

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

Charter School: University Academy Charter School

County: Hudson

Monitoring Date: June 8, 2006

Monitoring Team: Robert Schweitzer and Deborah Masarsky

Background Information:

During the 2004–2005 school year, the University Academy Charter School conducted a self-assessment of policies, procedures, programs, services and student outcomes. This self-assessment component of the monitoring process provided the University Academy Charter School with an opportunity to evaluate strengths and areas of need with regard to:

- The provision of a free, appropriate public education (FAPE) for students with disabilities in the least restrictive environment;
- The protection of procedural safeguards for students and their families;
- The development and implementation of policies and procedures resulting in procedural compliance; and
- The organization and delivery of programs and services resulting in positive student outcomes.

The self-assessment was designed to identify areas of strength, promising practices, areas that need improvement and areas that may be noncompliant with state and federal requirements. The University Academy Charter School developed an improvement plan to address identified areas of need.

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

During the onsite monitoring visit, the New Jersey Department of Education (NJDOE) monitoring team reviewed the charter school's documents, including the charter school's policies and procedures, student count information, master student lists, class lists, schedules of students, teachers and related service personnel and other relevant information. A representative sample of student records was also reviewed. Interviews were conducted with the charter school's special education administrator, building principal, special education teacher, contracted school psychologist and the school's social worker. Parents of students with disabilities were randomly selected and interviewed by telephone.

Data Summary:

A review of the charter school's data for students with disabilities indicated that during the 2005-2006 school year, the charter school educated 97% (30 out of 31) of students with disabilities in the general education setting for more than 80% of the school day. The charter school indicated in the self-assessment, however, that placement decisions are not based on the individual needs of students. The charter school developed an improvement plan to address this area of need.

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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 following were areas identified as consistently compliant for students eligible for special education and related services (ESERS) and students eligible for speech and language services (ESLS) by the charter school's self-assessment committee and verified by the NJDOE.

Section	Areas Demonstrating Compliance
Free, Appropriate Public Education	<ul style="list-style-type: none"> • Provision of programs
Procedural Safeguards	<ul style="list-style-type: none"> • Independent evaluations • Bilingual evaluations • Interpreters at meetings
Location, Referral and Identification (LRI)	<ul style="list-style-type: none"> • Referral Process • Child Find Ages 3-21 • Direct referrals
Evaluation	<ul style="list-style-type: none"> • Standardized assessments • Written reports prepared by evaluators
Reevaluation	<ul style="list-style-type: none"> • Reevaluation when change of eligibility is considered • Timelines
Eligibility	<ul style="list-style-type: none"> • Eligibility criteria
Individualized Education Program (IEP)	<ul style="list-style-type: none"> • Teachers informed of their responsibilities (knowledge of and/or access to IEPs)
Least Restrictive Environment	<ul style="list-style-type: none"> • Notification of and participation in non-academic and extracurricular activities
Transition to Adult Life	<ul style="list-style-type: none"> • Beginning at age 16, IEP statement of “needed transition services” • Activities, annual goals and benchmarks related to student’s desired post-secondary outcomes
Discipline	<ul style="list-style-type: none"> • Discipline procedures employed equitably for all students • IEP team meeting for first removal beyond 10 days • Interim Alternative Educational Settings • Procedures for determination of change in placement • Short-term removals resulting in a change of placement • Short-term removals that are not a change in placement—school personnel determining the extent of services to be provided
Statewide Assessments	<ul style="list-style-type: none"> • Participation documented in IEPs
Programs and Services	<ul style="list-style-type: none"> • Class size • Age range

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Areas Not Reviewed

The following areas of the self-assessment were not reviewed by the NJDOE since the charter school does not serve a population of students for whom these regulations apply:

- Annual reviews completed by June 30 for preschool students with disabilities
- Transition to Preschool

Areas of Noncompliance - Required Improvement Activities

The following areas were identified by the charter school’s self-assessment committee as noncompliant and were determined by the NJDOE, during the onsite monitoring visit, not to have been corrected. The improvement plan submitted by the charter school to correct these areas was insufficient. The charter school is directed to implement improvement activities listed in the third column below to correct noncompliance in all areas within six (6) months of receipt of this monitoring report.

