



**State of New Jersey**  
DEPARTMENT OF EDUCATION  
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March 23, 2010

Dr. Clifford B. Janey, State District Superintendent  
Newark School District  
2 Cedar Street  
Newark, NJ 07102-3015

Subject: Special Education Monitoring Report – Newark School District  
State's Annual Determination of Local District Compliance with Special Education  
Requirements

Dear Dr. Janey:

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 visits and the state's annual determination, regarding the Newark School District's implementation of federal and state special education requirements. Between October 2008 and the present, the New Jersey Department of Education, Office of Special Education Programs (NJOSPE), conducted onsite monitoring visits, verification visits and desk audits in the Newark School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Stephen Coplin, Linda Chavez, Tracey Pettiford-Bugg, Sam Jordan, Mark Lanzi and Deborah Masarsky.

Based on the results of the special education monitoring process, the determination of the Newark School District continues to be: **Needs Intervention**. This determination is being made pursuant to Section 616(a)(1)(C)(I) of the Individuals with Disabilities Education Act of 2004 (IDEA 2004). Each state must use the following four categories when making determinations regarding the performance of local districts: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. **Specifically, the Newark School District's failure to maintain sufficient oversight with respect to federal and state Child Find and Early Childhood Transition requirements led to the determination of Needs Intervention.**

NJOSPE is required by section 616(e)(1) of the IDEA to take enforcement actions since the Newark School District has been determined to Need Intervention for two consecutive years. In response to this requirement, NJOSPE has directed specific corrective actions be implemented by the Newark School District with respect to the Child Find and Early Childhood Transition requirements. Additionally, NJOSPE has identified the Newark School District as a **high-risk grantee** and is imposing the following sanctions: (a) development and implementation of a compliance plan that includes special conditions on the IDEA '10 Award; and (b) appointment by NJOSPE of an Independent Special Education Compliance Officer to the Newark Public School District to oversee implementation of the compliance plan.

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

### **Sanction A: Compliance Plan**

The Newark Public School District is directed to develop a Compliance Plan, in collaboration with the NJOSEP, to address barriers to meeting timelines for child find and early childhood transition. The Compliance Plan will include, but not be limited to, the activities listed below.

#### **Special Conditions on the IDEA '10 Award:**

- The district is directed to allocate IDEA funds from the district's 2010 IDEA and/or IDEA-ARRA award for expenditures to employ sufficient personnel or contract for services to ensure the timely identification, referral, evaluation, IEP development and placement of students with disabilities ages 3 to 21.
- The district is directed to allocate IDEA funds from the district's 2010 IDEA and/or IDEA-ARRA award to modify the district's electronic IEP form to include documentation of the discussion of the need for compensatory services, and the nature, frequency, location and duration of any services to be provided, for any student for whom initial evaluation state timelines were not met.
- The district is directed to allocate IDEA funds from the district's 2010 IDEA and/or IDEA-ARRA award for equipment and supplies, and data entry personnel and management, to ensure a fully operational data base for tracking referral data.

#### **Newark Public School District Oversight Activities:**

- The district is directed to ensure that, at the next IEP meeting for every student in the Newark School District eligible for special education and related services or eligible for speech and language services, the IEP team discusses the need for compensatory services as a result of any delay in meeting initial evaluation timelines and documents the results of the discussion and the nature of any services to be provided in the student's IEP.
- The district is directed to implement an oversight mechanism within the special education department, including weekly meetings among supervisors and the Director of Special Services, to review the status of all referrals to the child study team and resolve issues that might result in delayed implementation of IEPs. The Director of Special Services and supervisors are also directed to ensure that both the district's student data base and the special education electronic data base are updated and aligned regularly.

### **Sanction B: Independent Special Education Compliance Officer**

NJOSEP will appoint an Independent Special Education Compliance Officer to the Newark Public School District. The Compliance Officer will conduct at least two weekly on site visits to the Newark School District to:

- Evaluate the district's progress in implementing the compliance plan;
- Identify barriers, if any, to implementing the compliance plan;
- Review the district's policies, procedures and practices related to Child Find and Early Childhood transition timelines; and

- Report to NJOSEP and the Superintendent of the Newark Public School District, at least on a biweekly basis, regarding the district's progress in implementing the plan and provide recommendations for addressing identified barriers.

