



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ROCHELLE R. HENDRICKS
Acting Commissioner

November 3, 2010

Mr. Ronn Johnson, Interim Superintendent
Lawnside Borough School District
426 East Charleston Avenue
Lawnside, NJ 08045

Dear Mr. Johnson:

Subject: Special Education Monitoring Report – Lawnside Borough 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 Lawnside Borough School District's implementation of federal and state special education requirements. Between November 18, 2009 and June 21, 2010, the New Jersey Department of Education, Office of Special Education Programs (NJOSEP), conducted onsite monitoring, desk audit and verification of correction of noncompliance in the Lawnside School District to identify and ensure correction of noncompliance with federal and state special education requirements. The members of the monitoring team were Caryl Carthew, Patricia Fair and Catherine Thomas.

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

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The Lawnside Borough 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 trend data from the Annual Data Reports submitted to NJOSEP (see Table of Findings, Section IV).

Monitoring Results

The enclosed Table of Findings details the onsite monitoring results with regard to the following:

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

The district did not identify any areas of noncompliance in its self-assessment.

Findings of noncompliance identified during onsite monitoring:

For any finding of noncompliance identified during the onsite monitoring visit, the status of correction is provided. **Findings of noncompliance identified as a result of onsite visits 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, Caryl Carthew, will contact you 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 following address above:

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 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: Andrew Smarick
Peggy McDonald
Caryl Carthew
Peggy Nicolosi
Catherine Thomas

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

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

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action
1) The IEP shall document how the student with a disability will participate in state assessments, in accordance with N.J.A.C. 6A:14-3.7(e)7(i); 20 U.S.C. 1412(a)(16)(A); and 34 CFR §300.160(a).	Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a verification visit conducted on June 21, 2010.
2) The IEP shall include a statement of any individual modifications in the administration of statewide assessments of student achievement, in accordance with N.J.A.C. 6A:14-4.10(a)1; 20 U.S.C. 1414(d)(1)(A)(i)(VI)(aa); and 34 CFR §300.320(a)(6)(i).	Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a verification visit conducted on June 21, 2010.

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 Lawnside Borough 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 trend data from Annual Data Reports submitted to NJOSEP. According to the October 2009 Annual Data Report, the Lawnside School District has significantly decreased the rate of students with disabilities educated in separate public and/or private special education settings, from 29.3% reported in 2007 to 14.8% reported in 2009, but continues to not meet the SPP target for separate placements.

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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 and interviews with staff 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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 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 and interviews with staff 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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 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 and interviews with staff 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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 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 and interviews with staff indicated that IEPs for students in separate settings did not include activities to transition them, to a less restrictive environment. These findings were due to a lack of implementation of district procedures.</p> <p>Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 2010.</p>

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Section V: PARENT INVOLVEMENT – Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during Onsite Monitoring

Area	Status of Compliance/Corrective Action
<p>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).</p>	<p>Review of records and interviews with staff indicated that notice of a meeting regarding <u>students eligible for special education and related services</u> did not consistently include all required components due to lack of implementation of district procedures.</p> <p>Noncompliance regarding students eligible for special education and related services, identified during an onsite monitoring visit conducted on January 7, 2010, was verified as corrected during a desk audit conducted on March 9, 2010.</p> <p>Review of records and interviews with staff indicated that notice of a meeting for students <u>eligible for speech-language services</u> did not consistently identify the meeting participants. These findings were due to a lack of implementation of district procedures. Noncompliance must be corrected within one year of the date of this report.</p>
<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 indicated that written notice following meetings regarding <u>students eligible for special education and related services</u> did not consistently include all required components and was not consistently provided when required. Noncompliance was due to lack of implementation of district procedures.</p> <p>Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 for students eligible for special education and related services was verified as corrected during a desk audit conducted on March 9, 2010.</p> <p>Review of records and interviews with staff indicated that written notice for <u>students eligible for speech-language services</u> was not consistently provided and did not include the required components. These findings were due to a lack of implementing</p>

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district procedures. **Noncompliance must be corrected within one year of the date of this report.**

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).

Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on June 4, 2010.

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

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

Areas of Noncompliance Identified during Onsite Monitoring

Area	Status of Compliance/Corrective Action
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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on May 27, 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).	<p>Review of records and interviews with staff indicated that identification meetings were not consistently convened within 20 days of referral for <u>students eligible for special education and related services</u> due to a lack of implementation of district procedures.</p> <p>Noncompliance identified during an onsite monitoring visit for students eligible for special education and related services was verified as corrected during a desk audit conducted on March 9, 2010.</p> <p>Review of records and interviews with staff indicated that identification meetings were not consistently convened within 20 days of referral <u>students eligible for speech-language services</u> and did not include the required participants. These findings were due to a lack of implementation of district procedures.</p> <p>Noncompliance must be corrected within one year of the date of this report.</p>

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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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 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).	Review of records and interviews with staff indicated that initial evaluations for students eligible for speech-language services did not include the educational impact statement from the classroom teacher. These findings were due to a lack of district procedures. Noncompliance must be corrected within one year of the date of this report.
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 indicated that initial evaluations for students eligible for speech-language services did not consistently include the required components of a functional assessment, specifically the observation of the student in other than a testing setting, an interview with the parent, an interview with the child's teacher and a summary of the education impact statement provided by the classroom teacher. These findings were due to a lack of district procedures. Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 2010.
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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 2010.
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	Review of records indicated that evaluation reports for students eligible for speech-language services were not consistently documented as being provided to parents. These findings were due to a lack of implementation of district procedures.

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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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on March 9, 2010.
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Section VIII: IEP – Noncompliance was not identified during self-assessment.

Areas of Noncompliance Identified during Onsite Monitoring

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).	Review of records for students eligible for speech-language services during an onsite visit indicated that general education teachers are not in attendance at IEP meetings. These findings are due to a lack of implementation of district procedures. Noncompliance must be corrected within one year of the date of this report.
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 an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on June 21, 2010.
6) IEPs shall be implemented as written, in accordance with 20 U.S.C. § 1412 (a)(16)(D).	Noncompliance identified during an onsite monitoring visit conducted on January 7, 2010 was verified as corrected during a desk audit conducted on June 30, 2010.

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

All documentation required to demonstrate correction of noncompliance must be submitted to the following address in accordance with the timelines listed in the above Table of Findings.

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