

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

Charter school: CREATE Charter School

County: Hudson

Monitoring Dates: September 27, 2005 and December 5, 6, 2005

Monitoring Team: Deborah Masarsky

Background Information:

During the 2004-2005 school year, the CREATE Charter School conducted a self-assessment of policies, procedures, programs, services, and student outcomes. This self-assessment component of the monitoring process provided the CREATE Charter School with an opportunity to evaluate strengths and areas of need with regard to:

- The provision of a free, appropriate public education (FAPE) for students with disabilities in the least restrictive environment;
- The protection of procedural safeguards for students and their families;
- The development and implementation of policies and procedures resulting in procedural compliance; and
- The organization and delivery of programs and services resulting in positive student outcomes.

The self-assessment was designed to identify areas of strength, promising practices, areas that need improvement and areas that may be noncompliant with state and federal requirements. The CREATE Charter School developed an improvement plan to address identified areas of need identified in their self-assessment.

The Office of Special Education Programs (OSEP) conducted parent telephone interviews and a comprehensive on-site desk audit. Additionally, student records were reviewed and interviews were conducted with the school's principal, coordinator of special education and child study team psychologist to verify the self-assessment findings, to assess the appropriateness of the improvement plan and to determine the progress in implementing the plan. Based on these activities, a determination was made by staff from OSEP that the charter school had conducted a thorough review during the self-assessment process and developed a plan that will appropriately address the areas of need identified by the charter school's staff during the self-assessment process.

Data Summary

The CREATE Charter School's data report indicate that for the 2003-2004 school year a classification rate of 20.38% (54 classified out of a total of 265 students) and a classification rate of 27.97% (99 classified out of a total of 354 students) for the 2004-2005 school year. The school's self assessment reported that although approximately one third of those students with disabilities were included in general education for more than 80% of their school day during the 2004-2005 school year, and their IEPs indicated in-class support, the school did not employ certified special education teachers to provide in-class support. As a result, the students were provided only accommodations and modifications by general education teachers.

During the monitoring process, the principal, special education coordinator, and school psychologist indicated that three certified special education teachers were hired in September, 2005 to provide in-class support, although there remains a need to hire at

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least three more special education teachers to provide programs required by students' IEPs. The principal further reported that the school has a current classification rate of 29% (115 classified students out of a total of 395 students) for the 2005-2006 school year. However, an interview with the coordinator indicated that during the intake process in September 2005, there were additional students requiring services who were identified by the parents to the school as having IEPs during the intake process but appropriate transfer procedures were not implemented until November 2005. This was supported during an interview with a parent whose child was not referred to the team even though she indicated to school staff in September that her child had an IEP. The school's improvement plan addresses transfer procedures to ensure incoming students receive the programs and services they need according to required timelines.

Section Demonstrating Compliance with all Standards

Statewide Assessment is the only complete section determined to be in compliance by the charter school during the self-assessment process and by OSEP during the monitoring.

Area Demonstrating Compliance

Within the section of Least Restrictive Environment, the opportunity for all students with disabilities to access all general education programs was an area identified by the district's self-assessment committee and verified by the Office of Special Education Programs during the monitoring to be compliant.

Section	Areas that could not be verified by NJDOE because at this time there is of lack of population relative to these issues.
Evaluation- For students who may be ESLS or ESERS	<ul style="list-style-type: none"> • Multi-disciplinary evaluations for ESERS • Educational impact statement (ESLS) • Standardized Assessments • Bilingual evaluations
Eligibility - For ESLS or ESERS	<ul style="list-style-type: none"> • Signature of agreement and/or disagreement and rationale
Programs & Services	<ul style="list-style-type: none"> • Age range

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Areas of Noncompliance - Improvement Plan Review

The following areas were identified by the charter school’s self-assessment committee as noncompliant and the accompanying improvement plan was determined by the Office of Special Education Programs to be sufficient:

