

New Jersey Department of Education Office of Special Education Programs



Part B Annual Performance Report #4 **(FFY 2008: July 1, 2008 – June 30, 2009)**

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Office of Special Education Programs
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Resubmission with USOSEP's Requested Clarifications
April 12, 2010

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**Overview to State Performance Plan
and
Annual Performance Report Development
FFY 2008**

**Description of the Process the State Used
to Develop the SPP/APR**

**How the State obtained “broad input” from stakeholders related to
new indicators and revisions to the SPP**

Stakeholder Meeting

A meeting was conducted on January 21, 2010 to obtain “broad input” from stakeholders regarding NJOSEP’s progress/slippage in relation to each of the SPP indicators; to inform them of USOSEP’s revisions to several of the SPP indicators and/or measurements; and to review baseline data and set targets for Indicator # 7 – Preschool Outcomes. Additionally, NJOSEP obtained input from the stakeholders regarding revision to targets for Indicator # 19 – Mediation, seeking to revise the target within a range, as permitted by USOSEP. Carolyn Hayer, from the Statewide Parent Advocacy Network (SPAN), and a member of the NJOSEP Special Education Advisory Committee, facilitated the target setting process for Indicators # 7 and # 19.

NJOSEP staff distributed a Progress Indicator Chart that listed each indicator, the State target for FFY 2008 for each indicator, whether NJOSEP met the target, and the extent of progress/slippage in relation to the target. A power point presentation was also distributed which provided additional information about the indicator and the progress/slippage for each indicator.

The agenda for the January 15, 2010 stakeholder meeting is provided below:

**New Jersey Department of Education
Office of Special Education Programs
State Performance Plan/Annual Performance Report
Stakeholder Meeting
January 21, 2010
Agenda**

- 9:30 a.m. Welcome, Introductions, Review of Agenda**
Roberta Wohle, Director, Office of Special Education Programs
- 9:45 a.m. Review of Progress toward Targets**
Indicator 16 - Complaint Timelines
Indicator 17 - Due Process Timelines
Indicator 18 - Hearing Requests Resolved by Resolution Sessions

Indicator 19 - Mediation Agreements, Range Setting Discussion
John Worthington, Coordinator of Policy Development
Cynthia Hoenes, Coordinator of Due Process

10:30 a.m. Target Setting – Indicator 7, Preschool Outcomes
Barbara Tkach, 619 Coordinator

12:00 p.m. Lunch

12:30 p.m. Review of Progress toward Targets
Indicator 1 - Graduation Rate
Indicator 2 - Drop Out Rate
Indicator 3 - Assessment
Indicator 5 - School Age LRE
Indicator 8 - Parent Involvement
Indicator 14- Post Secondary Transition Outcomes
Peggy O'Reilly, Manager, Bureau of Program Development
Peggy McDonald, Manager, Bureau of Program Accountability

1:30 p.m. Review of Progress toward Targets
Indicator 4A - Suspension/Expulsion
Indicator 9 - Disproportionality - Child with a Disability
Indicator 10 - Disproportionality - Eligibility Category
Indicator 11 - Child Find
Indicator 12 - Early Childhood Transition
Indicator 13 - Secondary Transition
Indicator 15 - Identification and Correction of Noncompliance
Peggy McDonald, Manager, Bureau of Program Accountability

The following organizations/agencies were represented at the January 21, 2010 stakeholder meeting:

- Disability Rights New Jersey
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Department of Health and Senior Services
- New Jersey Juvenile Justice Commission
- New Jersey Association of Pupil Services Administrators
- New Jersey Principal and Supervisors Association
- New Jersey Coalition for Inclusive Education
- New Jersey School Boards Association
- New Jersey Department of Children And Families, Office of Education
- Statewide Parent Advocacy Network

10 members of the State Special Education Advisory Council participated in the stakeholder meeting, including 4 parent members and 1 student representative.

Dissemination of the SPP/APR to the Public
How and when the State will report annually to the public on ---
The State's Progress and/or Slippage in Meeting the
"Measurable and Rigorous Targets found in the SPP"

Consistent with the requirements established in the Individuals with Disabilities Education Act (IDEA 2004), NJOSEP made New Jersey's FFY 2007 State Performance Plan/Annual Performance Report available to the public as indicated below.

The NJOSEP will use the same mechanisms to report annually to the public on the FFY 2008 SPP/APR regarding the State's progress/slippage in meeting the measurable and rigorous SPP targets.

Public Means, including posting on the Website of the State education agency: The SPP and APR were posted on the New Jersey Department of Education's website immediately following their submission to USOSEP on February 2, 2009 and, again, on April 7, 2009, upon the submission to USOSEP with the requested clarifications. The SPP/APR were posted at: <http://www.nj.gov/education/specialed/info/spp/>.

The SPP and APR will be posted on the New Jersey Department of Education's website immediately after the submission to USOSEP on February 1, 2010 and again, if needed, in April 2010, upon the submission to USOSEP with any requested clarification. The SPP/APR will be found at: <http://www.nj.gov/education/specialed/info/spp/>.

NJOSEP also posted the USOSEP response to the SPP/APR FFY 2007 submission that included USOSEP's determination regarding the State's compliance with the requirements of Part B of the IDEA. The USOSEP's response to the NJOSEP's SPP/APR FFY 2008 submission will again be posted at: <http://www.nj.gov/education/specialed/info/spp/>.

Distribution to the Media: With regard to the FFY 2007 SPP/APR submission, the Governor's Office issued a press release regarding USOSEP's determination of NJOSEP's performance. Annually, upon submission to the USOSEP, NJOSEP makes the SPP/APR available to the media through the NJDOE website and refers to the press to the SPP/APR website when press inquiries are relevant to the SPP indicators.

Distribution to public agencies: As reflected in the February 2009 minutes of the State Special Education Advisory Council, the Council was informed of the posting of the SPP/APR on the NJOSEP website (see minutes at: <http://www.nj.gov/education/sseac/minutes/2009/02.pdf>). As reflected in the June 2009 minutes of the SSEAC, the Council was informed of the USOSEP determination regarding the FFY 2007 SPP/APR submission and the posting of the determination letter from the USOSEP (see minutes at: <http://www.nj.gov/education/sseac/minutes/2009/02.pdf>). The SPP/APR is referenced in correspondence regarding the NJOSEP self-assessment/monitoring process, monitoring reports, targeted reviews for specific SPP indicators, and data collections specific to SPP indicators.

With regard to the FFY 2008, NJOSEP will distribute a memo to school districts, agencies, organizations and individuals concerned with special education, in accordance with the NJDOE's mass mailing procedures. The memo will provide information regarding the posting of the SPP/APR, the federal determination regarding the State's implementation of IDEA; the requirement for State determinations of

local districts; and the requirements for annual public reporting of local districts performance and the posting of local district profiles.

Dissemination to the Public

Description of How and when the State will Report Annually to the Public on: *The Performance of Each Local Educational Agency Located in the State on the Targets in the SPP*

Public Means, including posting on the Website of the State Educational Agency: NJOSEP posted the 2007-2008 local district profiles on June 1, 2009 and notified USOSEP of the posting (see <http://www.nj.gov/education/specialed/info/spp/> for district profiles).

NJOSEP will prepare a profile of each local education agency that details its performance in relation to the SPP targets for FFY 2008. The profile will be posted on the NJDOE website at: <http://www.nj.gov/education/specialed/info/spp/> and <http://www.nj.gov/education/specialed/>

As required by 300.602(b)(1)(i)(A), the State will report the annual performance of each LEA as soon as possible but no later than 120 days following the submission of the APR.

Distribution to the Media: The local district profiles will be made available to the Media, through the posting on the NJOSEP website at: <http://www.nj.gov/education/specialed/info/spp/> and <http://www.nj.gov/education/specialed/>

Distribution through public agencies: NJOSEP will distribute a mailing to school districts, agencies, organizations and individuals concerned with special education, in accordance with the NJDOE's mass mailing procedures. The memo will announce the posting of the profiles of each local education agency on the NJOEP website.

