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DEPARTMENT OF EDUCATION
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Acting Commissioner

October 29, 2010

Mr. Joseph Picardo, Superintendent
Belleville School District
102 Passaic Avenue
Belleville, NJ 07109

Subject: Special Education Monitoring Report – Belleville School District

Dear Mr. Picardo:

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 the Belleville School District's implementation of federal and state special education requirements. Between July 27, 2009 and July 12, 2010, the New Jersey Department of Education, Office of Special Education Programs (NJOSPE), conducted onsite monitoring visits to determine compliance with federal and state special education requirements. Verification of the correction of findings of noncompliance identified in your district's self-assessment was also conducted on March 18, 2010. The members of the monitoring team were Tracey Pettiford-Bugg, Samuel Jordan, Mark Lanzi and Linda Chavez.

The NJOSPE initiated a new five year self-assessment/monitoring cycle during the 2006-2007 school year. The monitoring system is data driven and aligned with the federally required State Performance Plan (SPP) indicators, including the federal monitoring priorities established by the Individuals with Disabilities Education Act of 2004 (IDEA 2004). Specifically, the NJOSPE 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 Belleville School District was selected for the self-assessment process for the 2007-2008 school year through random selection.

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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:

For any finding of noncompliance identified by the district during self-assessment, the status of correction is provided. Corrective action activities with timelines for completion have been directed by NJOSEP for those areas that have not been corrected. The Table of Findings reflects verification of correction that has occurred since September 2009. The remaining findings of noncompliance identified in the district's self-assessment must be corrected immediately. Failure to correct these findings within one year of identification will be considered in the district's next determination.

Findings of noncompliance identified during onsite monitoring:

For any finding of noncompliance identified during the onsite monitoring visit, the status of correction is provided. **Findings of noncompliance identified as a result of the onsite visit must be corrected within one year of the date of this report. Corrective action should include, as necessary: development and/or revision of policies and procedures, staff training, implementation of the identified IDEA and N.J.A.C. requirements and implementation of an oversight mechanism to ensure ongoing compliance. The monitoring team leader, Ms. Linda Chavez, will contact Dr. Joy Layng to discuss requirements for demonstrating correction and procedures for verification of correction of the findings of noncompliance listed in the Table of Findings.**

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 the address below.

Ms. Linda Chavez, Monitor
New Jersey Department of Education
Passaic County Office of Education
501 River Street
Paterson, NJ 07524

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/LC

Enclosure

C: Andrew Smarick
Barbara Gantwerk
Peggy McDonald
Linda Chavez
Lawrence S. Feinsod
Mark Lanzi
Joy Layng

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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
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)].	Review of records and interviews with staff members indicated that the district did not consistently invite students and agencies paying for transition services to IEP meetings due to a lack of district procedures. The district did not have procedures for inviting students turning age 14 (or older) during the term of the IEP or agencies providing or paying for transition services to IEP meetings.
3) IEP requirements for students ages 14 and above, in accordance with N.J.A.C. 6A:14-3.7(e)11.	Review of records and interviews with staff members indicated that individual IEPs of students turning age 14 (or older) did not consistently include documentation of the student's strengths, interests and preferences due to a lack of implementation of district procedures.
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).	Review of records and interviews with staff members indicated that students with disabilities were not consistently provided written summaries of their academic achievement prior to graduation, due to a lack of district procedures.

Corrective Action for Noncompliance with Requirements Related to 14 Transition Area 2:

The district is required to conduct IEP meetings for each student whose IEP was found to be noncompliant with this requirement. Names of students whose IEPs were found to be noncompliant will be provided to the Director of Special Services by the NJOSEP.

The district must review the IEPs of all students turning age 14 during this school year to determine if all age 14 transition planning requirements are included. For any IEP of a student turning age 14 during the term of the IEP where age 14 transition planning requirements are not addressed, a meeting of the IEP team must be convened to review and revise the IEP.

The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.

