

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

**District:** West Orange

**County:** Essex

**Monitoring Dates:** March 6,7,8, 9,13,14,15,16,17, 2000

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**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 implemented a number of programs designed to provide instruction, enrichment, and support to students with disabilities and students at risk. These programs are highlighted below.

- ❖ The district has developed a comprehensive system to provide interventions in general education by utilizing the Pupil Assistance Committee (PAC).
- ❖ The district has implemented an effective conflict resolution program that gives students an opportunity to reflect on the consequences of their behavior, and an opportunity to express their feelings in an appropriate setting.
- ❖ The district has opened a class for children with autism.

- ❖ A transition teacher has been appointed to help facilitate the development, expansion, and implementation of specific transition from school to post-school initiatives.
- ❖ The district has initiated the Partners in Education program with Daughters of Israel.
- ❖ The district has instituted the high school at-risk youth employment program.

### **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: **Reevaluation, Statewide Assessment, and Graduation.**

### **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 I: General Provisions**

#### **Summary of Findings:**

The district board of education ensures that it provides publicly funded educational programs and services to students with disabilities in accordance with federal and state regulations. The district has revised its policies to reflect changes since the adoption of N.J.A.C. 6A:14. Additionally, the district has developed a manual of procedures for the implementation of special education programs and services.

Annually, the district submits the required reports related to the number of students with disabilities enrolled in the district; staff (including contracted personnel) providing services to students with disabilities; and the number of students with disabilities who are exiting education. The district makes available to parents of students with disabilities and to the general public all documents relating to the eligibility of the district under Part B of the IDEA.

However, problems were identified with directives included in the district's special education manual of procedures. Furthermore, problems were identified with the staff's application of specific administrative guidelines included in the manual. Areas of need relating to the special education manual of procedures will be addressed in subsequent sections of this report.

In addition, problems were identified with meeting the in-service training needs of professional staff.

### Area(s) of Need:

**In-service Training of Professional Staff** – The district provides in-service training opportunities for district personnel at staff meetings, through courses offered in the district, and by supporting attendance at workshops. However, information obtained through the interview process indicated that the in-service needs of regular education teachers having responsibility for students with disabilities have not been appropriately addressed. The lack of staff development for regular education teachers was an area of concern identified by parents who attended the public focus group meeting. Additionally, interviews indicated that there has been limited in-service training for professional staff regarding discipline issues of students with disabilities involved in serious infractions.

- **The district will develop an improvement plan that will ensure that the in-service needs of both professional and paraprofessional staff who provide special education, general education or related services are identified, and that appropriate in-service training is provided.**

## **Section II: Free, Appropriate Public Education**

### Summary of Findings:

The district provides special education and related services to students with disabilities age three to 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. The length of the school day and the academic year is at least as long as that established for nondisabled students. Transportation for students in out-of-district placements is provided consistent with the calendar in the receiving school. Transfer students with disabilities are provided the services without delay, according to their IEP.

On March 12, 1999 NJDOE initiated a complaint investigation (#C99-0928) on behalf of pupils with educational disabilities in the West Orange School District. One of the issues under investigation was whether the education agency provided speech services as indicated in educationally disabled pupils' IEPs. On June 23, 1999 the district was forwarded the final complaint investigation report which detailed the findings, conclusions, and corrective actions for the district to follow in order to comply with mandated regulation and statute. The complaint investigation report concluded:

*A review of the district speech attendance records from students randomly selected from two elementary schools, the high school and preschool, indicated that the district failed to provide both individual and group sessions of speech-language therapy. Although the district has attempted to provide the missed sessions through compensatory speech services, document review indicated that*

*the district has miscalculated not only the number of sessions missed, but also the number of pupils who were not provided with speech services.*

*Therefore, since the district failed to provide the sessions of the related service of speech required by IEPs of educationally disabled pupils, the district is determined to be noncompliant with N.J.A.C. 6A:14-4.1(a) and corrective action is necessary.*

- *The district is directed to develop a corrective plan which identifies the procedure it will follow to ensure the provision of speech services required by pupils' IEPs. Furthermore, the district is directed to work with the county office to identify the students who failed to receive the speech services required by their IEPs and then to determine the number of compensatory sessions each student requires. The district must then provide those students with the compensatory speech services it failed to provide during the 1998-1999 school year. (Complaint Investigation C99-0928)*

The district has developed a corrective action plan to address this area of noncompliance and implementation of the CAP is in process.