Indicator # 1: Graduation Rates

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

NJOSEP staff reviewed the revisions to this indicator with the stakeholders on January 21, 2010. Specifically, the stakeholders were informed that the calculation of graduation rates for all students will be changing in accordance with the revised Title I regulations under No Child Left Behind. By the 2010-11 school year, states must use the new adjusted cohort graduation rate.

NJOSEP staff explained that NJDOE is currently in a **transition period** preparing to meet the new reporting requirements for the adjusted cohort graduation rate in 2010-2011, to be reported in 2012. The stakeholders were informed that on December 21, 2009, NJDOE submitted a proposal for peer review to the USDOE, Office of Elementary and Secondary Education Programs, regarding the methodology and timelines to be used during the transition period. As of this date, the NJDOE is awaiting a response to the proposal from the USDOE. The NJOSEP will establish a new baseline and revise targets when the Title I adjusted cohort graduation rate goes into effect in 2010-2011.

Stakeholders were also informed that for FFY 2008, the Consolidated State Performance Report (CSPR) submitted in December, 2009 reported a graduation rate for all students (95.9%), but not for students with disabilities. Because the CSPR did not report a graduation rate for students with disabilities, NJOSEP is using prior year's graduation rate calculation to compare to the previously established SPP target. Using this calculation and the previously established SPP target, NJOSEP staff informed stakeholders that NJOSEP met the graduation target for students with disabilities FFY 2008.

Monitoring Priority: Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.
(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

According to the Part B Measurement above, states are required to report using the same data used for reporting to the Department under Title 1 of the Elementary and Secondary Education Act (ESEA). **New Jersey's Consolidated State Performance Report (CSPR), Part I, submitted in December, 2009 reported a graduation rate for all students (95.9%), but did not report a graduation rate for students with disabilities.**

NJDOE is currently in a **transition period** preparing to meet the new reporting requirements for the adjusted cohort graduation rate in 2010-2011, to be reported in 2012. On December 21, 2009, NJDOE submitted a proposal for peer review to USDOE, Office of Elementary and Secondary Education Programs regarding the methodology and timelines to be used during the transition period. As of this date, the NJDOE is awaiting a response to the proposal from the USDOE.

NJDOE will establish a new baseline and revise targets when the Title I adjusted cohort graduation rate goes into effect in 2010-2011.

Because New Jersey has not yet adopted an adjusted cohort graduation rate, for FFY 2008, the graduation rate for students with disabilities, reported in the FFY 2008 SPP/APR, was calculated as reported previously in the New Jersey State Performance Plan and Annual Performance Reports submitted for FFY2005, 2006 and 2007. This graduation rate has been calculated using data from

2008-2009 and is being used to determine progress in relation to the previously established SPP target for FFY2008.

Methodology used to determine the graduation rate for youth with IEPs.

Data are collected annually through the Report of Children with Disabilities Exiting Special Education to determine the graduation rate of students with disabilities. Data regarding the number of students with disabilities who graduate are collected by dividing the total number of students with disabilities ages 17 – 21 graduating by the total number of students with disabilities graduating plus the number of dropouts for the current year and the total number of students with disabilities who dropped out (ages 14 – 16) within the three year cohort for the students.

Overview/Description of Issue, Process, System – Graduation

Description of the conditions youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma. If there is a difference explain why.

There is only one State-endorsed high school diploma in New Jersey for all students, including students with disabilities. In order to graduate with a State-endorsed diploma in New Jersey, students must satisfy several requirements. Students must participate in a course of study consisting of a specified number of credits in courses designed to meet all of New Jersey’s Core Curriculum Content Standards. State regulations at *N.J.A.C. 6A:8-5.1(a)1* delineate minimum required credit totals for language arts, mathematics, science, social studies, health and physical education, visual or performing arts, world languages, technological literacy and career education. Methods for meeting the minimum credit requirements are also set forth at *N.J.A.C. 6A:8-5.1*.

Local attendance and other locally established requirements must also be met in order to receive a State-endorsed diploma, as well as all statutorily mandated graduation requirements. In addition, students must satisfy the statewide assessment requirements in order to receive a State-endorsed diploma.

State law requires that students with IEPs must meet all of the graduation requirements detailed above, unless exempted from a specific requirement through the IEP process. In such an instance, the student must satisfy graduation standards through alternate proficiencies as specified in his or her IEP.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	79% of students with IEPs will graduate with a regular diploma.

Actual Target Data for FFY 2008:

80.43% of students with IEPs graduated with a regular diploma. New Jersey exceeded the target for Indicator #1: Graduation for FFY 2008 by 1.43%.

Actual Numbers Used in the Calculation:

14,234 total graduates/14,234 graduates + 1961 current year dropouts + 1502 three-year cohort dropouts x 100 = **80.43%**

Report of Progress/Slippage

Description of current data in relation to the SPP target/Description of the results of the calculations and comparison of the results to the SPP target:

The data reveal that the statewide graduation rate improved by 2.13% from the data reported in FFY 2007. The graduation rate has improved by 5.44% from the data reported in FFY 2005, the baseline period.

Discussion of data and progress or slippage toward the targets:

As indicated above, NJOSEP continues to make progress with regard to increasing graduation rates. Specifically, NJOSEP met its target of 79% of students with IEPs graduating with a regular diploma. As indicated in the APR FFY 2006 and FFY 2007, the relatively high graduation rate of students with disabilities is viewed as a factor contributing to the results of the Post School Outcome Study, reported in Indicator # 14. The data from the post school study reveal, 79% of students with disabilities reported they were engaged in competitive employment, secondary school or both, within one year of leaving high school.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol *.**

The following activities are relevant to the indicators linked to transition, specifically Indicators 1, 2, 13, and 14.

Establishment of Adjusted Cohort Graduation Rate: During the transition period, NJOSEP staff will collaborate with staff from Title I and other units responsible for collecting and reporting graduation and dropout data. Meetings will be scheduled to review progress in establishing the adjusted cohort graduation rate according to the new requirements.

Policy/Regulation: NJOSEP has continued to require that transition services be addressed in students' Individualized Education Programs, beginning at age 14. Specifically, N.J.A.C. 6A: 14 requires that... Beginning with the IEP in place for the school year when the student will turn age 14, or younger if determined appropriate by the IEP team, and updated annually, the IEP must include:

- a statement of the student's strengths, interests, and preferences;
- identification of a course of study and related strategies and/or activities that are consistent with the student's strengths, interests, and preferences and are intended to assist the student in developing or attaining postsecondary goals related to training, education, employment and, if appropriate, independent living;
- as appropriate, a description of the need for consultation from other agencies that provide services to individuals with disabilities including, but not limited to, the Division of Vocational Rehabilitation Services in the Department of Labor; and
- as appropriate, a statement of any needed interagency linkages and responsibilities.
(Activity 2008-2009)***

Self-Assessment/Monitoring: Effective February 2007, NJOSEP realigned its self-assessment/monitoring system to be consistent with the SPP indicators. Districts are selected for monitoring based on federal monitoring priorities – placement in the least restrictive environment and disproportionate representation of specific racial/ethnic groups in special education or through random selection. The new system links compliance, data and programming by requiring districts to

review compliance in areas related to SPP indicators and to examine their data compared to state targets. Following the review conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets. Districts are required to develop activities for continuous improvement in areas where their data do not meet state SPP targets.

Monitoring activities in the areas of graduation rate, dropout rate and transition service needs are linked in the self-assessment. Each district identified for self-assessment reviews their graduation and dropout rates against the state annual SPP targets, completes a protocol to identify needs for continuous improvement in transition planning and reviews related compliance requirements. Districts that self-identify noncompliance are required to correct noncompliance within one year. If a district has identified noncompliance or their graduation and drop-out data do not meet state SPP targets, a verification visit is conducted approximately six months following identification of noncompliance to review related requirements and verify correction of any noncompliance identified during self-assessment. A review of implementation of activities for continuous improvement toward state SPP targets is also conducted. Improvement strategies related to transition have included, but are not limited to:

- District level data collection and analyses for graduation and dropout rates;
- Implementation of assessments to assist students in identifying interests and preferences and related postschool outcomes;
- Program development to increase student engagement in learning and increase graduation rates including use of Structured Learning Experiences, Community-Based Instruction; Student Self-Advocacy Activities; Mentoring and Transition Planning from Middle to High School Programs as well as Transition Planning from School to Adult Life;
- Linkages to post-school agencies; and
- Parent – Family Involvement.