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

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance
1) The IEP shall document how the student with a disability will participate in state assessments, in accordance with N.J.A.C. 6A:14-3.7(e)7(i); 20 U.S.C. § 1412(a)(16)(A); and 34 CFR §300.160(a).	<p>Review of records and interviews with staff members indicated that the district did not document the participation in state assessments in IEPs for students eligible for speech/language services due to a lack of implementation of district procedures.</p> <p>The district is required to conduct IEP meetings for each student whose IEP was found to be noncompliant with this requirement. Names of students whose IEPs were found to be noncompliant will be provided to the Director of Special Services.</p> <p>The district must implement an oversight mechanism to ensure correction and ongoing compliance.</p>
2) The IEP shall include a statement of any individual modifications in the administration of statewide assessments of student achievement, in accordance with N.J.A.C. 6A:14-4.10(a)1; 20 U.S.C. § 1414(d)(1)(A)(i)(VI)(aa); and 34 CFR §300.320(a)(6)(i).	<p>Review of records and interviews with staff members indicated that the district did not include a statement of individual modifications and accommodations in the administration of statewide assessments in IEPs for students eligible for speech/language services due to a lack of implementation of district procedures.</p> <p>The district is required to conduct IEP meetings for each student whose IEP was found to be noncompliant with this requirement. Names of students whose IEPs were found to be noncompliant will be provided to the Director of Special Services.</p> <p>The district must implement an oversight mechanism to ensure correction and ongoing compliance.</p>

Section III: DISCIPLINE

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance
2) Removals of a student with a disability from his/her placement for disciplinary reasons constitutes a change in placement if the removal is more than 10 consecutive days or a series or short-term removals that accumulate to more than 10 days and constitute a pattern, in accordance with N.J.A.C. 6A:14-2.8(e); 20 U.S.C. § 1415(k)(1)(D); and 34 CFR §300.530(d).	Noncompliance identified during the self-assessment process was verified as corrected during a verification visit on March 18, 2010.

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4) Change of placement determination shall be made by school officials and the case manager for short-term removals of a student with a disability exceeding 10 days, in accordance with N.J.A.C. 6A:14-2.8(c); 20 U.S.C. § 1415(k)(1)(c); and 34 CFR §300.530(c).	Noncompliance identified during the self-assessment process was verified as corrected during a verification visit on March 18, 2010.
5) When it is determined that a series of short-term removals of a student with a disability is not a change of placement, school officials, in consultation with the student's special education teacher and case manager, shall determine the extent to which services are necessary, in accordance with N.J.A.C. 6A:14-2.8(e); 20 U.S.C. § 1415(k)(1)(A); and 34 CFR §300.530(a).	Noncompliance identified during the self-assessment process was verified as corrected during a verification visit on March 18, 2010.
6) When it is determined that a removal of a student with a disability constitutes a change of placement, the relevant IEP team members and the parent shall meet to determine if the conduct was a manifestation of the student's disability, in accordance with N.J.A.C. 6A:14-Appendix A and 20 U.S.C. § 1415(k)(1)(E)i.	Noncompliance identified during the self-assessment process was verified as corrected during a verification visit on March 18, 2010.
7) When it is determined that the conduct is a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, implement a behavioral intervention plan and ensure that the student is returned to his/her placement (unless parents agree to a change of placement), in accordance with N.J.A.C. 6A:14-Appendix A; 20 U.S.C. § 1415(k)(1)(F); and 34 CFR §300.530(f).	Noncompliance identified during the self-assessment process was verified as corrected during a verification visit on March 18, 2010.
Section IV: LEAST RESTRICTIVE ENVIRONMENT– Noncompliance was not identified during self-assessment.	
Areas of Noncompliance Identified during the Onsite Monitoring Visit	
Area	Status of Compliance
2) IEPs shall include an explanation of the extent, if any, to which child will not participate with nondisabled children [20 U.S.C. § 1412(a)(5) and § 1414(d)(1)(A)(i)(V); 34 CFR §300.115 and §300.320(a)(5); and N.J.A.C. 6A:14-3.7(e)6].	Review of records and interviews with staff members indicated that IEPs did not include sufficient documentation of the supplementary aids and services considered and reason why they were rejected due to inconsistent implementation of district procedures.

