

## New Jersey Department of Education Special Education Monitoring

**Charter School:** Maria L. Varisco-Rogers Charter School

**County:** Essex

**Monitoring Dates:** December 6, 2005 and April 20, 2007

**Monitoring Team:** Vanessa Leonard and Debbie Masarsky

### ***Background Information:***

During the 2004-2005 school year, the Maria L. Varisco-Rogers Charter School conducted a self-assessment of policies, procedures, programs, services, and student outcomes. This self-assessment component of the monitoring process provided the Maria L. Varisco-Rogers 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 Maria L. Varisco-Rogers 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, schedules of students eligible for speech and related services and other relevant information. The files of all students eligible for special education and related services (ESERS) were reviewed. Interviews were conducted with the charter school's special education administrators, building principals, general education and special education teachers, speech therapists and child study team members.

### **Data Summary:**

In December of 2005, the charter school reported a classification rate of 5.21% (5 out of 96 students enrolled). Each of the 5 students with disabilities were educated in general education settings for more than 80% of the time. The charter school does not serve preschoolers. There were no students eligible for speech-language services, as reported by the charter school.

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**Areas Not Reviewed**

The following indicators were not reviewed by the NJDOE because the charter school does not currently serve students for whom these requirements apply.

Section	Findings Unavailable
Evaluation	<ul style="list-style-type: none"> <li>• Educational impact statement (ESLS)</li> </ul>
Individualized Education Program (IEP)	<ul style="list-style-type: none"> <li>• IEPs completed by June 30 for preschool students in their last year of a preschool program</li> </ul>
Least Restrictive Environment (LRE)	<ul style="list-style-type: none"> <li>• Notification and participation in non-academic and extracurricular activities for out-of-district placements</li> </ul>
Transition to Adult Life	<ul style="list-style-type: none"> <li>• Beginning at age 16, IEP statement of “needed transition services”</li> <li>• Identification of post-secondary liaison</li> <li>• Student and agency invitation to IEP meetings</li> <li>• Activities, annual goals and benchmarks related to the student’s desired outcomes</li> </ul>
Transition to Preschool	<ul style="list-style-type: none"> <li>• Participation at transition planning conferences</li> <li>• IEPs implemented by age 3</li> </ul>
Graduation	<ul style="list-style-type: none"> <li>• Age 14 graduation requirements</li> <li>• Out-of-district student participation</li> <li>• Written notice of graduation</li> </ul>
Programs & Services	<ul style="list-style-type: none"> <li>• Group sizes for speech therapy</li> </ul>

**Areas 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. The areas listed below were identified by the charter school during self-assessment and the NJDOE during the monitoring process as compliant. Each area was reviewed in relation to students who are eligible for special education and related services (ESERS).

Section	Areas Demonstrating Compliance
Free, Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> <li>▪ Provision of programs</li> </ul>
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> <li>▪ Direct referrals</li> </ul>
Procedural Safeguards	<ul style="list-style-type: none"> <li>▪ Notices in native language</li> <li>▪ Interpreters at meetings</li> <li>▪ Independent evaluations</li> </ul>

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Section	Areas Demonstrating Compliance
Evaluation	<ul style="list-style-type: none"> <li>▪ Standardized assessments</li> <li>▪ Bilingual evaluations</li> </ul>
Least Restrictive Environment (LRE)	<ul style="list-style-type: none"> <li>▪ Opportunity for all students to access general education programs</li> </ul>
Statewide Assessments	<ul style="list-style-type: none"> <li>▪ Participation documented in IEPs</li> <li>▪ Approved accommodations and modifications documented in IEPs as appropriate</li> <li>▪ IEP documentation</li> </ul>
Programs & Services	<ul style="list-style-type: none"> <li>▪ Class size</li> <li>▪ Age range</li> <li>▪ Common planning time</li> </ul>

**Verification Visit Results**

A verification visit was conducted on April 20, 2007 to determine the status of correction of areas of need by the charter school during their self-assessment. The verification visit included a review of records and interviews. The charter school demonstrated compliance in the following areas.

