



State of New Jersey

DEPARTMENT OF EDUCATION

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Governor

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Lt. Governor

ROCHELLE R. HENDRICKS
Acting Commissioner

December 27, 2010

Mr. Geoffrey Zoeller, Superintendent
Westwood Regional School District
701 Ridgewood Road
Township of Washington, NJ 07676

Dear Mr. Zoeller:

Subject: Special Education Monitoring Report – Westwood Regional 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 Westwood Regional School District's implementation of federal and state special education requirements. Between January 19 and July 6, 2010, the New Jersey Department of Education, Office of Special Education Programs (NJOSPE), conducted onsite monitoring, desk audit and verification visits to determine compliance with federal and state special education requirements. The members of the monitoring team were Linda Chavez, Tracey Pettiford-Bugg and Samuel Jordan.

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

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The Westwood Regional School District was selected for the self-assessment process due to a high percentage of students with disabilities placed in separate public and private settings. The determination was based on trend data from the Annual Data Reports submitted to NJOSEP (See Section IV – Table of Findings).

Monitoring Results

The enclosed Table of Findings details the onsite monitoring results with regard to the following:

Findings of noncompliance identified by the district during the self-assessment

The status of correction is provided for any finding of noncompliance identified by the district during self-assessment. In accordance with federal regulations, noncompliance must be corrected within one year of identification. Self-assessment findings are considered identified by NJOSEP when the district is notified in writing. The district was notified of self-assessment findings in our letter of March 25, 2009. **Of the findings of noncompliance identified in the March letter, three remain noncompliant. The district must demonstrate correction of these findings immediately. Failure to correct these findings within one year of identification will be considered in the district's next special education determination.**

Findings of noncompliance identified during onsite monitoring

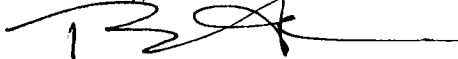
For any finding of noncompliance identified during onsite monitoring, the status of correction is provided. **Findings of noncompliance identified as a result of the onsite visit must be corrected within one year of the date of this report. Corrective action should include, as necessary: development 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 correction and ongoing compliance. A monitor will contact Dr. Robert Cerco 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 must be submitted to the address below:

Ms. Tracey Pettiford-Bugg
New Jersey Department of Education
Office of Special Education Programs
501 River Street
Paterson, NJ 07524

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/SJ
Enclosure

c: Andrew Smarick
Peggy McDonald
Tracey Pettiford-Bugg
Aaron R. Graham
Steven Pasternak
Robert Cerco

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

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.

The Westwood Regional School District was selected for the self-assessment process due to a high percentage of students with disabilities placed in separate public and private settings. The determination was based on trend data from the Annual Data Reports submitted to NJOSEP (See Section IV – Table of Findings). According to the October 2009 Annual data Report, the rate of students educated in separate public or private settings decreased slightly from 14.6% reported in 2007 to 14.2% reported in 2009; however, the district did not meet the SPP target for 2009 of 8.5% for separate placements. The district is required to continue to receive technical assistance regarding placement from the Learning Resource Center. The district must also ensure that all placement decisions are made in accordance with state and federal requirements.

Areas of Noncompliance Identified during Onsite Monitoring

Area	Status of Compliance
2) IEPs shall include an explanation of the extent, if any, to which a child will not participate with nondisabled children [20 USC 1412(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].	A review of records and interviews with staff members indicated that IEPs did not consistently include an explanation of the extent, if any, to which a child will not participate with nondisabled children, due to a lack of implementation of district procedures.
3) All students with disabilities, including preschoolers and students in receiving schools, shall have access to the general education curriculum and supplementary aids and services, in accordance with N.J.A.C. 6A:14-4.2; 20 U.S.C. § 1414(d)(1)(A)(i)(IV); and 34 CFR §300.320(a)(4).	A review of records and interviews with staff members indicated that IEPs did not consistently include the supplementary aids and services considered, and reasons why they were rejected, for students removed from general education settings for 20% or more of the time. Noncompliance was due to lack of appropriate district procedures.

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4) 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 a lack of implementation of district procedures.
5) 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 USC § 1412(a)(5); 34 CFR §300.116(d)].	A review of records and interviews with staff members indicated that IEPs did not consistently include an explanation of 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, due to a lack of implementation of district procedures.
7) Placement decisions shall be based on the individual needs of students with disabilities, as indicated in IEPs, resulting in a continuum of alternative placements to meet unique needs of students as close to home as possible, in accordance with N.J.A.C. 6A:14-4.2(a)3,5,6 and 4.3(b); 20 U.S.C. § 1412(a)(5); and 34 CFR §300.115.	A review of records and interviews with staff members indicated that placement decisions were not consistently based on the individual needs of students, due to a lack of appropriate district procedures. Review of records and interviews with staff members indicated that a full continuum of alternative placements was not available to students with disabilities consistently.
10) The LEA ensures that the student participates with nondisabled children in nonacademic and extracurricular services and activities to the maximum extent appropriate, in accordance with N.J.A.C. 6A:14-4.2(b)1.	A review of records and interviews with staff members indicated that the district did not consistently document how students will participate with nondisabled children in nonacademic and extracurricular services and activities to the maximum extent appropriate, due to a lack of implementing district procedures.

Corrective Action for Requirements 2, 4, 5 and 10: The district is required to conduct training with administrators and child study team members regarding procedures for placement decision-making and documenting decisions in IEPs.

The district is required to conduct a meeting of the IEP team 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 by NJOSEP.