However, during the current on-site monitoring visit, problems were identified in the provision of FAPE regarding students placed in approved facilities, provision of extended school year programs, provision of home instruction, and provision of speech-language services through an "integrated" model.

**Area(s) of Need:**

**Approved Facilities/Classrooms** – During the on-site visit to the schools, concerns were raised regarding instructional space within three elementary schools. In Washington School, the square footage of the resource room was identified as a concern. In Pleasantdale School, the speech-language specialist provides therapy in a small corner of the preschool classroom sectioned off by room dividers; of concern is the high level of distractions from the other students in the classroom. In Gregory School, the room assigned to the occupational therapist appears to be a storage closet.

The Director of Special Services indicated that the district has space problems. When questioned about who determines and allocates space for special education instruction and related services, the Director indicated that the school principals are responsible for these decisions. Consultation with the Essex County Office of Education verified there is no record of approval granted for these rooms for the 1999 –2000 academic year.

- **The district will develop an improvement plan that will ensure that students with disabilities throughout the district are educated in rooms that are approved by the Department of Education.**

**Extended School Year** – Interviews with the child study team and teachers indicated there is a summer program at Pleasantdale Elementary School for some disabled students. This program provides instruction and related services as outlined in students' IEPs.

Although IEPs contained documentation that extended school year services were considered, indicating that the need was based on regression/recoupment following school holidays and summer vacation, this information was not verified through interviews. Instructional staff and parents indicated that the consideration of an extended school year was not consistently discussed at IEP meetings for all students. Some of the instructional staff indicated that they were not familiar with the term "extended school year".

- **The district will develop an improvement plan that will ensure extended school year services are considered for each classified student in the district, document those considerations in the IEP, and provide the services as needed.**

**Related Services: Speech-Language Services** - A review of records and interviews indicated that the district provides a range of related services to students with disabilities, when required for the student to benefit from the educational program. The district contracts with approved private agencies to provide physical therapy and occupational therapy. Additionally, several counseling and crisis prevention programs have been implemented throughout the district. IEPs consistently documented that students received these related services in either group or individual sessions.

A review of IEPs of preschool children reflected that all of the children received speech-language services in individual, small group, large group, and/or "integrated" sessions. Interviews with speech-language specialists indicated that under the "integrated" model, speech-language instruction is provided to the entire class as part of the preschool program. Staff indicated that this model of providing speech-language lessons to all of the children in the class at the same time fulfilled students' IEP requirements for the provision of speech-language services as a related service. However, it could not be verified through interviews or a review of speech schedules if specific students' goals and objectives were being implemented during a whole class speech-language lesson.

While it is permissible to provide speech-language services in the classroom when students receiving the services are not separated from other students, under the provisions of N.J.A.C. 6A:14, the group size for the delivery of speech-language services is limited to a maximum of five students. Therefore, the speech-language specialist can be responsible for focusing on the IEP speech-language goals and objectives of no more than five students in the preschool class at any one time. For example, the speech-language specialist may conduct a 60-minute speech-language lesson in the classroom and count this as two class groups of no more than five students for each half hour. The speech-language specialist must concentrate on

specific students' goals and objectives during each half hour, and the students' IEPs must indicate that they are each receiving a 30-minute group lesson in the classroom.

- **The district will develop an improvement plan that will ensure that the provision of speech-language services as a related service is based on the individual needs of students, and is not dependent on programmatic decisions. The plan will also ensure that the provision of speech-language services is appropriately documented in the IEP. Additionally, the plan will ensure that when speech-language services are provided in the classroom the group sizes do not exceed the limits specified under N.J.A.C. 6A:14.**

**Related Services: Counseling** – The district provides counseling to students as indicated in their respective IEPs. In addition, the district has implemented a number of programs to provide support and crisis intervention to students throughout the schools.

The district has developed a manual of procedures for the implementation of special education programs and services. District procedures include guidelines for implementation by child study team members. However, a problem was identified within the manual regarding the provision of counseling services. The manual states that "Students found eligible in the areas of emotionally disturbed or socially maladjusted *must* receive counseling since the reason for their eligibility is due to behavioral/emotional problems".

