IEPs generated after this date were reviewed by the on-site monitoring team to assess the district's progress in documenting required considerations and incorporating required components in IEPs of students determined eligible for speech-language services. A review of IEPs generated after November 1, 1999 reflected the district does not consistently document required considerations.

- The district will develop an improvement plan that will ensure systemic implementation of required IEP considerations and components for students determined eligible for speech-language services. This plan will include continued use of the district's revised IEP format.

Section IX: Least Restrictive Environment

Summary of Findings:

The district ensures placement in the least restrictive environment by making available a continuum of alternative placements to meet the needs of students with disabilities. Additionally, the district ensures that the placement of a student with a disability is determined at least annually, and that the placement is based on his/her IEP. IEPs generated prior to November 1, 1999, however, lacked documentation of specific considerations for placement in the least restrictive environment.

Information obtained through the interview process indicated district personnel attended a technical assistance session provided by the Office of Special Education Programs (OSEP) on September 23, 1999 which focused on implementation of N.J.A.C. 6A:14 with regard to providing students with disabilities access to the general education curriculum and general education programs. IEPs generated after November 1, 1999 were reviewed by the on-site monitoring team to assess the district's progress in implementing the decision making process and documentation requirements for placement in the least restrictive environment.

IEPs generated after November 1, 1999 documented a comparison of the benefits provided in a regular class and the benefits provided in a special education class, and the potentially beneficial or harmful effects a placement may have on the student with disabilities or the others in the class. Additionally, the section in IEPs entitled "IEP Strategies" contained program modifications the student would receive within regular education programs and/or special education programs. However, documentation of

other required considerations for placement in the least restrictive environment reflected further refinement of the decision making process is needed.

Area(s) of Need:

Decision Making Process and IEP Documentation – A comparison of IEPs generated prior to the technical assistance session and those generated after November 1, 1999 reflected the district has made progress in implementing the decision making process and documentation requirements for placement in the least restrictive environment. However, when students were removed from general education programs, IEPs did not reflect an individualized discussion of what supplementary aids and services and program modifications were considered to support the student, and an explanation of why they were not appropriate to meet the student's individual needs within the general education class.

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

Section X: Transition

Summary of Findings:

Transition to Preschool

Information obtained through the interview process indicated the district works cooperatively with local early childhood programs, pediatricians, and early intervention programs to locate, refer and identify preschool aged children.

A review of student records indicated that preschool aged children received timely evaluations when transitioning from early intervention. However, a review of student records indicated a child study team member of the district board of education has not routinely participated in preschool transition planning conferences arranged by the Department of Health and Senior Services. Information obtained through the interview process indicated that the district is rarely invited to participate in these meetings. Staff members from Special Child Health Services acknowledged that currently procedures are not in place to involve local districts in the preschool transition planning conference. Both Special Child Health Services and the district expressed an interest in developing procedures to implement this requirement.

IEPs generated after April of 1999 reflected that preschoolers with disabilities were identified, evaluated, determined eligible, and had their IEPs implemented no later than age 3. In cases where the child's IEP was implemented after the child's third birthday, student records contained documentation to support the IEP team's decision.

Recommendations:

Facilitating the Transition from Early Intervention to Preschool – In order to facilitate the transition from early intervention to preschool, a child study team member of the district board of education is required to participate in the preschool transition planning conference arranged by the Department of Health and Senior Services. Currently, district representatives are not being invited

- It is recommended that the district develop a procedure that will document contact with local early intervention programs to facilitate the district's participation in the transition planning conference.

Transition from School to Post-School

Information obtained through the interview process and record review indicated that beginning at age 14, or younger, if appropriate, students participate in IEP meetings to discuss transition service needs and transition services. Interviews also indicated that the district has committed resources and personnel to address the needs of students with disabilities transitioning from school to post-school. A staff member has been hired to coordinate the district's transition from school to post-school initiatives including: establishing a transition committee; establishing a student advocacy program; selecting appropriate vocational assessments and interest inventories for middle and high school students; and coordinating job coaching for students.

Information obtained through the interview process indicated on September 30, 1999 representatives from OSEP conducted an on-site technical assistance session in Wayne Township that focused on federal and state requirements for transition from school to post-school. Areas of need were identified and recommendations for improvement were provided to the district. Wayne Township is in the process of implementing these recommendations for improvement.

In response to the recommendations, the district revised its IEP document to incorporate the transition sections addressed in the state model IEP. Interviews indicated that child study team members began using the revised IEP format as of November 1, 1999. IEPs generated after November 1, 1999 were reviewed by the on-site monitoring team to assess the district's progress in documenting required transition considerations. A comparison of IEPs generated prior to the technical assistance session and those generated after November 1, 1999 reflected the district has demonstrated progress in ensuring that transition service needs are included in IEPs for

students with disabilities beginning at age 14, or younger, if appropriate, and transition services are provided beginning at age 16, or younger, if appropriate.

Although the district has demonstrated progress in addressing transition from school to post-school requirements, systemic implementation of IEP considerations and required documentation has not yet been established.

Area(s) of Need:

Transition from School to Post-School – A comparison of IEPs generated prior to the technical assistance session and those generated after November 1, 1999 reflected the district has made progress in addressing transition from school to post-school requirements. Systemic implementation of IEP considerations and required documentation, however, has not yet been established.

- The district will develop an improvement plan that will ensure systemic implementation of IEP considerations and documentation requirements for transition from school to post-school. The plan will include continued use of the district's revised IEP format.