Section	Area	Improvement Activity
Free, Appropriate Public Education (FAPE)	Provision of related services -Speech and language services are not consistently provided as required in students’ IEPs.	The charter school is directed to implement improvement activities to ensure that students receive speech and language services in the location and with the frequency and duration indicated in their IEPs. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
FAPE	Transfer procedures - Transfer students are not placed in programs without undue delay.	The charter school is directed to implement improvement activities to ensure that transfer students are placed in programs without delay in accordance with NJAC 6A:14-4.1(g). The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Procedural Safeguards	Consent-Written parental consent is not consistently obtained prior to initial IEP implementation.	The charter school is directed to implement improvement activities to ensure that parental consent is obtained and documented prior to implementation of the initial IEP. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Procedural Safeguards	Notices in native language - Notices are not provided to parents in the language used for communication.	The charter school is directed to implement improvement activities to ensure that notices are provided in the language used for communication by the parent and student, unless it is clearly not feasible to do so. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Section	Area	Improvement Activity
LRI	Health summary and vision and hearing screenings-The school nurse does not provide a health summary and the results of the vision and hearing screening to the case manager prior to the initial identification meeting.	The charter school is directed to implement improvement activities to ensure that a health summary and vision and hearing screening results are provided to the case manager prior to the identification meeting. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
LRI	Identification meeting timelines – Initial identification meetings are not held within 20 days of the receipt of a referral.	The charter school is directed to implement improvement activities to ensure that identification meetings are held within 20 days of the receipt of a referral. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Evaluation	Multidisciplinary evaluations- Evaluations are not conducted in all areas of suspected disability. The district reported that this is because the school does not employ a learning disabilities teacher consultant or a speech and language specialist to conduct needed evaluations.	The charter school is directed to implement improvement activities to ensure that evaluations are conducted in all areas of suspected disability. Sufficient child study team members must be available to ensure participation of all members of the child study team at identification meetings in order to determine if an evaluation is warranted and, if so, the nature and scope of the evaluation. Additionally, sufficient child study team members must be available to conduct evaluations within the mandated timelines. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Evaluation	Educational impact statement (ESLS)-The educational impact statement is not developed by the classroom teacher and included in initial speech-language evaluations.	The charter school is directed to implement improvement activities to ensure that the educational impact statement from the classroom teacher is included in the initial speech-language evaluation reports for students evaluated for a voice, articulation or fluency problem. The charter school is advised to refer to the speech-language initial evaluation report template available at www.state.nj.us/education . The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Reevaluation	Planning meeting participants- Required participants are not consistently in attendance at reevaluation planning meetings.	The charter school is directed to implement improvement activities to ensure that required staff members are in attendance at reevaluation planning meetings. The school must implement administrative oversight to ensure correction and ongoing compliance.
Eligibility	Meeting participants- Required participants are not consistently in	The charter school is directed to implement improvement activities to ensure that the required staff members are in attendance at eligibility