Additionally, the manual includes a recent memorandum to child study team members regarding the development of IEPs for students on home instruction. The memorandum to the child study team states, "...please recommend counseling for students for whom we are recommending home instruction because of behavioral difficulties".

These administrative directives do not allow the IEP team to make individual decisions regarding the provision of counseling as a related service.

- **The district will develop an improvement plan that will ensure that the need for counseling as a related service will be determined by the IEP team on an individual basis. The plan will include a revision of that section in the district's special education manual of procedures and any memoranda sent to district staff addressing this issue.**

**Students receiving Home Instruction** – The district provides home instruction to students who have been appropriately identified as requiring this program. The district manual of procedures outlines guidelines for the provision of home instruction, and includes a recent memorandum sent to child study team members. A problem was identified with this specific memorandum.

The memorandum indicates that although home instruction IEPs have recommended art, music, and physical education, "it is *impossible* to provide these subjects on home instruction. It is also not practical to provide home instruction for these many subjects during a ten hour a week time span."

This administrative directive does not allow the IEP team to make individual decisions regarding the programming needs of students placed on home instruction. Ten hours of home instruction per week is the minimum number of hours required under N.J.A.C. 6A:14. Whether a student will receive more than ten hours of home instruction must be determined on an individual basis by the IEP team.

- **The district will develop an improvement plan that will ensure that the need for special education programs and services will be determined by the IEP team, and will not be determined by administrative directives. The plan will include a revision of the memorandum regarding the provision of home instruction.**

### 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 has established a method for selecting and training surrogate parents. Parents and adult students are given written notice of a meeting early enough to ensure the parent or adult student will have an opportunity to attend. The district obtains consent prior to conducting an initial evaluation, implementing the initial IEP, conducting a reevaluation, and releasing student records. In addition, the district implements without undue delay the action for which consent was granted.

Findings of the Program Review conducted during the 1998-99 school year indicated that parents were not consistently provided notice of Identification meetings, and that written notices following Identification meetings did not reflect all required components. Additionally, problems were identified with the provision of notice in the native language of the parent(s). The district has developed a Corrective Action Plan (CAP) to address these areas of need, and implementation of the CAP 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 student records indicated notices of meetings and written notices were provided at the required times, and reflected the required components in most cases. Problems were identified with notice of the IEP meeting if the purpose of the meeting was to consider transition services. This area of need will be addressed under the Transition section of this report.

Additionally, problems were identified with documenting the participation of interpreters at meetings, and with informing parents and students that all rights will transfer to the student on reaching the age of majority, at least one year before the student reaches age eighteen.

### **Area(s) of Need:**

**Native Language** – Information obtained through the interview process 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). However, student records lacked consistent documentation verifying the participation of interpreters at meetings.

- **The district will develop an improvement plan that will ensure that the participation of interpreters at meetings is documented in the student record.**

**Age of Majority** – A review of records of students, ages sixteen and one half and older, reflected the district did not consistently inform the parents and student that all rights will transfer to the student on reaching the age of majority. Signatures of students acknowledging they were informed of the transfer of rights were not consistently documented in the records. Additionally, the district needs to refine its statement regarding the transfer of rights at age of majority to appropriately address this requirement.

- **The district will develop an improvement plan that will ensure parents and students will be informed that all rights will transfer to the student on reaching the age of majority, at least one year before the student reaches age eighteen.**

### **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 is required. The staff of the general education program maintains written documentation of the implementation and effectiveness of the interventions.

Findings of the Program Review conducted during the 1998-99 school year indicated that Identification meetings were convened upon receipt of a referral for an initial evaluation. However, it could not be determined through a review of records whether Identification meetings were conducted within the required timelines. The district has developed a Corrective Action Plan (CAP) to ensure that referrals for evaluations are obtained in writing; date stamped upon receipt; and that Identification meetings are convened within 20 calendar days upon receipt of the written referral. Implementation of the CAP is in process.



During the current on-site monitoring visit, records of students referred for a speech disorder in articulation, fluency, or voice were reviewed. It was determined that these records lacked documentation of the written referral.

Additionally, student records lacked consistent documentation to verify students referred for a special education evaluation received an audiometric and vision screening.

