

New Jersey Department of Education Special Education Monitoring

District: Liberty Academy Charter School

County: Hudson

Monitoring Dates: May 4 & 11, 2006

Monitoring Team: Nicole Buten, Vanessa Leonard

Background Information:

During the 2004–2005 school year, the Liberty Academy Charter School conducted a self-assessment of policies, procedures, programs, services and student outcomes. This self-assessment component of the monitoring process provided the Liberty Academy 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 Liberty Academy Charter School developed an improvement plan to address identified areas of need.

The Office of Special Education Programs (OSEP) conducted an onsite monitoring to verify the self-assessment findings, to assess the appropriateness of the improvement plan and to determine the progress in implementing the plan.

During the onsite visit, the New Jersey Department of Education (NJDOE) monitoring team reviewed charter school documents, including charter school policies and procedures, student count information, master student lists, class lists, schedules of students, teachers and related service personnel and other relevant information. A representative sample of student records was also reviewed. Interviews were conducted with the charter school's special education administrators, building principals, general education and special education teachers, speech-language specialists and child study team members. Parents of students with disabilities were interviewed by phone.

Data Summary:

A review of the charter school's data for students with disabilities indicated that for the 2005-2006 school year, the charter school reported a classification rate of 8.2% which was below the state rate of 14.6% for that same year. The classification rate has been consistent for the past three years. The charter school reported that it has been able to keep this rate low due to effective pre-referral interventions and staff training. During the 2005-2006 school year, the charter school educated 30% of students with disabilities in the general education setting for more than 80% of the school day which was below the state rate of 42% for that same year. The charter school's placement rate has been consistent over the past three years. As a result of these data, the charter school identified continuum of placement options and placement decisions based on individual student needs as areas of noncompliance.

New Jersey Department of Education Special Education Monitoring

Sections Demonstrating Compliance

The self-assessment process required the charter school to review implementation of federal and state regulations categorized into 15 sections. Within each section, a number of areas were reviewed. The onsite monitoring visit involved verification that the sections and areas identified as compliant by the charter school in their self-assessment were compliant with regulations. These sections were identified by the charter school during self-assessment and the NJDOE during the monitoring process as compliant:

- General Provisions
- Statewide Assessments
- Evaluation
- Graduation
- Transition to Adult Life
- Programs & Services

Sections Not Reviewed

Transition to Preschool was not reviewed by the NJDOE because the charter school does not serve a population of students for whom these requirements apply.

Areas Demonstrating Compliance

The following areas, within the remaining sections reviewed, were identified by the charter school's self-assessment committee and by the NJDOE as compliant. These areas were reviewed for students eligible for special education and related services (ESERS) and students eligible for speech and language services (ESLS).

Section	Areas Demonstrating Compliance
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> • Oversight of individualized education program (IEP) implementation • Extended school year • Provision of programs • Provision of related services
Procedural Safeguards	<ul style="list-style-type: none"> • Implementation without undue delay • 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 meetings
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> • Child Find • Referral process • Pre-referral interventions • Direct referrals • Identification meeting timelines • Identification meeting participants
Reevaluation	<ul style="list-style-type: none"> • Reevaluation when change of eligibility is considered • Planning meeting participants • Reevaluations prior to age 5 • Procedures when parental consent cannot be obtained • Documentation of efforts to obtain parental consent

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

Section	Areas Demonstrating Compliance
Eligibility	<ul style="list-style-type: none"> • Meeting participants • Eligibility criteria • Statement of eligibility (Specific Learning Disability)
Individualized Education Program (IEP)	<ul style="list-style-type: none"> • IEP required considerations and components • Meeting participants • Implementation dates • IEP provided to parent prior to implementation • Meetings held annually, or more often if necessary, to review and/or revise the IEP • Annual reviews completed by June 30 for students transitioning from elementary to secondary programs • Teachers informed of their responsibilities (knowledge of and/or access to IEPs)
Discipline	<ul style="list-style-type: none"> • Suspension tracking system • Interim alternative educational setting • Short term removals resulting in a change in placement • Procedures for determination of change in placement

New Jersey Department of Education Special Education Monitoring

Areas of Noncompliance - Improvement Plan Review

The following areas were identified by the charter school's self-assessment committee as noncompliant. The charter school is directed to develop procedures, conduct training on the procedures and implement the improvement activities noted in the chart below to correct all areas of noncompliance identified through the self-assessment process within six (6) months of receipt of this monitoring report.

