



State of New Jersey
DEPARTMENT OF EDUCATION
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October 17, 2011

Dr. Letizia Pantoliano, Superintendent
Bogota Township School District
1 Henry C. Luthin Place
Bogota, NJ 07603-1126

Dear Dr. Pantoliano:

Subject: Special Education Monitoring Report – Bogota School District

This correspondence has been sent to inform you of the results of the New Jersey Department of Education, Office of Special Education (NJOSE) onsite monitoring regarding the Bogota School District's implementation of federal and state special education requirements. The NJOSE conducted onsite monitoring visits, verification visits and desk audits in the Bogota School District to determine compliance with federal and state special education requirements. The collective members of the monitoring team were Samuel Jordan, Linda Chavez, Tracey Pettiford-Bugg, Jenifer Spear and Charlene Staley-Evans.

The special education 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 NJOSE 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 Bogota School District was chosen for the self-assessment/monitoring process through random selection.**

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

- ***Transition to Adult Life***
- ***State Assessment***
- ***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***

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Monitoring Results

The enclosed Table of Findings details the findings of noncompliance resulting from the monitoring. Of the 46 requirements in the district's self-assessment that were reviewed by the NJOSE, the district demonstrated noncompliance with ten requirements. Three areas of noncompliance were corrected prior to the release of this report. The seven remaining findings of noncompliance 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. Ms. Jenifer Spear, NJOSE monitor, will contact Ms. Angela Durso to discuss procedures for verification of correction of the findings of noncompliance listed in the Table of Findings. For any finding of noncompliance related to the development or implementation of IEPs or the delivery of programs and services, corrective action activities have been directed by NJOSE.

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, as well as all documentation required to demonstrate completion of corrective action activities must be submitted to the following address:

Jenifer Spear
New Jersey Department of Education
Office of Special Education
501 River Street
Paterson, NJ 07524

The district is expected to provide and sustain administrative oversight, as well as provide ongoing training and technical assistance as needed to ensure identification and correction of any noncompliance with IDEA 2004 and positive educational outcomes for students with disabilities. Please contact me at (609) 292-7605 if you have questions regarding special education monitoring. The NJOSE appreciates the cooperation of district staff members during the self-assessment/monitoring and verification process

Sincerely,



Peggy McDonald, Interim Director
Office of Special Education

Enclosure

c: David Hespe
Barbara Gantwerk
Jenifer Spear
Robert Gilmartin
Steve Pasternak
Angela Durso

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1) Individualized Education Program (IEP) requirements for students ages 16 and above. [N.J.A.C. 6A:14-3.7(e)12; 20 U.S.C. §1414(d)(1)(A)(i)(VIII); and 34 CFR §300.320(b) and (c)]

Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.

3) IEP requirements for students ages 14 and above, in accordance with N.J.A.C. 6A:14-3.7(e) 11.

Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.

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).

Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.

4) IEPs shall include a 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).

A review of records and interviews with staff members indicated that IEPs did not consistently include a comparison of the benefits provided in the regular class and the benefits provided in the special education class due to lack of implementation of district procedures.

Corrective Action for Citations 4, and 6 above:

The district is required to conduct training with child study team members regarding individualized decision-making and IEP documentation.

The district is required to convene an IEP team meeting that includes all required participants to review and/or revise the IEP for each student whose IEP was found to be noncompliant by the monitors. Names of students whose IEPs were found to be noncompliant will be provided to the director of special education by the NJOSE.

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Additionally, the district must review the IEPs of all students with disabilities removed from general education settings for greater than 20% of the school day. For any IEP where documentation within the considerations and required statements was not included and/or addressed, a meeting of the IEP team must be convened to review and revise the IEP.

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); 34 CFR §300.304(a)(4); and 34 CFR §300.305(a).

A review of records and interviews with staff members indicated that the district did not consistently provide parents with written notices including all required components due to a lack of implementation of district procedures.

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 staff 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 implementation of district procedures.

5) A vision and audiometric screening shall be conducted for every student referred to the child study team for evaluation. The school nurse shall review and summarize available health and medical information and transmit the summary to the child study team, in accordance with N.J.A.C. 6A:14-3.4(j).

A review of records and interviews with staff members indicated that the district did not ensure that a vision and audiometric screening was conducted for every student referred to the child study team for evaluation due to lack of implementation of district procedures.

8) Evaluations shall be conducted by a multi-disciplinary team, in accordance with N.J.A.C. 6A:14-2.5(b)6 and 3.6(b).

Review of records and interviews with staff members indicated that assessments were not conducted by two child study team members as part of initial evaluations to determine eligibility for special education and related services due to 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).

A review of records and interviews with staff members indicated that all sections of the functional assessment were not conducted as part of the initial evaluation of students referred for special education and related services due to 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,

A review of records and interviews with staff members indicated that copies of evaluation reports for students evaluated for special education and related services were not provided to parents and/or adult students at least ten calendar days prior to the eligibility determination meeting due to lack of implementation of district

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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).

procedures.

All documentation required to demonstrate completion of corrective action activities must be submitted to the following address:

Ms. Jennifer Spear
New Jersey Department of Education
Office of Special Education Programs
501 River Street
Paterson, NJ 07524