

**New Jersey Department Of Education
Special Education Monitoring**

District: Westfield

Monitoring Dates: March 20-23,27-29, 2000

Monitoring Team: C. Messler, S. Coplin; K. Ellmore; B. Tucker, L. Stelatella, P. Bilik

Background Information

On February 24, 2000, prior to the monitoring visit, New Jersey Department Of Education facilitated a focus group public meeting with parents and district representatives. The information obtained from this meeting was used, in addition to other sources of information, to highlight areas of concern for the 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 areas of need.

District Strengths

Orientation programs are offered to parents and students when students transition from elementary to secondary programs.

The district provides training for teachers at the elementary level in the Orton Gillingham method.

The district provides a once a week counseling experience, on an eight-week cycle, for all students at the middle school. The focus is on issues that affect teenagers.

At the intermediate level, a specialized training program has been developed for all teachers and principals. As part of the training, opportunities are provided for staff to discuss in-class support/collaborative teaching.

Educational presentations are developed cooperatively between the district and the Parent Teacher Council/Special Education Committee.

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, Statewide Assessment, Programs and Services and Graduation.**

Section II: Free, Appropriate Education

Summary of Findings:

The district provides a system of free, appropriate special education and related services to students with disabilities age three through twenty one which is provided at public expense, under public supervision and with no charge to the parent, and which is located in facilities that 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 non-disabled students. Physical education is provided for students with disabilities, including those in separate facilities. However, problems were identified in the provision of FAPE regarding transfer students and extended school year programs.

Area(s) of Need:

Transfer Students-A review of records and staff interviews indicated that classified students transferring into the district are placed in programs according to their IEP. However, student records did not document when a student entered the district or if the outside evaluations were accepted or rejected.

- The district will develop an improvement plan that will ensure classified students transferring into the district have their records reviewed immediately. Documentation of this review must include acceptance or rejection of the records received and a decision regarding the need for any additional information if prior records are incomplete.

Extended School Year-Information obtained through a review of records and interviews does not reflect an individualized decision making process regarding the consideration of the need for an extended school program.

- The district will develop an improvement plan that will ensure extended school year services are individually considered for all classified students and document those considerations in the IEP.

Section III: Procedural Safeguards

Summary of Findings:

The district board of education provides publicly funded educational programs and services to students with disabilities in accordance with federal and state regulations.

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. Required policies were recently adopted.

However, notice and 20-day timelines were problematic (see sections under Location Referral and Identification, and IEP). Problems were also identified with the provision of notice in the native language of the parents and with documenting the participation of interpreters at meetings.

Area(s) of Need:

Native Language – Although, district staff stated in interviews that there were no parents whose native language was other than English, review of records indicated otherwise. The record review indicated that notices were not translated into any language other than English and there was no documentation of an attempt to obtain the services of interpreters at meetings. Likewise, there was no documentation of the district's determination of the parents' language proficiency. Consequently, there was no determination made regarding the need for notices in other languages or the need for interpreters at meetings.

- The district will develop an improvement plan that will ensure there is clear documentation in the student's file of the determination of the language proficiency of the parent and student. If a language other than English is required then notices must be provided in the native language of the parents. And if the language is not spoken by the any of the CST members, then arrangements for an interpreter at meetings is to be documented in the student's record.

Section IV: Location, Referral and Identification

Summary of Findings:

The district board of education ensures that students with disabilities who are in need of special education and related services, regardless of the severity of their disabilities, are located, referred and identified. The district maintains and utilizes "Child Find" procedures for students ages 3 through 21.

Prereferral interventions in general education programs as well as implementation of these interventions are documented in the files that were reviewed for purposes of this monitoring. Specifically, the Learning Assistance Team (LAT) documents that a student is referred for an evaluation when interventions in the general education program have not been effective.

In the files reviewed for this monitoring, an access sheet was consistently inserted in the Child Study Team (CST) file, and utilized by professionals authorized to review student files.

According to interviews with district staff, direct referrals by staff may be made to the CST. However, it is the district's common practice for the referral to go through the LAT in order to facilitate interventions prior to referral. Interviews with school personnel confirm that parents may request a direct referral via a written statement.

Participants in the planning meeting reviewed existing data, including the school nurse summary of health and medical information, within the context of the planning meeting. The participants in the planning meeting determined whether an evaluation was warranted and documentation to that effect was provided (within 15 calendar days), to the parent(s). When the evaluation was warranted, the student was identified as potentially disabled.

However, problems were identified in the referral process and 20-day timelines.

Area(s) of Need:

Problems in Referral Procedures-Interviews with child study team members indicated that in several elementary schools, a meeting is held to initiate a referral to the child study team. At this meeting the parent is asked to sign permission for the referral.

- The district must develop a procedural plan to ensure that the practice of requiring permission of the parent, for a child study team referral, ceases immediately.

20-Day Timelines – In records reviewed for this indicator, the district does not consistently meet with parents of a potentially disabled student within 20 calendar days of receipt of (parent or teacher) request for an evaluation.