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:

Ms. Linda Chavez, State Monitor  
 Passaic County Office of Education  
 New Jersey Department of Education  
 501 River Street  
 Paterson, NJ 07524

NJOSEP will contact the district to schedule a meeting for the purpose of developing the Compliance Plan referenced above.

I anticipate the district will make every effort to comply with the corrective actions outlined in this report and ensure the appropriate oversight that results in the timely correction of non-compliance. I look forward to working with you to achieve compliance and positive outcomes for students with disabilities.

Sincerely,



Roberta Wohle, Director  
 Office of Special Education Programs

RW/PM/LC  
 Attachment

c: Bret Schundler  
 Willa Spicer  
 Division of Field Services  
 Barbara Gantwerk  
 Peggy McDonald  
 Linda Chavez  
 Lawrence S. Feinsod  
 Mark Lanzi  
 Donald Marinaro  
 Thomas Dugan

## **Newark Public Schools Special Education Monitoring Report**

Between October 2008 and the present, the New Jersey Department of Education, Office of Special Education Programs (NJOSPEP), conducted onsite monitoring visits, verification visits and desk audits in the Newark School District to determine compliance with federal and state special education requirements. The members of the monitoring team were Stephen Coplin, Linda Chavez, Tracey Pettiford-Bugg, Sam Jordan, Mark Lanzi and Deborah Masarsky. The following is a report of findings resulting from the monitoring process.

### **Background Information**

NJOSPEP 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 NJOSPEP 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***
- ***Statewide Assessment***
- ***Discipline Procedures***
- ***Placement in the Least Restrictive Environment***
- ***Parent Involvement***
- ***Disproportionate Representation of Racial-Ethnic Groups in Special Education***
- ***Evaluation and Reevaluation***
- ***Individualized Education Program***
- ***Programs and Services***

The Newark School District was selected for the self-assessment process for the 2006-2007 school year due to a high rate of students with disabilities educated in separate public and/or private settings. The determination was based on the Annual Data Reports submitted to NJOSPEP in December 2003, December 2004 and December 2005. Annual Data Reports submitted to NJOSPEP in December 2006, December 2007 and October 2008 indicated a continued pattern of educating a high percentage of students with disabilities in separate special education settings.

Additionally, the Newark School District was identified for the self-assessment/monitoring process due to a disproportionate representation of specific racial/ethnic groups with respect to eligibility for special education based on the Annual Data Reports submitted to NJOSPEP in December 2003, December 2004 and December 2005. The Newark 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 to 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. Since that time, NJOSEP staff members have continued to conduct oversight regularly to ensure correction of noncompliance identified in the self-assessment and through targeted reviews of implementation of IDEA requirements.

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. NJOSEP will continue to monitor implementation through additional onsite visits and desk audit.

#### **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. Corrective action activities with timelines for correction have been directed by NJOSEP for those areas that have not been corrected. The Table of Findings reflects verification of correction that has occurred since October 2008. The remaining findings of noncompliance identified in your self-assessment must be corrected as soon as possible. Failure to correct these findings within one year of identification (refer to my letter of June 25, 2008) will be considered in the district's next determination.

**Findings of noncompliance identified during onsite monitoring**

For any finding of noncompliance identified by NJOSEP during onsite monitoring, the status of correction is provided. Corrective action activities with timelines for correction have been directed by NJOSEP. **Findings of noncompliance resulting from the onsite monitoring visits must be corrected within one year of the date of this report.** All documentation required to demonstrate completion of corrective action activities must be submitted to the following address in accordance with the timelines listed in the attached Table of Findings:

Ms. Linda Chavez, State Monitor  
Passaic County Office of Education  
New Jersey Department of Education  
501 River Street  
Paterson, NJ 07524

The results of targeted reviews related to Child Find and Early Childhood Transition are included at the end of the monitoring report. As a result of these findings, based on data collected in the Annual Data Report and annual onsite visits, the district, in collaboration with NJOSEP, will develop a Compliance Plan as described in the report. Noncompliance with these requirements must be corrected in accordance with the timelines established in the Compliance Plan.

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 Ms. Chavez at the address above.