**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 referral is not consistently maintained in the student record.

- The district will develop an improvement plan that will ensure records of students referred for a speech disorder in articulation, fluency, or voice include documentation of the written request. The plan will also include a procedure to ensure that when the district receives the referral, the date of receipt is clearly documented.

**Audiometric and Vision Screenings-** Although information obtained through the interview process indicated that students referred for a special education evaluation receive an audiometric and vision screening, this practice was not consistently documented in student records.

- The district will develop an improvement plan that will ensure all students referred for a special education evaluation receive an audiometric and vision screening. The plan will include a procedure to ensure documentation of the results of the screening is maintained in the student file.

**Section V: Protection in Evaluation and Evaluation Procedures**

**Summary of Findings:**

Parents at the public focus group meeting raised concerns regarding the district's evaluation procedures. Information obtained through the interview process, and a review of test protocols and written reports in students records indicated the district does ensure that evaluation procedures are technically sound, are neither racially discriminatory, and are administered by trained personnel.

However, problems were identified with staff's application of administrative guidelines included in the district 's special education manual. Problems were also identified with evaluation procedures used to determine students' eligibility for speech-language services.

Additionally, written reports prepared by child study team members were not consistently dated by the individual(s) who conducted the assessment. Student records, in addition, 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:**

**Application of Guidelines Regarding Evaluation Procedures**— Although the discussion of evaluation procedures included in the district's special education manual is intended to provide district personnel with general guidelines, individual interpretations have resulted in inappropriate applications of these guidelines. Under the category of communication impaired, for example, the manual indicates that, "for a reevaluation, the speech-language specialist, the parent, the special education teacher, and a general education teacher *may* be the evaluators." Information obtained through the interview process indicated that, in some cases, child study team members used this example to make blanket decisions regarding what assessments would be conducted in order to determine students' continued eligibility. Therefore, decisions by the IEP team were not made on an individual basis.

- **The district shall develop an improvement plan that will ensure an evaluation plan to determine a student's initial or continued eligibility for special education and related services is determined on an individual basis at a meeting by the required participants.**

**Evaluation Procedures to Determine Students' Eligibility for Speech-Language Services** - Interviews with speech-language specialists in the district indicated they collaborated with teachers prior to the Identification meeting to complete the Teacher Report, and that in some cases, this served as the interview with the classroom teacher. Once parental consent to conduct the speech-language evaluation was obtained, speech-language specialists did not formally interview the teacher as part of conducting a functional assessment of academic performance and where appropriate, behavior.

- **The district will develop an improvement plan that will ensure that evaluations to determine a student's eligibility for speech-language services includes each of the required components of functional assessment of academic performance and where appropriate, behavior. The plan will ensure that an interview with the teacher(s) referring the potentially disabled student is conducted as part of the speech-language specialist's assessment, and that the interview is conducted after parental consent to conduct the assessment has been obtained.**

**Written Reports Prepared by Child Study Teams Members** – Although a review of student records indicated written reports prepared by child study team members were signed, records indicated that written reports were not consistently dated by the individual(s) who conducted the assessment.

- **The district will development 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** – Interviews with child study team members indicated the district has developed a procedure for the IEP team's acceptance or rejection of reports and assessments submitted by outside CST members, specialists, or professionals. However, a review of student records indicated the district has demonstrated a pattern of inconsistency in the application of this procedure.

- **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.**

**Recommendation(s):**

**Teacher Report (Speech)-** A review of student records and information obtained through the interview process indicated teachers complete a Teacher Report when they refer a student to the speech-language specialist for an initial evaluation. This Teacher Report form is utilized for a variety of purposes. The report serves as the teacher's written request for an evaluation; documentation of classroom-based assessments and teacher observations to be reviewed at the Identification meeting or Reevaluation; and as the teacher's documentation of the educational impact of the speech problem. Specific headings included on the Teacher Report form, such as *Methods of Assessment* and *Assessment Results*, created some concerns.

- **It is recommended that the district rename the Teacher Report as the Referral Form and revise it to include the following three sections:**
  - I. **Reason for Referral**
  - II. **Informal Measures of Student's Communication**
  - III. **Educational Impact of Student's Speech-Language Difficulties**

## **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.

Information obtained through the interview process indicated that parents are provided copies of evaluation reports. However, this could not be verified through a review of student records.

