



State of New Jersey

DEPARTMENT OF EDUCATION

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TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ROCHELLE R. HENDRICKS
Acting Commissioner

November 18, 2010

Mr. Fredrick Nickles, Superintendent
Atlantic City School District
1300 Atlantic Avenue – 5th Floor
Atlantic City, NJ 08401-6803

Dear Mr. Nickles:

Subject: Special Education Monitoring Report – Atlantic City

This correspondence has been sent to inform you of the results of the New Jersey Department of Education, Office of Special Education Programs' onsite monitoring regarding Atlantic City School District's implementation of federal and state special education requirements. Between December 9, 2008 and the present, the New Jersey Department of Education, Office of Special Education Programs (NJOSEP), conducted onsite monitoring visits, desk audits and verification visits to determine compliance with federal and state special education requirements. The members of the monitoring team were Caryl Carthew, Patricia Fair, Peggy McDonald, Cheryl Meral and Jane Marano.

The special education monitoring system is data driven and aligned with the State Performance Plan (SPP) indicators, including the federal monitoring priorities established by the Individuals with Disabilities Education Act of 2004 (IDEA 2004). Specifically, the NJOSEP monitoring process is focused on improving educational results and functional outcomes for students with disabilities and ensuring compliance with those special education requirements related to positive student outcomes.

The special education self-assessment and monitoring process focused on requirements related to the following areas:

- **Transition to Adult Life**
- **State Assessment**
- **Discipline Procedures**
- **Placement in the Least Restrictive Environment**
- **Parent Involvement**
- **Disproportionate Representation of Specific Racial-Ethnic Groups in Special Education**
- **Evaluation and Reevaluation**
- **Individualized Education Program**
- **Programs and Services**

The Atlantic City School District was selected for the self-assessment process due to (1) a high percentage of students with disabilities placed in separate public and private settings; and (2) disproportionate representation of specific racial/ethnic groups determined eligible for special education. (See Sections IV and VI – Table of Findings). The district is reminded that all placement decisions shall be made in accordance with New Jersey Administrative Code 6A:14-3.7 and 4.2.

Monitoring Results

The enclosed Table of Findings details the onsite monitoring results with regard to the following:

Findings of noncompliance identified by the district during the self-assessment:

Prior to the release of this report, the Atlantic City School District submitted documentation demonstrating correction for all areas of noncompliance identified during self-assessment.

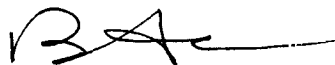
Findings of noncompliance identified during onsite monitoring:

Findings resulting from the onsite monitoring must be corrected within one year of the date of this report. All documentation required to demonstrate completion of corrective action activities must be submitted to the following address in accordance with the timelines listed in the enclosed Table of Findings to the address listed in the table.

The results of the special education monitoring must be reviewed at the next meeting of the district's board of education. A copy of the minutes from the board of education meeting documenting the review by the board must be submitted to Ms. Jane Marano at the address listed in the Table of Findings.

Questions regarding the enclosed monitoring report should be directed to Dr. Peggy McDonald, manager of the Bureau of Program Accountability, at 609-292-7605. The NJOSEP appreciates the cooperation of district staff members during the self-assessment/monitoring process.

Sincerely,



Barbara Gantwerk, Assistant Commissioner
Division of Student Services

BG/PM/CC
Enclosure

c: Andrew Smarick
Peggy McDonald
Jane Marano
Thomas Dowd
County Supervisor of Child Study
Donna Haye

TABLE OF FINDINGS
Special Education Monitoring Results
IDEA 2004 and New Jersey Administrative Code Requirements
Atlantic City School District

Section I: TRANSITION TO ADULT LIFE – Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
<p>2) Invitation of students and agencies providing or paying for transition services to IEP meetings [N.J.A.C. 6A:14-2.3(k)2x and 3.7(e)13, 3.7(h); 20 U.S.C. 1414 (d)(1)(A)(i)(1)(VIII); and 34 CFR §300.322.b(2)].</p>	<p>Review of records and interviews with staff indicated that students with disabilities at the middle school level, who will turn age 14 during the implementation period of the IEP, were not invited to IEP meetings when transition activities were considered. The noncompliance was due to lack of implementation of district procedures. Correction of noncompliance was verified through a desk audit conducted on April 5, 2010.</p>	<p style="text-align: center;">CORRECTED</p>	<p style="text-align: center;">CORRECTED</p>
<p>4) A summary of academic achievement and functional performance shall be provided to each student prior to graduation, in accordance with N.J.A.C. 6A:14-4.11(b)4; 20 U.S.C. 1414(c)(5)(B); and 34 CFR §300.305(e)(3).</p>	<p>Review of records and interviews with staff indicated that students with disabilities were not provided with written summaries of academic achievement and functional performance prior to graduation due to inconsistent implementation of district procedures.</p>	<p>The district is required to conduct training for high school child study team members on district procedures for providing graduating students with a summary of academic achievement and functional performance prior to graduation.</p> <p>The director is required to conduct oversight activities to ensure correction and ongoing compliance.</p>	<p>Copies of training agenda, sign in sheet, and sample of training materials to be provided by January 28, 2011.</p> <p>5 summaries of academic achievement and functional performance to be provided by May 20, 2011.</p>