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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 increase involvement with outside agencies that provide transition services and/or consultation to students with disabilities. The plan also included activities to identify, purchase and implement interest inventories and to facilitate parent involvement in IEP development.	The district is in the process of implementing its improvement plan.

**Areas of Noncompliance Identified during Self-Assessment**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
2) Invitation of students and agencies providing or paying for transition services to IEP meetings [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)].	Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite verification visit on June 24, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>

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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).	Noncompliance identified by the district in its self-assessment was verified as corrected during a desk audit conducted on June 23, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>
<b>Areas of Noncompliance Identified during the Onsite Monitoring Visit</b>			
Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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 members indicated that IEPs did not consistently contain requirements for students ages 14 and above due to a lack of implementation of district procedures. Missing items included the statement of needed interagency linkages and responsibilities; identification of staff person to serve as liaison to postsecondary resources; identification of a course of study; and statement of student's strengths, interests and preferences.	<p>The district is required to conduct training with child study team members regarding IEP requirements for students ages 14 and above.</p> <p>The district is required to conduct IEP review meetings for each student whose IEP was identified as noncompliant by the NJOSEP monitors and ensure that each IEP is revised to include the required components. Names of students whose IEPs were found to be noncompliant by the NJOSEP monitors will be provided to the Director of Special Education.</p>	<p>Copies of training agenda and sign-in sheets to be provided by May 28, 2010</p> <p>IEPs will be reviewed during onsite verification beginning in June 2010.</p>



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The district must review the IEPs of all students ages 14 and above to ensure that all required transition components are included. For any IEP where the age 14 transition requirements are not addressed, a meeting of the IEP team must be convened to review and revise the IEP.

The Director of Special Services is required to review IEPs periodically to ensure correction and ongoing compliance.

**Section II: STATEWIDE ASSESSMENT – Noncompliance was not identified during self-assessment or onsite monitoring.**

Area	Status of Improvement Plan
<p>The district developed an improvement plan to increase involvement of special education staff members in grade level and cross-grade teacher meetings. The district also planned to involve special education teachers in workshops and conferences regarding grade level content and materials. Additionally, the district</p>	<p>The district is in the process of implementing its improvement plan.</p>

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planned to develop procedures to monitor access to the general education curriculum for students in out-of-district placements. The plan also included activities to provide training on academic interventions and increase the use of assistive technology.

**Section III: DISCIPLINE - Noncompliance was not identified during onsite monitoring.**

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

The district developed an improvement plan to revise policies and procedures regarding discipline.

The district developed a new Discipline Plan and Policy that was approved by the district Board of Education in February 2009 to take effect in September 2009.

**Areas of Noncompliance Identified during Self-Assessment**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
1c) For removals of 10 days or less, students with disabilities shall be provided services in the same manner as students without disabilities in accordance with N.J.A.C. 6A:14-2.8(a) and 20 U.S.C. 1415(k)(1)(D)(i).	Noncompliance identified by the district in its self-assessment was verified as corrected during the verification visit on June 24, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>

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<p>2) Removals of a student with a disability from his/her placement for disciplinary reasons constitute a change in placement if the removal is more than 10 consecutive days or a series of short-term removals that accumulate to more than 10 days and constitute a pattern in accordance with N.J.A.C. 6A:14-2.8(e); 20 U.S.C. 1415(k)(1)(D); and 34 CFR §300.530(d).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during a desk audit conducted on June 25, 2009.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>
<p>5) When it is determined that a series of short-term removals of a student with a disability is not a change of placement, school officials, in consultation with the student's special education teacher and case manager, shall determine the extent to which services are necessary in accordance with N.J.A.C. 6A:14-2.8(e); 20 U.S.C. 1415(k)(1)(A); and 34 CFR §300.530(a).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during a desk audit conducted on June 25, 2009.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>

