



State of New Jersey

DEPARTMENT OF EDUCATION

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Acting Commissioner

March 11, 2011

Dr. Steven Ciccariello, Superintendent
Greater Egg Harbor Regional School District
1824 Dr. Dennis Foreman Drive
Mays Landing, New Jersey 08330-0870

Dear Dr. Ciccariello:

Subject: Special Education Monitoring Report – Greater Egg Harbor Regional School District

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 Greater Egg Harbor Regional School District's implementation of federal and state special education requirements. Between November, 2010 and the present, the New Jersey Department of Education, Office of Special Education Programs (NJOSPEP), conducted onsite monitoring visits, verification visits and desk audits in the Greater Egg Harbor Regional School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Caryl Carthew and Patricia Fair.

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***
- ***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 Greater Egg Harbor Regional School District was selected for the self-assessment/monitoring process based on trend data that indicated: a high percentage of

students with disabilities placed in separate public and private settings. (See Section III – Table of Findings).

Monitoring Results

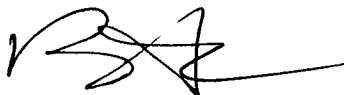
The enclosed Table of Findings details the findings of noncompliance resulting from the onsite monitoring. All findings must be corrected within one year of the date of this report. Corrective action should include, as necessary: development and/or revision of policies and procedures, staff training, 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. Caryl Carthew, will contact Mr. John Ragan 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 NJOSEP.*

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 Carthew
New Jersey Department of Education
Office of Special Education Programs
Finlaw Building, 4th Floor
199 East Broadway
Salem, New Jersey 08079

Questions regarding the enclosed monitoring report should be directed to Dr. Peggy McDonald 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: Gregg Edwards
Andrew Smarick
Peggy McDonald
Caryl Carthew
Thomas Dowd
County Supervisor of Child Study
John Ragan

TABLE OF FINDINGS
Special Education Monitoring Results
IDEA 2004 and New Jersey Administrative Code Requirements
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Section I: TRANSITION TO ADULT LIFE

Areas of Noncompliance

Area	Status of Compliance
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 during a targeted review was verified as corrected during the onsite monitoring visit.
2) Invitation to IEP meetings provided to students and agencies providing or paying for transition services. [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 indicated that students were not consistently issued a written invitation to the IEP meeting to discuss transition planning due to lack of implementation of district procedures.

Section II: STATEWIDE ASSESSMENT Noncompliance was not identified during monitoring.

Section III: LEAST RESTRICTIVE ENVIRONMENT

The Greater Egg Harbor Regional School District was selected for the self-assessment process due to a high percentage of students with disabilities placed in separate public and private settings. The determination was based on trend data from the Annual Data Reports submitted to NJOSEP by the district. The district increased its rate of students in separate public and private day programs from 13.7 percent in October 2007 to 15.1 percent in 2008. The placement rate decreased to 12 percent in 2009 and the district has reported 12.2 percent in 2010; however, the district did not meet the SPP target for that year of 8 percent. The district must continue to participate in technical assistance provided by NJOSEP regarding placement in the least restrictive environment. 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.

Areas of Noncompliance

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 indicated that IEPs did not include an explanation of the extent, if any, to which a child will not participate with nondisabled children, including a statement of the supplementary aids and services considered and the reasons they were rejected due to lack of implementation of district procedures.
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).	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 due to lack of implementation of district procedures.

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5) IEPs shall 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. [20 U.S.C. § 1412(a)(5); 34 CFR §300.116(d)]	Review of records indicated that IEPs did not include a statement or the potentially beneficial or harmful effects which a placement in general education may have on the student with disabilities of the other students in the class due to 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 indicated that IEPs for student in separate settings did not include activities to transition them to a less restrictive environment due to lack of implementation of district procedures.

Corrective Action: The district is required to conduct training with child study team members regarding procedures for documenting the explanation of the extent to which students are educated with nondisabled peers, including participation in nonacademic and extracurricular activities, the comparison of the benefits of general education and special education placements, and the potential beneficial or harmful effects that placement may have on the student with disabilities or other students in the class. In addition, the district is required to conduct training with child study team members regarding procedures for developing activities to transition students in separate settings to a less restrictive environment.

The district is required to conduct a meeting of the IEP team for each student whose IEP was identified as noncompliant 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 by the monitors will be provided to the Director of Special Education by NJOSEP.

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 the rationale for removal is noncompliant and/or does not include the activities to transition students in a separate setting to a less restrictive environment, where required, a meeting of the IEP team must be convened to review and revise the IEP.

Section IV. PARENT INVOLVEMENT

Areas of Noncompliance

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)3,5; 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).	Review of records indicated that notice of a meeting did not include transition as a purpose, when required, 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).	Review of records indicated that written notice did not include all the required components (specifically, the description of the action and the explanation for taking the action) and written notice was not consistently provided within 15 days due to lack of implementation of district procedures.

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Section V: DISPROPORTIONATE REPRESENTATION-Noncompliance was not identified during monitoring.

Section VI: EVALUATIONS AND REEVALUATION

Areas of Noncompliance

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).	Noncompliance identified during onsite monitoring was verified as corrected during a desk audit conducted on February 22, 2011.
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 onsite monitoring was verified as corrected during a desk audit conducted on February 22, 2011.
9) Each evaluation of a student shall include functional assessment, in accordance with N.J.A.C. 6A:14-3.4(f)(i-vi); 20 U.S.C. §1414(b)(4) and (5); and 34 CFR §300.306(c)(i).	Review of records indicated that initial evaluations did not consistently include an observation of the student in other than a testing setting and an interview with the child's teacher 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).	Noncompliance identified during onsite monitoring was verified as corrected during a desk audit conducted on February 22, 2011.
14) Each child study team member shall certify in writing whether his or her report reflects his or her conclusion of eligibility of the student, in accordance with N.J.A.C. 6A:14-3.4(h)5.	Review of records indicated that all child study team members who participated in the evaluation did not consistently certify their agreement with the conclusion of eligibility 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).	Review of records indicated that evaluations reports were not consistently provided to parents 10 days prior to the eligibility conference due to lack of implementation of district procedures.

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Section VII. IEP

Areas of Noncompliance

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 indicated that IEP meetings did not consistently include the participation of a general education teacher due to 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©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 indicated that IEPs did not consistently include all the required components (specifically, goals for counseling, frequency, location and duration of related services, and the consideration of the need for extended school year services due to lack of implementation of district procedures.

Corrective Action: The district is required to conduct training with child study team members regarding procedures for documenting the consideration of extended school year, including counseling goals where required and identifying the frequency, location and duration of related services.

The district is required to conduct a meeting of the IEP team for each student whose IEP was identified as noncompliant 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 by the monitors will be provided to the Director of Special Education by NJOSEP.

The district must review the IEPs of all students with disabilities, including those requiring related services. For any IEP where the consideration of extended school year services, counseling goals or frequency, duration and location of related services is noncompliant, a meeting of the IEP team must be convened to review and revise the IEP.

Section VIII. PROGRAMS AND SERVICES

Areas of Noncompliance

Area	Status of Compliance
3) Group size for resource, speech-language programs and supplementary instruction shall meet requirements, in accordance with N.J.A.C. 6A:14-4(b)3 and 4.6(h).	Review of records indicated that class sizes for resource programs exceeded the number of allowed students due to a lack of implementation of district procedures.

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

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