

New Jersey Department of Education Special Education Monitoring

District: Sussex County Charter School

County: Sussex

Monitoring Dates: September 16 and 17, 2003

Monitoring Team: Zola Mills, Gladys Miller, Susan Wilson

Background Information:

During the 2002–2003 school year, the Sussex County Charter School conducted a self-assessment of policies, procedures, programs, services, and student outcomes. This self-assessment component of the monitoring process provided the Sussex County 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 Sussex County 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 Sussex County Charter School on September 11, 2003. 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, and child study team provider.

Charter School Strengths:

The charter school is commended for its block scheduling that allows utilization of team teaching, extended discussion and research time and integration of several academic disciplines. The charter school is also commended for the infusion of technology across the curriculum and the low student to teacher ratio of 8:1. Students' home environment is linked to technology as each student has a computer for homework at home, either leased from the school or purchased on their own. All of these services are available to

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all students and make it possible to individualize instruction, timelines and content to allow special education students the opportunity to maintain a high academic standing within the regular education curriculum.

Data Summary:

The charter school is commended for its successful efforts in educating students with disabilities in the least restrictive environment. Based on a review of the charter school's Part I data, it was identified that approximately 66% of their special needs students are educated with their non-disabled peers more than 80% of the school day and the balance are with their peers more than 40% of the school day. The charter school's classification rate of 11.9% is lower than the state classification rate. Of the special education students taking the GEPA, 83.3% were proficient in Science, 50% were proficient in math and 66.7% were proficient in language arts.

Areas Demonstrating Compliance With All Standards:

Eligibility Least Restrictive Environment and Statewide Assessment 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, staff training and dissemination of IDEA information.

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

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

Section II: Free, Appropriate Public Education (FAPE)

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of extended school year, related services, length of school day and year, facilities and certifications.

Areas of need were identified during the on-site visit regarding transfer students and the related service of counseling.

Area(s) of Need:

Transfer Students – During the on-site monitoring it was determined through interviews and record review that although the principal and the teachers do an immediate review

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of a transfer student's IEP, a child study team review, as required by N.J.A.C 6A:14-4.1(g) was not consistently done.

- **The charter school will revise its improvement plan to include activities to ensure that the child study team reviews all transfer students' 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.**

Counseling – During the on-site monitoring it was determined through record review and interviews that goals and objectives as well as frequency, duration and location for counseling were not consistently documented in the IEP. Additionally, though the start date for the related service was the first week of school, the services do not start until the third week of school.

- **The charter school will revise its improvement plan to include activities to ensure that goals and objectives as well as frequency, duration and location for counseling are documented in the IEP and the services start in accordance with the date identified in the IEP. Implementation of these activities will ensure that parents and staff are knowledgeable of the services the student will receive in order to derive educational benefit from the special education program.**

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, meetings, content and provision of written notice, notices in native language, interpreters at meetings and independent evaluations.

An area of need was identified during the on-site visit regarding surrogate parents.

Area(s) of Need:

Surrogate Parents – During the on-site monitoring, interviews indicated that the district does not have a procedure to select and train surrogate parents in the event one is needed.

- **The charter school will revise its improvement plan to include activities to ensure the selection and training of surrogate parents in the event one is needed. The implementation of these activities will ensure the protection of students' educational rights when it is not possible to locate the parent.**

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Section IV: Location, Referral and Identification

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of Child Find, referral process and pre-referral interventions, direct referrals, health summary, vision and hearing screenings and participants.

Areas of need were identified during the on-site visit regarding summer referrals and identification meeting timelines

Area(s) of Need:

Summer Referrals – During the on-site monitoring, it was determined through record review and interviews that teachers are not consistently available during the summer for IEP meetings.

- **The charter school will revise its improvement plan to include activities to ensure that teachers are available as needed during the summer months. The implementation of these activities will ensure mandated meetings include all required participants so that parents have the opportunity to discuss special education programs and services that are to be provided within the special education and general education environments.**

Identification Meetings – During the on-site monitoring, record review and parent interviews indicated that identification meetings were not held within twenty days of the receipt of the referral either because a teacher was not available or the staff failed to notify the child study team provider.

