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May 4, 2010

Dr. James Doran, Superintendent
Harrison School District
501 Hamilton Street
Harrison, NJ 07029-1430

Subject: Special Education Monitoring Report – Harrison School District – Hudson County

Dear Dr. Doran:

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 Harrison School District's implementation of federal and state special education requirements. Between October 21, 2009 and the present, the New Jersey Department of Education, Office of Special Education Programs (NJOSEP), conducted onsite monitoring visits and desk audits to determine compliance with federal and state special education requirements. The members of the monitoring team were Samuel Jordan, Tracey Pettiford-Bugg, Janina Zak-Krasucki, and Linda Chavez.

NJOSEP 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 State Performance Plan (SPP) indicators, including the federal monitoring priorities established by the Individuals with Disabilities Education Act of 2004 (IDEA 2004). Specifically, the NJOSEP 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**

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- *Individualized Education Program*
- *Programs and Services*

The Harrison School District was selected for the self-assessment process for the 2007-2008 school year due to a high percentage of students with disabilities placed in separate public and private settings. The determination was based on the Annual Data Reports submitted to NJOSEP in December 2003, December 2004 and December 2005. Annual Data Reports submitted to NJOSEP in December 2006, December 2007, and October 2008 indicated a decrease in the rate of separate public and private placements; however, the district did not achieve the state SPP target for this indicator. Based on the Harrison School District's high percentage of students with disabilities being educated in separate public and/or private settings, the district is required to continue participating in technical assistance offered by NJOSEP, for the purpose of continuous improvement, regarding the education of students with disabilities in general education settings with appropriate supports and services. The district is reminded that all placement decisions shall be made in accordance with the New Jersey Administrative Code 6A:14-3.7 and 4.2.

The NJDOE Self-Assessment/Monitoring Process

The first step in the monitoring process was completion of a self-assessment which required the district to review student outcome data and policies, procedures and practices related to federal monitoring priorities. The district was provided with a comparison of district student outcome data to relevant targets established in New Jersey's SPP. Based on the data review, the district identified areas for "Continuous Improvement" and Areas of Noncompliance with federal and state regulations related to the priority areas. The self-assessment and improvement plan were submitted to NJOSEP in September 2008.

Following review of the self-assessment and the improvement plan, an onsite monitoring visit was conducted. A review of specific federal and state requirements related to the education of students with disabilities was completed during the visit. The monitoring team reviewed district documents, including district policies and procedures, a sample of student records, master student lists, class lists, schedules of students, teachers and related services personnel and other relevant information. Interviews were conducted with the district's special education administrators, general education and special education teachers, speech-language specialists and child study team members. Parents of students with disabilities were interviewed by phone.

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 through additional onsite visits and desk audit.

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.

Findings of noncompliance identified during onsite monitoring

Findings resulting from the onsite monitoring must be corrected within one year of the date of this report. **Corrective action for areas of noncompliance identified by the NJOSEP should include, as necessary: development and/or revision of policies and procedures, staff training, implementation of the identified IDEA 2004 and New Jersey Administrative Code Title 6A:14 (N.J.A.C. 6A:14) requirements, and implementation of an oversight mechanism to ensure correction and ongoing compliance.** The monitoring team leader, Ms. Linda Chavez, will contact the Director of Special Education to discuss 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:

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.

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

Sincerely,



Roberta Wohle, Director
Office of Special Education Programs

RW/PM/CC

Enclosure

c: Division of Field Services
Barbara Gantwerk
Peggy McDonald
Linda Chavez
Tim Brennan
Janina Zak-Krasucki
Marlene Yanuzzi

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Section I: TRANSITION TO ADULT LIFE

Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
The district developed an improvement plan that included the investigation of appropriate assessments for transition planning. The plan also included the establishment of a course as of the 2008-2009 school year to address transition issues and facilitate the academic and social skills needed for movement from school to the adult world. The district planned to develop a contract with Jewish Vocational Services for transition assessments.	The district is in the process of implementing its improvement plan in accordance with the established timelines.

Areas of Noncompliance Identified during Self-Assessment

Self-Assessment Area	Status of Compliance/Corrective Action
1) Individualized Education Programs (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 a desk audit conducted on August 13, 2009.

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

Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
The district developed an improvement plan to establish curriculum committees including special and general education teachers to map the K-12 curricula over the course of three to five years. The district also plans to develop performance assessments aligned to the curricula.	The district is in the process of implementing its improvement plan in accordance with the established timelines.

