



**State of New Jersey**  
DEPARTMENT OF EDUCATION  
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*Acting Commissioner*

October 5, 2011

Ms. Lydia Silva, Superintendent  
Lakewood Township School District  
1771 Madison Avenue, Rt. 9  
Lakewood, NJ 08701-2895

Dear Ms. Silva:

Subject: Special Education Monitoring Report – Lakewood Township 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 Lakewood Township School District's implementation of federal and state special education requirements. The New Jersey Department of Education, Office of Special Education (NJOSE), conducted an onsite monitoring visit in the Lakewood Township School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Patricia Fair, Caryl Carthew and Kenneth Richards.

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 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 Lakewood Township 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 non compliance resulting from monitoring. Of the 46 requirements in the district's self-assessment that were reviewed by the NJOSE, the district demonstrated non compliance with twenty-three (23) requirements. **The findings of non compliance 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. Patricia Fair, will contact Ms. Yvette Cucuro 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 must be submitted to the following address:

Ms. Patricia Fair  
New Jersey Department of Education  
Office of Special Education  
1 Executive Campus 3<sup>rd</sup> Floor  
Route 70 West  
Cherry Hill, NJ 08002

Questions regarding the enclosed monitoring report should be directed to Dr. Peggy McDonald, Interim Director of Special Education, at 609-292-0147. The NJOSE appreciates the cooperation of district staff members during the self-assessment/monitoring process.

Sincerely,



Peggy McDonald, Interim Director  
Office of Special Education

PM/PF

Enclosure

c: Barbara Gantwerk  
Patricia Fair  
Thomas Dowd  
County Supervisor of Child Study  
Yvette Cucuro

Noncompliance was identified to the following provisions of 120:501 as they apply to:  
 Section I: SPECIAL SERVICES  
 Section II: APPROPRIATELY MAINTAINED ENVIRONMENT  
 Section III: PROGRAMS AND SERVICES  
 Section IV: TRANSITION TO ADULT LIFE

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 and interviews with staff indicated that the district did not consistently provide an invitation to students to attend IEP meetings where transition was discussed. Noncompliance was due to inconsistent implementation of district procedures.
3) IEP requirements for students ages 14 and above, in accordance with N.J.A.C. 6A:14-3.7(e) 11.	Review of records and interviews with staff indicated that the district did not consistently document IEP requirements for students age 14 and above. These findings were due to inconsistent implementation of district procedures.
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).	Review of records and interviews with staff indicated that the district did not consistently provide a summary of academic achievement and functional performance to students prior to graduation. In addition, the district did not consistently provide written notice of graduation with all required components. These findings were due to inconsistent implementation of district procedures.

**Corrective Action for Citation (#3) above:**  
 The district is required to conduct training with child study team members and/or speech and language specialists regarding procedures for documenting IEP requirements for students age 14 and above. The district is required to 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.

The district is required to convene an appropriately configured IEP team meeting to review and/or revise the IEP for each student age 14 and above whose IEPs did not include all required elements as identified by the monitors. Names of students with IEPs that were found to be noncompliant will be provided to the Director of Special Education by NJOSE.

Additionally, the district must review the IEPs of all students age 14 and above who have been found eligible for special education and related services and/or eligible for speech and language services. For any IEP where there is insufficient documentation of IEP requirements, a meeting of the IEP team must be convened to review and revise the IEP.

**Section II: LEAST RESTRICTIVE ENVIRONMENT**

3) All students with disabilities, including preschoolers and	Review of records and interviews with staff indicated that IEPs did not consistently document
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<p>students in receiving schools, shall have access to the general education curriculum and supplementary aids and services, in accordance with N.J.A.C. 6A:14-4.2; 20 U.S.C. §1414(d)(1)(A)(i)(IV); and 34 CFR §300.320(a)(4).</p>	<p>the supplemental aids and services considered and the reasons they were rejected. Noncompliance was due to inconsistent implementation of district procedures.</p>
<p>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).</p>	<p>Review of records and interviews with staff indicated that IEPs did not consistently include a comparison of the benefits provided in the regular class setting and a comparison of benefits provided in the special class setting. Noncompliance was due to inconsistent implementation of district procedures.</p>
<p>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)]</p>	<p>Review of records and interviews with staff indicated that IEPs did not consistently include the potential beneficial and harmful effects of a placement (general education) on the student or other students in the class. Noncompliance was due to inconsistent implementation of district procedures.</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 indicated that IEPs for students in separate settings did not include activities to transition the students to a less restrictive environment. Noncompliance was due to inconsistent implementation of district procedures.</p>
<p><b>Corrective Action for Citation (#3,4,5,) above:</b>  The district is required to conduct training with child study team members and/or speech and language specialists regarding procedures for documenting: the supplemental aids and services considered and the reasons they were rejected; a comparison of the benefits provided in the regular class setting and the comparison of benefits provided in the special class setting; and the potential beneficial and harmful effects of placement (general education) on the student or other students in the class. The district is required to 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.</p> <p>The district is required to convene an appropriately configured IEP team meeting to review and/or revise the IEP for each student whose IEP did not include all required elements as identified by the monitors. Names of students with IEPs that were found to be noncompliant will be provided to the Director of Special Education by NJOSE.</p> <p>Additionally, the district must review the IEPs of all students who have been found eligible for special education and related services and/or eligible for speech and language services. For any IEP where there is insufficient documentation of IEP requirements, a meeting of the IEP team must be convened to review and revise the IEP.</p> <p><b>Corrective Action for Citation (#6) above:</b>  The district is required to conduct training with child study team members and/or speech and language specialists regarding procedures for documenting activities to transition students to a less restrictive environment when students have been placed in separate settings. The district is required to 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.</p> <p>The district is required to convene an appropriately configured IEP team meeting to review and/or revise the IEP for each student placed in a separate setting where the IEPs did not include documentation of activities to transition students to a less restrictive environment as identified by the monitors. Names of students with IEPs that were found to be noncompliant will be provided to the Director of Special Education by NJOSE.</p>	

