



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

August 16, 2011

Dr. J. Thomas Morton, Superintendent
Sparta School District
18 Mohawk Avenue
Sparta, NJ 07871

Dear Dr. Morton:

Subject: Special Education Monitoring Report – Sparta 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 Sparta School District's implementation of federal and state special education requirements. The New Jersey Department of Education, Office of Special Education Programs (NJDE), conducted onsite monitoring visits, verification visits and desk audits in the Sparta 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 NJDE 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 Sparta 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**

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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 nineteen requirements. Two areas of noncompliance were corrected prior to the release of this report. The remaining 17 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. Jennifer Spear, NJOSE monitor, will contact Ms. Linda Cooper to discuss procedures for verification of correction of the findings of noncompliance listed in the Table of Findings. For all findings of noncompliance related to the development of IEPs and the delivery of programs and services, the NJOSE has directed specific corrective action activities.

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. Jennifer Spear
New Jersey Department of Education
Passaic County Office of Education
501 River Street

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
Enclosure

c: Barbara Gantwerk
Jennifer Spear
Rosalie S. Lamonte
County Supervisor of Child Study
Linda Cooper

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

Section I: TRANSITION TO ADULT LIFE

Section II: STATEWIDE ASSESSMENT

Section V: DISPROPORTIONATE REPRESENTATION

Section VIII: PROGRAMS AND SERVICES

Citation	Status of Compliance
1) Individualized Education Program (IEP) requirements for students ages 16 and above. [N.J.A.C. 6A:14-3.7(e)12; 20 U.S.C. §1414(d)(1)(A)(i)(VIII); and 34 CFR §300.320(b) and (c)].	Noncompliance identified during the 2009 targeted review was verified as corrected during the onsite monitoring visit.

Section III: LEAST RESTRICTIVE ENVIRONMENT

Citation	Status of Compliance and Findings of Noncompliance
1) To the maximum extent appropriate, the child is educated with children who are not disabled. [20 U.S.C. §1412(a)(5)(A); 34 CFR §300.114(a)].	Noncompliance identified during self-assessment was verified as corrected during the onsite monitoring visit.
2) IEPs shall include an explanation of the extent, if any, to which child will not participate with nondisabled children. [20 U.S.C. §1412(a)(5) and 1414(d)(1)(A)(i)(V); 34 CFR §300.115 and §300.320(a)(5) and N.J.A.C. 6A:14-3.7(e)6].	A review of records and interviews with staff members indicated that IEPs did not include an explanation of the supplementary aids and services that were considered and rejected due to lack of implementation of district procedures.
4) IEPs shall include a comparison of the benefits provided in the regular class and the benefits provided in the special education class, in accordance with N.J.A.C. 6A:14-4.2(a)8(ii).	A review of records and interviews with staff members indicated that IEPs did not consistently include a comparison of the benefits provided in the regular class and the benefits provided in the special education class due to lack of implementation of district procedures.
5) IEPs shall include the potentially beneficial or harmful effects which a placement (general education) may have on the student with disabilities or the other students in the class. [20 U.S.C. § 1412(a)(5); 34 CFR §300.116(d)].	A review of records indicated that IEPs did not include a statement of the potentially beneficial or harmful effects which a placement in general education may have on the student with disabilities or the other students in the class due to lack of district procedures.

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Corrective Action for Citations 2, 4 and 5 above:

The district is required to develop compliant procedures and conduct training with child study team members regarding individualized decision-making and IEP documentation.

The district is required to convene an IEP team meeting that includes all required participants to review and/or revise the IEP for each student whose IEP was found to be noncompliant by the monitors. Names of students whose IEPs were found to be noncompliant will be provided to the director of Special Education by NJOSE.

Additionally, 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 documentation within the considerations and required statements were not included and/or addressed, a meeting of the IEP team must be convened to review and revise the IEP.

