



State of New Jersey
DEPARTMENT OF EDUCATION
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Governor

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Lt. Governor

BRET SCHUNDLER
Commissioner

July 19, 2010

Dr. Patricia Doloughy, Superintendent
Burlington City School District
518 Locust Avenue
Burlington, NJ 08016

Subject: Special Education Monitoring Report – Burlington City School District

Dear Dr. Doloughy:

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 Burlington City School District's implementation of federal and state special education requirements. Between October 29, 2009 and May 21, 2010, the New Jersey Department of Education, Office of Special Education Programs (NJOSPEP), conducted onsite monitoring visits, verification visits and desk audits in Burlington City School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Caryl Cartnew, Jane Marano, Peggy McDonald and Deborah Magee.

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 NJOSPEP 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 Burlington City School District was selected for the self-assessment process based on trend data that indicated a high percentage of students with disabilities educated in separate public and/or private settings (See Section IV – 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:

Status of improvement plan activities

For each area in need of continuous improvement identified by the district, the status of improvement activities designed to improve student outcomes is provided. If not identified as completed, the district must demonstrate implementation of improvement plan activities in accordance with the timelines delineated in the improvement plan. NJOSEP will continue to monitor implementation of the improvement plan activities through additional onsite visits and desk audit.

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

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

Findings of noncompliance identified during onsite monitoring

Prior to the release of this report, the Burlington City School District submitted documentation demonstrating correction of all areas of noncompliance identified during the onsite visit.

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 following address:

Ms. Caryl M. Carthew
New Jersey Department of Education
Office of Special Education Programs
Finlaw Building—4th Floor
199 East Broadway
Salem, NJ 08079

Questions regarding the enclosed monitoring report should be directed to Dr. Peggy McDonald, manager of the Bureau of Program Accountability, at 509-292-7605.

NJOSEP appreciates the cooperation of district staff members during the self-assessment/monitoring process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roberta Wohle".

Roberta Wohle, Director
Office of Special Education Programs

RW/PM/cc

Enclosure

c: Division of Education System Efficiency
Barbara Gantwerk
Peggy McDonald
Caryl Carthew
Lester W. Richens
Deborah Magee
Suzanne Cote

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

Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
The district developed improvement plan activities to ensure that case managers have access to existing career assessment results, conducted for all students by the guidance office, for the purpose of transition planning. Activities also included implementation of a new IEP system which incorporates state and federal requirements for transition planning.	The district is in the process of implementing its improvement plan activities in accordance with the established timelines.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action
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 during the onsite monitoring visit was verified as corrected during a desk audit conducted on March 25, 2010.

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

Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
<p>The district developed improvement plan activities to analyze student achievement data from both statewide and district reading and mathematics assessments. Activities included implementation of specific instructional strategies and programs to improve student achievement. Additionally, the district planned to double instructional time for both mathematics and language arts literacy for all students in kindergarten through eighth grade.</p>	<p>The district is in the process of implementing its improvement plan activities in accordance with the established timelines.</p>

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Section III: DISCIPLINE - Noncompliance was not identified during self-assessment or onsite monitoring.

Section IV: LEAST RESTRICTIVE ENVIRONMENT - Noncompliance was not identified during self-assessment.

The Burlington City School District was selected for the self-assessment process for the 2007-2008 school year due to a high rate of students with disabilities educated in separate public and/or private settings. The determination was based on the Annual Data Reports submitted to NJOSEP in December 2006 and December 2007. Placement data reported by the district in October 2008 indicated that the district decreased its rate of students in separate placements to 6.7% and met the state SPP target of 8.5% for that year. The rate reported by the district in October 2009 demonstrated an increase to 8.1% which exceeded the state SPP target for the 2009-2010 school year of 8% by .1%. 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.

Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
The district developed improvement plan activities to expand district capacity to educate students currently placed in separate settings within district programs. Activities included establishing new classes and hiring behavior specialists to accommodate the needs of students with significant behavior issues. The plan also includes professional development for staff on Positive Behavior Supports, teacher mentoring and layered curriculum.	The district is in the process of implementing its improvement plan activities in accordance with the established timelines.

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Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action
2) IEPs shall include an explanation of the extent, if any, to which child will not participate with nondisabled children [20 USC 1412(a)(5) and 1414(d)(1)(A)(i)(V); 34 CFR §300.115 and §300.320(a)(5) and NJAC 6A:14-3.7(e)6].	<p>Review of records indicated that IEPs did not include an explanation of the extent, if any, to which child will not participate with nondisabled children. These findings were due to a lack of implementation of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on May 21, 2010.</p>
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).	<p>Review of records indicated that IEPs did not include a comparison of the benefits provided in the regular class and the benefits provided in the special education class. These findings were due to a lack of implementation of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on May 21, 2010.</p>
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 (IV,2) [20 USC 1412(a)(5); 34 CFR §300.116(d)].	<p>Review of records indicated that IEPs did not include the potentially beneficial or harmful effects which a placement (general education) may have on the student with disabilities or the other students in the class. These findings were due to a lack of implementation of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on May 21, 2010.</p>
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.	<p>Review of records indicated that IEPs did not include activities to transition students to a less restrictive environment. These findings were due to a lack of implementation of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.</p>

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Section V: PARENT INVOLVEMENT

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action
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 the onsite monitoring visit.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on May 21, 2010.
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.

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Section VI: DISPROPORTIONATE REPRESENTATION – Noncompliance was not identified during self-assessment or onsite monitoring.

Section VII: EVALUATION 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
3) 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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.		
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.		
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.		

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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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on May 21, 2010.
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.
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.	Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on May 21, 2010.
15) A copy of the evaluation report(s) and documentation 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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.

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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/Corrective Action
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit conducted on April 29, 2010.

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