(Activity 2008-2009)***

Targeted Technical Assistance for Self-Assessment Districts: NJOSEP's monitoring unit identified districts required to participate in the 2008-2009 self-assessment/monitoring process, whose graduation and/or dropout data were below state targets. NJOSEP monitors and program development staff offered assistance to these districts to review transition requirements and best practices in preparation for their self-assessment and development of improvement plans regarding transition. During this period, NJOSEP conducted individualized technical assistance sessions for twenty-seven district teams including: special education administrators, general education administrators, child study team members, parents, guidance personnel and/or transition coordinators. NJOSEP reviewed districts' IEPs prior to the sessions to develop specific recommendations for improvement. These suggestions were provided to session participants along with discussion and resources intended to clarify regulatory requirements and describe effective practices to enhance transition planning and services. Using the transition sections of the self-assessment and onsite monitoring documents developed by NJOSEP as guides for the discussion, teams learned about student, family and transdisciplinary school involvement in IEP development and transition planning; interagency resources and linkages; and preparation for integrated employment, independent living, and postsecondary education. As a result of the individualized technical assistance sessions, participating districts have an increased understanding of how to develop compliant transition sections of IEPs. **(Activity 2008-2009)*****

State Level Capacity Building: NJOSEP, through its "transition-related" initiatives, has emphasized the importance of linking school experiences to post-school education, employment, self-advocacy and independence. The development and implementation of these initiatives are frequently conducted in collaboration with other offices/units within the Department of Education as well as agencies outside of the Department. This focus is reflected in the activities listed below.

a. Statewide Technical Assistance and Training: To promote knowledge of effective practices for transition from school to adult life for students with disabilities, NJOSEP organized and provided

statewide trainings and provided technical assistance on a proactive and on a request basis. Technical assistance activities were conducted for school districts, other offices within the Department of Education, other agencies, professional organizations, and parent organizations to clarify regulatory requirements and policy, share promising practices and resources, and provide guidance on transition program development and an improvement planning process.

During the 2008-2009 school year, a statewide proactive training was conducted. Over 100 educators and parents from secondary programs attended this proactive session. Participants in transition training gained knowledge of providing appropriate transition planning and services, and how to develop IEPs that addressed compliance requirements as well as best practices in transition planning. **(Activity: 2008-2009)*****

b. Student Leadership “Dare to Dream” Conferences: To promote self-advocacy and self-determination among New Jersey youth with disabilities, NJOSEP organized and conducted five Student Leadership “Dare to Dream” conferences for students with disabilities in the spring of 2008. These conferences were held regionally throughout the state on college campuses. Approximately 1,400 high school students, parents, and school personnel were provided training and guidance in the areas of self-advocacy and legal rights and responsibilities. The conferences featured presentations by youth and young adults with disabilities. **(Activity: 2008-2009)*****

c. Interagency Collaboration - Structured Learning Experience/Career Orientation NJOSEP continued to support implementation of regulations adopted by the New Jersey State Board of Education on March 2, 2005 that established a training requirement enabling certified teachers to serve as coordinators of career awareness, career exploration, and/or career orientation. The regulation also established the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences.

A major benefit of this regulation is the flexibility for districts to assign staff to these positions to increase the local school districts’ capacity to provide appropriate transition services through work-based learning. To support implementation of the structured learning experience requirements, the Office of Vocational-Technical, Career and Innovative Programs, in consultation with NJOSEP, sponsored workshops that: (a) enable appropriate school staff to meet the training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Activity 2008-2009)*****

d. Interagency Collaboration - Community-Based Instruction (CBI): To promote the use of community-based instruction for students with disabilities, including a specific focus for students with significant disabilities, NJOSEP continued a partnership with the Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ) to conduct regional trainings and technical assistance for districts statewide that focus on the development and improvement of community-based instruction (CBI).

Administrators’ Trainings: Because the knowledge and support of district administration is critical to the development and/or expansion of the practice of CBI, two statewide teleconferences for administrators were held in September and October, 2008. These sessions described quality components of CBI programs for students with disabilities, essential administrative supports to implement CBI, as well as upcoming staff training opportunities. In order for staff to register for CBI trainings, administrators were required to participate in one of these administrative sessions. Participating in these sessions were 159 administrators or their designees, representing 154 secondary programs.

Regional Trainings: Beginning in December 2008, one and two-day staff training sessions were conducted regionally on the topics of Managing a Quality CBI Program, CBI for Students with Severe Disabilities, and Preparing Students with Behavioral, Communication and Social Challenges for

Employment. The training entitled *Managing a Quality Community-Based Instruction (CBI) Program for Students with Disabilities* provided administrators and program coordinators with key administrative practices to create and expand a quality CBI program. Training topics included identifying program goals, marketing the program to staff, students, families, and other community stakeholders, budget considerations, curriculum design, staff and student scheduling, transportation, risk management, ongoing supervision, and program evaluation. *CBI for Students with Severe Disabilities* provided information on areas of instruction, the relationship between the New Jersey Core Curriculum Content Standards (NJCCCS) and CBI, integrating school-based and community-based instruction, student assessment, support strategies for students with behavioral, physical, or medical challenges as well as planning for program development and implementation. *Preparing Students with Behavioral, Communication and Social Challenges for Employment* focused on how to establish and/or expand a community-based career development program for students with behavioral, communication, or social challenges. Training topics included functional assessment of student abilities, interests and preferences as well as work environments, selection of curriculum and training environments, partnering with community businesses, matching students to jobs and employers, and strategies for teaching communication skills, social skills, and appropriate behavior, including natural supports.

A total of 190 educators attended one or more of these training sessions from 78 secondary programs. Additional technical assistance was provided, upon request, to participating programs. **(Activity: 2008-2009)*****

e. Interagency Collaboration - Pathways to Adult-Life for Parents: To promote interagency collaboration and support for parents of students with developmental disabilities (ages 14-19), the NJDOE, Office of Special Education Programs, organized and participated in an interagency parent training initiative along with the New Jersey Department of Labor, Division of Vocational Rehabilitation Services; the New Jersey Department of Human Services, Division of Disability Services and the Division of Developmental Disabilities. This training was designed for parents of students with developmental disabilities (ages 14-19) and provided specific information regarding referral, eligibility determination, and the range of service options available through the state agencies. More than 400 parents participated in 12 regional sessions that were held throughout New Jersey. **(Activity: 2008-2009)*****

f. Interagency Collaboration - Councils/Committees: To assist in the service coordination across state departments and agencies, and share the education perspective with others, representatives of the NJDOE, Office of Special Education Programs participated on the following statewide councils and committees:

- New Jersey Department of Labor, Division of Vocational Rehabilitation Services State Rehabilitation Council
- New Jersey Department of Human Services, Commission for the Blind and Visually Impaired State Rehabilitation Council
- New Jersey Department of Community Affairs, Commission on Recreation for People with Disabilities
- New Jersey Supported Employment Interagency Workgroup
- New Jersey State Agency Directors Forum
- New Jersey Department of Human Services, Division of Disability Services Interagency Stakeholder Group on DiscoverAbility
- Governor's Task Force on Adults with Autism

(Activity: 2008-2009)***

g. Interagency Collaboration - Centers for Independent Living - Promoting Self Advocacy: To promote self-advocacy for students and families, NJOSEP continued to support the Centers for Independent Living. NJOSEP entered into an interagency cooperative agreement with the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, enabling each of the twelve Centers for Independent Living in New Jersey to continue implementation of the *Promoting Self-Advocacy* project. This project is focused on the following: 1) increasing the number of students, families, and school personnel that are aware of and use the resources and services of the Centers for Independent Living in New Jersey; 2) increasing students' knowledge of rights, responsibilities and resources; 3) increasing students' use of self-advocacy, self-determination, and self-help skills in their daily lives; and 4) increasing students' participation and decision making in the transition planning process with specific regard to postsecondary resources, services and linkages. Each Center for Independent Living offers self-advocacy, self-determination, and self-help programs and services to students with disabilities, their families and schools using current and effective materials and resources. During the project period ending September 30, 2009, the *Promoting Self-Advocacy* project assisted over 1,154 students (ages 14-21) in developing and implementing an individualized plan to increase self-advocacy skills in the areas of independent living, community participation, employment, and/or recreation. An additional 4,622 students received information and referral services during this period.