Section	Area	Improvement Activity
Free, Appropriate Public Education	<ul style="list-style-type: none"> ▪ Transfer procedures- The charter school does not have a procedure to review the records of transfer students without undue delay. 	The charter school is directed to implement improvement activities to ensure that records of transfer students are reviewed without undue delay. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Procedural Safeguards	<ul style="list-style-type: none"> ▪ Consent- The charter school does not consistently obtain written parental consent prior to conducting initial evaluations. ▪ Independent Evaluations- Charter school staff members are unaware of the requirements if a written parental request for an independent evaluation is received. 	<p>The charter school is directed to implement improvement activities to ensure that written parental consent is obtained prior to conducting an initial evaluation. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that staff members are aware of requirements for providing independent evaluations. Improvement activities must include the development and dissemination of procedures and an administrative oversight mechanism to ensure correction and ongoing compliance.</p>
Location, Referral and Identification	<ul style="list-style-type: none"> ▪ Health Summaries- Health summaries are not provided to the child study teams prior to identification meetings. ▪ Vision and Hearing Screenings- Results of vision and hearing screenings are not provided to the child study teams prior to identification meetings. 	<p>The charter school is directed to implement improvement activities to ensure that health summaries are provided to the child study teams prior to identification meetings. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that results of vision and hearing screenings are provided to child study teams prior to identification meetings. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p>

New Jersey Department of Education Special Education Monitoring

Section	Area	Improvement Activity
Reevaluation	<ul style="list-style-type: none"> ▪ Three year timelines- The charter school does not consistently complete reevaluations within three years of previous classification. 	The charter school is directed to implement improvement activities to ensure that reevaluations are completed within three years of the previous classification. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Eligibility	<ul style="list-style-type: none"> ▪ Signature of agreement and/or disagreement and rationale- The charter school does not document child study team members' agreement and/or disagreement. ▪ Copy of evaluation reports to parents- The charter school does not send evaluation reports to parents 10 days prior to eligibility meetings. 	<p>The charter school is directed to implement improvement activities to ensure that agreement and/or disagreement with eligibility decisions is documented. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that copies of evaluation reports are sent to parents 10 days prior to the eligibility meeting. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p>
Individualized Education Program	<ul style="list-style-type: none"> ▪ 90 day timelines- The charter school does not consistently complete the initial evaluation and IEP process within 90 calendar days after parental consent. 	The charter school is directed to implement improvement activities to ensure that the initial evaluation and IEP process is completed within 90 calendar days after parental consent. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Least Restrictive Environment	<ul style="list-style-type: none"> ▪ Notification of participation in non-academic and extracurricular activities for students educated outside the charter school- Charter school personnel were unaware of requirements to send notification of extracurricular and nonacademic activities to students with disabilities educated outside the charter school. ▪ Continuum of program options, opportunity for all students to access all general education programs and placement 	<p>The charter school is directed to implement improvement activities to ensure that notification of extracurricular and non-academic activities is sent to students with disabilities educated outside of the charter school. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that placement decisions are made on an individual basis, affording all students with disabilities access to</p>

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

Section	Area	Improvement Activity
	<p>decisions based on students' individual needs- Charter school personnel reported that due to a lack of staff and program options, placement decisions are based on space and teacher availability, rather than students' individual needs.</p>	<p>general education programs, when appropriate, and ensuring that a full continuum of program options is available. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p>
Discipline	<ul style="list-style-type: none"> <li data-bbox="464 533 846 804">▪ Discipline procedures employed equitably for all students- Students referred to the child study team for an initial evaluation are not provided the same procedural safeguards as students who have been determined eligible. <li data-bbox="464 835 829 1014">▪ Notification of removal forwarded to case manager- Charter school personnel do not forward notification of suspensions to case managers. <li data-bbox="464 1108 846 1318">▪ IEP team meeting for first removal beyond 10 days- The charter school does not ensure that an IEP meeting occurs when a student has been removed for more than 10 days. <li data-bbox="464 1388 837 1717">▪ Procedures for conducting functional behavioral assessment and development of behavior intervention plans- Charter school personnel do not conduct functional behavioral assessments and develop behavior intervention plans, when required. <li data-bbox="464 1749 837 1896">▪ Manifestation determinations- Manifestation determination meetings are not conducted, as required. 	<p>The charter school is directed to implement improvement activities to ensure that procedural safeguards are implemented equitably among all students. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that case managers receive written notification of a suspension at the time of the removal. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that an IEP meeting occurs when a student has been removed for more than 10 days. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance. .</p> <p>The charter school is directed to implement improvement activities to ensure that, when required, functional behavioral assessments are conducted and behavioral intervention plans are developed and implemented. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that manifestation determination meetings are held as required. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p>

