



**State of New Jersey**

DEPARTMENT OF EDUCATION

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*Acting Commissioner*

December 12, 2011

Richard Tomko, Superintendent  
Elmwood Park Public School District  
60 East 53rd Street  
Elmwood Park, NJ 07407

Dear Mr. Tomko:

Subject: Special Education Monitoring Report – Elmwood Park Public School District

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

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 Elmwood Park Public 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

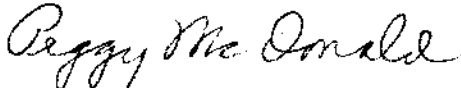
The enclosed Table of Findings details the findings of noncompliance resulting from the monitoring. Of the 46 requirements in the district's self-assessment that were reviewed by NJOSE, the district demonstrated noncompliance with 12 requirements. These findings of noncompliance must be corrected within 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 Mr. Anthony Grieco to discuss procedures for verification of correction of the finding 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:

Ms. 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 Ms. Kimberley Murray 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, Director  
Office of Special Education

Enclosure

c: Barbara Gantwerk  
Jenifer Spear  
Robert Gilmartin  
Steve Pasternack  
Anthony Grieco

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**Noncompliance was not identified with requirements in the following sections of the self-assessment:**

- Section I: TRANSITION TO ADULT LIFE**
- Section II: STATEWIDE ASSESSMENT**
- Section III: LEAST RESTRICTIVE ENVIRONMENT**
- Section V: DISPROPORTIONATE REPRESENTATION**
- Section VIII: PROGRAMS AND SERVICES**

**Areas of Noncompliance**

**Section IV: PARENT INVOLVEMENT**

Citation	Findings of Noncompliance
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, 5; 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).	A review of records and interviews with staff members indicated that the district did not consistently provide parents with written notice of a meeting containing all the required components for students eligible for special education and related services and students eligible for speech-language services due to lack of implementation of district procedures.
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 notice following meetings containing all required components for students eligible for special education and related services and students eligible for speech-language services due to lack of implementation of district procedures.
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).	A review of records and interviews with staff members indicated that the district did not consistently include required participants at meetings for students eligible for special education and related services and students eligible for speech-language services due to lack of implementation of district procedures.

**Section VI: EVALUATIONS AND REEVALUATION**

Citation	Findings of Noncompliance
3) The staff of the general education program shall maintain written documentation regarding type, frequency, duration and effectiveness of each intervention used, in	A review of records and interviews with staff members indicated that the district did not consistently maintain written documentation regarding the type, frequency, duration and effectiveness of interventions used in the general education program

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accordance with N.J.A.C. 6A:14-3.3(c).	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).	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.
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).	A review of records and interviews with staff members indicated that reevaluations were not consistently completed within three years of the previous classification date for students eligible for special education and related services and for students eligible for speech-language services 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).	A review of records and interviews with staff members indicated that reevaluation planning meetings did not consistently include required participants for students eligible for special education and related services and for students eligible for speech-language 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, 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).	A review of records and interviews with staff members indicated that copies of evaluation reports for students evaluated for special education and related services and for students evaluated for speech-language 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 procedures.
16) To facilitate the transition from early intervention to preschool, a child study team member of the district shall participate in the preschool transition planning conference arranged by the Department of Health and Senior Services, in accordance with N.J.A.C. 6A:14-3.3(e)1(i-iv); 20 U.S.C. §1414(d)(1)(D); and 34 CFR §300.321(f).	A review of records and interviews with staff members indicated that a child study team member from the district did not participate in the preschool transition planning conference which was arranged by the Department of Health and Senior Services due to lack of implementation of district procedures.
<b>Section VII: IEP</b>	
<b>Citation</b>	<b>Findings of Noncompliance</b>
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).	A review of records and interviews with staff members indicated that IEP meetings did not consistently include required participants for students eligible for special education and related services and for students eligible for speech-language services due to lack of implementation of district procedures.
2) IEPs shall include required considerations and	A review of records and interviews with staff members indicated that IEPs of

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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).	students eligible for speech-language services did not consistently contain the required considerations and statements due to the 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).	A review of records and interviews with staff members indicated that IEP meetings for students eligible for special education and related services were not consistently conducted annually or more often if necessary due to lack of implementation of district procedures.

**Corrective Action for Citation 1,2, and 3 above:**

The district is required to conduct training with child study team members and speech-language specialists regarding procedures related to: the appropriate configuration of the IEP team, the inclusion of required considerations and statements in the IEP; and the adherence to required timelines for completion of IEPs.

The district is required to implement the procedures and provide an oversight mechanism to ensure ongoing compliance. The NJOSE monitor will provide the director of special education directions for submitting documentation to demonstrate compliance.

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

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