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Section II: STATEWIDE ASSESSMENT - Noncompliance was not identified during self-assessment or onsite monitoring.

Section III: DISCIPLINE – Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite targeted review.

Section IV: LEAST RESTRICTIVE ENVIRONMENT

District Progress: The Atlantic City School District was selected for the self-assessment process for the 2006-2007 school year due to a high percentage of students with disabilities placed in separate public and private settings. The determination was based on the Annual Data Reports submitted to NJOSEP by the district. According to the October 2009 Annual Data Report, the Atlantic City School District has decreased the number of students with disabilities educated in separate public and/or private special education settings from 13.5 percent reported in 2007 to 11.6 percent reported in 2009; however, the district did not meet the SPP target of 8.5 percent. As a result, the district must continue participate in technical assistance offered by the NJDOE Office of Special Education Programs/Learning Resource Center–South regarding the education of students with disabilities in general education settings with appropriate supports and services. The district should continue to implement improvement plan activities to ensure that all students with disabilities are placed in the least restrictive environment in accordance with the New Jersey Administrative Code 6A:14-3.7 and 4.2.

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1) All students with disabilities, including preschoolers and students in receiving schools, shall have access to the general education curriculum and supplementary aids and services, in accordance with N.J.A.C. 6A:14-4.2; 20 U.S.C. 1414(d)(1)(A)(i)(IV); and 34 CFR §300.320(a)(4).	Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite monitoring visit conducted on June 18, 2009.	CORRECTED	CORRECTED

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3) Placement decisions shall be based on the individual needs of students with disabilities, as indicated in IEPs, resulting in a continuum of alternative placements to meet unique needs of students as close to home as possible, in accordance with N.J.A.C. 6A:14-4.2(a)3,5,6 and 4.3(b); 20 U.S.C. 1412(a)(5); and 34 CFR §300.115.	Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit conducted on June 18, 2009.	CORRECTED	CORRECTED
Areas of Noncompliance Identified during the Onsite Monitoring Visit			
Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
2) IEPs shall include an explanation of the extent to which students are educated with nondisabled peers, including participation in nonacademic and extracurricular activities, in accordance with N.J.A.C. 6A:14-3.7(e) 6 and 34 CFR §300.107.	<p>Review of records and interviews with staff indicated that IEPs, of students removed from general education greater than 20% of the school day, did not consistently document what supplementary aids and services were considered prior to determining the educational placement and an explanation of why they were rejected; a comparison of the benefits provided in the regular class and the benefits provided in the special education class; and the potentially beneficial and or harmful effects of a placement (general education) on the student and other students in the class.</p> <p>Noncompliance was verified as corrected through desk audit conducted on April 5, 2010.</p>	CORRECTED	CORRECTED

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Section V: PARENT INVOLVEMENT - Noncompliance was not identified during onsite monitoring.

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
6) Each district shall ensure that a Special Education Parent Advisory group is in place in the district, in accordance with N.J.A.C. 6A:14-1.2(h).	Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite monitoring visit conducted on June 18, 2009.	CORRECTED	CORRECTED

Section VI: DISPROPORTIONATE REPRESENTATION

The Atlantic City School District was selected for the self-assessment process due to a pattern of disproportionate representation of specific racial/ethnic groups (i.e. Black – All Disabilities) with respect to eligibility determinations for special education based on analyses of data reported to the NJOSEP in the district's Annual Data Report submissions. Additionally, the Atlantic City School District met the NJOSEP criteria for "Significant Disproportionality" for over-identification of African-American students determined eligible for special education and is required to allocate 15% of its IDEA grant award for Coordinated Early Intervening Services (CEIS) pursuant to the IDEA requirements at 34 CFR 300.646(b)(2).