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4) Comparison of the benefits provided in the regular class and the benefits provided in the special education class, in accordance with N.J.A.C. 6A:14-4.2(a)8(ii).	Review of records and interviews with staff members indicated that a comparison of the benefits provided in the regular class and the benefits provided in the special education class was not consistently considered during IEP meetings or documented in IEPs due to a lack of implementation of district procedures.
5) Potentially beneficial or harmful effects which a placement (general education) may have on the student with disabilities or the other students in the class [20 U.S.C. § 1412(a)(5) and 34 CFR §300.116(d)].	Review of records and interviews with staff members indicated that the potentially beneficial or harmful effects of the child's placement were not consistently considered or documented, on an individual basis, in student's IEPs due to a lack of implementation of district procedures.
6) For students in a separate setting, IEPs shall include activities to transition students to a less restrictive environment, in accordance with N.J.A.C. 6A:14-4.2(a)4.	Review of records and interviews with staff members indicated that IEPs did not include activities to transition students to a less restrictive environment due to a lack of implementation of district procedures.

Corrective Action for Noncompliance with Requirements Related to Placement in the Least Restrictive Environment:

The district is directed to conduct IEP meetings for each student whose IEP was identified as noncompliant by the NJOSEP monitors and ensure that each IEP is revised to include complete documentation of individualized placement decision making. Names of students whose IEPs were found to be noncompliant by the NJOSEP monitors will be provided to the Director of Special Services.

The district is directed to review the IEPs of all students removed from general education settings for greater than 20% of the school day to ensure that all documentation of placement decision making is complete. For any IEP where the explanation of the extent to which the student will be educated with nondisabled peers is incomplete (i.e., areas 2, 4, 5 and 6 are not addressed), a meeting of the IEP team must be convened to review and revise the IEP.

The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.

Section V: PARENT INVOLVEMENT

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance	Corrective Action Requirements	Documentation Required and Timeline
3) Eligibility meetings shall include required participants, in accordance with N.J.A.C. 6A:14-2.3(k)1(i-vii); 20 U.S.C. § 1414(d)(1)(B); and 34 CFR §300.321(a).	Review of records indicated that the district has not implemented its improvement plan activities for this area within established	The district is required to ensure that appropriate staff members are available for eligibility meetings.	Onsite verification will be conducted beginning in March 2010.

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	timelines. Eligibility meetings did not consistently include required participants due to a lack of implementation of district procedures.	The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.	
4) Parental consent shall be obtained whenever a member of the IEP team is excused from participating in a meeting, in accordance with N.J.A.C. 6A:14-2.3(a)6; 20 U.S.C. § 1414(d)(1)(C)(i) through (iii); and 34 CFR §300.321(e).	Noncompliance identified by the district in its self-assessment was verified as corrected during a verification visit on March 18, 2010.		
Areas of Noncompliance Identified during the Onsite Monitoring Visit			
Area		Status of Compliance	
1) Parents shall be given written notice of a meeting containing all the required components, in accordance with N.J.A.C. 6A:14-2.3(k)3 and 5; 20 U.S.C. § 1414(b)(1); and 34 CFR §300.304(a).		Review of records and interviews with staff members indicated that the district did not consistently provide written notices of meetings to parents, due to a lack of implementation of district procedures. Additionally, the district's written notices of meetings did not contain all required components.	
2) Written notice, which includes required components, shall be provided to parents following meetings, in accordance with N.J.A.C. 6A:14-2.3(f) and 2.3(g)1-7; 20 U.S.C. § 1414(b)(1)(c)(4)(A); and 34 CFR §300.304(a)(4) and §300.305(a).		Review of records and interviews with staff members indicated that the district did not consistently provide written notices to parents due to a lack of implementation of district procedures. Additionally, the district's written notices did not contain all required components.	
Section VI: DISPROPORTIONATE REPRESENTATION—Noncompliance was not identified during self-assessment.			
Section VII: EVALUATIONS AND REEVALUATION			
Areas of Noncompliance Identified during Self-Assessment			
Area		Status of Compliance	
2) Interventions in the general education setting shall be provided to students exhibiting academic difficulties and shall be utilized, as appropriate, prior to referring a student for an evaluation, in accordance with N.J.A.C. 6A:14-3.3(b); 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 visit on July 27, 2009.	
3) The staff of the general education program shall maintain written documentation regarding type, frequency, duration and effectiveness of each intervention used, in		Noncompliance identified by the district in its self-assessment was verified as corrected during the verification visit on March 18, 2010.	