### **Area(s) of Need:**

**Documenting that Parents Are Given Copies of Evaluation Reports-** Interviews with district personnel and parents indicated that copies of evaluation reports are given to the parent at the eligibility meeting, or no later than when written notice of the eligibility determination is provided. However, student records lacked documentation to verify that copies of evaluation reports were provided.

- The district develop an improvement plan that will ensure student records contain documentation verifying that the parent is provided a copy of the evaluation report(s).

## **Section VIII: Individualized Education Program**

### **Summary of Findings:**

The district ensures that 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.

The district has made revisions to their IEP format to reflect the state model IEP document. Child Study Teams are utilizing this format, however, problems were identified with consistent documentation of the appropriate considerations and required statements. In addition, problems were identified regarding the appropriate participants at IEP meetings and the decision-making process.

## Areas of Need:

### **Appropriate Participants at IEP meetings –**

**A. Teachers** - Information obtained through the review of pupil records indicated that signatures of IEP team members were obtained and became part of IEP documents. However, many IEPs did not contain the signature of the special education teacher.

During the interview process staff reported that in many cases teachers were asked to sign IEPs after the meetings, without having attended. Interviews also indicated that special education teachers were being asked to sign IEPs as the regular education teacher because they possessed dual certification; these special education teachers, however, had no involvement with the specific student, nor did they actually attend the meetings.

In some instances, the school nurse was signing the IEP as the regular education teacher. Interviews indicated that this staff member was providing health instruction, however, the student with the IEP had other regular education involvement. The school nurse could only be used as the regular education teacher if the student participated in health instruction with the regular education students, and had no other involvement in regular education.

- **The district will develop an improvement plan that will ensure that both special and regular education teachers, who have knowledge of the student, are in attendance at the IEP meetings.**

**B. District Representative** - Interviews with district staff indicated that the IEPs were developed in draft form prior to the actual meetings. Staff reported that on some occasions, parents were in disagreement with the draft document, and that no changes could be made at the time of the IEP meeting. Interviews with the Director and Supervisor reported that when changes are being considered in the IEP, teams are to consult with them first. They indicated that they occasionally attend IEP meetings as the district representative, since the case manager does not act as the district representative, and no other individual attending the IEP meeting has been given this role.

Upon review of the IEPs developed for students determined eligible for speech-language services, there was no signature of a district representative. Interviews with the speech-language specialists and the director indicated that this required participant had been overlooked.

- **The district will develop an improvement plan that will ensure that a district representative is identified and is in attendance at the IEP meetings for students determined eligible for special education and related services, and for students determined eligible for speech-language services as specified under N.J.A.C. 6A:14.**

**Decision-Making Process** – During the public focus group meeting, parents expressed concerns about their lack of participation in the IEP decision-making process and discussions regarding programming and placement decisions. Information obtained through interviews with district staff indicated the entire IEP document is developed in draft format prior to the IEP meeting. This occurs without parental involvement. On occasion, concerns about the program and/or placement decisions outlined in the draft document were raised by parents during the IEP meeting. Interviews indicated that no changes could be made to this draft IEP by the IEP team, without consultation with the Director. (This issue has also been addressed in the “Participants” area of need.)

The district’s manual of procedures includes guidelines for child study team members regarding IEP development, the Eligibility/IEP Conference, and placement procedures. The manual states:

*When an initial evaluation or a reevaluation is completed, and prior to an eligibility meeting, the pupil’s file, with all reports and notices, must be submitted to the Director or Supervisor of Student Support Services for review of eligibility criteria and program recommendations. Records must also be forwarded to the Director or Supervisor at least one week prior to the date of the meeting with the parent for: 1) Change in program from less restrictive to more; 2) IEP recommending an individual aide; 3) IEPs for out-of-district placement; 4) Case closures; and 5) IEP revisions. The Director or Supervisor will initial the IEP to indicate approval of case materials.*

As stated above, the manual indicates that the IEP must be submitted to the Director or Supervisor for approval prior to the IEP meeting. Information obtained through interviews with district staff confirmed that this procedure is followed. Child Study Team members reported that the Director has questioned them about their submitted draft IEP, and they have been instructed to revisit the document prior to the IEP meeting, if revisions were required.