Additionally, the district must review the IEPs of all students who have been found eligible for special education and related services who have been placed in a separate setting. For any IEP where there is insufficient documentation of the IEP requirement to include activities to transition students to a less restrictive environment, a meeting of the IEP team must be convened to review and revise the IEP.

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 and interviews with staff indicated that written notice of a meeting was not consistently provided to parents prior to meetings. In addition, notices of meetings did not consistently inform parents of all the possible purposes of the meeting and inform parents of their right to invite others with expertise if the purpose included development of the IEP. Noncompliance was due to inconsistent 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 and interviews with staff indicated that written notice did not include provision of N.J.A.C.1:6A for students referred for initial evaluations. In addition, if parents did not attend the meeting, provision of written notice was not consistently provided. Noncompliance was due to inconsistent 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).

Review of records and interviews with staff indicated that required participants were not consistently in attendance at eligibility meetings. Noncompliance was due to inconsistent implementation of district procedures.

**Section VI EVALUATIONS AND REEVALUATION**

**Citations**

**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 accordance with N.J.A.C. 6A:14-3.3(c).

Review of records and interviews with staff indicated that district staff did not consistently maintain written documentation of type, frequency, duration and effectiveness of each intervention implemented in the general education program. Noncompliance was 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 indicated that the district did not ensure that meetings were consistently convened within 20 calendar days of receipt of initial requests for an evaluation. Noncompliance was 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).

Review of records and interviews with staff indicated that a summary of the students' health and medical information was not consistently transmitted to the child study team prior to the identification meeting. Noncompliance was 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 indicated that evaluations for students referred for speech and language services were not multi-disciplinary. The educational impact statement from the teacher was not consistently summarized in the report. Noncompliance was 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).	Review of records and interviews with staff indicated that all components of a functional assessment were not consistently included in evaluations of students. Observation in other than a testing setting, teacher interview and parent interview were not consistently completed for students referred for special education and related services. The summary of the educational impact statement, parent interview and observation in other than a testing setting were not included in evaluations for students referred for speech and language services. Noncompliance was due to inconsistent 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).	Review of records and interviews with staff indicated that the district did not ensure that reevaluations were completed within the required three year timelines. Noncompliance was due to inconsistent 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).	Review of records and interviews with staff indicated that required participants were not consistently in attendance at reevaluation meetings. Noncompliance was due to inconsistent 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 and interviews with staff indicates parents were not consistently provided a copy of the evaluation reports at least within 10 calendar days, prior to the eligibility meeting. Noncompliance was due to inconsistent 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).	Review of records and interviews with staff indicated that child study team members did not consistently participate in the transition planning conference for children transitioning from early intervention programs. Noncompliance was due to inconsistent 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).	Review of records and interviews with staff indicated that general education teachers did not consistently attend IEP meetings. Noncompliance was due to inconsistent 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).	Review of records and interviews with staff indicated that a review of the IEP was not consistently conducted on an annual basis. Noncompliance was due to inconsistent implementation of district procedures.
6) IEPs shall be implemented as written, in accordance with 20 U.S.C. § 1412 (a)(16)(D).	Review of records and interviews with staff indicated that IEPs did not consistently identify the implementation date and frequency of the related services determined appropriate by the IEP team. Noncompliance was due to inconsistent implementation of district procedures.
<b>Corrective Action for Citation (#1) above:</b> The district is required to conduct training with child study team members and/or speech and language specialists regarding procedures to ensure that IEP	

meetings are held with an appropriately configured IEP team. The district is required to 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.

**Corrective Action for Citation (#3) above:**

The district is required to conduct training with child study team members and/or speech and language specialists regarding adherence to approved timelines related to conducting the annual review. The district is required to 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.

**Corrective Action for Citation (#6) above:**

The district is required to conduct training with child study team members and/or speech and language specialists regarding adherence to the requirement to include in the IEP implementation dates and frequency of the related services as determined by the IEP team.

The district is required to convene an appropriately configured IEP team meeting to review and/or revise the IEP for each student in which IEPs did not include all required elements as identified by the monitors. Names of students with IEPs that were found to be noncompliant will be provided to the Director of Special Education by NJOSE.

Additionally, the district must review the IEPs of all students who have been found eligible for special education and related services and/or eligible for speech and language services. For any IEP where there is insufficient documentation of IEP requirements, a meeting of the IEP team must be convened to review and revise the IEP.

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

Ms. Patricia Fair  
New Jersey Department of Education  
Office of Special Education Programs  
One Executive Campus 3<sup>rd</sup> Floor  
Route 70 West  
Cherry Hill, NJ 08002