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	attendance at eligibility meetings.	meetings. The school must implement administrative oversight to ensure correction and ongoing compliance.
Eligibility	Copy of evaluation reports to parents – Evaluation reports are not provided to parents 10 days prior to the eligibility conference.	The charter school is directed to implement improvement activities to ensure that evaluation reports are provided to parents 10 days prior to eligibility meetings. The school must implement administrative oversight to ensure correction and ongoing compliance.
IEP	IEP required considerations and components- IEPs do not contain all required considerations and components.	The charter school is directed to implement improvement activities to ensure that IEPs contain all required considerations and components. The charter school is directed to review the sample IEP forms on the NJDOE web site at www.state.nj.us/education and use them as a guide for the development of forms that include all IEP requirements. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
IEP	Meeting participants – IEP meetings do not consistently include all the required participants.	The charter school is directed to implement activities to ensure that the required staff members are in attendance at IEP meetings. The school must implement administrative oversight to ensure correction and ongoing compliance.
IEP	Implementation dates- IEPs are not implemented on the dates listed on the IEPs.	The charter school is directed to implement improvement activities to ensure that the IEPs are implemented as of the implementation dates listed on the IEPs. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
IEP	IEP provided to parent prior to implementation- Parents are not consistently provided a copy of the IEP prior to implementation.	The charter school is directed to implement improvement activities to ensure that parents are consistently provided copies of IEPs prior to the implementation date. Documentation of the provision of copies to parents must be maintained in student files. The school must implement an administrative oversight mechanism 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 conducted within the required timelines.	The charter school is directed to implement improvement activities to ensure that annual review meetings are conducted within the required timelines. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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IEP	90-day timelines - Initial IEPs are not consistently implemented within the 90-day timeline.	The charter school is directed to implement improvement activities to ensure that initial IEPs are consistently implemented within 90-days of the date that written parental consent to evaluate is obtained from the parent. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Transition to Adult Life	Beginning at age 14, IEP statement of transition service needs - The statement of transition service needs is not addressed in the IEP beginning with the IEP for the year during which the student will turn 14.	The charter school is directed to implement improvement activities to ensure that beginning at age 14, or younger if appropriate, the statement of transition service needs is addressed in each student's IEP. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Transition to Adult Life	Student and agency invitations - Students and agencies are not consistently invited to IEP meetings when transition will be considered.	The charter school is directed to implement improvement activities to ensure that students and representatives from any agency that is likely to be responsible for providing or paying for transition services are invited to IEP meetings where transition will be discussed. The school is referred to the sample invitation letter available on the NJDOE web site at www.state.nj.us/education . The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Discipline	Notification of removal forwarded to case manager - The case managers are not provided written notification of when a student is suspended.	The charter school is directed to implement improvement activities to ensure that case managers are provided written notification of all suspensions including the number of days and the reason for the removal. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Discipline	Suspension tracking system – There is no procedure to track student suspensions.	The charter school is directed to implement improvement activities to ensure that each suspension of a student with a disability is tracked, including the number of days, to ensure that the requirements as set forth in N.J.A.C. 6A:14-2.8 and Appendix A are implemented. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Section	Area	Improvement Activity
Discipline	Manifestation determination (MD) - MD meetings are not conducted for students suspended for more than 10 cumulative days when it is determined that the suspensions constituted a change in placement.	The charter school is directed to implement improvement activities to ensure that when it is determined that suspension beyond 10 days cumulatively constitutes a change in placement, a meeting is conducted to determine if the behavior is a manifestation of the student's disability. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Graduation	IEP requirements - Graduation requirements are not consistently documented in students' IEPs.	The charter school is directed to implement improvement activities to ensure that graduation requirements are consistently documented in students' IEPs. The charter school is directed to review the sample IEP forms on the NJDOE web site as a guide for revising the IEP form. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Graduation	Out-of-district student participation – Charter school students who are placed outside of the school are not notified of the opportunity to participate in graduation activities at the charter school.	The charter school is directed to implement improvement activities to ensure that charter school students who are placed outside of the school are notified of the opportunity to participate in graduation activities at the charter school. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Programs and Services	Group size - Group sizes for speech services exceed required limits.	The charter school is directed to implement improvement activities to ensure that group sizes for speech services do not exceed 5 students. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Programs and Services	Common planning time - General education and special education teachers are not provided common planning time within their schedules.	The charter school is directed to implement improvement activities to ensure that common planning time is scheduled for general and special education teachers. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Additional Areas of Need - Required Improvement Activities

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. The charter school is directed to implement the improvement activities noted in the chart below to correct all areas of non-compliance identified during the onsite monitoring within six (6) months of receipt of this monitoring report.