- **The charter school will revise its improvement plan to include activities to provide referral information to the child study team provider to ensure identification meetings are held within twenty days of the receipt of the referral. These activities will further ensure the referring teacher is in attendance at these meetings. Implementation of these activities will provide the staff and parent with the opportunity to discuss available data and determine the need for a child study team evaluation.**

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.

Areas of need were identified during the on-site visit regarding written reports, acceptance or rejection of reports and functional assessments.

Area(s) of Need:

Written Reports – During the on-site monitoring it was determined through record review that child study team evaluation reports were not consistently signed and dated.

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- **The charter school will revise its 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.**

Functional Assessment – During the on-site monitoring it was determined through record review that functional assessments were not included in the child study team evaluation process.

- **The charter school will revise its improvement plan to include activities to ensure that the child study team evaluation reports include a functional assessment. Implementation of these activities will ensure that all aspects of a student’s functioning are incorporated into the evaluation process and are used to determine eligibility status.**

Acceptance or Rejection of Reports – During the on-site monitoring it was determined through record review that evaluation reports from outside agencies are neither accepted or rejected by the child study team.

- **The charter school will revise its improvement plan to include activities to ensure that 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.**

Section VI: Reevaluation

Summary of Findings:

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

Areas of need were identified during the on-site visit regarding reevaluation planning meeting and timelines.

Area(s) of Need:

Planning Meetings and Timelines - . During the on-site monitoring it was determined through interviews with the child study team services provider and record review that reevaluation planning meetings and reevaluation timelines are noncompliant because there is no procedure in place to ensure the child study team provider is given all necessary information regarding students who require reevaluations.

- **The charter school will revise its improvement plan to include 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 implementation of these activities will ensure that students are reevaluated in a timely manner and are provided with appropriate programs and services.**

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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, goals and objectives aligned with the core curriculum content standards, age of majority, implementation dates, annual review dates, provision of the IEP to parents and teacher access and knowledge.

Areas of need were identified during the on-site visit regarding ninety-day timelines and revisions of IEPs.

Area(s) of Need:

Ninety-day Timelines – During the on-site monitoring, parent interviews, agency interviews and record review indicated that ninety-day timelines were not consistently met due to the unavailability of teachers during the summer or the failure to provide necessary information to the child study team agency in a timely fashion.

- **The charter school will revise its improvement plan to include activities to ensure that teachers are made available for summer IEP meetings and that the necessary information is forwarded to the child study team provider to conduct evaluations and/or to revise IEPs. Implementation of these activities will ensure that students are provided with programs and services in accordance with required timelines and that an IEP is in effect at the beginning of the school year.**

Revisions of IEPs – During the on-site monitoring, staff interviews and record review indicated that although parents may consent to program changes, these changes are not done at an IEP meeting with all required participants.

- **The charter school will revise its improvement plan to include activities to ensure that IEP meetings are conducted prior to changing a student's program or services. Implementation of these activities will ensure that all required participants are included in the decision-making process.**

Section X: Transition to Post-School

Summary of Findings:

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

During the self-assessment process, the charter school identified a concern regarding student invitations to meetings where transition will be discussed. **The charter school's improvement plan is insufficient to address this area because it lacks activities to ensure there is coordination with the schedule of the agency providing child study team services and the staff of the charter school.**

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

Area(s) of Need:

Age Fourteen Transitions 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 XI: Discipline

Summary of Findings:

During self-assessment the charter school accurately identified themselves compliant in the areas of discipline procedures, functional behavioral assessment, behavior intervention plan, manifestation determination and procedural safeguards.

An area of need was identified during the on-site visit regarding notification of removals to the case manager.

Area(s) of Need:

Documentation to the Case Manager and Suspension Tracking – During the on-site monitoring, it was determined through interviews with staff that the school does not maintain records of suspensions. Additionally, because the school does not maintain a child study team, removals are not tracked and mandated activities are not implemented when a student is removed beyond ten days.