Section	Area
FAPE	<ul style="list-style-type: none"> <li>▪ Transfer procedures - The charter school did not review the records of transfer students without undue delay.</li> </ul>
Procedural Safeguards	<ul style="list-style-type: none"> <li>▪ Consent - Parents were not given the opportunity to provide consent for an initial evaluation.</li> </ul>
Eligibility	<ul style="list-style-type: none"> <li>▪ Meeting Participants – The required participants were not in attendance at meetings.</li> </ul>
IEP	<ul style="list-style-type: none"> <li>▪ Implementation dates - Implementation dates are not consistently included in the IEP.</li> <li>▪ Teachers informed of their responsibilities (knowledge of and/or access to IEPs) - Teachers are not informed of their responsibilities for implementing the IEP.</li> </ul>
Discipline	<ul style="list-style-type: none"> <li>▪ Discipline procedures employed equitably for all students - The charter school identified equitable discipline procedures as an area of need.</li> <li>▪ IEP team meeting for first removal beyond 10 days - The charter school identified IEP team meetings for first removal beyond 10 days as an area of need.</li> </ul>

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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. The charter school's improvement plan was reviewed and found to be insufficient. **The charter school is directed to implement activities to correct these areas of noncompliance within 6 months of the date of this report. Improvement activities must include development of procedures, in-service training for staff members and implementation of an administrative oversight mechanism to ensure correction and ongoing compliance.**

Section	Area	Improvement Plan Review
FAPE	<ul style="list-style-type: none"> <li>▪ Extended school year (ESY) determination – ESY is not considered for students receiving special education and related services.</li> </ul>	<p>The charter school is directed to implement improvement activities to ensure that the need for an extended year program is discussed at each IEP meeting. If the IEP team determines that an extended school year is appropriate, the IEP must include a description of the program as well as beginning and ending dates. These improvement activities must ensure that regression and recoupment issues are considered for all students with disabilities. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.</p>
LRI	<ul style="list-style-type: none"> <li>▪ Pre-referral interventions - General education teachers do not document the effectiveness of interventions.</li>   <li>▪ Vision and Hearing Screenings and Health Summary – Results of vision and hearing screenings and health summaries are not consistently provided to the team prior to identification meetings.</li> </ul>	<p>The charter school is directed to implement improvement activities to ensure that the pre-referral process includes documentation of the effectiveness of interventions provided in the general education classroom. The school must also ensure that the type of interventions utilized, the frequency, and duration of each intervention are documented in accordance with regulations implemented September 5, 2006 [N.J.A.C. 6A:14-3.3(c)]. The charter school must implement administrative oversight to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure that the school nurse provides results of vision and hearing screenings and health summaries to case managers prior to the identification meeting. The charter school must implement administrative oversight to ensure correction and ongoing compliance.</p>

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Section	Area	Improvement Plan Review
	<ul style="list-style-type: none"> <li>▪ Identification meeting timelines - Staff does not have a mechanism to track identification meeting timelines.</li> </ul>	<p>The charter school is directed to implement a tracking system to ensure that identification meetings occur within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of a written request for an initial evaluation. The charter school must also ensure that referrals from staff are provided in writing in order to document that meetings are held within required timelines. The charter school must implement administrative oversight to ensure correction and ongoing compliance.</p>
Evaluation	<ul style="list-style-type: none"> <li>▪ Functional assessments – Evaluations do not contain all required components.</li> </ul>	<p>The charter school is directed to ensure that all initial evaluations include all required components in accordance with N.J.A.C. 6A:14-3.4(f)4. The charter school must implement administrative oversight to ensure correction and ongoing compliance.</p>
Reevaluation	<ul style="list-style-type: none"> <li>▪ Reevaluation timelines – Timelines for three-year reevaluations are non-compliant.</li> </ul>	<p>The charter school is directed to implement improvement activities to ensure reevaluations are conducted as required. The charter school is directed to review new requirements included in N.J.A.C. 6A:14-3.8 to ensure compliance with current regulations. The charter school must also implement a timeline tracking system for case managers and administrative oversight to ensure correction and ongoing compliance.</p>
Eligibility	<ul style="list-style-type: none"> <li>▪ Eligibility criteria – ‘Eligibility criteria’ was identified as an area of need by the charter school; however, an improvement plan was not written for this area of need.</li> <li>▪ Copy of evaluation reports to parents – Copies of evaluation reports are not provided 10 days prior to eligibility meetings.</li> </ul>	<p>The charter school is directed to implement improvement activities to ensure that the appropriate criteria are used to determine eligibility (N.J.A.C. 6A:14-3.5(b)1-13) for special education and related services and 6A:14-3.6(a-e) for speech-language services. The charter school must implement administrative oversight to ensure correction and ongoing compliance.</p> <p>The charter school is directed to implement improvement activities to ensure parents receive copies of evaluation reports 10 days prior to the eligibility meeting. The charter school must implement administrative oversight to ensure correction and ongoing compliance.</p>

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Section	Area	Improvement Plan Review
Transition to Adult Life	<ul style="list-style-type: none"> <li>▪ Beginning at age 14, IEP statement of “transition service needs”- The IEPs of students who will turn 14 during the implementation period do not include courses of study.</li> </ul>	The charter school is directed to implement improvement activities to ensure that transition planning is conducted for students if they will be turning 14 during the implementation period of the IEP. The charter school is directed to review the revised IEP form available at <a href="http://www.state.nj.us">www.state.nj.us</a> as a guide to developing compliant IEPs. The charter school must implement administrative oversight to ensure correction and ongoing compliance.

