



State of New Jersey

DEPARTMENT OF EDUCATION

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June 18, 2010

Mr. Rocco Tomazic, Superintendent  
Linden School District  
2 East Gibbons Street  
Linden, NJ 07036-4064

Subject: Special Education Monitoring Report - Linden School District

Dear Rocco Tomazic:

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 Linden School District's implementation of federal and state special education requirements. On October 1, 2 and 3, 2008, the New Jersey Department of Education, Office of Special Education Programs (NJOSEP), conducted an onsite monitoring visit to determine compliance with federal and state special education requirements. Verification of correction of noncompliance identified during the monitoring visit was conducted through desk audit from 4/30/09 through 12/16/09. The members of the monitoring team were Deborah Masarsky, Nicole Buten, Robert Schweitzer and Tracey Pettiford-Bugg.

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

[www.nj.gov/education](http://www.nj.gov/education)

The Linden School District was selected for the self-assessment process for the 2006-2007 school year due to disproportionate representation of specific racial/ethnic group determined eligible for special education and related services. The disproportionate representation was determined based on an analysis of the Annual Data Reports submitted to NJOSEP in December 2003, December, 2004 and December 2005. The disproportionate rates pertained to the over identification of Black students in the eligibility category of Emotionally Disturbed. The Linden School District continued to demonstrate this pattern of disproportionality as indicated by the Annual Data Reports submitted to NJOSEP in December 2006 and October 2007. During the monitoring process, it was determined that the disproportionate representation was not due to inappropriate identification, based on a review of compliance indicators.

NJOSEP will continue to analyze the district's data to determine whether a pattern of disproportionate representation is demonstrated, thereby warranting a targeted review to determine if there is noncompliance associated with the disproportionality.

### 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 was to identify 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 January 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 service 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 continuous improvement plan through additional onsite visits and desk audit.

#### **Findings of noncompliance identified by the district during the self-assessment**

The district did not identify any findings of noncompliance during self-assessment.

**Findings of noncompliance identified during onsite monitoring**

For any finding of noncompliance identified by NJOSEP during onsite monitoring, the status of correction is provided. **Prior to the release of this report, the Linden School District submitted documentation demonstrating correction of all areas of noncompliance identified during the onsite visit.**

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:

Mrs. Deborah Masarsky  
New Jersey Department of Education  
Office of Special Education Programs  
PO Box 500  
Trenton, NJ 08625-0500

Questions regarding the monitoring report should be directed to Dr. Peggy McDonald 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

Enclosure  
RW/PM/DM

c: Division of Field Services  
Barbara Gantwerk  
Peggy McDonald  
Deborah Masarsky  
Carmen Centuolo  
Heather Mills-Pevonis  
Marie Stefanick

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**Section I: TRANSITION TO ADULT LIFE - Noncompliance was not identified by the district during self-assessment.**

**Area(s) in Need of Continuous Improvement**

Areas	Status of Improvement Plan
The district developed improvement plan activities to administer an array of interest inventories, aptitude screenings and evaluations to assist students in determining interests, preferences and identifying post-school outcomes.	The district is in the process of implementing its improvement plan activities in accordance with the established timelines.

**Areas of Noncompliance Identified during the Onsite Monitoring Visit**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements
2) Invitation to IEP meetings for 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)].	<p>Review of records and interviews with staff members indicated that students were not provided an invitation to IEP meetings consistently when post- school transition was going to be discussed, due to lack of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit on March 20, 2009.</p>	<b>CORRECTED</b>

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**Section II: STATEWIDE ASSESSMENT - Noncompliance was not identified by the district during self-assessment or monitoring.**

**Section III: DISCIPLINE - Noncompliance was not identified during self-assessment.**

**Area(s) in Need of Continuous Improvement**

Areas	Status of Improvement Plan
The district developed improvement plan activities to institute positive behavior supports at the middle school to reduce suspensions.	The district is in the process of implementing its improvement plan activities, in accordance with the established timelines.