Outcomes from the project include: increased numbers of students and school staff who have become aware of and use the services provided by the Centers for Independent Living; increased collaboration amongst the Centers for Independent Living throughout the State; and increased collaboration with school districts as evidenced by invitations to project staff into their classrooms to provide direct instruction to students with disabilities on their rights, responsibilities and resources. **(Activity: 2006-2007, 2007-2008, 2008-2009, 2009-2010)**

h. Post-School Outcome Technical Assistance: In February 2009, NJOSEP conducted a technical session for the 50 school districts (Cohort III) selected for participation in the post-secondary data collection. Districts were required to identify students with disabilities who have exited during the 2007-08 school year. This includes 2008 graduates, students who will be aging out of school and students who have dropped out, including students who have moved, but not known to be continuing. The districts were required to collect contact information on all exiters and to notify the students and their parents that they will be contacted within a year to determine the student's post-school status. A copy of the survey was disseminated to the school district representatives. Staff from the districts conducted follow-up interviews with former students between April and August, 2009 and forwarded all surveys to NJOSEP. Throughout the year assistance was provided to all districts participating in the study. In addition, individualized technical assistance was provided to selected districts through on-site meetings and progress monitoring to improve response rates. NJOSEP's technical assistance contributed to the 73% response rate for the study. Study results will be disseminated to each participating district and used for district and state level improvement planning. For more detailed information, see APR Indicator #14 Post School Outcomes. **(Activity: 2008-2009)***.**

i. Interagency Collaboration - Statewide Parent Advocacy Network Transition Teleconferences: To promote understanding of topics related to transition among parents of students with disabilities, NJOSEP collaborated with the Statewide Parent Advocacy Network to organize and provide two statewide teleconferences entitled "A Family's Guide to Community-Based Instruction for Students with Disabilities," and "Structured Learning Experiences: A Collaborative Approach Among Educators, Parents, Students and the Workplace." The presentation on Community-Based Instruction (CBI) included the following topics: definition of CBI, reasons for teaching in the community, support for schools that provide CBI, and family members' role in supporting CBI. 53 parents, school administrators, and educators participated in the CBI teleconference. The presentation on Structured Learning Experiences (SLE) included the following topics: Definition of SLE, Responsibilities of school districts, students, parents, and employers, and Benefits for students who participate in SLE. 39 parents, school administrators, and educators

participated in the SLE teleconference. Both presentations are available for download on the web at www.spannj.org/resources/index.htm#Transition. **(Activity: 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008

[If applicable]

NOT APPLICABLE

Indicator # 2: Drop-Out Rates

Part B State Performance Plan (SPP) for 2005-2010

Revised for 2/1/2010 Submission

Note: As per the USOSEP Part B Indicator Measurement Table – 2/09 Revisions/Implications Table – States were to “*Revise Indicator and Measurement in the SPP and May need to establish new baseline and revise targets when Title 1 adjusted cohort graduation rate goes into effect in 2010-11.*”

Overview of the State Performance Plan Development:

NJOSEP staff reviewed the revisions to this indicator with the stakeholders on January 21, 2010. Specifically, the stakeholders were informed that the calculation of dropout rate for all students will be changing in accordance with the revised Title I regulations under No Child Left Behind. By the 2010-11 school year, states must report using the dropout data used in the ESEA graduation calculation.

NJOSEP staff explained that NJDOE is currently in a **transition period** preparing to meet the new reporting requirements for the adjusted cohort graduation rate in 2010-2011, to be reported in 2012. On December 21, 2009, NJDOE submitted a proposal for peer review to USDOE, Office of Elementary and Secondary Education Programs regarding the methodology and timelines to be used during the transition period. As of this date, the NJDOE is awaiting a response to the proposal from the USDOE. The NJOSEP will establish a new baseline and revise targets for dropout rate when the Title I adjusted cohort graduation rate goes into effect in 2010-2011.

Stakeholders were informed also, that for FFY 2008, the Consolidated State Performance Report (CSPR) submitted in December, 2009 reported dropout rate for students with disabilities. In addition to the dropout rate reported in the CSPR, for the purpose of comparison, NJDOE also calculated a dropout rate for students with disabilities according to the calculation previously reported in the New Jersey State Performance Plan and Annual Performance Reports submitted for FFY2005, 2006 and 2007. This dropout rate was used to determine progress in relation to the previously established SPP target for FFY 2008. New Jersey met the target for dropout for FFY 2008 using the SPP calculation from prior years and the previously established SPP target.

Monitoring Priority: Monitoring Priority: FAPE in the LRE

Revised Indicator

Indicator #2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Revised Measurement

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

According to the Part B Measurement above, states are required to report using the same data used for reporting to the Department under Title 1 of the Elementary and Secondary Education Act (ESEA). NJDOE is currently in a **transition period** preparing to meet the new reporting requirements for the adjusted cohort graduation rate in 2010-2011, to be reported in 2012. On December 21, 2009, NJDOE submitted a proposal for peer review to the USDOE, Office of Elementary and Secondary Education Programs regarding the methodology and timelines to be used during the transition period. As of this date, the NJDOE is awaiting a response to the proposal from the USDOE. **NJDOE will establish a new baseline and revise targets when the Title I adjusted cohort graduation rate goes effect in 2010-2011,**

New Jersey's Consolidated State Performance Report (CSPR), Part I, submitted in December, 2009, reported dropout for students with disabilities using the annual event school dropout rate for students leaving school in a single year determined in accordance with the National Center for Educational Statistics (NCES) Common Core of Data (CCD) for the previous year (SY2007-2008). **NJDOE's dropout rate for students with disabilities, as reported in the CSPR, was 2.9%.**

Because New Jersey has not yet adopted an adjusted cohort graduation rate, for FFY 2008, and because the SPP target for dropout was established using the calculation previously reported in the New Jersey State Performance Plan and Annual Performance Reports submitted for FFY 2005, 2006 and 2007, NJOSEP is using the dropout calculation previously established in the SPP. Therefore, for FFY 2008, the dropout rate to be used in determining progress for this indicator has been computed using the prior calculation and data from 2008-2009. This dropout rate will be compared to the previously established SPP target to determine progress for this indicator.

The calculation used to determine drop-out rate for youth with IEPs

Data are collected annually through the Report of Children with Disabilities Exiting Special Education to determine the drop-out rate of students with disabilities. On the exiting table, the number of students with disabilities that dropped-out for a given year is collected for students ages 14-21. This number is then divided by the total enrollment of students with disabilities ages 14-21 for that year in order to determine what percentage of the total number of students with disabilities is students with disabilities that dropped-out.

Overview of Issue/Description of System or Process: Dropout

Description of what counts as dropping out for all youth, and if different, what counts as dropping out for youth with IEPs

The New Jersey Constitution and statutes mandate that students ages 6 through 15 attend school either in public or private schools, or that they be home schooled during those ages. At ages 16 and 17, students may drop out of school with parental consent. Beginning at age 18, students may drop out of school without parental consent, unless the parents retain guardianship. Student ages 16 and older are no longer considered truant if they fail to attend school.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	The drop-out rate for students with IEPs will be at or below 4.7%.

Actual Target Data for FFY 2008:

The drop-out rate for students with IEPs was 4.43%.

Actual Numbers Used in the Calculation:

3270 dropouts (including moved, not known to be continuing) / 73,887 total # of students with disabilities ages 14 -21 = 4.43%

Report of Progress/Slippage

Description of current data in relation to the SPP target/Description of the results of the calculation and comparison of the results to the SPP target:

New Jersey's drop-out rate for students with IEPs was 4.43% for FFY 2008. NJOSEP met its target drop-out rate for the 2008-2009 school year.