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 the district did not consistently provide parents with written notice of a meeting containing all the required components 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 and interviews with staff members indicated that the district did not consistently provide parents with written notices including all required components due to noncompliant 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).	A review of records indicated that the district did not consistently convene identification meetings with the required participants within 20 days of referral for evaluation for special education and related services and for speech and language service due to a lack of district procedures.
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).	A review of records and interviews with staff members indicated that the district did not ensure that vision and audiometric screening was conducted for every student referred to the child study team for evaluation due to lack of implementation of district procedures.

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<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 and interviews with staff members indicated that the district did not consistently obtain consent from the parent and/or adult student at required times, and did not document attempts to obtain consent to conduct reevaluation assessments due to lack of implementation of district procedures.</p>
<p>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).</p>	<p>Review of records indicated that the speech and language specialist did not obtain a written statement from the classroom teacher to indicate the educational impact of the speech problem, as part of initial evaluations to determine eligibility for speech and 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 and language services due to lack of implementation of district procedures.</p>
<p>10) Within three years of the previous classification, a 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 and interviews with staff members indicated reevaluations were not consistently conducted within three years of the prior eligibility date due to 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 and interviews with staff members indicated that district did not consistently maintain documentation of participants at meetings due to lack of district procedures. Therefore, monitors could not determine if required participants attended reevaluation meetings.</p>
<p>12) By June 30th of a student's last year in a program for preschoolers with disabilities, a reevaluation shall be conducted, in accordance with N.J.A.C. 6A:14-3.8(g); 20 U.S.C. §1414(c); and CFR §300.305(b)(2)(e).</p>	<p>A review of records and interviews with staff members indicated that reevaluations were not consistently conducted by June 30th of a student's last year in a program for preschoolers with disabilities due to lack of implementation of district procedures.</p>
<p>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).</p>	<p>A review of records indicated that copies of evaluation reports for students evaluated for special education and related services, as well as for students evaluated for speech and language services were not provided to parents and/or adult students at least ten calendar days prior to the eligibility determination meeting due to lack of implementation of district procedures.</p>

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Section VII: IEP

Citation	Findings of Noncompliance
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).	A review of records and interviews with staff members indicated that IEPs did not consistently include all required considerations and statements, specifically documentation of consideration of the need for extended school year services for students eligible for special education and related services, and elements of the present levels of academic achievement and functional performance for students eligible for speech and language services due to lack of implementation of district procedures.
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).	A review of records and interviews with staff members indicated that IEP meetings were not consistently conducted annually or more often if necessary due to lack of implementation of district procedures.
4) The annual review of the IEP for a preschool student with a disability shall be completed by June 30 th of the student's last year in the preschool program, in accordance with N.J.A.C. 6A:14-3.7(i)1; 20 U.S.C. §1414(d); and 34 CFR §300.324(b)(1).	A review of records and interviews with staff members indicated that annual reviews of IEPs for preschool students with disabilities were not consistently completed by June 30 th of the students' last year in the preschool program due to a lack of implementation of district procedures.

Corrective Action for Citation 2 and 3 above:

The district is required to conduct training with child study team members and speech and language specialists regarding procedures for developing and documenting the required consideration and statements in student IEPs, as well as for implementing procedures for conducting IEP meetings annually, or more often if necessary, to review and/or revise and determine program and/or placement.

The district is required to immediately convene an appropriately configured IEP team meeting to review and/or revise the IEP for each student whose IEP was not reviewed within one year of the implementation date, as well as for each student whose IEP did not include required considerations and statements. Names of students with IEPs that were found to be noncompliant by the monitors will be provided to the director of Special Education by NJOSE.

Additionally, the district must review current implementation dates of the IEPs of all students eligible for special education and related services and those eligible for speech and language services. For any student with an IEP where consideration and required statements were not included and/or addressed, or that was not reviewed within one year of the date of the implementation date, a meeting of the IEP team must be convened to review and revise the IEP.