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<p>7) When it is determined that the conduct is a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, implement a behavioral intervention plan and ensure that the student is returned to his/her placement (unless parents agree to a change of placement) in accordance with N.J.A.C. 6A:14-Appendix A; 20 USC§1415(k)(1)(F); and 34 CFR §300.530(f).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>
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**Section IV: LEAST RESTRICTIVE ENVIRONMENT** - The Newark School District was selected for the self-assessment process for the 2006-2007 school year due to a high rate of students with disabilities educated in separate public and/or private settings. The determination was based on the Annual Data Reports submitted to NJOSEP in December 2003, December 2004 and December 2005. Annual Data Reports submitted to NJOSEP in December 2006, December 2007 and October 2008 indicated a continued pattern of educating a high percentage of students with disabilities in separate special education settings. Based on the Newark School District's high percentage of students with disabilities being educated in separate public and/or private settings, the district is required to participate in technical assistance offered by the New Jersey Office of Special Education Programs, for the purpose of continuous improvement, regarding the education of students with disabilities in general education settings with appropriate supports and services. The district is reminded that all placement decisions shall be made in accordance with the New Jersey Administrative Code 6A:14-3.7 and 4.2.

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

<b>Area</b>	<b>Status of Improvement Plan</b>
<p>The district developed an improvement plan that included the creation of an electronic resource to identify instructional and behavioral adaptations and interventions. The plan also included a pilot project to identify 1 school in each region where consultation to general education teachers and supplementary education would be provided to support additional students in inclusive settings. The district planned to conduct ongoing data analysis to monitor placement trends.</p>	<p>The district has developed an electronic resource for interventions for students experiencing behavioral or academic difficulties. The district is in the process of implementing the remainder of the improvement plan.</p>

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**Areas of Noncompliance Identified during Self-Assessment**

<b>Area</b>	<b>Status of Compliance/Corrective Action</b>	<b>Corrective Action Requirements</b>	<b>Documentation Required and Timeline</b>
<p>2) IEPs shall include an explanation of the extent to which students are educated with nondisabled peers, including participation in nonacademic and extracurricular activities in accordance with N.J.A.C. 6A:14-3.7(e)6 and 34 CFR §300.107.</p>	<p>Review of records and interviews with staff members indicated that the district did not implement the improvement plan activities developed to address this area of noncompliance. An explanation of the extent to which students are educated with nondisabled peers, including participation in nonacademic and extracurricular activities, was not consistently documented in IEPs.</p> <p>Additionally, the district procedures for describing the potentially beneficial or harmful effects of the student's placement in the general education setting, as described in the district's publication entitled <i>Office of Special Education Procedures Manual 2008-2009</i>, do not make it clear that when discussing the potentially beneficial or harmful effects of the placement, the discussion must address the potential effects of <b>the general education setting</b>.</p>	<p>The district is required to revise its procedures to reflect requirements regarding decision making for educational placements.</p> <p>The district is required to conduct training with child study team members regarding revised procedures for placement decision making and the explanation of the extent to which students are educated with nondisabled peers, including participation in nonacademic and extracurricular activities.</p> <p>The district is in the process of conducting IEP review meetings for students whose IEPs were noncompliant as identified by OSEP to ensure that each IEP is revised to include the required components. Names of students</p>	<p>Copies of revised procedures, training agenda and sign-in sheets to be provided by May 28, 2010</p> <p>IEPs are being reviewed by NJOSEP through desk audit and ongoing onsite monitoring visits</p>

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whose IEPs were found to be noncompliant were provided to the Director of Special Services in April 2009.

The district must review the IEPs of all students with disabilities removed from general education settings for greater than 20% of the school day. For any IEP where an explanation of the extent to which the student will be educated with nondisabled peers is not addressed, a meeting of the IEP team must be convened to review and revise the IEP.

The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.

All identified Newark IEPs must be reviewed, and revised if necessary, by Newark staff by November 2010. A sample of IEPs will be reviewed by NJOSEP monitors during onsite visits conducted by December 2010.

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

**Results of Parent Interviews:**

Parents interviewed by telephone indicated that they were involved in decision making for their children which has helped to ensure IEP implementation. Parents cited student discipline and staff shortages as areas in need of improvement.