**Section IV: LEAST RESTRICTIVE ENVIRONMENT - Noncompliance was not identified by the district during self-assessment.**

**Areas of Noncompliance Identified during the Onsite Monitoring Visit**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements
4) 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 members indicated that IEPs did not include activities to transition students to a less restrictive environment, due to lack of district procedures.</p> <p>The district revised the IEP form to include documentation of the discussion of activities to transition the student to a less restrictive environment. Correction was demonstrated in a sample of IEPs; however, the district must demonstrate correction for all students whose IEPs were found to be noncompliant.</p>	<b>CORRECTED</b>

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**Section V: PARENT INVOLVEMENT - Noncompliance was not identified by the district during self-assessment.**

**Results of Parent Interviews**

Of the parents interviewed, the majority indicated that they were very satisfied with the district's programs and services. Parents stated that they were very involved in the planning of their children's educational programs.

**Areas of Noncompliance Identified during the Onsite Monitoring Visit**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements
<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)3,5; 20 U.S.C. 1414(b)(1); and 34 CFR §300.304(a).</p>	<p>Review of records and interviews with staff members indicated that notices of meetings did not consistently include all required components, due to lack of implementation of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit on March 20, 2009.</p>	<p align="center"><b>CORRECTED</b></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 members indicated that written notices provided to parents and adult students following meetings did not consistently include all required components, due to lack of implementation of district procedures.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit on March 20, 2009.</p>	<p align="center"><b>CORRECTED</b></p>

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**Section VI: DISPROPORTIONATE REPRESENTATION - Noncompliance was not identified by the district during self-assessment or onsite monitoring.**

The Linden School District was selected for the self-assessment process for the 2006-2007 school year due to disproportionate representation of specific racial/ethnic group determined eligible for special education and related services. The disproportionate representation was determined based on an analysis of the Annual Data Reports submitted to NJOSEP in December 2003, December, 2004 and December 2005. The disproportionate rates pertained to the over identification of Black students in the eligibility category of Emotionally Disturbed. The Linden School District continued to demonstrate this pattern of disproportionality as indicated by the Annual Data Reports submitted to NJOSEP in December 2006 and October 2007. During the monitoring process, it was determined that the disproportionate representation was not due to inappropriate identification, based on a review of compliance indicators.

NJOSEP will continue to analyze the district's data to determine whether a pattern of disproportionate representation is demonstrated, thereby warranting a targeted review to determine if there is noncompliance associated with the disproportionality.

**Area(s) in Need of Continuous Improvement**

Areas	Status of Improvement Plan
The district developed improvement plan activities to collect and analyze data from the Intervention and Referral Services (I&RS) committee by race and ethnicity to identify needed interventions.	The district analyzed data from the I&RS committee and determined that reading difficulties were contributing the referral rates for students in specific racial/ethnic groups. The district implemented a supplementary reading program in one school to reduce referrals.

**Section VII: EVALUATION AND REEVALUATION - Noncompliance was not identified by the district during self-assessment.**

**Areas of Noncompliance Identified during the Onsite Monitoring Visit**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements
2) Interventions in the general education setting shall be provided to students exhibiting academic difficulties and shall be	Review of records and interview with staff members indicated that staff of the general education program did not maintain written documentation consistently, including data setting	<b>CORRECTED</b>

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<p>utilized, as appropriate, prior to referring a student for an evaluation, in accordance with N.J.A.C. 6A:14-3.3(b); 20 U.S.C. 1413(f)(2); and 34 CFR §300.226(b).</p>	<p>forth the type of interventions utilized, the frequency and duration of each intervention, and the effectiveness of each intervention provided to students prior to referral to the child study team. Documentation was not available, due to lack of implementation of district procedures.</p>	<p style="text-align: center;">CORRECTED</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 interview with staff members indicated that school nurses did not review and summarize available health and medical information consistently, including the vision and hearing screening, nor transmit the summary to the child study prior to identification meeting.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit on April 30, 2009.</p>	<p style="text-align: center;">CORRECTED</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 interview with staff members indicated that initial evaluations for speech and language services were not conducted by a multi-disciplinary team due to lack of procedures for obtaining an educational impact statement from the classroom teacher.</p>	<p style="text-align: center;">CORRECTED</p>



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	<p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit on June 22, 2009.</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).</p>	<p>Review of records and interview with staff members indicated that evaluation reports did not consistently include a review of prior interventions, when implemented, as a required component of initial evaluations.</p> <p>Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit on June 22, 2009.</p>	<p align="center"><b>CORRECTED</b></p>
<p><b>Section VIII: IEP - Noncompliance was not identified by the district during self-assessment or monitoring.</b></p>		
<p><b>Section IX: PROGRAMS AND SERVICES - Noncompliance was not identified by the district during self-assessment or monitoring.</b></p>		