Section	Areas of Non-Compliance
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> • Oversight activities for the implementation of IEPs have not been established • Extended school year (ESY) is not considered for all students, nor does the charter school provide ESY programs • Required programs and related services are not provided • Transfer procedures have not been developed
Procedural Safeguards– For ESLs and ESERS	<ul style="list-style-type: none"> • Action for which parental consent is obtained is not implemented without undue delay • Notice of a meeting and written notice are not consistently provided to parents • Notice of a meeting and written notice do not contain required components • Notices in native language are not available • Required meeting are not consistently convened • Required participants do not attend meetings • Interpreters are not available to attend required meetings • A list of providers who may conduct independent evaluations is not available to parents
Location, Referral and Identification (LRI) - For ESLs and ESERS	<ul style="list-style-type: none"> • Child find information is not distributed to the parents of the charter school’s students • The school has not established an Intervention and Referral Service (I&RS) committee, and therefore, there is not a process in place to monitor interventions attempted prior to referral to the child study team for evaluation • Procedures have not been established for direct referrals to the child study team from parents or staff • Health summary and vision and hearing screenings are not completed by the school nurse • Identification meetings are not convened within required timelines
Evaluation- For ESLs and ESERS	<ul style="list-style-type: none"> • Written reports prepared by evaluators do not contain required information to consider when determining eligibility
Reevaluation - For ESLs and ESERS	<ul style="list-style-type: none"> • The nature and scope of assessments are not developed during the reevaluation planning meeting • Reevaluation timelines are not being met • Required participants are not attending planning meetings • Reevaluation procedures have not been established regarding obtaining parental consent prior to conducting reevaluation assessments and documenting efforts to obtain consent

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Section	Areas of Non-Compliance
	<ul style="list-style-type: none"> • Reevaluation meetings are not conducted when change of eligibility is considered
Eligibility - For ESLS and ESERS	<ul style="list-style-type: none"> • Required participants do not attend the eligibility conference • Eligibility Criteria has not been established for <i>Specific Learning Disability</i> • Copies of evaluation reports are not being provided to parents at least ten days prior to the eligibility conference
Individualized Education Plan (IEP) - For ESLS and ESERS	<ul style="list-style-type: none"> • Required participants are not attending meeting • There is no procedure in place to provide parents with copies of IEPs prior to implementation • There is no procedure in place to develop initial IEPs within the required 90-day timeline • Teachers do not consistently have knowledge of their responsibility to implement IEPs
Least Restrictive Environment (LRE)	<ul style="list-style-type: none"> • LRE decisions are not documented • A continuum of programs is not available • Placement decisions are not based on student's individual needs
Transition to Adult Life	<ul style="list-style-type: none"> • Beginning at age 14, IEP statement of <i>Transition Service Needs</i> is not being addressed • Student's interests and preferences; and activities, annual goals and benchmarks relative to the student's desired outcomes; are not documented • Beginning at age 16 the <i>Statement of Needed Transition Services</i> is not being addressed • Identification of post-secondary liaison is not documented • Student and agency invitations to IEP meetings are not being provided
Discipline	<ul style="list-style-type: none"> • Discipline procedures have not been established to include: <ul style="list-style-type: none"> ○ Notification of removal forwarded to case manager ○ Suspension tracking system ○ IEP team meeting for first removal beyond ten days ○ Procedures for determination of change in placement ○ Procedures for conducting functional behavioral assessment and development of behavior intervention plan ○ Short-term removals resulting in a change of placement ○ Short-term removals that are not a change in placement—school personnel determining the extent of services to be provided ○ Interim Alternative Educational Settings ○ Manifestation determinations
Programs & Services	<ul style="list-style-type: none"> • Class size for pull-out replacement is above limits stipulated by code requirements
Graduation	<ul style="list-style-type: none"> • There is no procedure in place to provide parents or adult students with <i>Written Notice of Graduation</i>

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Additional Areas of Need

The following areas were originally identified by the charter school's self-assessment committee as compliant but were found to be noncompliant by the New Jersey Department of Education during the monitoring process:

Section	Area	Activity
General Provisions	Parents are not provided training	The charter school is directed to revise the improvement plan to include procedures to ensure that the school determines the needs of the parents regarding knowledge of the special education process and provides training to reflect those needs. The school's plan must include an administrative oversight component to ensure the consistent implementation of the procedures.
Evaluation	The required components of the functional assessment are not consistently included in evaluation reports for students who are potentially eligible for special education and related services (ESERS) or speech and language services (ESLS).	The charter school is directed to revise the improvement plan to include procedures to ensure that the components of the functional assessment required by 6A:14-3.4(d)2 are included in evaluation reports for both ESERS and ESLS. The school's plan must include staff training and an administrative oversight component to ensure the consistent implementation of the procedures.
Eligibility	The <i>Statement of Eligibility for Specific Learning Disability (SLD)</i> does not include components required by 6A14-3.5(11).	The charter school is directed to revise the improvement plan to include procedures to ensure that the <i>Statement of Eligibility for Specific Learning Disability</i> documents the area(s) of discrepancy, as well as the fact that <i>the term SLD does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional disturbance or environmental, cultural or economic disadvantage.</i> The school's plan must include staff training and an administrative oversight component to ensure the consistent implementation of the procedures.
IEPs	The charter school's IEPs do not contain considerations and components required by 6A:14-3.7(c) to sufficiently describe students' programs and services.	The charter school is directed to revise the improvement plan to include procedures to ensure that the school's IEPs contain the required considerations and components to sufficiently describe students' programs and services and implementation dates. The school's plan must include staff training and an administrative oversight component to ensure the consistent implementation of the procedures.

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Section	Area	Activity
IEPs	An IEP meeting is not convened annually, or more often if necessary, to review and/or revise the IEP to address current needs of each student.	The charter school is directed to revise the improvement plan to include procedures to ensure that an IEP meeting is convened annually (or sooner when appropriate) to review and/or revise the IEP to address the current needs of each student. The school's plan must include staff training and an administrative oversight component to ensure the consistent implementation of the procedures.
Discipline	The school does not have procedures in place to identify a student as being potentially disabled. Therefore, that student is not provided the same procedural safeguard rights that are applied to a student with disabilities.	The charter school is directed to revise the improvement plan to include procedures to be able to identify a potentially disabled student through a basis of knowledge, and to ensure that <i>Procedural Safeguard Rights</i> of a potentially disabled student are protected when disciplining that student. The school's plan must include staff training and an administrative oversight component to ensure the consistent implementation of the procedures.
Graduation	IEPs do not document graduation requirements based on individual student needs.	The charter school is directed to revise the improvement plan to include procedures to ensure that the all graduation requirements are appropriately documented in students' IEPs. The school's plan must include staff training and an administrative oversight component to ensure the consistent implementation of the procedures.

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Summary

The monitoring of CREATE Charter School was completed on December 6, 2005. The purpose of the monitoring process was to verify the charter school's report of findings resulting from their self-assessment and to review the charter school's improvement plan. The charter school is commended for the comprehensive review conducted during the self-assessment process. As a result of that review, the charter school was able to identify most areas of need and develop an improvement plan that when implemented will bring about systemic change.

The CREATE Charter School's data report indicates that for the 2003-2004 school year a classification rate of 20.38% (54 classified out of a total of 265 students) and a classification rate of 27.97% (99 classified out of a total of 354 students) for the 2004-2005 school year. The school's self assessment reported that although approximately one third of those students with disabilities were included in general education for more than 80% of their school day during the 2004-2005 school year, and their IEPs indicated in-class support, the school did not employ certified special education teachers to provide in-class support. As a result, the students were provided only accommodations and modifications by general education teachers.

