

New Jersey Department of Education Special Education Monitoring

District: Elysian Charter School

County: Hudson

Monitoring Dates: February 5, 2004

Monitoring Team: Tracey Pettiford-Bugg and Carol Raff

Background Information:

During the 2002–2003 school year, the Elysian Charter School conducted a self-assessment of policies, procedures, programs, services, and student outcomes. This self-assessment component of the monitoring process provided the Elysian Charter School with an opportunity to evaluate its 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 Elysian Charter School developed an improvement plan to address identified areas of need.

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

As the first step in the on-site monitoring process, the New Jersey Department of Education (NJDOE) held a focus group meeting for parents and community members at the Elysian Charter School on February 4, 2004. Information obtained from that meeting was used to direct the focus of the monitoring visit.

During the on-site visit, the NJDOE team reviewed charter school documents, including charter school policies and procedures, student count information, master student lists, class lists, schedules of students, teachers, related service personnel, and other relevant information, including a representative sample of student records. Interviews were conducted with the charter school's special education administrators, building principal, general education and special education teachers, speech therapists and child study team members.

Charter School Strengths:

The charter school is commended for the low student teacher ratio that makes individualized instruction possible.

The charter school is also commended for providing additional academic support to all students before and after school. The charter school also provides an on-site day care service for all staff members.

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Data Summary:

The charter school's data from school years 2001 and 2002 indicated that 100% of students eligible for special education and related services were educated in the general education setting for more than 80% of the day.

Areas Demonstrating Compliance With All Standards:

Discipline, Transition and Statewide Assessments were determined to be areas of compliance by the district during self-assessment and by the Office of Special Education Programs during the on-site visit.

Section I: General Provisions

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of policies and procedures and dissemination of IDEA information.

During the self-assessment process, the charter school identified a concern in the area of professional development. The district's improvement plan is sufficient to address this area.

An area need was identified during the on-site visit regarding parent training.

Area(s) of Need:

Parent Training - During the on-site visit, interviews and a review of records indicated that although the charter school has initiated in-service training for general and special education staff, there are limited opportunities for parents to access training sessions.

- **The charter school will revise the improvement plan to include activities to ensure parents are provided with training in areas where such training is needed to better understand their children's disabilities. The plan must include a mechanism to develop and conduct a needs assessment. The implementation of these activities will result in parents receiving assistance in gaining knowledge of their child's educational needs.**

Section II: Free, Appropriate Public Education (FAPE)

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of goals and objectives for counseling, occupational therapy, physical therapy, speech length of day and year and facilities.

During the self-assessment process, the charter school identified concerns in the area of transfer students and certifications. **The charter's plan is insufficient to address the**

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area of transfers because the plan does not include procedures to ensure that the child study team reviews IEPs and evaluation materials. The implementation of these activities will ensure that these students are provided with an appropriate placement, program and services in a timely manner. The plan must be revised to include these activities as well as an administrative oversight. The district's plan is sufficient to address the area of certification.

An area of need was identified during the on-site visit regarding extended school year.

Area(s) of Need:

Extended School Year – During the on-site monitoring it was determined that extended school year (ESY) is not considered for any student at IEP meetings.

- **The charter school will revise the improvement plan to include activities to ensure that ESY is considered for all classified students and provided when needed. The implementation of these activities will ensure each student who requires ESY services because of issues related to regression and recoument as well as any other factor that hinders the student's acquisition and retention of skills receives those services.**

Section III. Procedural Safeguards

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of consent, content and provision of notices of meetings, notices in native language and interpreters at meetings.

During the self-assessment process, the charter school identified concerns in the areas of surrogate parents and independent evaluations. **The charter school's plan is insufficient to address the area of independent evaluations as it lacks appropriate projected timelines and an administrative oversight component to ensure the consistent implementation of the activities. The charter school's plan is insufficient to address the area of surrogate parents as it lacks appropriate timelines and a method for selecting and training surrogate parents in the event one is needed. The plan must include an administrative oversight component to ensure the consistent implementation of the activities.**

An additional area need was identified during the on-site visit regarding provision of written notices.