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

Section IV: LEAST RESTRICTIVE ENVIRONMENT – The Harrison School District was selected for the self-assessment process for the 2007-2008 school year due to a high percentage of students with disabilities placed in separate public and private settings. The determination was based on the Annual Data Reports submitted to NJOSEP in December 2003, December 2004 and December 2005. Annual Data Reports submitted to NJOSEP in December 2006, December 2007, and October 2008 indicated a decrease in the rate of separate public and private placements; however, the district did not achieve the state SPP target for this indicator. Based on the Harrison School District's high percentage of students with disabilities being educated in separate public and/or private settings, the district is required to continue participating in technical assistance offered by NJOSEP, for the purpose of continuous improvement, regarding the education of students with disabilities in general education settings with appropriate supports and services. The district is reminded that all placement decisions shall be made in accordance with the New Jersey Administrative Code 6A:14-3.7 and 4.2.

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Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
The district developed an improvement plan that included the expansion of in-class resource programs beginning with the 2008-2009 school year.	The district is in the process of implementing its improvement plan in accordance with the established timelines.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Self-Assessment Area	Status of Compliance
<p>2) IEPs shall include an explanation of the extent, if any, to which child will not participate with nondisabled children [20 USC1412(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> <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> <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</p>	<p>Review of records and interviews with staff members indicated that IEPs did not include an individualized explanation of the extent to which children will not participate with nondisabled children in general education settings, a comparison of the benefits of the regular and special education classes and the potentially harmful effects of the general education placement (Self-Assessment Areas 2, 4, and 5), due to incorrect district procedures. Responses to the questions regarding the decision making for educational placements were prewritten into the IEP template. As a result, the reasons for removal from general education were the same for each student whose IEP was reviewed. Therefore, the district is determined noncompliant and corrective action is needed.</p> <p>Review of records and interviews with staff members also indicated a continuum of alternative placements was not available at the high school for specific content areas, due to a lack of available supports for general education classes (Area 7).</p>

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<p>USC 1412(a)(5); 34 CFR §300.116(d)].</p> <p>7) Placement decisions shall be based on the individual needs of students with disabilities, as indicated in IEPs, resulting in a continuum of alternative placements to meet the unique needs of students as close to home as possible, in accordance with N.J.A.C. 6A:14-4.2(a)3,5,6 and 4.3(b); 20 U.S.C. 1412(a)(5); and 34 CFR §300.115.</p>	
<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>	<p>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 inconsistent implementation of district procedures.</p>
<p>10) LEA ensures that student participates with nondisabled children in nonacademic and extracurricular services and activities to the maximum extent appropriate, in accordance with N.J.A.C. 6A:14-4.2(b)1.</p>	<p>Review of records and interviews with staff members indicated that IEPs did not include an individualized explanation of the extent to which students with IEPs participate with nondisabled children in nonacademic and extracurricular services and activities due to incorrect district procedures. Each IEP reviewed included the same reasons for his or her participation with nondisabled children in nonacademic and extracurricular services and activities. As a result, consideration of each student's individual needs was not documented.</p>

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

The district is required to conduct IEP meetings for each student whose IEP was found to be noncompliant with these requirements. 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 must review the IEPs of all students with disabilities to determine if all required considerations and statements are individualized. For any IEP where a required consideration or statement is not individualized, a meeting of the IEP team must be convened to review and revise the IEP. Educational placement decisions must be based on the individual needs of each student.

Section V: PARENT INVOLVEMENT

Results of Parent Interviews:

Parents interviewed by telephone indicated that they were satisfied with the delivery of special education and related services for their children. Conflicts they have had with district personnel about their students' programming were eventually resolved to their satisfaction.

Areas of Noncompliance Identified during Self-Assessment

Self-Assessment Area	Status of Compliance
6) Each district shall ensure that a Special Education Parent Advisory group is in place in the district, in accordance with N.J.A.C. 6A:14-1.2(h).	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

Self-Assessment 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 notices of meetings were not provided consistently. Additionally, the notices of meetings did not always include transition planning or eligibility as a purpose of the meeting, when required, due to a lack of implementation of district procedures. Notices of IEP meetings did not indicate that the parent may invite another with expertise. Notices of meetings for students eligible for speech-language services did not consistently indicate the participants and location of the IEP meetings, due to a lack of district procedures.