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

<b>Area</b>	<b>Status of Compliance/Corrective Action</b>	<b>Corrective Action Requirements</b>	<b>Documentation Required and Timeline</b>
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 members indicated that notices of meetings were not provided consistently. Additionally, the notices for meetings did not include transition planning as a purpose of the meeting, when applicable, due to a lack of district procedures aligned with requirements.	The district is required to review the NJOSEP sample forms for notice of meetings and revise district notices of meetings to include all required components. The district must also develop written procedures for the provision of notice of meeting.  The district is required to conduct training with child study team members regarding notice of meeting requirements.	Copies of revised notices of meetings, training agenda and sign-in sheets to be provided by September 24, 2010  Onsite verification will be conducted beginning in October 2010



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		<p>Additionally, the training should address the notice of meeting requirement to include transition planning as a purpose of the meeting for students turning age 14 (or older) during the implementation period of the IEP.</p> <p>The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.</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); 34 CFR §300.304(a)(4) and 34 CFR §300.305(a).</p>	<p>Review of records and interviews with staff members indicated that written notices which document the results of eligibility meetings did not include the Short Procedural Safeguards statement consistently when generated from Encore, the district's special education IEP software. An interview with district technical support staff for Encore indicated that procedures for generating notices were not being followed consistently. Additionally, written notices were not provided to parents consistently.</p>	<p>The district is required to conduct training with child study team members regarding the procedures for generating notices of eligibility meetings from the Encore system.</p> <p>The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.</p>	<p>Copies of training agenda and sign-in sheets are to be provided by September 24, 2010</p> <p>Onsite verification will be conducted beginning in October 2010</p>

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<p>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).</p>	<p>Review of records and interviews with staff members indicated that eligibility meetings do not consistently include required participants due to a lack of implementation of district procedures.</p>	<p>The district is required to ensure that appropriate staff members are available for eligibility meetings.</p> <p>The Executive Director of Special Services, the Director of Special Services and principals are required to conduct oversight activities to ensure correction and ongoing compliance.</p>	<p>Onsite verification will be conducted beginning in October 2010</p>
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**Section VI: DISPROPORTIONATE REPRESENTATION** - The Newark School District was identified for the self-assessment/monitoring process due to a disproportionate representation of specific racial/ethnic groups with respect to eligibility for special education based on the Annual Data Reports submitted to NJOSEP in December 2003, December 2004 and December 2005. The Newark 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 Newark School District is required to participate in technical assistance offered by the New Jersey Department of Education, Office of Special Education Programs with regard to significant disproportionality and coordinated early intervening services.

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

<b>Areas</b>	<b>Status of Improvement Plan</b>
<p>The district developed an improvement plan to offer training entitled <i>Managing Antisocial Behavior Training</i> to build capacity to assist school based staff with the identification, development, implementation and documentation of behavioral interventions.</p> <p>The district also developed a plan to review and revise policies and procedures for classifying students under the categories of "Behavior Disorders" and "Other Health Impairment."</p>	<p>The district is in the process of implementing its improvement plan.</p>

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**Areas of Noncompliance Identified during Self-Assessment**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
<p>5a) Each district shall ensure that evaluation procedures, including, but not limited to, tests and other evaluation materials, are selected so as not to be racially or culturally discriminatory in accordance with N.J.A.C. 6A:14-2.5(b)1i; 20 U.S.C. 1414(b)(3); and 34 CFR §300.304(c).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>
<p>5c) Each district shall ensure that materials and procedures used to assess students with limited English proficiency, for determining eligibility for special education and related services, are selected and administered to ensure they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills in accordance with N.J.A.C. 6A:14-2.5(b)1iii; 20 U.S.C. 1414(b)(3); and 34 CFR §300.304(c).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>

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<p>10) The district shall ensure that the term severe discrepancy is not applied to students who have learning problems that are primarily the result of visual, hearing or motor disabilities, general cognitive deficits, emotional disturbance or environmental, cultural or economic disadvantage in accordance with N.J.A.C. 6A:14-3.5 (c)12iii; 20 U.S.C. 1414(b)(6); and 34 CFR §300.304(b).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>
<p>11) When a student with a disability transfers from one New Jersey school district to another, the child study team shall conduct an immediate review of the evaluation and the IEP and, without delay, provide a comparable program in accordance with N.J.A.C. 6A:14; 20 U.S.C. 1414(b)(3); and 34 CFR §300.304(c).</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>