**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 NJDOE, during the onsite monitoring.

Section	Area	Improvement Activity
General Provisions	Parent training - The charter school does not provide parent training on topics related to students with disabilities.	The charter school is directed to implement improvement activities to ensure that training is provided to parents of students with disabilities regarding the special education process. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
FAPE	Provision of related services – The provision of related services in accordance with IEPs could not be verified due to insufficient documentation of the services provided.	The charter school is directed to implement improvement activities to ensure documentation of the provision of related services. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
Procedural Safeguards	Meeting participants - Through interviews and review of records, it was determined that the required members are not attending meetings.	The charter school is directed to implement improvement activities to ensure the attendance of required participants at meetings and documentation of their attendance. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
Procedural Safeguards	Provision of Notice of a meeting - Notice of a meeting is not consistently provided to parents.	The charter school is directed to implement improvement activities to ensure that parents are provided with notice of a meeting early enough to ensure that they will have an opportunity to attend. The provision of notice of a meeting must be documented in the students’ files. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.

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<b>Section</b>	<b>Area</b>	<b>Improvement Activity</b>
Procedural Safeguards	Content of notice of a meeting - Notice of a meeting does not contain all of the required components.	The charter school is directed to implement improvement activities to ensure that the content of notice of a meeting contains all required components. The charter school is advised to adopt the model notices provided by the NJDOE at <a href="http://www.state.nj.us/education">www.state.nj.us/education</a> . The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
Procedural Safeguards	Provision of written notice - Written notice is not consistently provided to parents.	The charter school is directed to implement improvement activities to ensure that parents are provided with written notice no later than 15 days after making a determination. Documentation of the provision of written notice must be maintained in students' files. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
Procedural Safeguards	Content of written notice - Written notice does not contain all of the required components.	The charter school is directed to implement improvement activities to ensure all written notices contain the required components. The charter school is advised to adopt the model forms provided by the NJDOE at <a href="http://www.state.nj.us/education">www.state.nj.us/education</a> . The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
LRI	Child Find – The charter school is not implementing their written procedures, approved by the County Office of Education, for the location, referral and identification of students with disabilities.	The charter school is directed to implement improvement activities to ensure the implementation of their approved procedures for the location, referral, and identification of students with disabilities. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
LRI	Identification meeting participants - Identification meetings are held without all of the required participants.	The charter school is directed to implement improvement activities to ensure that required participants attend identification meetings. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.

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<b>Section</b>	<b>Area</b>	<b>Improvement Activity</b>
Reevaluation	Planning meeting participants - Attendance at reevaluation planning meetings by the IEP team could not be verified since signatures of attendees are not maintained in students' files.	The charter school is directed to implement improvement activities to ensure that required participants attend reevaluation planning meetings and that documentation of attendance is maintained in the students' files. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
Eligibility	Signature of agreement and/or disagreement and rationale - Evaluators do not have the opportunity to state in writing whether they agree or disagree with eligibility determinations and provide a rationale when they don't agree.	The charter school is directed to implement improvement activities to ensure evaluators have an opportunity to state in writing whether they agree or disagree with eligibility determinations. In addition, if an evaluator disagrees with the decision, a rationale must be provided in writing. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
IEP	IEP required considerations and components - IEPs do not contain all of the required statements and several IEPs reviewed had blank sections or sections stating they were not applicable when responses were required.	The charter school is directed to implement improvement activities to ensure the IEP contains all required components. The charter school is advised to review the IEP sample template available at <a href="http://www.state.nj.us/education">www.state.nj.us/education</a> . The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
IEP	IEP to parents prior to implementation - IEPs are not provided to parents prior to implementation.	The charter school is directed to implement improvement activities to ensure case managers provide parents with a copy of the student's IEP prior to the implementation and document that provision in the student's files. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
IEP	Meetings held annually, or more often if necessary, to review and/or revise the IEP- Annual review meetings are not consistently held as required.	The charter school is directed to implement improvement activities to ensure that annually, or more often if necessary, the IEP team meets to review and revise the IEP. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.



