

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

**District:** Discovery Charter School

**County:** Essex

**Monitoring Dates:** January 6 and 9, 2006

**Monitoring Team:** Tracey Pettiford-Bugg

***Background Information:***

During the 2004-2005 school year, the Discovery Charter School conducted a self-assessment of policies, procedures, programs, services and student outcomes. This self-assessment component of the monitoring process provided the Discovery 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 Discovery 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 monitoring visit, the New Jersey Department of Education (NJDOE) monitoring team reviewed documents that included school policies and procedures, student count information, master student lists, class lists, schedules of students, teachers and related service personnel and a representative sample of student records. Interviews were conducted with the school's special education administrator, building principal, general education teachers, special education teachers, speech-language specialists and child study team members. Parents of students with disabilities were interviewed by telephone.

**Data Summary:**

A review of the school's data for students with disabilities indicates that the 2004-2005 classification rate of 24% (18 of 75 students) was significantly higher than the state average for that year. Despite this high classification rate, the district was found compliant in referral and pre-referral procedures. During that same year, 100% of the students with disabilities were educated in the general education setting for more than 80% of the school day.

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### Standard and Areas Not Applicable

Transition to preschool, age 16 transition requirements and identification of post-secondary liaison were not reviewed by the NJDOE because the charter school does not serve a population to whom these requirements apply.

### Sections Demonstrating Compliance with All Standards

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. The following sections were identified by the charter school during self-assessment and the NJDOE during the monitoring process as compliant:

- General Provisions
- Free Appropriate Public Education
- Location, Referral, Identification
- Reevaluation
- Least Restrictive Environment (LRE)
- Discipline
- Statewide Assessment
- Graduation
- Programs & Services

### Areas Demonstrating Compliance

The following areas, within the 15 sections reviewed, were identified by the district'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). Areas compliant for only one group of students are noted.

| Section                                       | Areas Demonstrating Compliance   |
|---|--|
| <b>Procedural Safeguards</b>                  | <ul style="list-style-type: none"> <li>• Consent</li> <li>• Implementation without undue delay</li> <li>• Provision of notice of a meeting</li> <li>• Content of notice of a meeting</li> <li>• Meetings</li> <li>• Interpreters at meetings</li> <li>• Independent evaluations</li> </ul>                       |
| <b>Evaluation</b>                             | <ul style="list-style-type: none"> <li>• Multi-disciplinary evaluations</li> <li>• Standardized assessments</li> <li>• Written reports prepared by evaluators</li> </ul>   |
| <b>Eligibility</b>                            | <ul style="list-style-type: none"> <li>• Statement of eligibility (Specific Learning Disability)</li> <li>• Meeting participants</li> </ul>  |
| <b>Individualized Education Program (IEP)</b> | <ul style="list-style-type: none"> <li>• Meeting participants</li> <li>• Implementation dates</li> <li>• IEP provided to parent prior to implementation</li> <li>• Meetings held annually, or more often if necessary, to review and/or revise the IEP</li> <li>• Annual reviews completed by June 30</li> </ul> |

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| Section                         | Areas Demonstrating Compliance   |
|---------------------------------|--|
|                                 | <ul style="list-style-type: none"> <li>Teachers informed of their responsibilities (knowledge of and/or access to IEPs)</li> </ul>   |
| <b>Transition to Adult Life</b> | <ul style="list-style-type: none"> <li>Student and agency invitation to IEP meetings</li> <li>Activities, annual goals and benchmarks related to the student's desired outcomes</li> </ul> |

**Areas of Noncompliance - Improvement Plan Review**

The following areas were identified by the charter school's self-assessment committee as noncompliant. The improvement plan submitted by the charter school was determined by the OSEP to be insufficient to bring the school into compliance; therefore, the district must implement the corrective actions indicated in the third column to correct areas of noncompliance.

| Section                      | Areas of Need   | Revised Improvement Activities  |
|------------------------------|---|---|
| <b>Procedural Safeguards</b> | <b>Provision of written notice</b><br>- Written notice is not consistently provided to parents within required timelines.   | The charter school is directed to ensure that written notice is provided to parents as required by N.J.A.C. 6A:14-2.3(f) and (h). The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.   |
|                              | <b>Content of written notice</b> -<br>Written notice does not contain all the required components.                          | The charter school is directed to ensure that child study team members and speech-language specialists provide written notice which includes all required components according to N.J.A.C. 6A:14-2.3(g). The charter school can refer to the sample notice forms developed by the NJDOE available at <a href="http://www.state.nj.us/education">www.state.nj.us/education</a> . The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance. |
|                              | <b>Notices in native language</b><br>- Notices are not consistently provided in the native language of the parent.          | The school is directed to ensure that notice is provided to non-English speaking parents in their native language, unless it is unfeasible to do so, according to N.J.A.C. 6A:14-2.3(g) and 2.4(a) and (b). The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.   |
| <b>Evaluation</b>            | <b>Functional assessments</b> -<br>Initial evaluations do not contain all required components of the functional assessment. | The charter school is directed to ensure that the components of a functional assessment, required by N.J.A.C. 6A:14-3.4(f)4, are conducted and reflected in initial evaluation reports. The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.   |