Discussion of data and progress or slippage toward the targets:

The FFY 2005 target for drop-out rate for students with IEPs was set at or below 5.0%. New Jersey's data for the 2005-2006 school year indicated that 5% of students with disabilities dropped-out and that New Jersey met its target. The target for the 2006-2007 school year was set at or below 4.9%. The data for FFY 2006 revealed that New Jersey improved .2 percentage points from the previous school year and was .1 percentage point below the state target. New Jersey met the target drop-out rate for the 2006-2007 school year. The data for FFY 2007 again revealed that New Jersey improved .1 percentage point from the previous year and was .1 percentage point below the state target for FFY 2007.

The data for FFY 2008 showed that New Jersey continued to improve .27 percentage point from the previous year and was .27 percentage point below the state target for FFY 2008.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol *.**

The following activities are relevant to the indicators linked to transition, specifically Indicators 1, 2, 13, and 14.

Establishment of Adjusted Cohort Graduation Rate: During the transition period, NJOSEP staff will collaborate with staff from Title I and other units responsible for collecting and reporting

graduation and dropout data. Meetings will be scheduled to review progress in establishing the adjusted cohort graduation rate according to the new requirements.

Policy/Regulation: NJOSEP has continued to require that transition services be addressed in students' Individualized Education Programs, beginning at age 14. Specifically, N.J.A.C. 6A: 14 requires that... Beginning with the IEP in place for the school year when the student will turn age 14, or younger if determined appropriate by the IEP team, and updated annually, the IEP must include:

- a statement of the student's strengths, interests, and preferences;
 - identification of a course of study and related strategies and/or activities that are consistent with the student's strengths, interests, and preferences and are intended to assist the student in developing or attaining postsecondary goals related to training, education, employment and, if appropriate, independent living;
 - as appropriate, a description of the need for consultation from other agencies that provide services to individuals with disabilities including, but not limited to, the Division of Vocational Rehabilitation Services in the Department of Labor; and
 - as appropriate, a statement of any needed interagency linkages and responsibilities.
- (Activity 2008-2009)*****

Self-Assessment/Monitoring: Effective February 2007, NJOSEP realigned its self-assessment/monitoring system to be consistent with the SPP indicators. Districts are selected for monitoring based on federal monitoring priorities – placement in the least restrictive environment and disproportionate representation of specific racial/ethnic groups in special education or through random selection. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and to examine their data compared to state targets. Following the review conducted through self-assessment, districts must identify activities to correct noncompliance and activities for continuous improvement toward state SPP targets. Districts are required to develop activities for continuous improvement in areas where their data do not meet state SPP targets.

Monitoring activities in the areas of graduation rate, dropout rate and transition service needs are linked in the self-assessment. Each district identified for self-assessment reviews their graduation and dropout rates against the state annual SPP targets, completes a protocol to identify needs for continuous improvement in transition planning and reviews related compliance requirements. Districts that self-identify noncompliance are required to correct noncompliance within one year. If a district has identified noncompliance or their graduation and drop-out data do not meet state SPP targets, a verification visit is conducted approximately six months following identification of noncompliance to review related requirements and verify correction of any noncompliance identified during self-assessment. A review of implementation of activities for continuous improvement toward state SPP targets is also conducted. Improvement strategies related to transition have included, but are not limited to:

- District level data collection and analyses for graduation and dropout rates;
 - Implementation of assessments to assist students in identifying interests and preferences and related postschool outcomes;
 - Program development to increase student engagement in learning and increase graduation rates including use of Structured Learning Experiences, Community-Based Instruction; Student Self-Advocacy Activities; Mentoring and Transition Planning from Middle to High School Programs as well as Transition Planning from School to Adult Life;
 - Linkages to post-school agencies; and
 - Parent – Family Involvement.
- (Activity 2008-2009)*****

Targeted Technical Assistance for Self-Assessment Districts: NJOSEP's monitoring unit identified districts required to participate in the 2008-2009 self-assessment/monitoring process,

whose graduation and/or dropout data were below state targets. NJOSEP monitors and program development staff offered assistance to these districts to review transition requirements and best practices in preparation for their self-assessment and development of improvement plans regarding transition. During this period, NJOSEP conducted individualized technical assistance sessions for twenty-seven district teams including: special education administrators, general education administrators, child study team members, parents, guidance personnel and/or transition coordinators. NJOSEP reviewed districts' IEPs prior to the sessions to develop specific recommendations for improvement. These suggestions were provided to session participants along with discussion and resources intended to clarify regulatory requirements and describe effective practices to enhance transition planning and services. Using the transition sections of the self-assessment and onsite monitoring documents developed by NJOSEP as guides for the discussion, teams learned about student, family and transdisciplinary school involvement in IEP development and transition planning; interagency resources and linkages; and preparation for integrated employment, independent living, and postsecondary education. As a result of the individualized technical assistance sessions, participating districts have an increased understanding of how to develop compliant transition sections of IEPs. **(Activity 2008-2009)*****

State Level Capacity Building: NJOSEP, through its "transition-related" initiatives, has emphasized the importance of linking school experiences to post-school education, employment, self-advocacy and independence. The development and implementation of these initiatives are frequently conducted in collaboration with other offices/units within the Department of Education as well as agencies outside of the Department. This focus is reflected in the activities listed below.

a. Statewide Technical Assistance and Training: To promote knowledge of effective practices for transition from school to adult life for students with disabilities, NJOSEP organized and provided statewide trainings and provided technical assistance on a proactive and on a request basis. Technical assistance activities were conducted for school districts, other offices within the Department of Education, other agencies, professional organizations, and parent organizations to clarify regulatory requirements and policy, share promising practices and resources, and provide guidance on transition program development and an improvement planning process.

During the 2008-2009 school year, a statewide proactive training was conducted. Over 100 educators and parents from secondary programs attended this proactive session. Participants in transition training gained knowledge of providing appropriate transition planning and services, and how to develop IEPs that addressed compliance requirements as well as best practices in transition planning. **(Activity: 2008-2009)*****

b. Student Leadership "Dare to Dream" Conferences: To promote self-advocacy and self-determination among New Jersey youth with disabilities, NJOSEP organized and conducted five Student Leadership "Dare to Dream" conferences for students with disabilities in the spring of 2008. These conferences were held regionally throughout the state on college campuses. Approximately 1,400 high school students, parents, and school personnel were provided training and guidance in the areas of self-advocacy and legal rights and responsibilities. The conferences featured presentations by youth and young adults with disabilities. **(Activity: 2008-2009)*****

c. Interagency Collaboration - Structured Learning Experience/Career Orientation NJOSEP continued to support implementation of regulations adopted by the New Jersey State Board of Education on March 2, 2005 that established a training requirement enabling certified teachers to serve as coordinators of career awareness, career exploration, and/or career orientation. The regulation also established the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences.

A major benefit of this regulation is the flexibility for districts to assign staff to these positions to increase the local school districts' capacity to provide appropriate transition services through work-based learning. To support implementation of the structured learning experience requirements, the

Office of Vocational-Technical, Career and Innovative Programs, in consultation with NJOSEP, sponsored workshops that: (a) enable appropriate school staff to meet the training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Activity 2008-2009)*****

d. Interagency Collaboration - Community-Based Instruction (CBI): To promote the use of community-based instruction for students with disabilities, including a specific focus for students with significant disabilities, NJOSEP continued a partnership with the Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ) to conduct regional trainings and technical assistance for districts statewide that focus on the development and improvement of community-based instruction (CBI).

Administrators' Trainings: Because the knowledge and support of district administration is critical to the development and/or expansion of the practice of CBI, two statewide teleconferences for administrators were held in September and October, 2008. These sessions described quality components of CBI programs for students with disabilities, essential administrative supports to implement CBI, as well as upcoming staff training opportunities. In order for staff to register for CBI trainings, administrators were required to participate in one of these administrative sessions. Participating in these sessions were 159 administrators or their designees, representing 154 secondary programs.

