



State of New Jersey
DEPARTMENT OF EDUCATION
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

December 12, 2011

Mr. Joseph Zarra, Superintendent
Nutley School District
315 Franklin Avenue
Nutley, NJ 07110

Dear Mr. Zarra:

Subject: Special Education Monitoring Report – Nutley 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 Nutley 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 Nutley School District to determine compliance with federal and state special education requirements. Ms. Jenifer Spear conducted the monitoring activities.

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 Nutley 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

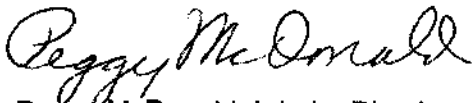
The enclosed Table of Findings details the findings of noncompliance resulting from the monitoring. Of the 46 requirements in the district's self-assessment that were reviewed by NJOSE, the district demonstrated noncompliance with twelve requirements. These findings of noncompliance must be corrected 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. Jenifer Spear, NJOSE monitor, will contact Arthur Monaco to discuss procedures for verification of correction of the findings of noncompliance listed in the Table of Findings.

The results of the special education monitoring must be reviewed at the next meeting of the district's board of education. A copy of the minutes from the board of education meeting documenting the review by the board, as well as all documentation required to demonstrate completion of corrective action activities must be submitted to the following address:

Ms. Jenifer Spear
New Jersey Department of Education
Office of Special Education
501 River Street
Paterson, NJ 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 Ms. Kim Murray 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

Enclosure

c: David Hesse
Barbara Gantwerk
Jenifer Spear
Dr. Lawrence S. Feinsod
Mark Lanzi
Arthur Monaco

TABLE OF FINDINGS
Special Education Monitoring Results
IDEA 2004 and New Jersey Administrative Code Requirements
Nutley School District

Section II: STATEWIDE ASSESSMENT	
Citation	Findings of Noncompliance
2) The IEP shall include a statement of any individual modifications in the administration of statewide assessments of student achievement, in accordance with N.J.A.C. 6A:14-4.10(a) 1; 20 U.S.C. §1414(d)(1)(A)(i)(VI)(aa); and 34 CFR §300.320(a)(6)(i).	A review of records indicated that IEPs for students eligible for speech- language services did not consistently include a statement of any individual modifications in the administration of statewide assessments due to lack of implementation of district procedures.
Section IV: PARENT INVOLVEMENT	
Citation	Findings of Noncompliance
1) Parents shall be given 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 indicated that the district did not consistently provide parents with notice of a meeting regarding students eligible for speech-language services that contained all required components. Noncompliance was due to 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 indicated that the district did not consistently provide parents with written notice following meetings that included all required components due to lack of implementation of district procedures.
Section VI: EVALUATIONS AND REEVALUATION	
Citation	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 indicated that the district staff did not consistently convene a meeting with required participants within 20 calendar days of receipt of the written request for an evaluation for students referred for speech-language services due to lack of implementation of district procedures.

<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>A review of records indicated that the district did not ensure that vision and audiometric screenings were conducted for every student referred to the child study team for evaluation due to lack of implementation of district procedures.</p>
<p>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).</p>	<p>A review of records indicated that the district did not consistently obtain consent from the parent and/or adult student at required times for students eligible for speech-language services due to lack of implementation of district procedures.</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); 20 U.S.C. §1414(b)(4) and (5); and 34 CFR §300.306(c)(i).</p>	<p>A review of records indicated that all sections of the functional assessment were not conducted as part of the initial evaluation of students referred for special education and related services and for students referred for speech-language services due to lack of implementation of district procedures.</p>
<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>A review of records indicated that reevaluations were not consistently completed within three years of the previous classification date regarding students eligible for special education and related services and students eligible for speech-language services due to a lack of implementation of district procedures.</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>A review of records indicated that reevaluation planning meetings did not consistently include required participants for students eligible for special education and related services due to lack of implementation of district procedures.</p>
<p>Section VII: IEP</p>	
<p>Citation</p>	<p>Findings of Noncompliance</p>
<p>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).</p>	<p>A review of records indicated that IEPs for students eligible speech- language services did not consistently contain the required considerations and statements, specifically the Present Levels of Academic and Functional Performance, and Supports for School Personnel, due to the lack of implementation of district procedures.</p>