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1) The staff of the general education program shall maintain written documentation regarding type, frequency, duration and effectiveness of each intervention used, in accordance with N.J.A.C. 6A:14-3.3(c); 20 U.S.C. 1413(f)(2); and 34 CFR §300.226(b).	Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite monitoring visit conducted on June 18, 2009.	CORRECTED	CORRECTED

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Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
<p>3) Written notice to the parent shall be provided and required parent conferences shall be conducted in the language used for communication by the parent and student unless it is clearly not feasible to do so, in accordance with N.J.A.C. 6A:14-2.4(a)1; 34CFR §300.503(c); and CFR §300.504(a)(1) and §300.504(d).</p>	<p>Review of records and interviews with speech-language specialists indicated that written notice was not consistently provided in the native language of the parent due to a lack of implementation of district procedures for students who are classified eligible for speech-language services.</p>	<p>The district is required to conduct training for speech-language specialists regarding procedures for providing written notice in native language.</p> <p>The Director of Special Services is required to conduct oversight procedures to ensure correction and ongoing compliance.</p>	<p>Copies of the training agenda, sign-in sheets and notice of a meeting for 3 students classified as eligible for speech-language services by May 27, 2011.</p>
<p>12) When an initial evaluation is completed, a copy of the evaluation report(s) and documentation and information that will be used for determination of eligibility shall be provided to the parent not less than 10 calendar days prior to the meeting to determine eligibility, in accordance with N.J.A.C. 6A:14-3.5(a and b); 20 U.S.C. 1414(b)(4); and 34 CFR §300.306(a).</p>	<p>Review of records and interviews with staff indicated that evaluation reports were not consistently provided to the parents or adult student 10 days prior to the eligibility meeting due to inconsistent implementation of district procedures. Correction of noncompliance was verified through an onsite visit on June 18, 2009.</p>	<p>CORRECTED</p>	<p>CORRECTED</p>

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Section VII: EVALUATIONS AND REEVALUATION - Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
4) Within 20 calendar days of receipt of the written request for an evaluation, the district shall convene a meeting with required participants, in accordance with N.J.A.C. 6A:14-3.3(e).	Review of records and interviews with staff indicated that the district did not consistently convene a meeting with required participants within 20 calendar days of receipt of the written request for an evaluation due to lack of implementing district procedures. Correction of noncompliance was verified through desk audit on April 5, 2010.	CORRECTED	CORRECTED
9) Each evaluation of a student shall include functional assessment, in accordance with N.J.A.C. 6A:14-3.4(f)4(i-vi); 20 U.S.C. 1414(b)(4) and (5); and 34 CFR §300.306(c)(i).	Review of records and interviews with staff indicated that assessment reports did not consistently include all required components of a functional assessment due to lack of implementing district procedures. Correction of noncompliance was verified through desk audit on April 5, 2010.	CORRECTED	CORRECTED
15) A copy of the evaluation report(s) and documentation and information that will be used for a determination of eligibility shall be given to the parent or adult student not less than 10 calendar days prior to the eligibility meeting, in accordance with N.J.A.C. 6A:14-3.5(a); 20 U.S.C. 1414(b)(4); and 34 CFR §300.306(a).	Review of records and interviews with staff indicated that evaluation reports were not consistently provided to the parents or adult student 10 days prior to the eligibility meeting due to inconsistent implementation of district procedures. Correction of noncompliance was verified through an onsite visit on June 18, 2009.	CORRECTED	CORRECTED

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Section VIII: IEP - Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during Onsite Monitoring

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
2) IEPs shall include required considerations and statements, in accordance with N.J.A.C. 6A:14-3.7(c)1-11, (e) 1-17, and (f); 20 U.S.C. 1414(d)(3)(A)(B); and 34 CFR §300.324(a)(1)(2).	Review of records and interviews with staff indicated that IEPs did not include the following special factors, due to a district procedures: language needs for student with limited English proficiency; communication needs of the student; language and communication needs for students who are deaf or hard of hearing; whether the student requires assistive technology devices and services; and for students who are blind or visually impaired, instruction and use of Braille. Correction of noncompliance was verified through desk audit on April 5, 2010.	CORRECTED	CORRECTED

Section IX: PROGRAMS AND SERVICES - Noncompliance was not identified during self-assessment or monitoring.

All documentation required to demonstrate completion of corrective action activities must be submitted to the following address in accordance with the timelines listed in the above Table of Findings.

Ms. Jane Marano
New Jersey Department of Education
Office of Special Education Programs
PO Box 500
Trenton, NJ 08625-0500