Regional Trainings: Beginning in December 2008, one and two-day staff training sessions were conducted regionally on the topics of Managing a Quality CBI Program, CBI for Students with Severe Disabilities, and Preparing Students with Behavioral, Communication and Social Challenges for Employment. The training entitled *Managing a Quality Community-Based Instruction (CBI) Program for Students with Disabilities* provided administrators and program coordinators with key administrative practices to create and expand a quality CBI program. Training topics included identifying program goals, marketing the program to staff, students, families, and other community stakeholders, budget considerations, curriculum design, staff and student scheduling, transportation, risk management, ongoing supervision, and program evaluation. *CBI for Students with Severe Disabilities* provided information on areas of instruction, the relationship between the New Jersey Core Curriculum Content Standards (NJCCCS) and CBI, integrating school-based and community-based instruction, student assessment, support strategies for students with behavioral, physical, or medical challenges as well as planning for program development and implementation. *Preparing Students with Behavioral, Communication and Social Challenges for Employment* focused on how to establish and/or expand a community-based career development program for students with behavioral, communication, or social challenges. Training topics included functional assessment of student abilities, interests and preferences as well as work environments, selection of curriculum and training environments, partnering with community businesses, matching students to jobs and employers, and strategies for teaching communication skills, social skills, and appropriate behavior, including natural supports.

A total of 190 educators attended one or more of these training sessions from 78 secondary programs. Additional technical assistance was provided, upon request, to participating programs. **(Activity: 2008-2009)*****

e. Interagency Collaboration - Pathways to Adult-Life for Parents: To promote interagency collaboration and support for parents of students with developmental disabilities (ages 14-19), the NJDOE, Office of Special Education Programs, organized and participated in an interagency parent training initiative along with the New Jersey Department of Labor, Division of Vocational Rehabilitation Services; the New Jersey Department of Human Services, Division of Disability Services and the Division of Developmental Disabilities. This training was designed for parents of students with developmental disabilities (ages 14-19) and provided specific information regarding referral, eligibility determination, and the range of service options available through the state

agencies. More than 400 parents participated in 12 regional sessions that were held throughout New Jersey. **(Activity: 2008-2009)*****

f. Interagency Collaboration - Councils/Committees: To assist in the service coordination across state departments and agencies, and share the education perspective with others, representatives of the NJDOE, Office of Special Education Programs participated on the following statewide councils and committees:

- New Jersey Department of Labor, Division of Vocational Rehabilitation Services State Rehabilitation Council
- New Jersey Department of Human Services, Commission for the Blind and Visually Impaired State Rehabilitation Council
- New Jersey Department of Community Affairs, Commission on Recreation for People with Disabilities
- New Jersey Supported Employment Interagency Workgroup
- New Jersey State Agency Directors Forum
- New Jersey Department of Human Services, Division of Disability Services Interagency Stakeholder Group on DiscoverAbility
- Governor's Task Force on Adults with Autism

(Activity: 2008-2009)***

g. Interagency Collaboration - Centers for Independent Living - Promoting Self Advocacy: To promote self-advocacy for students and families, NJOSEP continued to support the Centers for Independent Living. NJOSEP entered into an interagency cooperative agreement with the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, enabling each of the twelve Centers for Independent Living in New Jersey to continue implementation of the *Promoting Self-Advocacy* project. This project is focused on the following: 1) increasing the number of students, families, and school personnel that are aware of and use the resources and services of the Centers for Independent Living in New Jersey; 2) increasing students' knowledge of rights, responsibilities and resources; 3) increasing students' use of self-advocacy, self-determination, and self-help skills in their daily lives; and 4) increasing students' participation and decision making in the transition planning process with specific regard to postsecondary resources, services and linkages. Each Center for Independent Living offers self-advocacy, self-determination, and self-help programs and services to students with disabilities, their families and schools using current and effective materials and resources. During the project period ending September 30, 2009, the *Promoting Self-Advocacy* project assisted over 1,154 students (ages 14-21) in developing and implementing an individualized plan to increase self-advocacy skills in the areas of independent living, community participation, employment, and/or recreation. An additional 4,622 students received information and referral services during this period.

Outcomes from the project include: increased numbers of students and school staff who have become aware of and use the services provided by the Centers for Independent Living; increased collaboration amongst the Centers for Independent Living throughout the State; and increased collaboration with school districts as evidenced by invitations to project staff into their classrooms to provide direct instruction to students with disabilities on their rights, responsibilities and resources. **(Activity: 2006-2007, 2007-2008, 2008-2009, 2009-2010)**

h. Post-School Outcome Technical Assistance: In February 2009, NJOSEP conducted a technical session for the 50 school districts (Cohort III) selected for participation in the post-secondary data collection. Districts were required to identify students with disabilities who have exited during the 2007-08 school year. This includes 2008 graduates, students who will be aging out of school and students who have dropped out, including students who have moved, but not known to be

continuing. The districts were required to collect contact information on all exiters and to notify the students and their parents that they will be contacted within a year to determine the student's post-school status. A copy of the survey was disseminated to the school district representatives. Staff from the districts conducted follow-up interviews with former students between April and August, 2009 and forwarded all surveys to NJOSEP. Throughout the year assistance was provided to all districts participating in the study. In addition, individualized technical assistance was provided to selected districts through on-site meetings and progress monitoring to improve response rates. NJOSEP's technical assistance contributed to the 73% response rate for the study. Study results will be disseminated to each participating district and used for district and state level improvement planning. For more detailed information, see APR Indicator #14 Post School Outcomes. **(Activity: 2008-2009)*****.

i. Interagency Collaboration - Statewide Parent Advocacy Network Transition

Teleconferences: To promote understanding of topics related to transition among parents of students with disabilities, NJOSEP collaborated with the Statewide Parent Advocacy Network to organize and provide two statewide teleconferences entitled "A Family's Guide to Community-Based Instruction for Students with Disabilities," and "Structured Learning Experiences: A Collaborative Approach Among Educators, Parents, Students and the Workplace." The presentation on Community-Based Instruction (CBI) included the following topics: definition of CBI, reasons for teaching in the community, support for schools that provide CBI, and family members' role in supporting CBI. 53 parents, school administrators, and educators participated in the CBI teleconference. The presentation on Structured Learning Experiences (SLE) included the following topics: Definition of SLE, Responsibilities of school districts, students, parents, and employers, and Benefits for students who participate in SLE. 39 parents, school administrators, and educators participated in the SLE teleconference. Both presentations are available for download on the web at www.spannj.org/resources/index.htm#Transition. **(Activity: 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008

[If applicable]

NOT APPLICABLE

Indicator # 3: Assessment

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

At the stakeholder meeting on January 21, 2010, stakeholders were reminded that data for Indicator # 3 were obtained from NJDOE's Office of Student Achievement and Accountability. These data are the AYP data used for accountability reporting under Title I of the ESEA to determine whether schools and districts made adequate yearly progress for the 2007-2008 school year. Stakeholders were informed that performance targets did not require revision since it had been previously decided, with stakeholder input, that SPP performance and participation targets would be consistent with the AYP targets established for all students in the state.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. AYP percent = $\left[\frac{\text{(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup)}}{\text{(total # of districts that have a disability subgroup that meets the State's minimum "n" size)}} \right] \times 100$.
- B. Participation rate percent = $\left[\frac{\text{(# of children with IEPs participating in the assessment)}}{\text{(total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)}} \right]$. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
- C. Proficiency rate percent = $\left[\frac{\text{((# of children with IEPs enrolled for a full academic year scoring at or above proficient))}}{\text{(total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)}} \right]$.

Targets and Actual Target Data for FFY 2008:

FFY	Measurable and Rigorous Target
<p><i>FFY 2008</i> <i>(2008-2009)</i></p>	<p>A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</p> <p>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</p>

Overview/Description of Issue, Process, System - Assessment

The New Jersey state assessment system currently assesses students in grades 3 through 8 and 11. These assessments are administered to measure achievement of the Core Curriculum Content Standards, our State’s academic standards, and ***to meet the requirements of the No Child Left Behind Act***. The assessments are as follows:

- | | |
|--|--|
| Grade 3-8 | New Jersey Assessment of Knowledge and Skills (NJ ASK3-8) |
| Grade 11 | High School Proficiency Assessment (HSPA)
Special Review Assessment (SRA) |
| Alternate Assessment for Grades 3-8 and 11 | Alternate Proficiency Assessment (APA) |

With regard to the participation of students with disabilities in state assessments, each student’s IEP team determines how the student will participate in state assessments – either the general assessment for the grade or the APA. Decisions are made by content area affording the students the opportunity to participate in the general assessment for one content area and in the APA for another. IEP teams also select accommodations and modifications for the general assessments, as needed, for students on an individual basis from a list developed by the Office of Statewide Assessment and the Office of Special Education Programs. Any accommodation selected for use for a student during state assessments by the IEP team is documented in the student’s IEP.