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

Section	Area	Improvement Activity
	<ul style="list-style-type: none"> ▪ Short-term removals that are not a change in placement- Charter school personnel are not meeting to determine the extent of services to be provided, when required. 	<p>The charter school is directed to implement improvement activities to ensure that charter school personnel meet, as required, to determine the extent of services to be provided to a student who has been suspended for more than 10 days. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.</p>

No additional areas of need were identified during the onsite visit.

New Jersey Department of Education Special Education Monitoring

Summary

Onsite special education monitoring was conducted of the Liberty Academy Charter School on May 4 and 11, 2006. The purpose of the monitoring visit 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 acknowledged for the comprehensive review conducted during the self-assessment process. As a result of that review, the charter school was able to identify all areas of need.

A review of the charter school's data for students with disabilities indicated that for the 2005-2006 school year, the charter school reported a classification rate of 8.2% which was below the state rate of 14.6% for that same year. The classification rate has been consistent for the past three years. The charter school reported that it has been able to keep this rate low due to effective pre-referral interventions and staff training. During the 2005-2006 school year, the charter school educated 30% of students with disabilities in the general education setting for more than 80% of the school day which was below the state rate of 42% for that same year. The charter school's placement rate has been consistent over the past three years. As a result of these data, the charter school identified continuum of placement options and placement decisions based on individual student needs as areas of noncompliance.

During interviews conducted with parents by phone, parents expressed their satisfaction with the charter school's programs, services and staff.

Sections identified as consistently compliant by the charter school during self-assessment and verified during the onsite monitoring visit included:

- General Provisions
- Evaluation
- Transition to Adult Life
- Statewide Assessments
- Graduation
- Programs & Services

Areas identified as consistently compliant by the charter school during self-assessment and verified during the onsite monitoring visit included:

- Oversight of individualized education program (IEP) implementation
- Extended school year
- Provision of programs
- Provision of related services
- Implementation without undue delay
- 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 meetings
- Child Find
- Referral process
- Pre-referral interventions
- Direct referrals
- Identification meeting timelines
- Identification meeting participants
- Reevaluation when change of eligibility is considered
- Planning meeting participants
- Reevaluations prior to age 5
- Procedures when parental consent cannot be obtained
- Documentation of efforts to obtain parental consent
- Eligibility meeting participants
- Eligibility criteria
- Statement of eligibility (Specific Learning Disability)
- IEP meeting participants
- IEP required considerations and components
- Implementation dates
- IEP provided to parent prior to implementation
- Meetings held annually, or more often if necessary, to review and/or revise the IEP
- Annual reviews completed by June 30 for students transitioning from elementary to secondary programs
- Teachers informed of their responsibilities (knowledge of and/or access to IEPs)

New Jersey Department of Education Special Education Monitoring

- Short-term removals resulting in a change of placement
- Procedures for determination of change of placement
- Suspension tracking system
- Interim alternative educational setting

During the self-assessment process, the charter school identified areas of need regarding:

- Transfer procedures
- Consent
- Independent evaluations
- Health summaries
- Vision and hearing screenings
- Three year reevaluation timelines
- Signature of agreement/disagreement rationale
- Copy of evaluation reports to parents
- 90 day timelines
- Notification of participation in non-academic and extracurricular activities for students educated outside the charter school
- Continuum of program options
- Documentation of LRE decisions
- Opportunity for all students with disabilities to access all general education programs
- Placement decisions based on individual needs of students
- Discipline procedures employed equitably for all students
- Notification of removal forwarded to case manager
- IEP team meeting for first removal beyond 10 days
- Procedures for conducting functional behavioral assessment and development of behavioral intervention plans
- Manifestation determinations
- Short-term removals that are not a change in placement

No additional areas of need were identified during the onsite visit.

The charter school is directed to implement improvement activities to correct all areas of noncompliance identified through the self-assessment process within six (6) months of receipt of this monitoring report. The charter school must also implement administrative oversight to ensure ongoing compliance. The verification of correction of noncompliance will be conducted by the county office of education and the Office of Special Education Programs.