- The district will develop an improvement plan that will ensure that within 20 calendar days of receipt of the written request, the school district convenes a meeting including the child study team, the parent and the regular education teacher who is knowledgeable about the student's educational performance or the district's programs.

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 multidisciplinary team of professionals who utilize a variety of assessment tools and strategies to assess the student in all areas of suspected disability.

Written reports prepared by speech-language specialists included the use of standardized tests or measure of phonology, a structured observation of the student, written information from the classroom teacher, an additional informal measure and an oral motor evaluation.

However, written reports prepared by speech-language specialists did not contain all of the required components.

Area(s) of Need:

Written Reports- A review of the speech-language reports indicted that the reports did not include an interview with the parent and teacher, information of the developmental history, or teacher interventions.

- The district will develop an improvement plan that will ensure written reports of speech-language specialists include: (a) an interview with the parent and teacher; (b) a developmental history, and (c) information of teacher interventions.

Section VI: Re-evaluations

Summary of Findings:

Although the district's policies and procedures state that they ensure that students are re-evaluated every three years or sooner if conditions warrant, problems were identified with meeting timelines.

Area(s) of Need:

Re-evaluation- Record reviews, the district's re-evaluation data sheet, interviews with staff indicated that re-evaluations are not conducted every three years throughout the district. During the interviews with members of child study teams, it was acknowledged that there is a backlog of re-evaluations. Information obtained through a review of student records indicated that the district is not meeting the three-year time lines.

- The district will develop an improvement plan that will ensure that all students with disabilities will be evaluated within three years of the previous classification, and that a multi-disciplinary re-evaluation is completed to determine whether the student continues to be a student with a disability. Furthermore, this plan shall identify how the district will monitor the data and ensure that all re-evaluations are completed in a timely manner.

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 education 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.

However, problems were identified in the documentation of child study team and/or speech-language evaluations being provided to parents.

Area(s) of Need:

Copies of Evaluation Reports- Although the district ensures a student is determined eligible and classified "eligible for special education and related services" or "eligible for speech-language services" at a meeting with the required participants, information obtained through record review and staff interviews indicated that the district does not document the provision of copies of child study team and/or speech-language evaluation reports in the student's record.

- The district will develop an improvement plan that establishes a procedure for ensuring that the provision of copies of child study team and/or speech-language evaluations are documented in the student record.

Section VIII: Individualized Education Program

Summary of Findings:

A review of records for students determined eligible for special education and related services and speech and language services, indicated that the district conducts IEP meetings within 30 calendar days of the eligibility determination. Signatures of IEP participants indicated that all required parties attend meetings to develop, review and, if necessary, revise the IEP.

The IEPs are implemented as soon as possible following the IEP meeting and IEPs developed for preschool children with disabilities are implemented not later than age three. The annual review for preschool students with disabilities is completed by June 30th of the student's last year in the preschool program.

However, the record review indicated that the services identified in the IEPs are not consistently provided, changes are made to the IEP document without a meeting, IEPs do not contain all required components and considerations and some student records did not contain a current IEP.

Areas of Need:

Individual Education Plan Documentation-One of the records reviewed identified a need for play therapy; however, this service was to be provided "if available." A different record identified the need for resource support services to assist with organizational skills. This service was "limited due to a staffing shortage."

- The district will develop an improvement plan that will ensure all services identified in the IEP are provided.

Student records documented that changes had been made to the level of service through hand written alterations to the IEP document. The record did not indicate that a meeting had been held, as required.

- The district will develop an improvement plan that will ensure IEP meetings are conducted, as required to review and revise IEPs.

Documentation of all required components and considerations were not consistently found in the records reviewed for students determined eligible for special education and related services and speech and language services. To address the requirements regarding the age of majority, the district developed a letter which was sent to the

parents; however, this information was not included in the IEP and the letter was not sent the student. Additionally, IEPs did not consistently contain the following:

- The strengths of the student,
 - Parental concerns for enhancing the education of their child,
 - Results of the most recent evaluation,
 - Communication needs of the student,
 - Whether the student requires assistive technology devices and services,
 - Individual modifications in the administration of Statewide or district-wide assessments or a statement of why that assessment is not appropriate, and how the student will be assessed, and
 - By age 17, a statement that the student has been informed of the rights under N.J.A.C. 6:14 that will transfer to the student on reaching the age of majority.
- The district will develop an improvement plan that will ensure IEPs developed for students determined eligible for speech and language services and for special education and related services contain all required components and considerations.
 - The district will develop an improvement plan that will ensure that the IEPs developed for students classified eligible for special education and related services and/or speech and language services are reviewed annually or more often, if necessary.

Section IX: Least Restrictive Environment

Summary of Findings:

Students ages 5-21 are placed in a variety of programs throughout the district and in out of district settings. Opportunities for participation with non-disabled peers is present in these various programs options. However, a variety of placement options is not available for preschool age children with disabilities. Additionally, student records did not document an individualized decision making process or the consideration of regular education with the supplementary aids and services.

Areas of Need:

Interviews and a review of records indicated that the district has a continuum of programs and services for students with disabilities ages 5 to 21. However, programs serving preschool children with disabilities do not provide opportunities to interact with non-disabled peers.