As part of its emphasis on raising academic standards, the NJDOE has changed its statewide testing program, implementing a more rigorous test of language arts literacy and mathematics at grades 3 and 4 during the 2009 school year. Cutscores have been set on the new tests to reflect a more stringent definition of “Proficient and “Advanced Proficient” compared to the previous tests.

Due to the implementation of new test designs and achievement standards for NJASK 3-4 language arts literacy and mathematics in 2009, direct comparisons between pre-FFY 2008 NJ ASK 3-4 data and NJ ASK 3-4 data from FFY 2008 would not be appropriate. Changes to achievement standards are included in the NJSOE Accountability Workbook, approved by the USDOE, and available at www.nj.gov/education/grants/nclb/accountability/workbook1009.

Actual AYP Target Data for FFY 2008:

3A. Districts with a disability subgroup that meet the State’s minimum “n” size AND met the State’s AYP target for the disability subgroup.

Target: 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*

The definition of meeting the State’s AYP target for the disability subgroup is the definition found in Section 1111(b)(2)(C) of Title 1 of the ESEA.

Content Area(s)	Number/Percent of Districts Meeting Minimum “n” and AYP Objectives for FFY 2007
Mathematics	444/477 x 100 = 93.08%
Language Arts Literacy	433/477 x 100 = 90.77%
Mathematics and Language Arts Combined Overall	401/477 x 100 =84.07%

3.B – Participation Rate

Measurable and Rigorous Targets for Participation for Students with Disabilities in State Assessments							
Content Area	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Mathematics	97%	97%	97%	97%	97%	97%	97%
Language Arts Literacy	97%	97%	97%	97%	97%	97%	97%

Disaggregated Target Data for Math Participation:

Statewide Assessment — 2008-2009		Math Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	Total	
									#	%
a	Children with IEPs	16540	17415	17462	17168	17500	17946	15923	119954	
b	IEPs in regular assessment with no accommodations	4099	3375	2466	1793	1636	1510	1905	16784	13.99
c	IEPs in regular assessment with accommodations*	11173	12864	13772	14122	14561	15044	12408	93944	78.32
d	IEPs in alternate assessment against grade-level standards	-	-	-	-	-	-	-	-	-
e	IEPs in alternate assessment against modified standards	-	-	-	-	-	-	-	-	-
f	IEPs in alternate assessment against alternate standards	1140	1060	1100	1090	1109	1098	1149	7746	6.46
g	Overall (b+c+d+e+f) Baseline	16412 99.23%	17299 99.33%	17338 99.29%	17005 99.05%	17306 98.89%	17652 98.36%	15462 97.1%	118474	98.77
Children included in a but not included in the other counts above*										
Account for any children with IEPs that were not participants in the narrative.*		128	116	124	163	194	294	461	1480	1.23

*Students may participate in state assessments with accommodations selected by the IEP team from a list approved by NJDOE.

**Includes students whose assessment results were invalid, students who were absent and students who did not participate due to medical emergencies.

Disaggregated Target Data for Reading Participation:

Statewide Assessment – 2008-2009		Reading Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	Total	
									#	%
a	Children with IEPs	16538	17416	17466	17168	17501	17944	15923	119956	
b	IEPs in regular assessment with no accommodations	4098	3370	2470	1795	1640	1516	1920	16809	14.01%
c	IEPs in regular assessment with accommodations*	11156	12832	13769	14123	14557	15126	12515	94078	78.43%
d	IEPs in alternate assessment against grade-level standards	-	-	-	-	-	-	-	-	-
e	IEPs in alternate assessment against modified standards	-	-	-	-	-	-	-	-	-
f	IEPs in alternate assessment against alternate standards	1175	1059	1092	1096	1097	1088	1145	7752	6.46%
g	Overall (b+c+d+e+f) Baseline	16429 99.34%	17261 99.11%	17331 99.23%	17014 99.1%	17294 98.82%	17730 98.81%	15580 97.85%	118639	98.90%
Children included in <i>a</i> but not included in the other counts above										
Account for any children with IEPs that were not participants in the narrative.**		109	155	135	154	207	214	343	1317	1.10

*Students may participate in state assessments with accommodations selected by the IEP team from a list approved by NJDOE.

**Includes students whose assessment results were invalid, students who were absent and students who did not participate due to medical emergencies.

3.C – Proficiency Rate

Target: The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *

Table C1 - New Jersey AYP Objectives						
Content Area	Grade Level	Starting Point FFY 2002-2003	FFY 2004-2006	FFY 2007-2009	FFY 2010-2013	FFY 2013
Language Arts Literacy	3, 4 and 5	68	75	59*	79*	100
	6,7 and 8	58	66	72	86	100
	11	73	79	85	92	100
Mathematics	3, 4 and 5	53	62	66	83*	100
	6, 7 and 8	39	49	61	80	100
	11	55	64	74	86	100

***The targets were re-set based upon the administration of new state assessments beginning in spring 2009.**

3C. Disaggregated Target Data for Math Performance: Number and percent of students with IEPs that scored proficient or higher

Statewide Assessment – 2008-2009		Math Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	14345	15569	15383	14254	15321	16490	15037	106399	
b	IEPs in regular assessment with no accommodations	2820	2342	1679	805	645	588	484	9363	8.80
c	IEPs in regular assessment with accommodations	5048	5557	5998	4217	3558	4249	3597	32224	30.29
d	IEPs in alternate assessment against grade-level standards	-	-	-	-	-	-	-		
e	IEPs in alternate assessment against modified standards	-	-	-	-	-	-	-		
f	IEPs in alternate assessment against alternate standards	613	509	622	551	604	614	504	4017	3.78
g	Overall (b+c+d+e+f) Baseline	8481 59.12%	8408 54.00%	8299 53.95%	5573 39.10%	4807 31.38%	5451 33.06%	4585 30.49%	45604	42.86

3C. Disaggregated Target Data for Reading Performance: Number and percent of students with IEPs that scored proficient or higher

Statewide Assessment – 2007-2008		Reading Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	14344	15568	15387	14254	15323	16487	15037	106400	
b	IEPs in regular assessment with no accommodations	2268	2007	1369	808	699	761	792	8704	8.18
c	IEPs in regular assessment with accommodations	2557	2985	3187	3486	4021	6697	5704	28637	26.91
d	IEPs in alternate assessment against grade-level standards	-	-	-	-	-	-	-	-	-
e	IEPs in alternate assessment against modified standards	-	-	-	-	-	-	-	-	-
f	IEPs in alternate assessment against alternate standards	735	595	581	606	615	584	656	4372	4.11
g	Overall (b+c+d+e+f) Baseline	5560 38.76%	5587 35.89%	5137 33.39%	4900 34.38%	5335 34.82%	8042 48.78%	7152 47.56%	41713	39.20

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

A. 100% of districts will meet the state’s AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*

New Jersey did not meet the NCLB and SPP target of 100% of districts. The percent of districts that met AYP for the disability subgroup decreased from ~~96%~~ **89.5%** reported for FFY 2007 test results to 84% for FFY 2008 test results. The rate for mathematics increased slightly from 92% to 93.08%. The rate for language arts literacy decreased from 96% in FFY 2007 to 90.77% in FFY 2008. The number of districts that met the minimum ‘n’ size and were included in the calculations increased from 475 in FFY 2007 to 477 in FFY 2008.

The decrease in language arts literacy may have been related to the increase in rigor of the language arts literacy assessments in FFY 2008 grades 3 and 4. In FFY 2007, state assessments in language arts literacy were revised to be more rigorous in grades 5 through 7.

B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**

New Jersey met participation targets for state assessments in all grades in both content areas. Participation rates reflect students with disabilities who participate in the general assessments with or without accommodations and students with disabilities who participate in the Alternate Proficiency Assessment, New Jersey's alternate assessment based on alternate achievement standards. Participation rates for all tested grades and content areas exceeded the NCLB participation requirement of 95%.

C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level.