During the monitoring process, the principal, special education coordinator, and school psychologist indicated that three certified special education teachers were hired in September, 2005 to provide in-class support, although there remains a need to hire at least three more special education teachers to provide programs required by students' IEPs. The principal further reported that the school has a current classification rate of 29% (115 classified students out of a total of 395 students) for the 2005-2006 school year. However, an interview with the coordinator indicated that during the intake process in September 2005, there were additional students requiring services who were identified by the parents to the school as having IEPs during the intake process but appropriate transfer procedures were not implemented until November 2005. This was supported during an interview with a parent whose child was not referred to the team even though she indicated to school staff that her child had an IEP in September. The school's improvement plan addresses transfer procedures to ensure incoming students receive the programs and services they need.

Of the parents who were interviewed, most expressed concerns with the lack of provision of programs and services required in students' IEPs and lack of adequate post-school transition planning. Additionally, some parents were very concerned with how discipline is handled at the school and indicated that there was a lack of communication between parents and staff. The parents further indicated that the only school-to-home communication was to report that their child was being removed from school. Two parents indicated satisfaction with the progress their children have made since being provided in-class support with a special education teacher this school year.

Statewide Assessment is the only complete section determined to be in compliance by the charter school during self-assessment process and by the Office of Special Education Programs during the monitoring.

Areas identified as consistently compliant by the charter school during self-assessment and verified during the monitoring process included opportunity for all students with disabilities to access all general education programs and age range.

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Multidisciplinary evaluation for students eligible for special education and related services, educational impact statement from the classroom teacher for students eligible for speech and language services, standardized assessments, and bilingual evaluations are areas identified as consistently compliant by the charter school that could not be verified by NJDOE because the school does not currently have a population relative to these areas at this time.

Areas of need identified by the charter school as non-compliant during the self-assessment process included oversight of individualized education program (IEP) implementation, extended school year, provision of programs, provision of related services, transfer procedures, consent, implementation of an action without undue delay for which consent has been obtained, provision of notice of a meeting, content of notice of a meeting, meetings, provision of written notice, content of written notice, notices in native language, interpreters at meeting, independent evaluations, child find, referral process, pre-referral interventions, direct referrals, health summary, vision and hearing screenings, identification meeting timelines, identification meeting participants, written reports prepared by evaluators do not contain required information, reevaluation when change of eligibility is considered, reevaluation timelines, reevaluation planning meeting participants, reevaluation nature and scope, procedures when parental consent cannot be obtained, documentation of efforts to obtain parental consent, eligibility meeting participants, eligibility criteria, copy of evaluation reports to parents, IEP meeting participants, IEP provided to parent prior to implementation, teachers informed of their responsibilities (knowledge of and/or access to IEPs), 90-day timelines, documentation of LRE decisions, notification and participation in non-academic and extracurricular activities, continuum of programs, placement decisions based on students' individual needs, transition planning conferences, beginning at age 14, IEP statement of "transition service needs", beginning at age 16, IEP statement of "needed transition services (that includes identification of post-secondary liaison, post-school transition activities, and annual goals and benchmarks relative to the student's desired outcomes), student and agency invitation to IEP meetings, notification of removal forwarded to case manager, suspension tracking system, discipline procedures employed equitably for all students, IEP team meeting for first removal beyond 10 days, procedures for determination of change in placement, procedures for conducting functional behavioral assessment and development of behavior intervention plan, short-term removals resulting in a change of placement, short-term removals that are not a change in placement that include the school personnel that determine the extent of services to be provided, Interim Alternative Educational Settings, manifestation determinations, written notice of graduation and class size for pull-out resource.

During the monitoring process, additional areas of need were identified within the various standards regarding parent training, functional assessment, the *Statement of Eligibility for Specific Learning Disability*, IEP considerations and required statements, IEP meeting convened annually, or more often if necessary, to review and/or revise the IEP, procedural safeguard rights of potentially disabled students, and documentation of graduation requirements.

Within forty-five days of receipt of the monitoring report, the CREATE Charter School will revise and resubmit the improvement plan to the Office of Special Education Programs to address those areas that require revisions.

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