The Director indicated that she does not “approve” the IEP, but in actuality “reviews” the document to ensure that it is complete. She confirmed that she has returned IEPs to child study teams if the documents were incomplete. The Director also indicated that the word “approval” in the manual was not accurate.

While it is permissible for district staff to come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, the district staff must make it clear to the parents at the outset of the meeting that the services proposed are only recommendations for review and discussion with the parents. Parents have the right to bring questions, concerns, and recommendations to an IEP meeting as part of a full discussion before the IEP is finalized.

The district’s current procedures preclude the parent from full participation in the IEP decision-making process, and do not allow the IEP team to make determinations regarding programming and placement options.

- The district will develop an improvement plan that will ensure that parents are afforded the opportunity to attend and participate in all meetings where IEP program and placement decisions are made.
- The district will develop an improvement plan that will ensure that program and placement decisions are determined by the IEP team, and are not dependent upon prior administrative approval. The plan will also include a revision of any section in the district's special education manual where prior administrative approval of program and placement decisions is required.

**Documentation of Appropriate Considerations and Required Statements** – Information obtained through an interview with the Director and Supervisor indicated that the district revised its IEP document in September of 1999 to incorporate the components required under N.J.A.C. 6A:14. The district's manual of procedures includes a copy of the IEP format developed for students determined eligible for special education and related services, and the format developed for students determined eligible for speech-language services. The documents include a section to address the program modifications that will enable the student to be involved and progress in the core curriculum content standards. Additionally, the IEP formats indicate that goals included in the IEP are developed to enable the student to be involved and progress in the core curriculum content standards.

Although the district's IEP format was developed to include all mandated areas, a review of student records indicated that child study teams were not consistently documenting all of the appropriate considerations and required statements. Some teams had addressed all of the requirements, while others left out certain areas. IEPs of students determined eligible for special education and related services, and IEPs of students determined eligible for speech-language services did not consistently address the following areas:

- Strengths of the student;
- Parental concerns for enhancing the education of their child (*Parent observations were reflected in some cases, however concerns were not*);
- Communication needs of students;
- Whether the student requires assistive technology devices and services (*Conflicts were evident in IEPs reviewed for students placed in out-of-district settings; information from the present levels of educational performance indicated a need for and student use of assistive technology, while the other sections of the IEP indicated there was no need.*);
- Beginning at age 14, the need for technical consultation from DVRS;
- Present levels of educational performance (*IEPs for preschool students did not reflect how the disability affected participation in appropriate activities. Speech IEPs did not reflect how the disability affected involvement and progress in the general education curriculum*);
- Modifications and Supplementary Aids and Services (*which enable the student to be involved and progress in the general education curriculum*);

- Supports for school personnel;
  - Extent to which the student will not participate with nondisabled students in the general education class and in nonacademic and extracurricular activities;
  - Beginning at age 14, the transition service needs;
  - Beginning at age 16, the needed transition services; and
  - By age 17, statement that the student has been informed of the rights under N.J.A.C. 6A:14 that will transfer to the student on reaching the age of majority (*This was previously addressed in Section III: Procedural Safeguards.*)
- **The district will develop an improvement plan that will ensure that IEPs are developed with the appropriate considerations and all required statements.**

### **Section IX: Least Restrictive Environment**

#### **Summary of Findings:**

This requirement was reviewed during the previous year's Program Review visit. Additional procedures were used to determine compliance for this year's visit, including a more extensive review of different types of student records, and interviews with more parents and with additional district staff (including general and special education teachers, all building principals, and all child study team members).

Information obtained through the interview process indicated district personnel attended a technical assistance session in October 1999, provided by the Office of Special Education Programs (OSEP), 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.

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. However, problems were identified with the decision-making process and IEP documentation, access to regular education programs, and the participation of students in extra-curricular activities when they are educationally placed in out-of-district settings. In addition, the lack of a continuum of alternative placement options, identified as a problem during the 1998-99 on-site monitoring visit, was verified.

#### **Areas of Need:**

**Decision-Making Process and IEP Documentation** – Parents at the public focus group meeting raised concerns regarding the consideration of supplementary aids and services their child might require in order to access the regular education classroom. Parents reported a resistance on the part of the district to consider supplementary aids and services for their children.