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<b>Area</b>	<b>Status of Compliance/Corrective Action</b>	<b>Corrective Action Requirements</b>	<b>Documentation Required and Timeline</b>
<p>3) Written notice to the parent shall be provided and required parent conferences shall be conducted in the language used for communication by the parent and student unless it is clearly not feasible to do so in accordance with N.J.A.C. 6A:14-2.4(a)1; 34 CFR §300.503(c); and 34 CFR §300.504(a)(1) and (d).</p>	<p>Review of records and interviews with staff members indicated that written notices to parents were not provided consistently in the language used for communication by the parents. The Director of Special Services indicated that notice forms are available in Spanish and Portuguese; however, these were not used consistently by some child study teams.</p>	<p>The district is required to conduct training regarding the provision of notices in the language used for communication by the parent and student and distribute notice forms. The district must include notices in English and other languages in the district data system.</p> <p>The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.</p>	<p>Copies of written notices in foreign languages, training agenda and sign-in sheets to be provided by September 24, 2010</p> <p>Onsite verification will be conducted beginning in October 2010</p>

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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
2) Interventions in the general education setting shall be provided to students exhibiting academic difficulties and shall be 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)	Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.	<b>CORRECTED</b>	<b>CORRECTED</b>
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 by the district in its self-assessment was verified as corrected during the onsite monitoring visit in all schools except Wilson Avenue School located within the East/Central Region, due to a lack of implementation of district procedures. Procedures for maintaining written documentation regarding the duration of each intervention were not consistently implemented.	The district is required to conduct training with teachers and the Intervention and Referral Services committee at Wilson Avenue School regarding written documentation of the type, frequency, duration and effectiveness of each intervention. The Assistant Superintendent and Director of Special Services are required to conduct oversight activities to ensure correction and ongoing compliance.	Copies of training agendas and sign-in sheets to be provided by September 24, 2010  Verification of correction will be conducted by desk audit beginning in November 2010

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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 its self-assessment was verified as corrected during an onsite verification visit on June 9, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>
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 by the district in its self-assessment was verified as corrected during a desk audit conducted on June 12, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>
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 by the district in its self-assessment was verified as corrected during an onsite verification visit on June 24, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>



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<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not implement the improvement plan activities developed to address this area. Although reevaluations reviewed were conducted within three years of the previous classification, when assessments were conducted as part of a reevaluation, the reevaluation was not conducted within 60 days of parental consent due to lack of effective monitoring of timelines. Additionally, the district's procedures did not clearly reflect requirements for reevaluation.</p>	<p>The district is required to revise its procedures to include requirements for conducting assessments as part of a reevaluation within 60 days of parental consent.</p> <p>The district is required to conduct training for its child study teams regarding revised procedures.</p> <p>The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.</p>	<p>Copies of revised procedures, training agendas and sign-in sheets to be provided by June 18, 2010</p> <p>Onsite verification and desk audit will be conducted beginning in September 2010</p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not implement the improvement plan activities developed to address this area at the following schools: Oliver Street, Central High, Eastside High, Camden Middle, Mt. Vernon and South 17<sup>th</sup> Street.</p> <p>Review of records indicated general education teachers, special education teachers and/or related service providers did not attend meetings consistently, as required, due to a lack of implementation of district procedures.</p>	<p>The district is required to conduct training for its child study team members and principals regarding required participation at reevaluation planning meetings and documentation of the required participation.</p> <p>The Executive Director of Special Services and Director of Special Services are required to conduct oversight activities to ensure correction and ongoing</p>	<p>Copies of training agendas and sign-in sheets to be provided by June 18, 2010</p> <p>Copies of participant sign-in sheets for reevaluation planning meetings conducted after</p>

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	Additionally, for some students, documentation of attendance at reevaluation planning meetings was unavailable.	compliance.	January 1, 2010 for 3 students at each of the schools listed to be provided by July 1, 2010
15) 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)(4); and 34 CFR §300.306(a).	Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite verification visit on January 29, 2010.	<b>CORRECTED</b>	<b>CORRECTED</b>
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	Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.	<b>CORRECTED</b>	<b>CORRECTED</b>