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accordance with N.J.A.C. 6A:14-3.3(c).	
Areas of Noncompliance Identified during the Onsite Monitoring Visit	
Area	Status of Compliance
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 members indicated that the district did not consistently convene meetings with required participants within 20 calendar days of receipt of a written request for an evaluation, due to a lack of implementation of district procedures. Additionally, participants at the meetings were not consistently documented, due to a lack of implementation of district procedures.
7) The district shall obtain consent from the parent or adult student, at required times, in accordance with N.J.A.C. 6A:14-2.3(a); 20 U.S.C. § 1414(a)(1)(D); and 34 CFR §300.300(a).	Review of records and interviews with staff members indicated that the district did not consistently obtain consent from parents at required times, due to a lack of implementation of district procedures.
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 members indicated that the district did not consistently conduct complete functional assessments, due to a lack of district procedures.
10) Within three years of the previous classification, a multi-disciplinary reevaluation shall be completed, in accordance with N.J.A.C. 6A:14-3.8(a) and 20 U.S.C. § 1414(a)(2)(B)(ii).	Review of records and interviews with staff members indicated that the district did not consistently complete reevaluations within correct timelines, due to a lack of implementation of district procedures.
11) Reevaluation planning meetings shall include required participants, in accordance with N.J.A.C. 6A:14-2.3(k)2(i-x); 20 U.S.C. § 1414(c)(1)(A)(i); and 34 CFR §300.305(a).	Review of records and interviews with staff members indicated that the district did not consistently include required participants at reevaluation planning meetings, due to a lack of implementation of district procedures.
14) Each child study team member shall certify in writing whether his or her report is in accordance with the conclusion of eligibility of the student, in accordance with N.J.A.C. 6A:14-3.4(h)5.	Review of records and interviews with staff members indicated that child study team members did not consistently certify in writing whether their reports were in accordance with the conclusion of eligibility of the student, due to a lack of implementation of district procedures.
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 members indicated that copies of evaluation reports were not consistently given to parents or adult students not less than 10 calendar days prior to eligibility meetings due to incorrect district procedures.

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

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance
1) IEP meetings shall be held with an appropriately configured IEP team, in accordance with N.J.A.C. 6A:14-2.3(k)2(i-x)1; 20 U.S.C. § 1414(d)(1)(B); and 34 CFR §300.321(a).	Review of records and interviews with staff members indicated that the district did not consistently hold IEP meetings with appropriately configured IEP teams, due to a lack of implementation of district procedures.
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 members indicated that IEPs did not consistently include required considerations and statements, due to a lack of implementation of district procedures.
3) IEP meetings shall be conducted annually, or more often if necessary, to review and/or revise the IEP and determine placement, in accordance with N.J.A.C. 6A:14-3.7(i); 20 U.S.C. § 1414(d); and 34 CFR §300.324(b)(1).	Review of records and interviews with staff members indicated that annual IEP meetings were not consistently conducted, due to a lack of implementation of district procedures.
6) IEPs shall be implemented as written, in accordance with 20 U.S.C. § 1412 (a)(16)(D).	Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on April 20, 2010.

Corrective Action for Noncompliance with Requirements Related to IEP Considerations and Statements and Annual Review Timelines:

The district is required to conduct IEP meetings for each student whose IEP did not include all required considerations and statements as determined by the NJOSEP monitors and ensure that each IEP is revised to include the required components. Names of students whose IEPs were found to be noncompliant will be provided to the Director of Special Services by the NJOSEP.

The district must review the IEPs of all students with disabilities to determine if all required considerations and statements are included. For any IEP where a required consideration or statement is not addressed, a meeting of the IEP team must be convened to review and revise the IEP.

The district is required to conduct IEP meetings for each student whose IEP was not implemented as written as determined by the NJOSEP monitors.

The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.

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