Area(s) of Need:

Provision of Written Notices – During the on-site monitoring it was determined that written notice is not provided when required.

- **The charter school will revise the improvement plan to include activities to ensure the CST provides written notice when required. The implementation of these activities will result in parents being fully informed of the actions the charter school is proposing and will afford parents the right to agree or**

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disagree with these proposals. It is recommended the child study team utilizes the notices developed by the Office of Special Education Programs (OSEP). The improvement plan must include an administrative oversight component to ensure implementation of the plan.

Section IV: Location, Referral and Identification

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the area of identification meeting participants.

During the self-assessment process, the charter school identified concerns in the area of child find, pre-referral interventions, direct referrals, vision and hearing screenings and identification meeting timelines. The charter's plan is sufficient to address the area of pre-referral interventions. **The charter school's plan is insufficient to address child find because it lacks procedures to ensure that Child Find information is disseminated to the school community. Additionally, the charter's plan is insufficient to address the areas of direct referrals and vision and hearing screenings as it lacks an administrative oversight component to ensure the consistent implementation of the activities.**

Additional areas of need were identified during the on-site visit regarding the referral forms and identification meetings and health summary.

Area(s) of Need:

Referral Forms/Identification Meeting Timelines - During the on-site monitoring, record review and interviews indicated that referrals were either not maintained in the file or, when maintained, they were not dated.

- **The charter will revise the improvement plan to include activities to ensure each referral for an evaluation is maintained in the student's file and contains the date it was submitted to school staff. Implementation of these activities will ensure referrals are addressed within the required twenty-day timeline and to further ensure determinations are made in a timely manner regarding the need to conduct an evaluation. The plan must include an administrative oversight component to ensure the consistent implementation of the activities.**

Health Summaries – During the on-site monitoring visit, record review and interviews indicated that health summaries are not provided to the child study team by the time the identification meeting is conducted.

- **The charter will revise the improvement plan to include activities to ensure that the school nurse summarizes all available health and medical information. The implementation of these activities will result in the team having necessary information prior to the evaluation planning meeting to identify suspected areas of disabilities and to determine assessments needed to make appropriate eligibility determinations. The improvement**

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plan must include an administrative oversight component to ensure the consistent implementation of the activities.

Section V: Protection in Evaluation and Evaluation Procedures

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of multi-disciplinary, standardized assessments and bilingual evaluations.

During the self-assessment process, the charter school identified a concern in the area of acceptance and rejection of reports. **The charter's improvement plan is insufficient to address this area as the plan does not include activities that ensure child study team members accept or reject reports submitted by outside agencies. Implementation of these activities will ensure parents are aware of any report or part of a report that was rejected by the child study team and the reason(s) why it was rejected. The plan must also include an administrative oversight component to ensure the consistent implementation of the activities.**

Additional areas of need were identified during the on-site visit regarding functional assessments and written reports.

Area(s) of Need:

Functional Assessments - During the on-site, interviews and record review indicated CST members do not include an observation of the student in other than testing situations.

- **The charter school will revise the improvement plan to include activities to ensure that all components of the functional assessment are included for students being evaluated for special education and related services. Implementation of these activities will ensure functional assessments contain observations of students in alternative environments and that eligibility determinations are based on a variety of testing information..**

Written Reports – During the on-site monitoring it was determined through record review that the child team evaluation reports were not consistently signed and dated. As a result it could not be determined who was developing the reports and when they were actually developed.

- **The charter school will revise the improvement plan to include activities to ensure that the child study team evaluation reports are signed and dated. Implementation of these activities will ensure staff and parents are aware of the individual who conducted the assessment as well as the date the report was developed.**

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Section VI: Reevaluation

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of planning meetings and participants.