The district had recently received technical assistance in providing students with disabilities access to general education programs. However, information obtained through a review of records indicated that IEPs did not reflect documentation to verify that the IEP team considers a variety of supplementary aids and services and program modifications in determining whether the student can be educated satisfactorily in a regular classroom. 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. In addition, IEPs did not document a "comparison of the benefits provided in a regular class and the benefits provided in a special education class"; the IEPs only reflected the benefits provided in a special education class. IEPs contained the statement of "the potentially beneficial or harmful effects a placement may have on the student with disabilities or the others in the class" without any further elaboration or explanation of what the effects would be.

- **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.**
- **The district will develop an improvement plan that will ensure that IEPs document a comparison of the benefits provided in a regular class and the benefits provided in a special education class.**
- **The district will develop an improvement plan that will ensure that IEPs document the potentially beneficial or harmful effects a placement may have on the student with disabilities or the others in the class.**

**Access to Regular Education** – Parents at the public focus group meeting raised concerns regarding the limited access students with disabilities have to the regular education curriculum and programs. Parents of preschool disabled children expressed much concern that their children would be leaving preschool without any exposure to regular education classes.

Information obtained from interviews with district staff verified parental concerns. Regular education teachers and principals expressed concern about providing supplementary aids and services or modifications to students that would enable them to remain in the regular education classroom. Interviews with staff involved in the preschool disabled classes indicated that there is little if any involvement with the regular education classes.

- **The district will develop an improvement plan that will ensure that students with disabilities ages 3-21 have access to the regular education programs.**

**Participation of Students in Extra-curricular Activities** - Parents at the public focus group meeting raised concerns regarding the involvement of students in extra-curricular activities when they are educationally placed in out-of-district settings. Parents expressed that there was a lack of communication from the district informing them of the activities that their children could participate in.

Information obtained through interviews indicated there is no procedure outlining who was responsible for sending notices about district activities to students placed in out-of-district settings. Therefore, students in out-of-district settings were not informed or involved in district activities; involvement would occur only when parents took the initiative to contact the district to inquire about activities for their children.

- **The district will develop an improvement plan that will ensure that students who are educationally placed in out-of-district settings are provided opportunities for participation in district sponsored extra-curricular activities.**

**Continuum of Placement Options** – Space constraints and staffing schedules were issues identified during the 1998-99 on-site monitoring visit as having an impact on the provision of a continuum of placement options. Information obtained through interviews during this year's on-site visit verified that these issues continue to have an impact.

Interviews with district staff indicated that lack of staff also impacts on the continuum. Specifically, the provision of in-class support is limited due to staff availability.

- **The district will develop an improvement plan that will ensure that a continuum of alternative placements is available to meet the needs of students with disabilities.**

## **Section X: Transition**

### **A. Transition to Preschool**

#### **Summary of Findings:**

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 pupil records indicated that a child study team member of the district board of education has participated in some of the preschool transition planning conferences arranged by the Department of Health and Senior Services. Information obtained through the interview process indicated that the district has been invited to participate in these meetings, however these invitations are not consistently provided to the district.

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.

**Recommendation(s):**

**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. However, district representatives are not consistently invited to participate.

- 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.

**B. Transition from School to Post-School**

**Summary of Findings:**

Information obtained through the interview process indicated that representatives from OSEP conducted an on-site technical assistance session in West Orange in the fall of 1999. This session 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. West Orange has begun to address these recommendations for improvement.

A staff member has been designated as the "transition teacher." This individual has initiated several community contacts. As a result, a variety of community-based vocational opportunities have been arranged for classified students. Additionally, the district has developed a parent workshop, a partnership with the Daughters of Israel, and will participate in the Essex County Inter-Agency Consortium Annual Fair.

A review of student records indicated that the district has begun to utilize the recommended NJDOE IEP format, which addresses all of the required sections for both the Statement of Transition Service Needs and the Statement of Needed Transition Services. However, problems were identified with documentation of these transition requirements. Additionally, problems were identified with notice of the IEP meeting if the purpose of the meeting was to consider transition services.