- **The charter school will revise its improvement plan to include activities to ensure the case manager is notified every time a student with disabilities is removed from program. Implementation of these activities will ensure appropriate procedural safeguards and services are provided to suspended special education students.**

Section XIII: Graduation Requirements are not applicable in this seventh and eighth grade charter school

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Section XIV: Programs and Services

Summary of Findings:

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

Areas of need were identified during the on-site visit regarding class size waivers and case management.

Area(s) of Need:

Class size waivers - During the on-site monitoring, it was determined during record review that resource center program rosters exceed the number of students allowed by code.

- **The charter school will immediately bring resource center classes into compliance through the employment of classroom aides or by requesting individual class size waivers through the county office of education.**

Case Management – During the on-site monitoring, it was determined through record review and staff interviews that although a case manager has been assigned to a special education teacher, because the CST provider works on a case by case basis, there is no on-going case management or monitoring of student progress by the child study team member designated as the case manager.

- **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 all mandated case management activities are conducted in a timely and consistent 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 and access sheets.

Areas of need were identified during the on-site visit regarding maintenance and destruction of records and documentation of locations.

Area(s) of Need:

Maintenance and Destruction of Records – During the on-site monitoring, interviews with staff indicated that the charter school does not have a procedure for the maintenance and destruction of records.

- **The charter school will revise its improvement plan to include activities to appropriately maintain and/or destroy student records when required.**

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Implementation of these activities will ensure that these records are maintained for the periods of time required by the pupil record code and that parents and adult students will be given notice before the destruction of any record that is deemed no longer educationally relevant.

Documentation of Other Location – During the on-site monitoring, it was determined through interviews and record review that central files do not identify the location of other records maintained by the charter school.

- **The district will revise its improvement plan to include activities to ensure central files identify the location of other records maintained by the district. Implementation of these activities will ensure that parents or adult students are aware of all the records maintained by the charter school.**

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Summary

On-site special education monitoring was conducted in the Sussex County Charter School on September 16 and 17, 2003. 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 Sussex County Charter School was able to identify areas of need and develop an improvement plan that with some revision will bring about systemic change. The Sussex County 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 prior to the monitoring visit, the only parent in attendance expressed his satisfaction with many of the charter school's programs and services and with the school's responsiveness to the needs of the children.

Areas identified as consistently compliant by the Sussex County Charter School during self-assessment and verified during the on-site monitoring visit included policies and procedures, staff training, dissemination of IDEA, extended school year, length of day and year, facilities, certifications, consent, content and provision of notices of meetings, content and provision of written notices, meetings, native language, interpreter at meetings, independent evaluations, reevaluation meeting participants, Child Find, referral process and pre-referral interventions, direct referrals, health summary, vision and hearing screenings, identification meeting participants, multi-disciplinary evaluation, standardized assessments, bilingual evaluations, independent evaluations, participants, eligibility meetings and participants, criteria, statement of eligibility, agreement or disagreement and rationale, provision of a copy of evaluations to the parents ten days prior to the meeting, IEP meeting and participants, considerations and required statements, present level of educational performance, alignment of goals and objectives with the core content curriculum standards, age of majority, implementation dates, annual review timelines, provision of IEP to parents, teacher access and responsibility, individualized decision making, consideration and documentation, supplementary aids and services, regular education access, nonacademic and extracurricular participation, continuum, age sixteen needed transition services, agency invitation and involvement, procedural safeguards, behavioral intervention plan, functional behavior assessment, manifestation determination, participation in statewide assessments, approved accommodations and modifications, IEP documentation, alternate assessment, age range waivers, group sizes for speech, home instruction, consultation time, access to student records and access sheets.

During the self-assessment process, the Sussex County Charter School identified an area of need regarding parent training and invitations to students for transition meetings.

The on-site visit identified additional areas of need within the various standards regarding transfer students, related service of counseling, surrogate parent, summer referrals, identification meeting timelines, written reports, acceptance or rejection of reports, reevaluation timelines, written reports, functional assessments, reevaluation timelines, reevaluation planning meetings, ninety-day timelines, IEP revisions, age fourteen transition services needs, suspension tracking, class size waivers, case management services, maintenance and destruction of records, and documentation of other locations.

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