During the self-assessment process the charter school identified a concern in the area of reevaluation timelines. **The improvement plan is insufficient to address this area based on the lack of activities to ensure the child study team provider is given the names of all students who require reevaluations in a manner that will ensure the timely completion of these cases. The plan must also include an administrative oversight component to ensure the consistent implementation of the activities.**

No additional areas of need were identified during the on-site monitoring visit.

Section VII. Eligibility

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of meetings and participants for students eligible for special education and related services.

During the self-assessment process, the charter school identified concerns in the areas of provision of a copy of evaluation reports to parents and meeting participants regarding students eligible for speech and language services. **The charter school's improvement plan is insufficient to address the area of meeting participants for students eligible for speech and language services, as it lacks activities to ensure all required participants are present. The charter school needs to revise its plan to include these activities and an administrative oversight component to ensure consistent, compliant implementation of the activities. Additionally, the plan is insufficient to address the area of provision of copies of evaluation reports to parents ten days prior to eligibility meetings as it lacks activities to ensure copies of reports are provided to parents within the timelines. The plan must include an administrative oversight component to ensure the consistent implementation of the activities.**

Additional areas of need were identified during the on-site visit regarding criteria for specific learning disabilities (SLD).

Area(s) of Need:

Criteria for SLD - During the on-site monitoring, interviews and record review indicated the charter school has not adopted a formula to determine the existence of a severe discrepancy to establish eligibility under the category of SLD.

- **The charter school will revise its improvement plan to include activities to adopt a severe discrepancy formula to ensure the child study team members apply this formula to make appropriate eligibility determinations.**

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Implementation of these activities will ensure only those students who meet the eligibility requirements for SLD are classified under those criteria.

Section VIII: Individualized Education Program (IEP)

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of meetings and participants, considerations and required statements, present level of educational performance, age of majority and teacher access.

During the self-assessment process, the charter school identified concerns in the area of implementation dates, ninety-day timelines and teacher responsibility. **The improvement plan is insufficient to address the areas of implementation dates and teacher responsibility because it lacks activities to ensure implementation dates are consistently identified in IEPs and that there is a valid IEP in effect at all times. The improvement plan must include an administrative oversight component to ensure implementation of the activities. The charter school will further revise the improvement plan to include activities to ensure that all general education teachers and paraprofessionals having direct educational responsibility for a student with a disability have access to the IEP. Implementation of these activities will ensure students receive all supports and services required by the IEP. Although the charter school identified ninety-day timelines, no improvement plan was submitted. The charter school will submit a plan that includes activities and an administrative oversight component to ensure compliance with ninety-day timelines.**

Section IX: Least Restrictive Environment (LRE)

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the decision-making process, supplementary aids and services, regular education access and continuum.

During the self-assessment process, the charter school identified concerns in the area of nonacademic and extracurricular participation. **The charter school's improvement plan is insufficient to address this area as it lacks an administrative oversight component to ensure the consistent implementation of the activities.**

An area need was identified during the on-site visit regarding Oberti statements.

Area(s) of Need:

Consideration and Documentation - During the on-site monitoring, interviews and record review indicated that the charter school's IEP does not consistently include all four statements required when considering the least restrict environment. Additionally, when statements are documented they are not addressed appropriately.

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- The charter school will revise the improvement plan to include activities to ensure that the IEP specifies the considerations of appropriate supplementary aids and services and program modifications, the explanation of why the supplementary aids and services and program modifications are not appropriate and documentation of the comparison of benefits in each setting. Implementation of these activities will ensure that appropriate considerations are discussed and placement decisions are based on the needs of the student. It is recommended the charter school adopt and utilize the model IEP developed by the Office of Special Education Programs.

Section X: Transition

Summary of Findings:

During the self assessment process the charter school accurately identified themselves compliant in the area of preferences and interests, agency involvement, agency invitation and age sixteen transition services.