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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).			
<b>Areas of Noncompliance Identified during the Onsite Monitoring Visit</b>			
<b>Area</b>	<b>Status of Compliance/Corrective Action</b>	<b>Corrective Action Requirements</b>	<b>Documentation Required and Timeline</b>
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).	Review of records and interviews with staff members indicated that child study team members did not consistently obtain consent for initial evaluations, implementation of initial IEPs and assessments conducted as part of reevaluations from the parent or adult student at required times. Noncompliance was due to a lack of implementation of district procedures.	The district is required to conduct training with child study team members regarding the requirements for obtaining consent from parents and adult students.  The Assistant Superintendent and Director of Special Services are required to conduct oversight activities to ensure correction and ongoing compliance.	Copies of training agenda and sign-in sheets to be provided by June 18, 2010  Onsite verification will be conducted beginning in September 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.	Review of records and interviews with staff members indicated that child study team members did not consistently certify in writing whether their reports were in accordance with the conclusion of eligibility of the student due to a lack of implementation of district procedures.	The district is required to conduct training with child study team members regarding district procedures to meet this requirement.	Copies of training agenda and sign-in sheets to be provided by June 18, 2010

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The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.

Onsite verification will be conducted beginning in September 2010

**Section VIII: IEP**

**Areas of Noncompliance Identified during Self-Assessment**

Area	Status of Compliance/Corrective Action	Corrective Action Requirements	Documentation Required and Timeline
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).	Noncompliance identified by the district in its self-assessment was verified as corrected during an onsite verification visit on June 24, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>
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 by the district in its self-assessment was verified as corrected during a desk audit conducted on June 15, 2009.	<b>CORRECTED</b>	<b>CORRECTED</b>
5) The student's IEP shall be accessible to each general education teacher, special education teacher, related service provider and other service providers who are responsible for	Noncompliance identified by the district in its self-assessment was verified as corrected during the onsite monitoring visit.	<b>CORRECTED</b>	<b>CORRECTED</b>

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<p>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 34CFR §300.323(d).</p>			
<p>6) IEPs shall be implemented as written in accordance with 20 U.S.C. § 1412 (a)(16)(D)</p>	<p>Noncompliance identified by the district in its self-assessment was verified as corrected during a desk audit conducted on June 9, 2009.</p>	<p><b>CORRECTED</b></p>	<p><b>CORRECTED</b></p>
<p><b>Areas of Noncompliance Identified during the Onsite Monitoring Visit</b></p>			
<p><b>Area</b></p>	<p><b>Status of Compliance/Corrective Action</b></p>	<p><b>Corrective Action Requirements</b></p>	<p><b>Documentation Required and Timeline</b></p>
<p>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).</p>	<p>Review of records and interviews with staff members indicated that the district did not conduct IEP meetings annually for all students with IEPs. Child study teams reported that lack of parental participation is a barrier to timely IEP meetings.</p>	<p>The district is required to conduct training regarding procedures for conducting IEP meetings annually and requirements regarding parental participation in IEP meetings.</p> <p>The district is required to ensure that IEP meetings are held annually and that written notice is provided if the parent or adult</p>	<p>Copies of revised procedures, training agendas and sign-in sheets to be provided by June 18, 2010</p> <p>Onsite verification will be conducted beginning in September 2010</p>

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student does not attend the meeting.

The district is required to ensure that all students eligible for special education and related services or eligible for speech-language services have a current IEP.

The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.

**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 its self-assessment was verified as corrected during the onsite monitoring visit.	<b>CORRECTED</b>	<b>CORRECTED</b>

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<b>Area</b>	<b>Status of Compliance/Corrective Action</b>	<b>Corrective Action Requirements</b>	<b>Documentation Required and Timeline</b>
3) Group size for resource, speech-language programs and supplementary instruction shall meet requirements in accordance with N.J.A.C. 6A:14-4(b)3 and 4.6(h).	Review of records, classroom visits and interviews with staff members indicated that the group sizes for pull-out resource programs did not consistently meet requirements at Oliver Street School, George Washington Carver School, and Ridge Street School due to staffing issues.	<p>The district is required to review group sizes for pull-out resource programs at Oliver Street School, George Washington Carver School and Ridge Street School and ensure that group sizes meet requirements.</p> <p>The Director of Special Services is required to conduct oversight activities to ensure correction and ongoing compliance.</p>	<p>Copies of resource program teachers' schedules that document students served by each teacher for each period at listed schools to be provided to NJOSEP by April 30, 2010</p> <p>Onsite verification will be conducted beginning in May 2010</p>