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| Section     | Areas of Need  | Revised Improvement Activities  |
|-------------|--|---|
|             | <p><b>Educational impact statement (ESLS)</b> - Speech-language reports do not contain the educational impact statement from the classroom teacher.</p>  | <p>The charter school is directed to ensure that speech-language specialists obtain written information from the classroom teacher of the educational impact created by the speech problem and summarize the information in the speech-language evaluation report. The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.</p>  |
|             | <p><b>Bilingual evaluations</b> - The charter school does not have procedures for conducting evaluations in the native language of the student when appropriate.</p>   | <p>The charter school is directed to ensure that when appropriate, evaluations are conducted in the student's native language. The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.</p>  |
| Eligibility | <p><b>Evaluation reports to parents</b> - Copies of evaluation reports are not provided to parents at least 10 days prior to eligibility meetings.</p>   | <p>The charter school is directed to ensure that parents are provided a copy of evaluation report(s) at least 10 days prior to the eligibility determination meeting and that case managers document the provision of the reports to parents in student files. The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.</p>  |
|             | <p><b>Eligibility criteria</b> – The charter school does not appropriately apply eligibility criteria when determining eligibility for students who may be eligible under the category of communication impaired (CI) or eligible for speech-language services (ESLS).</p> | <p>The charter school is directed to ensure that when determining eligibility for special education and related services, team members apply established criteria in N.J.A.C.6A:14-3.5(c)4 and 3.6(a). The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.</p>  |
| IEPs        | <p><b>90-day timeline</b> – Initial IEPs are not consistently implemented within 90 days of parental consent to evaluate.</p>  | <p>The charter school is directed to ensure that initial IEPs are implemented within 90 days from date of parental consent to conduct an initial evaluation. The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.</p>  |
|             | <p><b>IEP required considerations and components</b>– The school's IEPs do not contain descriptions of the programs and services determined appropriate by the IEP team.</p>   | <p>The charter school is directed to ensure that IEPs provide a description of students' required programs and services. The school is advised to review the sample IEP forms developed by the NJDOE and available at <a href="http://www.state.nj.us/education">www.state.nj.us/education</a>. The school must develop procedures, revise IEP forms, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.</p> |

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**Additional Areas of Need**

The following areas for were originally identified by the district’s self-assessment committee as compliant but were found to be noncompliant by the NJDOE during the onsite monitoring for students eligible for special education and related services (ESERS) and/or students eligible for speech and language services (ESLS):

| <b>Section</b>                  | <b>Area of Need</b>   | <b>Improvement Activity</b>  |
|---------------------------------|---|--|
| <b>Eligibility</b>              | <b>Signature of agreement and/or disagreement and rationale</b> - The school does not consistently document the agreement or disagreement of CST evaluators with eligibility determinations.  | The charter school is directed to ensure that CST members, who conduct initial evaluations, document their agreement and/or disagreement with eligibility determinations, including a rationale for opposing opinions, when required. The school must develop procedures, train staff members on those procedures and conduct administrative oversight to ensure correction and ongoing compliance.  |
| <b>Transition to Adult Life</b> | <b>Beginning at age 14, IEP statement of “transition service needs”</b> - The school does not consistently include interests and preferences or a course of study when conducting transition planning for students who are 14 or older. | The charter school is directed to ensure that the transition service needs statement in IEPs, beginning at age 14 or younger, if appropriate, includes interests and preferences and a course of study. The school is advised to review the sample IEP forms developed by the NJDOE and available at <a href="http://www.state.nj.us/education">www.state.nj.us/education</a> . The school must develop procedures, revise the IEP form, train staff members on the procedures and conduct administrative oversight to ensure correction and ongoing compliance. |

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## Summary

Onsite special education monitoring was conducted of the Discovery Charter School January 6 and 9, 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 school's improvement plan. The 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 nearly all areas of need. However, it was determined that the school's improvement plan does not contain appropriate activities that would bring the school into compliance when implemented. As a result, the school must implement the improvement activities listed in the report.

A review of the school's data for students with disabilities indicates that the 2004-2005 classification rate of 24% (18 of 75 students) was significantly higher than the state average for that year. Despite this high classification rate, the district was found compliant in referral and pre-referral procedures. During that same year, 100% of the students with disabilities were educated in the general education setting for more than 80% of the school day.

During telephone interviews, many parents expressed their satisfaction with the charter school's programs and staff. However, a significant number of parents expressed their concern with the administrator serving a dual role as both the school principal and director of special services.

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

- General Provisions
- Free Appropriate Public Education
- Location, Referral, Identification
- Reevaluation
- Least Restrictive Environment (LRE)
- Discipline
- Statewide Assessment
- Graduation
- Programs & Services

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

- Parental consent
- Implementation without undue delay
- Content and provision of notice of a meeting
- Meetings
- Interpreters at meetings
- Independent evaluations
- Statement of eligibility (Specific Learning Disability)
- Multi-disciplinary evaluations
- Standardized assessments
- Written reports prepared by evaluators
- Eligibility and IEP meeting participants
- IEP Implementation dates
- IEP provided to parent prior to implementation
- IEP meetings held annually, or more often if necessary, to review and/or revise the IEP
- Annual reviews completed by June 30
- Student and agency invitation to IEP meetings
- Activities, annual goals and benchmarks related to student's desired outcomes

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

- Content and provision of written notice
- Notices in native language
- Functional assessments
- Educational impact statement (ESLS)
- Bilingual evaluations
- Evaluation reports to parents
- Eligibility criteria
- 90-day timelines
- IEP required considerations and components

During the monitoring process, additional areas of need were identified regarding:

- Signature of agreement and/or disagreement and rationale
- Beginning at age 14, IEP statement of transition service needs

The district is expected to implement the improvement activities described in the report to achieve compliance in all areas identified as noncompliant during self-assessment, and areas identified during the onsite visit, within six months of the date of this report. Verification of compliance will be conducted by the County Office of Education and NJOSEP staff.