



State of New Jersey
DEPARTMENT OF EDUCATION
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Governor

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July 14, 2009

Dr. Frank R. Alvarez, Superintendent
Montclair School District
22 Valley Road
Montclair, New Jersey 07042

Subject: Special Education Monitoring - Montclair School District

Dear Dr. Alvarez:

On November 12, 13, & 14, 2008, the New Jersey Department of Education, Office of Special Education Programs (NJOSEP), conducted an onsite monitoring visit in the Montclair School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Deborah Masarsky, Nicole Buten, Robert Schweitzer and Mark Lanzi.

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***

The Montclair School District was selected for the self-assessment process for the 2006-2007 school year due to disproportionate representation of specific racial/ethnic groups with respect to eligibility determinations for special education based on the Annual Data

www.nj.gov/education

Reports submitted to NJOSEP in December 2003, December 2004 and December 2005. The Montclair School District has continued to demonstrate a pattern of "significant disproportionality" and was required to allocate 15% of its IDEA 2008, IDEA 2009 and IDEA 2010 grant awards for coordinated early intervening services. These funds are to be used for students who need additional academic and behavioral support to succeed in the general education environment.

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 January 2008. The district's performance relative to SPP targets for the 2007-2008 school year is contained in the district's Local District Special Education Data Profile 2007-2008 available at: <http://www.nj.gov/education/specialed/sppi0708/>.

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, other relevant information, and schedules of students, teachers and related service personnel. 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.

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. Prior to the release of this report, the Montclair School District submitted documentation demonstrating correction for all areas of noncompliance identified 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 Montclair School District submitted documentation of correction for all areas of noncompliance identified during the onsite visit.

Activities contained in the district's Improvement Plan that were not completed by the time of the onsite monitoring visit must continue to be implemented. NJOSEP will continue to monitor implementation through additional onsite visits and desk audit.

The results of the special education monitoring must be reviewed at the next meeting of the district's Board of Education. In fulfillment of the requirements of the IDEA 2004 (34 CFR §300.646(b)(3)), as a result of the significant disproportionality, the district must publicly report on its revision of policies, practices, and procedures related to the over-identification of children with disabilities for a specific racial/ethnic group(s). This requirement may be fulfilled by reviewing Section VI of the attached table, in specific detail, at the Board of Education meeting.

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 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

RW/PM/DM

Enclosure

c: Gerald Vernotica
Barbara Gantwerk
Peggy McDonald
Deborah Masarsky
Lawrence S. Feinsod
Mark Lanzi
James Scagliotti

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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 to expand student and parent involvement in the post-school transition process.	The district is in the process of implementing its improvement plan in accordance with the established timelines.

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1) Individualized Education Program (IEP) requirements for students ages 16 and above [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b) and (c); and N.J.A.C. 6A:14-3.7(e)12].	Noncompliance identified by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED
2) Invitation of students and agencies providing or paying for transition services to IEP meetings [20 U.S.C. 1414 (d)(1)(A)(i)(1)(VIII); 34 CFR §300.322.b(2); N.J.A.C. 6A:14-2.3(k)2x and 3.7(e)13, 3.7(h)].	Noncompliance identified by the district in the self-assessment was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED

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Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
3) IEP requirements for students ages 14 and above [N.J.A.C. 6A:14-3.7(e)11].	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED

Section II: STATEWIDE ASSESSMENT – No noncompliance identified during self-assessment or monitoring

Section III: DISCIPLINE – No noncompliance identified during self-assessment or monitoring

Section IV: LEAST RESTRICTIVE ENVIRONMENT

Area(s) in Need of Continuous Improvement

Area	Status of Improvement Plan
The district developed an improvement plan to expand and increase the array of supports available in elementary schools to facilitate inclusion of students with disabilities in general education classes.	The district is in the process of implementing its improvement plan in accordance with the established timelines.

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Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1) All students with disabilities, including preschoolers and 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).	Noncompliance identified by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED
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.	Noncompliance identified by the district in the self-assessment was verified as corrected during a desk audit on June 17, 2009.	CORRECTED	CORRECTED

Section V: PARENT INVOLVEMENT

Results of Parent Interviews

Of the parents who were 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. Many parents also commended the district for facilitating monthly parent advisory meetings.

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Areas of Noncompliance Identified during Self-Assessment			
Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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).	Noncompliance identified by the district in the self-assessment was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED
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 by the district in the self-assessment was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED
Areas of Noncompliance Identified during the Onsite Monitoring Visit			
Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED

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Section VI: DISPROPORTIONATE REPRESENTATION

Area(s) in Need of Continuous Improvement

Areas	Status of Improvement Plan
The district developed an improvement plan to expand the provision of interventions to students in the general education class through the intervention and referral services committee.	The district has identified specific schools with high referral rates. The district implemented training for teachers on classroom management skills, positive behavioral supports and reading instruction. The district is monitoring eligibility data by race to reduce disproportionate representation of specific racial/ethnic groups in special education. The district is in the process of implementing its improvement plan in accordance with established timelines.

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1) 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); 20 U.S.C. 1413(f)(2); and 34 CFR §300.226(b).	Noncompliance identified by the district in the self-assessment was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED
12) When an initial evaluation is completed, a copy of the evaluation report(s) and documentation and information that will be used for determination of eligibility shall be provided to the parent not less than 10 calendar days prior to the meeting to determine eligibility in accordance with N.J.A.C. 6A:14-3.5(a and b); 20 U.S.C. 1414(b)(3); and 34 CFR §300.304(c).	Noncompliance identified by the district in the self-assessment was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED

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Section VII: EVALUATION AND REEVALUATION

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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 by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED
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 by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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 the onsite monitoring visit was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED

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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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED
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 the onsite monitoring visit was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED

Section VIII: IEP

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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,(f); 20 U.S.C. 1414(d)(1)(B); and 34 CFR §300.324(a)(1)(2).	Noncompliance identified by the district in the self-assessment was verified as corrected during an onsite verification visit on May 20, 2009.	CORRECTED	CORRECTED
5) The student's IEP shall be accessible to each general education teacher, special education teacher, related services provider and other service providers who are responsible for its implementation. The district shall 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 in accordance with N.J.A.C. 6A:14-3.7(a)2-3 and 34 CFR §300.323(d).	Noncompliance identified by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED

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6) IEPs shall be implemented as written in accordance with 20 U.S.C. §1412 (a)(16)(D).	Noncompliance identified by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED
Section IX: Programs and Services			
Areas of Noncompliance Identified during Self-Assessment			
Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1) The instructional group sizes for preschool, elementary, and secondary special class programs shall not exceed the limits specified in N.J.A.C. 6A:14-4.7(e-h).	Noncompliance identified by the district in the self-assessment was verified as corrected during the onsite monitoring visit.	CORRECTED	CORRECTED

All documentation regarding the status of continuous improvement plans must be submitted to the following address in accordance with the established timelines in the district's self-assessment document.

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