An area of need was identified during the on-site visit regarding age fourteen transition services.

Area(s) of Need:

Age Fourteen Transition Service Needs – During the on-site monitoring, it was determined through record review that the charter school is not developing transition plans for students who will turn age fourteen during the period of time that the IEP will be in effect.

- The charter school will revise the improvement plan to include activities to ensure that age fourteen transition service needs are considered and documented in the IEP for those students who are or will be fourteen during the period the IEP will be in effect. Implementation of the activities will ensure appropriate transition plans are developed based on the student's interests and preferences as well as on the student's strengths and are aligned to the student's post secondary outcomes.

Section XIV: Programs and Services

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of class size waivers, age range waivers, group sizes for speech and home instruction.

During the self-assessment process, the charter school identified concerns in the area of consultation time. The charter school's plan is sufficient to address this area.

An additional area of need was identified during the on-site visit regarding case management.

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Area(s) of Need:

Case management – During the on-site monitoring, interviews and record review indicated that the school contracts out for child study team services. As such, there is no on-going case management or monitoring of IEPs.

- **The charter school will revise its improvement plan to include activities to ensure on-going case management services are provided for special education students as required by N.J.A.C 6A:14. Implementation of these activities will ensure that any issues related to the student's program and/or services are addressed in a timely manner.**

Section XV: Student Records

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of access and requests, maintenance and destruction of records and documentation of locations.

During the self-assessment process, the charter school identified a concern in the area of access sheets. The charter school's plan is sufficient to address this area.

No additional areas of need were identified during the on-site visit.

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Summary

On-site special education monitoring was conducted in the Elysian Charter School on February 5 & 6, 2004. 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 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 areas of need and develop an improvement plan that with some revision will bring about systemic change. The Charter School is further commended for the many areas determined by the school and verified by the Office of Special Education Programs as compliant with federal and state statutes and regulations.

At a focus group meeting held during the monitoring visit and interviews, the one parent who attended the meeting expressed her satisfaction with many of the charter school's programs and services. The parent was particularly pleased with the inclusionary model at the charter school.

Areas identified as consistently compliant by the Charter School during self-assessment and verified during the on-site monitoring visit included policies and procedures, dissemination of IDEA, length of day and year, facilities, consent, content and provision of notices of meetings, content, meetings, notices in native language, interpreters at meetings, summer referrals, participants, multi-disciplinary evaluation, standardized assessments, bilingual evaluations, planning meetings, participants, eligibility meetings and participants, IEP meeting and participants, considerations and required statements, present level of educational performance, goals and objectives aligned to core curriculum content standards, age of majority and teacher access, supplementary aids and services, regular education access, preferences and interests, agency involvement, agency invitation, age sixteen transition services, student and agency invitations, procedural safeguards, documentation to case manager, suspension tracking, behavioral intervention plan, functional behavior analysis, manifestation determination, interim alternative educational setting, participation in statewide assessments, approved accommodations and modifications, IEP documentation, alternate assessment, out of district participation, choice of diploma, class size and waivers, age range and waivers, group sizes for speech, home instruction, access sheets, maintenance and destruction and documentation of locations.

During the self-assessment process, the Charter School identified an area of need regarding transfer students, certifications, surrogate parents, independent evaluations, child find, pre-referral interventions, direct referrals, vision and hearing screenings, identification meetings, acceptance and rejection of reports, reevaluation timelines, eligibility participants for students eligible for speech and language services, provision of a copy of evaluation reports to parents, implementation dates, ninety day timelines, teacher responsibility, out of district participation, nonacademic and extracurricular activities, consultation time, access requests and access sheets.

The on-site visit identified additional areas of need within the various standards regarding parent training, extended school year, provision of written notices, referral process, health summaries, identification meeting timelines, functional assessments, written reports, criteria for SLD, consideration and documentation of Oberti statements, age fourteen transition services and case management.

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