### **Areas of Need:**

**Notice of the IEP meeting** - Information obtained through the interview process indicated that students beginning at age 14, or younger, if appropriate, are verbally invited to participate in IEP meetings if the purpose of the meeting is to consider transition services. However, a review of records reflected that notices of meetings did not consistently document that the student and a representative of any other agency that is likely to be responsible for providing for paying for transitions services were invited to attend the IEP meeting.

- **The district will develop an improvement plan that will ensure that if the purpose of the meeting is to consider transition services, the student and agencies likely to provide transition services are invited to attend. The plan will include a component to ensure that notice of the meeting documents that these participants are invited to attend.**

**Statement of Transition Service Needs** – A review of IEPs for required statements of transition service needs indicated that IEPs did not consistently indicate if technical consultation from the Division of Vocational Rehabilitation was warranted, and did not consistently contain the required courses of study for the ensuing school year. Although students' interests and preferences were identified in the IEP, documentation did not explain how these determinations were made.

- **The district will develop an improvement plan that will ensure that beginning at age 14 or younger, if appropriate, the Statement of Transition Service Needs will address the student's courses of study and technical consultation from the Division of Vocational Rehabilitation, if warranted.**
- **The district will develop an improvement plan that will ensure that student's interests and preferences are documented in IEPs, with an explanation of how these determinations are made.**

**Statement of Needed Transition Services** – Although the district has begun to utilize the recommended NJDOE IEP format, IEPs did not consistently meet the requirements for the statement of needed transition services, including:

- Instruction
  - Related Services
  - Community Experiences
  - Employment and other post-school adult living objectives; and
  - If appropriate, acquisition of daily living skills
- **The district will develop an improvement plan that will ensure that beginning at age 16, or younger if appropriate, the IEP contains a statement of needed transition services, including where appropriate, a statement of the interagency responsibilities or any needed linkages.**

## Section XI: Discipline

### Summary of Findings:

Information obtained through the interview process and from a review of district procedures indicated that when a student with a disability is removed from his or her educational placement, the district imposes the same district board of education procedures as for nondisabled students.

However, problems were identified with notifications of suspensions to case managers and manifestation determination meetings.

### Area(s) of Need:

**Notification of Suspension to Case Manager-** Information obtained through a review of documentation indicated that the district has policies and procedures in place to ensure written notification is provided to the case manager when a student is removed from his/her placement. However, the district has demonstrated a pattern of inconsistency in the application of the process. Interviews indicated that notification to case managers is often communicated verbally, and not followed-up with written notification.

- **The district will develop an improvement plan that will ensure the case manager is consistently forwarded written notification of the removal and a description of the reasons for such action.**

**Manifestation Determination Meetings-** A review of records of student suspensions resulting in a change in placement reflected inconsistent documentation to verify that manifestation determination meetings were conducted. Notices of manifestation determination meetings and documentation of the decisions following the manifestation determination meetings were not consistently maintained in the student files.

- **The district will develop an improvement plan that will ensure the IEP team conducts a manifestation determination meeting at the required times. The plan will include a component to ensure notice of the manifestation meeting and documentation of the decision following the manifestation determination is maintained in the student file.**

## Section XII: Programs & Services

### Summary of Findings:

The district ensures that programs and services are provided according to state requirements; however, problems were identified regarding class sizes and age ranges for resource room instruction and self-contained classes on the high school level.

**Area(s) of Need:**

**Class Sizes and Age Ranges-** Upon review of the class rosters in the high school, it was determined that some classes were oversubscribed. In addition, some classes included students whose ages were beyond the permitted four-year range.

- The district will develop an improvement plan that will ensure that instructional class sizes shall not exceed the limits specified under N.J.A.C. 6A:14.
- The district will develop an improvement plan that will ensure that the age span in special class programs shall not exceed four years as specified under N.J.A.C. 6A:14.

**Section XIV: Student Records**

**Summary of Findings:**

The district ensures that student records are collected, maintained, secured, and destroyed in accordance with state and federal law and regulations. However, problems were identified with the access of records of pupils identified as eligible for speech-language services.

**Area(s) of Need:**

**Access to Records** – The district maintains a record of the parties who obtained access to records of students identified as eligible for special education and related services. However, there was no record of parties who obtained access to records of students identified as eligible for speech-language services.

- The district will develop an improvement plan that will ensure that a record of parties who obtained access to the records of students identified as eligible for speech-language services will be maintained.