



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

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Governor

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Lt. Governor

ROCHELLE R. HENDRICKS  
Acting Commissioner

December 3, 2010

Mr. Mark Miller, Superintendent  
Phillipsburg School District  
445 Marshall Street  
Phillipsburg, New Jersey 08865

Dear Mr. Miller:

Subject: Special Education Monitoring Report – Phillipsburg School District

This correspondence has been sent to inform you of the results of the New Jersey Department of Education, Office of Special Education Programs' onsite monitoring regarding the Phillipsburg School District's implementation of federal and state special education requirements. Between October 9, 2009 and July 15, 2010, the New Jersey Department of Education, Office of Special Education Programs (NJOSPEP), conducted onsite monitoring, verification visits and desk audits to determine compliance with federal and state special education requirements. **Of all areas reviewed, one finding of noncompliance remains uncorrected.** The members of the monitoring team were Deborah Masarsky and Nicole Buten.

The New Jersey 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 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**
- **State Assessment**
- **Discipline Procedures**
- **Placement in the Least Restrictive Environment**
- **Parent Involvement**
- **Disproportionate Representation of Specific Racial-Ethnic Groups in Special Education**

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

The Phillipsburg School District was selected for the self-assessment process for the 2007-2008 school year through random selection.

### Monitoring Results

The enclosed Table of Findings details the onsite monitoring results with regard to findings of noncompliance identified during self-assessment and onsite monitoring. **One finding of noncompliance identified during an onsite visit remains uncorrected.** Corrective action activities are included in the table. The monitoring team leader, Mrs. Deborah Masarsky, will contact Mary Jane Deutsch to discuss procedures for verification of correction of the uncorrected finding of noncompliance listed in the table.

The results of the special education monitoring must be reviewed at the next meeting of the district's board of education. A copy of the minutes from the board of education meeting documenting the review by the board must be submitted to the following address:

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

Questions regarding the enclosed monitoring report should be directed to Dr. Peggy McDonald, manager of the Bureau of Program Accountability, at 609-292-7605.

The NJOSEP appreciates the cooperation of district staff members during the self-assessment/monitoring process.

Sincerely,



Barbara Gantwerk, Assistant Commissioner  
Division of Student Services

BG/PM/DM

Enclosure

c: Andrew Smarick  
Peggy McDonald  
Deborah Masarsky  
Mark Miller  
Mary Jane Deutsch

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

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

Area	Status of Compliance/Corrective Action
2) Invitation to IEP meetings provided to students and agencies providing or paying for transition services [N.J.A.C. 6A:14-2.3(k)2x and 3.7(e)13, 3.7(h); 20 U.S.C. 1414 (d)(1)(A)(i)(1)(VIII); and 34 CFR §300.322.b(2)].	Noncompliance identified during an onsite monitoring visit was verified as corrected during a desk audit on July 15, 2010.
3) IEP requirements for students ages 14 and above, in accordance with N.J.A.C. 6A:14-3.7(e)11.	Noncompliance identified during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.

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

**Section III: DISCIPLINE – Noncompliance was not identified during self-assessment or onsite monitoring.**

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

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

Area	Status of Compliance/Corrective Action
2) IEPs shall include an explanation of the extent, if any, to which child will not participate with nondisabled children [20 USC1412(a)(5) and 1414(d)(1)(A)(i)(V); 34 CFR §300.115 and §300.320(a)(5) and NJAC 6A:14-3.7(e)6].	Noncompliance identified during an onsite visit was verified as corrected during a desk audit completed by July 15, 2010.
6) 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 during onsite monitoring was verified as corrected during a desk audit completed on July 15, 2010.

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<b>Section V: PARENT INVOLVEMENT – Noncompliance was not identified during self-assessment.</b>	
<b>Areas of Noncompliance Identified during the Onsite Monitoring Visit</b>	
<b>Area</b>	<b>Status of Compliance/Corrective Action</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 and 5; 20 U.S.C. 1414(b)(1); and 34 CFR §300.304(a).	Noncompliance identified during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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 during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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 during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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 an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
<b>Section VI: DISPROPORTIONATE REPRESENTATION – Noncompliance was not identified during self-assessment or onsite monitoring.</b>	
<b>Section VII: EVALUATIONS AND REEVALUATION - Noncompliance was not identified during self-assessment.</b>	
<b>Areas of Noncompliance Identified during the Onsite Monitoring Visit</b>	
<b>Area</b>	<b>Status of Compliance/Corrective Action</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).	Review of records indicated that district staff did not maintain written documentation of type, frequency, duration and effectiveness of each intervention implemented in the general education classroom, due to a lack of implementation of district procedures.  The district must submit documentation from the Intervention and Referral

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	Services Committee for three students subsequently referred to the child study team. Documentation must include the type, frequency, duration and effectiveness of each intervention.
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 during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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 an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
6) The school district shall ensure that the hearing aids worn by children who are deaf or hard of hearing are functioning properly, in accordance with N.J.A.C. 6A:14-1.1(f) and 34 CFR §300.113(a).	Noncompliance identified during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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 an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
8) Evaluations shall be conducted by a multi-disciplinary team, in accordance with N.J.A.C. 6A:14-2.5(b)6 and 3.6(b).	Noncompliance identified during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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 an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
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).	Noncompliance identified during an onsite monitoring visit was verified as corrected during a desk audit completed on July 15, 2010.
15) A copy of the evaluation report(s) and documentation and	Noncompliance identified during an onsite monitoring visit was verified as

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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).

corrected during a desk audit completed on July 15, 2010.

**Section VIII: IEP - Noncompliance was not identified during self-assessment**

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

Area	Status of Compliance/Corrective Action
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 during an onsite monitoring visit was verified as corrected during a desk audit conducted between May 19, 2010 and July 15, 2010.
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 during onsite monitoring was verified as corrected during a desk audit conducted between May 19, 2010 and July 15, 2010.

**Section IX: PROGRAMS AND SERVICES - Noncompliance was not identified during self-assessment or onsite monitoring.**