



State of New Jersey
DEPARTMENT OF EDUCATION
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August 24, 2011

Dr. Jeanette Baubles, Superintendent
Mountainside School District
1497 Woodacres Drive
Mountainside, NJ 07092

Dear Dr. Baubles:

Subject: Special Education Monitoring Report – Mountainside 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 Mountainside School District's implementation of federal and state special education requirements. The New Jersey Department of Education, Office of Special Education (NJOSE) conducted onsite monitoring visits, verification visits and desk audits in the Mountainside School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Samuel Jordan and Linda Chavez.

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 Mountainside School District was chosen for the self-assessment/monitoring process through random selection.

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**

Monitoring Results

The enclosed Table of Findings details the findings of noncompliance resulting from the monitoring. Of the 46 requirements reviewed by the NJOSE, the district demonstrated noncompliance with ten requirements. One area of noncompliance was corrected prior to the release of this report. The remaining nine findings of noncompliance 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. Ms. Tracey Pettiford-Bugg, NJOSE monitor, will contact Mr. Charles Bryant to discuss procedures for verification of correction of the finding of noncompliance listed in the Table of Findings. *For any finding of noncompliance related to the development of 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, as well as all documentation required to demonstrate completion of corrective action activities must be submitted to the following address:

Ms. Tracey Pettiford-Bugg
New Jersey Department of Education
Passaic County Office of Education
501 River Street
Patterson, New Jersey 07524

The district is expected to provide and sustain administrative oversight, as well as provide ongoing training and technical assistance as needed, to ensure identification and correction of any noncompliance with IDEA 2004 and positive educational outcomes for students with disabilities. Please contact me at (609) 292-7605 if you have questions regarding special education monitoring. The NJOSE appreciates the cooperation of district staff members during the self-assessment/monitoring and verification process.

Sincerely,

Peggy McDonald, Interim Director
Office of Special Education Programs

PM/DM/LC

Enclosure

c: Barbara Gantwerk
Tracey Pettiford-Bugg
Joseph Passiment
Heather Mills-Pevonis
Charles Bryant

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Noncompliance was not identified with requirements in the following sections of the self-assessment:

- Section I: TRANSITION TO ADULT LIFE**
- Section II: STATEWIDE ASSESSMENT**
- Section III: LEAST RESTRICTIVE ENVIRONMENT**
- Section V: DISPROPORTIONATE REPRESENTATION**
- Section VIII: PROGRAMS AND SERVICES**

Section IV: PARENT INVOLVEMENT

Citation	Findings of Noncompliance
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).	A review of records and interviews with staff members indicated that written notices of a meeting that were provided to parents did not contain all required components due to a lack of 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).	A review of records and interviews with staff members indicated that following meetings, parents were not provided with written notices that contained all required components due to a lack of district procedures.

Section VI: EVALUATIONS AND REEVALUATION

Citation	Status of Compliance and Findings of Noncompliance
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 members indicated that general education teachers did not consistently participate in identification meetings for students referred for evaluation due to a lack of implementation of district procedures.
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).	Noncompliance identified during the onsite monitoring visit was verified as corrected during a desk audit conducted on September 13, 2010.

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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).	A review of records and interviews with staff members indicated that reevaluations were not consistently completed within three years of the previous classification date due to a lack of 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 members indicated that general education teachers did not consistently participate in reevaluation planning meetings due to a lack of implementation of district procedures.
14) Each child study team member shall certify in writing whether his or her report reflects his or her conclusion of eligibility of the student, in accordance with N.J.A.C. 6A:14-3.4(h)5.	Review of records and interviews with staff members indicated that child study team members did not consistently document whether their evaluation report(s) reflected the conclusion of eligibility of the student due to a lack of 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).	A review of records indicated that copies of evaluation reports for students evaluated for special education and related services and students evaluated for speech-language services were not provided to parents and/or adult students at least ten calendar days prior to the eligibility meeting due to lack of implementation of district procedures.
Section VII: IEP	
Citation	Findings of Noncompliance
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 general education teachers did not consistently participate in IEP team meetings due to a lack of implementation of district procedures.

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2) IEPs shall include required considerations and statements, in accordance with N.J.A.C. 6A:14-3.711-11, (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. IEPs of students eligible for special education and related services did not consistently include a statement of the extent to which students will not participate with nondisabled students in general education classes, as well as nonacademic and extracurricular activities due to lack of district procedures. IEPs of students eligible for speech and language services did not consistently document the consideration of the need for an extended school year, due to a lack of implementation of district procedures.

Corrective Action for Citation 2 above:

The district is required to develop procedures and conduct staff training to ensure that when developing IEPs, all required considerations and statements are addressed and documented. The district must also conduct oversight to ensure ongoing compliance. The district is required to convene an appropriately configured IEP team meeting to review and/or revise the IEP for each student whose IEP was identified as noncompliant by the monitors. The NJOSE will provide the director of special education the names of students whose IEPs were found to be noncompliant, as well as information regarding the documentation that must be submitted to demonstrate compliance.

Additionally, at the next annual review for all students eligible for special education and related services and those eligible for speech-language services, the district must ensure that all considerations and required statements are addressed and documented in IEPs.