Section	Area	Improvement Activity
Free Appropriate Public Education (FAPE)	Oversight of IEP implementation -There is inadequate administrative oversight to ensure that IEPs are implemented as required.	The charter school is directed to implement improvement activities to ensure that the provision of programs and services according to students' IEPs is monitored by administrative staff.
Free Appropriate Public Education (FAPE)	Extended school year - Extended school year services are not considered for each student at all IEP meetings.	The charter school is directed to implement improvement activities to ensure that extended school year services are considered and documented for each student at all IEP meetings. The charter school is directed to review the IEP sample forms on the NJDOE web site as a guide for the documentation of required decisions regarding extended school year services. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Procedural Safeguards	Provision of notice of a meeting - The provision of a notice of a meeting is not consistently documented in students' files.	The charter school is directed to implement improvement activities to ensure that notices of meetings are provided to parents according to required timelines and that the provision of notice is consistently documented in students' files. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Procedural Safeguards	Content of a notice of a meeting -Notice of a meeting does not contain all required components.	The charter school is directed to implement improvement activities to ensure that notices of meetings contain all required components. The charter school is directed to review the sample notice forms on the NJDOE web site as a guide for the development of notices that provide sufficient information to parents regarding upcoming identification, eligibility, IEP and reevaluation planning meetings. The charter school is directed to review the sample notice forms on the NJDOE web site as a guide for the development of notice forms that provide required information to parents and adult students. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Section	Area	Improvement Activity
Procedural Safeguards	Provision and content of written notice - Written notice, that includes all required components, is not provided within 15 calendar days following an eligibility determination meeting.	The charter school is directed to implement improvement activities to ensure that written notice, which includes all required components, is provided within 15 calendar days following an eligibility determination meeting. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Location, Referral and Identification (LRI)	Pre-referral interventions- Interventions, or the effectiveness of the interventions attempted, are not documented.	The charter school is directed to implement improvement activities to ensure that the I&RS committee documents any interventions implemented in general education prior to referral to the CST. Documentation must include data setting forth the type of interventions utilized, the frequency and duration of each intervention, and the effectiveness of each intervention, as required by NJAC 6A:14-3.3(c). The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Location, Referral, and Identification (LRI)	Meeting participants – There was no evidence that required participants attend identification meetings.	The charter school is directed to implement improvement activities to ensure that the full CST is in attendance at identification meetings and that participation is documented by signatures. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Evaluation	Functional assessment - Evaluators do not conduct all components of the functional assessment as part of an initial evaluation.	The charter school is directed to implement improvement activities to ensure that all components of the functional assessment are completed as part of an initial evaluation and are documented in the initial evaluation report(s) prepared by evaluators. For speech and language evaluations, the charter school is directed to review the sample report format on the NJDOE web site. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Reevaluation	Procedures when parental consent cannot be obtained – Case managers do not take reasonable measures to obtain parental consent prior to conducting assessments as part of a reevaluation.	The charter school is directed to implement improvement activities to ensure that multiple attempts are made to obtain parental consent and that these efforts are documented when parental consent cannot be obtained prior to conducting assessments as part of a reevaluation. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Section	Area	Improvement Activity
Eligibility	Signature of agreement and/or disagreement with rationale – Signatures of agreement or disagreement with eligibility determinations by evaluators are not obtained.	The charter school is directed to implement improvement activities to ensure that signatures of agreement or disagreement with an eligibility determination by the CST members who conducted evaluations, along with a written rationale for any disagreement, are obtained and documented in students' files. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Eligibility	Statement of eligibility for specific learning disability (SLD) - The statement of eligibility for students found eligible for special education and related services under the category of SLD is not documented in students' files.	The charter school is directed to implement improvement activities to ensure that the statement of eligibility for students found eligible for special education and related services under the category of SLD is documented in students' files. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Least Restrictive Environment (LRE)	Placement decisions based on individual student needs, opportunity for all students with disabilities to access all general education programs, continuum of programs and documentation of LRE decisions - Placement decisions are not consistently based on student needs, but rather on staff and program availability.	The charter school is directed to implement improvement activities to ensure that general education placement, with the appropriate supplementary aids and services, is considered first when determining the placement for students with disabilities and that the full continuum of placements is available to all students with disabilities. Placement decisions must be documented in the IEP. The district is directed to review the sample IEP form on the NJDOE web site as a guide for documentation of IEP team decisions regarding placement. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Discipline	Procedures for conducting functional behavioral assessments (FBAs) and development of behavior intervention plans (BIPs) – FBAs are not conducted and BIPs are not developed, when required.	The charter school is directed to implement improvement activities to ensure that, as required by NJAC 6A:14-2.9 and Appendix A, FBAs and BIPs are conducted and/or reviewed. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.
Statewide Assessments	Approved accommodations and modifications documented in IEPs as appropriate-IEPs do not document accommodations and modifications necessary for students to participate in state assessments, as appropriate.	The charter school is directed to implement improvement activities to ensure that IEPs contain the approved accommodations and modifications for statewide assessments, as appropriate. The charter school is directed to review the list of approved accommodations and modifications on the NJDOE web site at www.state.nj.us/education and the sample IEP form as a guide for documentation of decisions. The school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Section	Area	Improvement Activity
Graduation	Written Notice of Graduation - The provision of written notice of graduation is not documented in students' files.	The charter school is directed to implement improvement activities to ensure that written notice of graduation is documented in students' files. The charter school must implement an administrative oversight mechanism to ensure correction and ongoing compliance.