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<b>Section</b>	<b>Area</b>	<b>Improvement Activity</b>
LRE	Documentation of LRE decisions - IEPs do not contain documentation of appropriate decision making for placement.	The charter school is directed to implement improvement activities to ensure that the IEP specifies: whether the student can be educated in a regular classroom with supplementary aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potentially beneficial or harmful effects which a placement may have on the student and other students in the class. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
LRE	Placement decisions based on students' individual needs - Staff indicated that placement decisions are based on available programs, not individual student needs.	The charter school is directed to implement improvement activities to ensure placement decisions are based on students' individual needs. The charter school must also implement administrative oversight to ensure correction and ongoing compliance.
Discipline	<p>Discipline - The charter school has not developed and/or implemented discipline procedures that reflect regulatory requirements that include:</p> <ul style="list-style-type: none"> <li>• notification of removal forwarded to case manager;</li> <li>• suspension tracking system;</li> <li>• procedures for determination of change in placement;</li> <li>• procedures for conducting functional behavioral assessment and development of behavior intervention plan;</li> <li>• short-term removals resulting in a change of placement;</li> <li>• short-term removals that are not a change in placement –school personnel determining the extent of services to be provided;</li> <li>• interim alternative educational setting; and</li> <li>• manifestation determinations</li> </ul>	The charter school is directed to implement improvement activities to ensure that discipline procedures are developed and implemented to reflect all requirements. The charter school must also implement staff training and an administrative oversight component to ensure ongoing compliance.

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### *Summary*

Onsite special education monitoring was conducted in the Maria L. Varisco-Rogers Charter School on December 6, 2005 and April 20, 2007. 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.

In December of 2005, the charter school reported a classification rate of 5.21% (5 out of 96 students enrolled). Each of the 5 students with disabilities were educated in general education settings for more than 80% of the time. The charter school does not serve preschoolers. There were no students eligible for speech-language services, as reported by the charter school.

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

- provision of programs
- direct referrals
- notices in native language
- interpreters at meetings
- independent evaluations
- standardized assessments
- bilingual evaluations
- opportunity for all students with disabilities to access all general education programs
- participation in statewide assessments
- documentation of approved accommodations and modifications for state assessment in IEPs as appropriate
- IEP documentation
- class size
- age range
- common planning time.

The following areas were originally identified by the charter school as noncompliant during the self-assessment process but were verified as corrected on April 20, 2007:

- transfer procedures
- consent
- implementation dates
- teachers informed of their responsibilities (knowledge of and/or access to IEPs)
- discipline procedures employed equitably for all students
- IEP team meeting for first removal beyond ten days.

The following areas were identified as noncompliant by the charter school during the self-assessment process but were not corrected as of April 20, 2007:

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- extended school year
- transfer procedures
- consent
- pre-referral interventions
- vision and hearing screenings
- health summaries
- identification meeting timelines
- functional assessments
- written reports prepared by
- copy of evaluation reports to parents
- implementation dates
- teachers informed of their responsibilities
- 90 day timelines
- beginning at age 14, IEP statement of "transition service needs"
- discipline procedures employed

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- evaluators
- reevaluation timelines
- eligibility meeting participants
- eligibility criteria
- equitably for all students
- IEP team meeting for first removal beyond 10 days.

The onsite visit identified additional areas of need within the various standards, regarding:

- parent training
- oversight of individualized education program implementation
- provision of related services
- meeting participants
- implementation without undue delay
- provision of notice of a meeting
- content of notice of a meeting
- provision of written notice
- content of written notice
- child find activities
- referral process
- vision and hearing screenings
- health summaries
- identification meeting participants
- multi-disciplinary evaluations
- reevaluation when change of eligibility is considered
- reevaluation planning meeting participants
- procedures when parental consent cannot be obtained
- documentation of efforts to obtain parental consent
- statement of eligibility
- signature of agreement and/or disagreement and rationale
- IEP meeting participants
- IEP required considerations and components
- IEP to parents prior to implementation
- meetings held annually or more often if necessary to review and/or revise the IEP
- documentation of LRE decisions
- continuum of programs
- placement decisions based on students' individual needs
- notification of removal forwarded to case manager
- suspension tracking
- procedures for determination of change in placement
- procedures for conducting a functional behavioral assessment and development of a behavior intervention plan
- short-term removals resulting in a change of placement
- short-term removals that are not a change in placement
- interim alternative educational settings
- manifestation determinations

The charter school is directed to implement improvement activities to correct all remaining areas of noncompliance, identified through the self-assessment process and during the onsite monitoring visit, within six (6) months of the date of receipt of this monitoring report. The charter school must also implement an administrative oversight mechanism to ensure ongoing compliance. The verification of correction of non-compliance will be conducted by the county office of education and the monitoring team.