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 placement decisions are not addressed as required, a meeting of the IEP team must be convened to review and revise the IEP and determine the need, if any, for compensatory services.

The district must conduct oversight to ensure correction and ongoing compliance.

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

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	Status of Compliance
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).	A review of records and interviews with staff members indicated that parents were not consistently provided written notice of a meeting containing all the required components, due to a lack of implementation of district procedures.
2) Written notice, which includes all 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).	A review of records and interviews with staff members indicated that written notices which document the results of identification and eligibility meetings did not include all required components, due to a lack of district procedures.
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).	A review of records and interviews with staff members indicated that required participants were not consistently present at eligibility meetings, due to a lack of implementation of district procedures.
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).	A review of records and interviews with staff members indicated that parental consent, to excuse an IEP team member from participating in a meeting, was being obtained incorrectly due to a lack of appropriate district procedures.

Section VI: DISPROPORTIONATE REPRESENTATION - Noncompliance was not identified during self-assessment or onsite monitoring.

Section VII: EVALUATIONS AND REEVALUATION

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance
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).	A review of records and interviews with staff members indicated that the district did not consistently complete multi-disciplinary reevaluations within three years of the previous classification, due to a lack of implementation of district procedures.

Areas of Noncompliance Identified during the Onsite Monitoring Visit

Area	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).	A review of records and interviews with staff members indicated that the general education program did not maintain written documentation of type, frequency, duration and effectiveness of pre-referral interventions used, due to a lack of district procedures.

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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).	A review of records and interviews with staff members indicated that the district did not consistently convene a meeting with required participants within 20 calendar days of receipt of the written request for an evaluation, due to a 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).	A review of records and interviews with staff members indicated that the district did not consistently conduct vision and audiometric screening and obtain health summaries from the nurse for students referred to the child study team for evaluation, due to a lack of implementation of district procedures.
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).	A review of records and interviews with staff members indicated that the district did not consistently obtain consent from the parents to conduct evaluations, due to a lack of implementation of district procedures.
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).	A review of records and interviews with staff members indicated that evaluations at the preschool level were not consistently conducted by a multi-disciplinary team, due to a 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).	A review of records and interviews with staff members indicated that the district did not consistently conduct all required components of functional assessments as part of initial evaluations, due to a lack of implementation of district procedures.
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).	A review of records and interviews with staff members indicated that the district did not consistently include all required participants at reevaluation planning meetings, due to a lack of implementation of district procedures.
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.	A review of records and interviews with staff members indicated that the district did not consistently have child study team members certify in writing whether their reports were in accordance with the conclusion of eligibility, due to a lack of implementation 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).	A review of records and interviews with staff members indicated that copies of evaluation report(s) and documentation of eligibility were not consistently given to the parent or adult student at least 10 calendar days prior to the eligibility meeting, due to a lack of implementation of district procedures.

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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 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).

A review of records and interviews with staff members indicated that the district did not maintain evidence that a child study team member of the district participated in the preschool transition planning conference arranged by the Department of Health and Senior Services, due to a lack of district procedures.

Section VIII: IEP

Areas of Noncompliance Identified during Self-Assessment

Area	Status of Compliance
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 the district did not consistently conduct IEP meetings annually or more often, if necessary, due to a 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 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 the district did not consistently hold annual reviews of IEPs for preschool students with disabilities by June 30 of the last year in the preschool program, due to a lack of implementation of district procedures.

Corrective Action for Requirements 3 and 4: The district is required to conduct training with administrators and child study team members regarding procedures for conducting annual reviews.

The district is required to conduct annual reviews for each student for whom an annual review was not conducted within required timelines as identified by NJOSEP monitors. Names of students whose IEPs were found to be noncompliant by the NJOSEP monitors will be provided to the Director of Special Education by NJOSEP.

The district must review the IEPs of all students with disabilities to ensure that each student has a current IEP. The Director of Special Services must ensure that case managers are aware of annual review due dates for all students with IEPs.

The Director of Special Services must conduct oversight to ensure correction and ongoing compliance.

Areas of Noncompliance Identified during Onsite Monitoring

Area	Status of Compliance
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).	A review of records and interviews with staff members indicated that IEP meetings did not consistently include the required participants, due to district procedures not being aligned with requirements.

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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, due to a lack of implementation of district procedures.
6) IEPs shall be implemented as written, in accordance with 20 U.S.C. § 1412 (a)(16)(D).	A review of records and interviews with staff members indicated that IEPs were not consistently implemented as written, due to a lack of district oversight.

Corrective Action for Area 2: The district is required to conduct IEP meetings for each student whose IEP was found to be noncompliant with this requirements by the NJOSEP monitors. Names of students whose IEPs were found to be noncompliant will be provided to the Director of Special Services by the NJOSEP. The district must ensure that each IEP includes all required components.

The district must review the IEPs of all students with disabilities to determine if all required considerations and statements are included. For any IEP where a required consideration or statement is not addressed, a meeting of the IEP team must be convened to review and revise the IEP. The district must also review the programs of each student with an IEP and ensure that the programs are implemented as written in the IEPs. If an IEP is not being implemented as written, at the next annual review, the IEP team must determine if compensatory services are needed and if so, the nature, frequency and duration of those services.

The Director of Special Services must implement an oversight mechanism to ensure correction and ongoing compliance.

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

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. Tracey Bugg
New Jersey Department of Education
Office of Special Education Programs
501 River Street
Paterson, NJ 07524