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Summary

Onsite special education monitoring was conducted of the University Academy Charter School on June 8, 2006. The purpose of the monitoring visit was to verify the charter school's report of findings resulting from their self-assessment and to review the charter school's improvement plan.

A review of the charter school's data for students with disabilities indicated that during the 2005-2006 school year, the charter school educated 97% (30 out of 31) of students with disabilities in the general education setting for more than 80% of the school day. The charter school indicated in the self-assessment, however, that placement decisions are not based on the individual needs of students. The charter school developed an improvement plan to address this area of need.

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

- Provision of programs
- Independent evaluations
- Bilingual evaluations
- Interpreters at meetings
- Child Find
- Referral process
- Direct referrals
- Standardized assessments
- Written reports prepared by evaluators
- Reevaluation when change in eligibility is considered
- Reevaluation timelines
- Eligibility criteria
- Teachers informed of their responsibilities (knowledge of and/or access to IEPs)
- Notification of and participation in non-academic and extra-curricular activities for students educated outside the charter school
- Beginning at age 16, IEP statement of "needed transition services"
- Activities, annual goals and benchmarks related to student's desired post-secondary outcomes
- Discipline procedures employed equitably for all students
- IEP team meeting for first removal beyond 10 days
- Interim Alternative Educational Settings
- Procedures for determination of change in placement
- Short-term removals resulting in a change of placement
- Short-term removals that are not a change in placement—school personnel determining the extent of services to be provided
- Participation in statewide assessments documented in IEPs
- Class size
- Age range

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

- Provision of related services
- Transfer procedures
- Consent
- Notices in native language
- Health summary
- Vision and hearing screenings
- Identification meeting timelines
- Multi-disciplinary evaluations
- Educational impact statement (ESLS)
- Reevaluation planning meeting participants
- Eligibility meeting participants
- Copy of evaluation reports to parents

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- IEP required considerations and components
- IEP meeting participants
- IEP Implementation dates
- IEP provided to parent prior to implementation
- Meetings held annually, or more often if necessary, to review and/or revise the IEP
- 90-day timelines
- Beginning at age 14, the IEP statement of transition service needs
- Student and agency invitation to IEP meetings
- Notification of removal forwarded to case manager
- Suspension tracking system
- Manifestation determinations
- IEP requirements for graduation
- Out of charter school student participation in extracurricular and nonacademic activities
- Group size
- Common planning time

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

- Oversight of individualized education program (IEP) implementation
- Extended school year
- Provision of a notice of a meeting
- Content of a notice of a meeting
- Provision of written notice
- Content of written notice
- Pre-referral interventions
- Identification meeting participants
- Functional assessments
- Procedures when parental consent for reevaluation cannot be obtained
- Agreement/disagreement signature and rationale
- Statement of eligibility (specific learning disability)
- Opportunity for all students with disabilities to access all general education programs
- Continuum of programs
- Documentation of LRE decisions
- Placement decisions based on individual student's needs
- Procedures for conducting functional behavior assessment and development of behavior intervention plan
- Approved accommodations and modifications documented in IEPs, as appropriate
- Written notice of graduation

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

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