### Targeted Review Results State Performance Plan Indicators 11 and 12

Area	Status of Compliance
<p><b>Indicator 11: Child Find</b> 100% of children with parental consent to evaluate were evaluated within New Jersey's established timeline.</p> <p><b>Indicator 12: Early Childhood Transition</b> 100% of the children referred by Part C prior to age 3, who are found eligible for Part B and who have an IEP developed and implemented by their third birthday.</p>	<p>Interviews with staff members and review of district data indicated that after consent for an initial evaluation is received, determination of eligibility for services, and if eligible, development and implementation of an IEP for the student were not consistently completed within 90 calendar days.</p> <p>Review of data submitted from the annual data report, interviews with staff members and review of documentation indicated that some students with disabilities transitioning from the Early Intervention System did not have their IEPs implemented no later than age three.</p> <p>These are areas of noncompliance previously identified by NJOSEP during its oversight visits to the Newark School District. The district has not demonstrated the ability to sustain compliance for Child Find or the Early Childhood Transition requirements.</p>



Corrective Action Requirements	Documentation Required and Timeline
<p>NJOSEP has identified the Newark School District as a <b>high-risk grantee</b> and is imposing the following sanctions: (a) development and implementation of a compliance plan that includes special conditions on the IDEA '10 Award; and (b) appointment by NJOSEP of an Independent Special Education Compliance Officer to the Newark Public School District to oversee implementation of the compliance plan.</p> <p><b><u>Compliance Plan</u></b></p> <p>The Newark Public School District is directed to develop a Compliance Plan, in collaboration with the NJOSEP, to address barriers to meeting timelines for child find and early childhood transition. The Compliance Plan will include, but not be limited to, the activities listed below.</p> <p><u>Special Conditions on the IDEA '10 Award:</u></p> <ul style="list-style-type: none"> <li>• The district is directed to allocate IDEA funds from the district's 2010 IDEA and/or IDEA-ARRA award for expenditures to employ sufficient personnel or contract for services to ensure the timely identification, referral, evaluation, IEP development and placement of students with disabilities ages 3 to 21.</li> <li>• The district is directed to allocate IDEA funds from the district's 2010 IDEA and/or IDEA-ARRA award to modify the district's electronic IEP form to include documentation of the discussion of the need for compensatory services, and the nature, frequency, location and duration of any services to be provided, for any student for whom initial evaluation state timelines were not met.</li> <li>• The district is directed to allocate IDEA funds from the district's 2010 IDEA and/or IDEA-ARRA award for equipment and supplies, and data entry personnel and management, to ensure a fully operational data base for tracking referral data.</li> </ul>	<p>The Compliance Plan will be completed no later than May 14, 2010</p> <p>Timelines for completion of corrective action activities will be included in the Compliance Plan.</p>

Newark Public School District Oversight Activities:

- The district is directed to ensure that, at the next IEP meeting for every student in the Newark School District determined eligible for special education and related services or eligible for speech and language services between July 1, 2008 and the present, for whom there was an unacceptable reason for a delay in the implementation of the initial IEP, the IEP team discusses the need, if any, for compensatory services as a result of the delay in meeting initial evaluation timelines and documents the results of the discussion and the nature of any services to be provided in the student's IEP.
- The district is directed to implement an oversight mechanism within the special education department, including weekly meetings among supervisors and the Director of Special Services, to review the status of all referrals to the child study team and resolve issues that might result in delayed implementation of IEPs. The Director of Special Services and supervisors are also directed to ensure that both the district's student data base and the special education electronic data base are updated and aligned regularly.

**Independent Special Education Compliance Officer**

NJOSEP will appoint an Independent Special Education Compliance Officer to the Newark Public School District. The Compliance Officer will conduct at least two weekly onsite visits to the Newark School District to:

- Evaluate the district's progress in implementing the compliance plan;
- Identify barriers, if any, to implementing the compliance plan;
- Review the district's policies, procedures and practices related to Child Find and Early Childhood transition; and
- Report to NJOSEP and the Superintendent of the Newark Public School District at least on a biweekly basis regarding the district's progress in implementing the plan and provide recommendations for addressing identified barriers.

**All documentation required to demonstrate completion of corrective action activities must be submitted to the following address in accordance with the timelines listed in the above Table of Findings:**

Ms. Linda Chavez, State Monitor  
 Passaic County Office of Education  
 New Jersey Department of Education  
 501 River Street  
 Paterson, NJ 07524