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<p>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).</p>	<p>Review of records and interviews with staff members indicated that written notices provided to parents following identification, eligibility, IEP and reevaluation planning meetings, for students eligible for special education and related services and for students eligible for speech-language services, did not include required components, due to lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that eligibility meetings did not consistently include required participants, due to a lack of implementation of district procedures.</p>
<p>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)-(iii); and 34 CFR §300.321(e).</p>	<p>Review of records and interviews with staff members indicated parental consent was not obtained when the district proposed to excuse a member of the IEP team, due to a lack of district procedures.</p>

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

Area(s) in Need of Continuous Improvement

Areas	Status of Improvement Plan
The district developed an improvement plan to employ an ESL/bilingual coordinator who will provide staff development opportunities as well as conduct parent meetings regarding the location, identification and referral of students when a disability is suspected. The plan also includes the tracking and analysis of data by race and ethnicity of the general education interventions employed in the classrooms.	The district is in the process of implementing its improvement plan in accordance with the established timelines.

Section VII: EVALUATIONS AND REEVALUATION – Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Self-Assessment Area	Status of Compliance
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).	Review of records and interviews with staff members indicated that the district did not consistently maintain written documentation regarding type, frequency, duration and effectiveness of each intervention used, for students referred to the Intervention and Referral Services committee, due to a lack of implementation of district procedures.

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<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently convene identification meetings with required participants within 20 calendar days of receipt of the written request for an evaluation, due to a lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently obtain the results of vision and audiometric screenings and health summaries for students referred to the child study team for evaluation from Early Intervention Programs, due to a lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently obtain consent from the parent to conduct an initial evaluation of a student eligible for speech-language services, due to a lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently conduct evaluations of students identified as potentially eligible for speech-language services by a multi-disciplinary team. Additionally, an educational impact statement completed by the teacher was not consistently included in the evaluations, due to a lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently include functional assessments in the initial evaluations of students, due to a lack of implementation of district procedures.</p>

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<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently complete multi-disciplinary reevaluations within three years of the previous classification, due to a lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently include all required participants at reevaluation planning meetings, due to a lack of implementation of district procedures.</p>
<p>14) Each 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.</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently have evaluating team members certify in writing whether his or her report was in accordance with the conclusion of eligibility, due to a lack of district procedures.</p>
<p>15) A copy of the evaluation report(s) and the documentation that will be used to determine 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).</p>	<p>Review of records and interviews with staff members indicated that the district did not consistently give a copy of the evaluation report(s) and documentation used to determine eligibility to the parent or adult student not less than 10 calendar days prior to the eligibility meeting. Noncompliance was due to a lack of implementation of district procedures.</p>

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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 the district did not consistently include all required considerations and statements in IEPs, due to incomplete district procedures and a lack of consistent implementation of correct 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 the district did not consistently conduct IEP meetings annually or more often, if necessary, due to a lack of implementation of district procedures.
5) The student's IEP shall be accessible to each general education teacher, special education teacher, related services provider and other services providers who are responsible for its implementation. The district shall inform each teacher and provider of his/her responsibilities	Review of records and interviews with staff members indicated that the district did not consistently inform each teacher and provider of his/her responsibilities related to implementing the student's IEP and the specific accommodations, modifications and supports to be provided for the student due to a lack of district procedures. The Director of Special Education developed a form to document this requirement and submitted the form to the monitoring team on December 21, 2009. Implementation of revised procedures will be reviewed during the onsite verification visit.

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related to implementing the student's IEP and the specific accommodations, modifications and supports to be provided for the student, in accordance with N.J.A.C. 6A:14-3.7(a)2-3 and 34 CFR §300.323(d).

Corrective Action Requirements Regarding IEP Considerations and Statements:

The district is required to conduct IEP meetings for each student whose IEP was found to be noncompliant with these requirements by the NJOSEP monitors. 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.

Section IX: PROGRAMS AND SERVICES - Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

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 and interviews with staff indicated that group size for in-class resource program exceeded state requirements, due to a lack of implementation of state special education regulations.

All findings resulting from the onsite monitoring must be corrected within one year of the date of this report. **Corrective action for areas of noncompliance identified by the NJOSEP should include, as necessary: development and/or revision of policies and procedures, staff training, implementation of the identified IDEA 2004 and New Jersey Administrative Code Title 6A:14 (NJ.A.C. 6A:14) requirements, and implementation of an oversight mechanism to ensure correction and ongoing compliance.** The monitoring team leader, Ms. Linda Chavez, will contact the Director of Special Education to discuss procedures for verification of correction of the findings of noncompliance listed in the Table of Findings.