- The district will develop an improvement plan that will ensure a continuum of placement options is available to meet the needs of preschool age children with disabilities.

Documentation in student records does not contain an individualized decision process or the consideration of supplementary aids and services in the regular education program.

- The district will develop an improvement plan that will ensure that the IEP team considers a variety of supplementary aids and services and program modifications, determines whether the student can be educated satisfactorily in a regular education classroom and documents this decision making process in the IEP.

Section X: Transition

The district has utilized the knowledge of a certified special education teacher to develop programs and services in the area of transition. Currently this individual teaches several classes at the high school which focus on the development of employment skills, entering college, identifying career interests, self advocacy and locating resources within the community.

To obtain information regarding student interests the Self-Directed Survey and computer based interest programs have been instituted. Students use the information obtained from these sources to direct their class assignments and the exploration of future services and/or programs.

Evening meetings have been organized for parents to provide them with information regarding services available within the school and through community agencies. Additionally, parents within the district have attended the transition class as guest speakers, sharing information regarding their profession.

In class, students begin learning the process of self-advocacy and how to become an active participant in the development of their IEP. These classes also resulted in the formation of a Speakers Bureau, which is open to all students who choose to participate. A letter is sent to students at the start of the school year explaining the function of the Speakers Bureau and it encourages their participation.

Finally, the district has developed relationships with the Division of Vocational Rehabilitation (DVR) and the Division of Developmental Disabilities (DDD). Information regarding the services provided by these agencies, as well as, Social Security information is made available to parents and students.

However, the transition class is limited to a small number of students. There is only one instructor who is also assigned other responsibilities. Additionally, documentation of all the required transition components was not found in the student records reviewed. Although student interests and preferences were assessed, the student record did not reflect how this determination was made. The courses of study did not consistently relate to the interests recorded nor were specific course always listed. The statement of needed transition services did not consistently include instruction, related services,

community experiences, employment and if appropriate, the development of adult living skills. Community agencies were not invited to IEP meetings nor was the need for consultation from DVR addressed. Finally, the person responsible to serve as the liaison to post-secondary resources was not identified.

In regard to the transition from Early Intervention Programs (EIP) into the public school, a review of student records indicated that preschool aged children with disabilities have their IEPs implemented by age three. However, documentation that a child study team member routinely participates in the preschool transition conference conducted by the Department of Health was not found.

Interviews indicated that child study team members communicate with early intervention providers and attend the EIP transition conference when invited. However, child study team members indicated that district personnel are not consistently invited to the EIP transition conference or made aware of when the meeting date.

Area(s) of Need:

Transition from School to Post School-The IEPs reviewed did not contain the following required documentation:

- Determination of students interests and preferences.
 - The need for consultation from DVR.
 - Beginning at age 14, or younger if appropriate, a statement of transition services needs.
 - Beginning at age 16, or younger if appropriate, a statement of needed transition services.
- The district will develop an improvement plan that will ensure IEPs developed for students' age 14, or younger if appropriate, document the requirements listed above.

The need for involvement from community agencies should be documented and the notice of the meeting must reflect an invitation to these agencies, as appropriate.

- The district will develop an improvement plan that will ensure the need to involve community agencies is documented through an invitation to the IEP meeting, as appropriate.

Preschool Transition- The student records did not contain documentation of the coordination between the EIP services and the transition into the public school. As noted above, district personnel are not consistently invited or made aware of the EIP transition planning meeting. However, staff reported a good relationship with the EIP providers and will attend meetings when invited.

Recommendations: 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. Therefore, 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.

Section XI: Discipline

Summary of Findings:

Information obtained from interviews with district staff and a review of district data indicated that when a student with a disability is removed from his or her educational placement, the district imposes the same board of education procedures as for non-disabled students. Parents are provided with a code of conduct that identifies behavioral infractions.

Although the district has revised their "Manifestation Determination Forms" and the "Behavioral Assessment/Management Plans", these were not evident during record reviews. In addition, the case manager was not notified when the student was suspended.

Area(s) of Need:

Behavioral Intervention Plans – A review of student records revealed that there was no documentation of behavioral intervention plans and furthermore, there was no documentation to demonstrate how behavior plans were to be reviewed.

- The district will develop an improvement plan to ensure that: (a) appropriate behavioral intervention plans are developed to correct the identified behaviors; and (b) behavioral intervention plans are reviewed and revised as needed subsequent to a student's removal from the program.

Notification of Suspension to Case Manager-Information obtained through a review of documentation indicated that although the district has established policies and procedures for notifying the case manager of suspensions, the district failed to demonstrate the application of the process.

- The district will develop an improvement plan that will ensure documentation that the case manager is notified of suspensions.

Section XV: Student Records

Summary of Findings:

A review of CST records indicated that access sheets were found in student records.

The access sheets provided a detailed account of the location of other files. However, problems were identified with access sheets in speech records.

Area(s) of Need:

Access sheets-Access sheets were not found in speech records.

- The district will develop an improvement plan to ensure that access sheets are available in all speech-language records.