



State of New Jersey
DEPARTMENT OF EDUCATION
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CHRISTOPHER D. CERF
Acting Commissioner

February 27, 2012

Mr. Kevin McLellan, Superintendent
Weehawken School District
53 Liberty Place
Weehawken, NJ 07086

Dear Mr. McLellan:

Subject: Special Education Monitoring Report – Weehawken 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 Weehawken School District's implementation of federal and state special education requirements. The New Jersey Department of Education, Office of Special Education (NJOSE), conducted an onsite monitoring visit on February 23, 2012 in the Weehawken School District to determine compliance with federal and state special education requirements. The monitor was Ms. Linda Chavez.

The special education monitoring system is data driven and aligned with the federally required State Performance Plan (SPP) indicators, including the federal monitoring priorities established by the Individuals with Disabilities Education Act of 2004 (IDEA 2004). Specifically, the NJOSE monitoring process is focused on improving educational results and functional outcomes for students with disabilities and ensuring compliance with those special education requirements related to positive student outcomes. The Weehawken 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

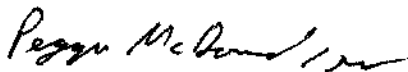
The enclosed Table of Findings details the findings of noncompliance resulting from the monitoring. Of the 46 requirements that were reviewed by NJOSE, the district demonstrated noncompliance with 11 requirements. The findings of noncompliance must be corrected within one year of the date of this report. 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. Linda Chavez, NJOSE monitor, will contact Mr. Robert Ferullo to discuss procedures for verification of correction of the finding 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. Linda Chavez, Monitor
New Jersey Department of Education
Passaic County Office of 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. Kimberly 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, Director
Office of Special Education

PM/LC

Enclosure

c: Barbara Gantwerk
Linda Chavez
Monica Tone
Janina Zak-Krasucki
Robert Ferullo

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

Noncompliance with requirements in the following sections was not identified during monitoring:

Section II: STATEWIDE ASSESSMENT
Section V: DISPROPORTIONATE REPRESENTATION
Section VIII: PROGRAMS AND SERVICES

Areas of Noncompliance

Section I: TRANSITION TO ADULT LIFE

Citation	Findings of Noncompliance and/or Status of Compliance
2) Invitations 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)].	Review of records and interviews with staff indicated that the district did not provide written invitations to students to IEP meetings where transition to adult life was planned due to lack of district procedures.
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 indicated that individual IEPs for students ages 14 and above did not consistently include documentation of all required transition components due to lack of implementation of district procedures.
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).	Review of records and interviews with staff indicated that a summary of academic achievement and functional performance was not provided to each student prior to graduation due to incorrect district procedures.

Section III: LEAST RESTRICTIVE ENVIRONMENT

Citation	Findings of Noncompliance and/or Status of Compliance
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.

Section IV: PARENT INVOLVEMENT

Citation	Findings of Noncompliance and/or Status of Compliance
1) Parents shall be given written notice of a meeting containing all the required components, in accordance with	Review of records and interviews with staff indicated that the district did not consistently provide written notice of a meeting containing all required components

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

N.J.A.C. 6A:14-2.3(k) 3, 5; 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).	to parents 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).	Review of records and interviews with staff indicated that the district did not consistently provide written notice to parents following meetings due to incorrect district procedures. Additionally, the district did not provide parents and/or adult students with written notice of graduation prior to graduation due to lack of district procedures.
Section VI: EVALUATIONS AND REEVALUATION	
Citation	Findings of Noncompliance and/or Status of Compliance
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 and interviews with staff indicated that the district did not consistently maintain written documentation regarding type, frequency, duration and effectiveness of each intervention used in the general education program due to incorrect district procedures.
4) Within 20 calendar days of receipt of the written request for an evaluation, the district shall convene a meeting with required participants, in accordance with N.J.A.C. 6A:14-3.3(e).	Review of records and interviews with staff indicated that the district did not consistently convene a meeting within 20 calendar days of receipt of the written request for an evaluation due to lack of implementation 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).	Review of records and interviews with staff indicated that the district did not consistently obtain a vision and audiometric screening and school nurse summary for every student referred to the child study team for evaluation due to lack of implementation of district procedures.
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).	Review of records and interviews with staff indicated that the district did not consistently conduct functional assessments due to lack of district procedures.
15) A copy of the evaluation report(s) and documentation and information that will be used for a determination of eligibility shall be given to the parent or adult student not less than 10 calendar days prior to the eligibility meeting, in accordance with N.J.A.C. 6A:14-3.5(a); 20 U.S.C. §1414(b)(4); and 34 CFR §300.306(a).	Review of records and interviews with staff indicated that the district did not consistently provide parents and/or adult students with copies of evaluation reports and documentation and information that were used for determinations of eligibility not less than 10 calendar days prior to eligibility meetings due to lack of implementation of district procedures.

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

Section VII: IEP

Citation	Findings of Noncompliance and/or Status of Compliance
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 indicated that IEPs did not consistently include all required considerations and statements, specifically documentation of consideration for the need for extended school year services and the amount of time the special education teacher is present in-class resource classes, due to incorrect district procedures.

Corrective Action for Citation 2 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 considerations and statements in students' IEPs.

The district is required to convene an appropriately configured IEP team meeting immediately to review and/or revise the IEP for each student whose IEP did not include required considerations and statements. The district's director of special education services has the names of students with IEPs that were found to be noncompliant by the monitor.

Additionally, the district must review current IEPs of all students eligible for special education and related services. For any student with an IEP where 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.

All documentation required to demonstrate completion of corrective action activities must be submitted to the following address:

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