NJOSEP, with the support of stakeholders, established NCLB AYP targets as the performance targets for the APR to maintain one standard of performance for all students. Targets, based on the revised AYP objectives were achieved in mathematics in grades 5, 6, 7, and 8 through safe harbor. Targets were achieved in language arts literacy in grades 5, 6, 7, 8 and 11 through safe harbor even though the assessments in grades 5, 6 and 7 were revised to be more rigorous in FFY 2007. Targets were not achieved in grades 3 and 4 in either content area. The target for mathematics in grade 11 was also not achieved. The tables below list the targets and performance data for all tested grades in mathematics and language arts literacy, respectively.

Table 3C2 - Mathematics Proficiency				
Grade	# of children with IEPs scoring at or above proficient	Total # of children with IEPs enrolled	Proficiency Rate %	FFY 2008 Target
3	8481	14345	59.12	66
4	8408	15569	54.00	66
5	8299	15383	53.95*	66
6	5573	14254	39.10*	61
7	4807	15321	31.38*	61
8	5451	16490	33.06*	61
11	4585	15037	30.49	74

*Target was achieved through safe harbor (see New Jersey's Accountability Workbook for description of safe harbor calculation).

Table 3C2 - Language Proficiency				
Grade	# of children with IEPs enrolled scoring at or above proficient	Total # of children with IEPs enrolled	Proficiency Rate %	FFY 2008 Target
3	5560	14344	38.76	59
4	5587	15568	35.89	59
5	5137	15387	33.39*	59
6	4900	14254	34.38*	72
7	5335	15323	34.82*	72
8	8042	16487	48.78*	72
11	7152	15037	47.56*	85

*Target was achieved through safe harbor (see New Jersey's Accountability Workbook for description of safe harbor calculation).

Improvement Activities implemented during FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol ***

I. Targeted Activities

NJOSEP is continuing to collaborate with other offices within the Department of Education to address the performance of students with disabilities on state assessment through the following monitoring and improvement planning activities as well as through targeted training and technical assistance activities:

a. Collaborative Assessment and Planning for Achievement (CAPA):

The New Jersey Department of Education has instituted a review process for schools in need of improvement entitled, Collaborative Assessment and Planning for Achievement (CAPA). This process has established performance standards for schools related to school leadership, instruction, analysis of state assessment results, and **use of assessment results to inform instruction for all students in the content standards**. Through a collaborative effort between the Division of Student Services and the Abbott Division, the CAPA process includes a review of the inclusion of students with disabilities and special education staff members in school-based initiatives focused on improving results for students. Individuals with knowledge of special education are part of the CAPA review teams and a protocol for interviewing teachers and administrators relative to the needs of students with disabilities within school-based improvement initiatives has been developed and implemented. Findings from completed reports and improvement plans applicable to special education include: analysis of student data to inform instruction; inclusion of special education staff in curriculum articulation meetings; collaborative lesson planning for co-taught classes; training on differentiated of instruction, modifications for students with disabilities and other research-based practices; and supervision of staff to verify, monitor and evaluate instruction This information is used as part of NJOSEP's monitoring process and for decisions related to training and technical assistance activities. **(Activity: 2008-2009)*****

b. Intensive Early Literacy Initiatives (K-4) and Collaboration with the Office of Language Arts Literacy Education and the Office of Reading First

Special Education Literacy Resource Coaches (SELRCs): The NJDOE Offices of Language Arts Literacy Education, Reading First, and Special Education Programs continued to collaborate to provide special education literacy coaching services (SELRCs) for grades K-4 through cooperative grant agreements to 46 districts including Abbott and other low performing districts. (Note: Abbott districts are low income, districts designated for state assistance by the New Jersey Supreme Court). NJOSEP directly funded SELRC positions in 26 districts including 14 Abbott districts as well as 12 additional low income, low performing districts through cooperative grant agreements. The Office of Reading First sponsored SERLC positions in 20 additional districts.

The SELRCs provide in-district training and coaching focused on students with disabilities. SELRCs also serve on district and building level teams to plan activities and monitor progress of students with disabilities. NJDOE staff conducted monthly statewide and/or regional training and technical assistance sessions on effective practices for SELRCs and other districts staff who support teachers in implementing these practices within in their districts. The literacy model emphasizes a co-teaching model of support for students with disabilities within general education programs. The model also supports additional instruction beyond the literacy block for any

student, including students with disabilities, who require more systematic, focused instruction. **(Activity 2008-2009)****

District training: Beginning in 2005, and continuing through the 2008-2009 school year, NJDOE has trained teams, including Special Education Literacy Resource Coaches (SELRCs) participating in NJDOE's early literacy initiatives, in research-based assessment and instructional practices including: organization and structure of intensive early literacy programs; 4 levels of assessment - screening, ongoing, summative and diagnostic assessment; scientifically based reading research (SBRR) instruction in phonemic awareness, phonics, vocabulary, comprehension and fluency; and the writing process instruction. District teams are provided resources to turnkey this information within their districts. Districts, in turn, report their turnkey activities as well as changes in practices to NJDOE. **(Activity 2008-2009)****

Outcomes: Participating districts report programmatic and instructional changes which include: greater collaboration between general and special education in literacy learning; changes to the organization and structure of literacy practices such as the provision of 90 minutes or more for an uninterrupted literacy block; use of benchmarking and ongoing assessment practices; provision of guided reading and targeted skill instruction; additional instructional time beyond the block for students significantly below grade level; access to core and supplemental materials on students' reading levels; and, involvement of special education teachers in grade level teams and professional development activities.

Examination of referral rates and classification rates of students with disabilities ages 6-10, as reported by the 26 NJOSEP funded districts, from the baseline year (2004-2005 for Abbott/IEL and 2005-2006 for IDEAL) to 2008-2009, revealed improvement in district data for a majority of the NJOSEP funded districts. Despite increases in total student enrollment (K-4), referrals to special education decreased in 15 of the 26 districts (58% of districts had fewer referrals); and new classifications decreased in 17 out of 26 districts (65% of the districts had fewer newly classified students). In addition, literacy performance improved from 2006 to 2008 in 20 of 26 districts (77% of districts) for third grade students and 19 out of 26 districts (73%) for fourth grade students.

c. Middle School Literacy Initiative/Secondary Education Initiative: Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)

During 2008-2009, NJDOE continued its middle school literacy initiative within fifteen low performing, low income school districts. This initiative emphasized research-based assessment and instructional practices including a 120 minute uninterrupted literacy block, thematic and cross disciplinary instruction, use of diverse texts, reading-writing connections through problem based learning and targeted interventions including guided reading and targeted skill instruction for students reading two or more years below grade level. NJOSEP collaborated with the Office of Literacy to ensure that students with disabilities and special education teachers were part of this initiative. **(Activity 2008-2009)****

d. Targeted Middle School Math Initiative: Implementing New Curricular Learning With Universally Designed Experiences (INCLUDE) Project:

During 2006-2007, the Office of Educational Technology and NJOSEP collaborated in the development of a multi-year targeted grant focused on middle grades (5th through 8th) math curriculum. The INCLUDE project is designed to ensure that all students in the general education classroom, including those with disabilities, struggling students and English language learners, are provided access to math instruction through the use of educational technology, thereby improving their mathematics achievement.

The grant was available to districts designated as “high need” in terms of student achievement. In 2007-2008 thirteen districts were selected to receive the grant based on an application process. Through this grant, teachers received specialized training in differentiation and effective use of educational technology to support the different learning styles, languages and disabilities of ALL students using a Universal Design for Learning approach.

During 2007-2008, NJOSEP personnel conducted training for middle school general and special education math teachers, CST members, middle school principals and special education directors on the provision of supports and accommodations for learners of varying ability levels within general education classrooms. Training was also provided on the array of supports to promote access to the general education curriculum by students with IEPs.

During the 2008-2009 school year NJOSEP personnel continued to consult and collaborate with the NJDOE, Office of Educational Technology personnel in support of the INCLUDE project. **(Activity 2007-2008, 2008-2009)**

State Level Capacity Building

A. *New Jersey Quality Single Accountability (NJQSAC)*

NJQSAC is a system for evaluating and monitoring public school districts throughout New Jersey to determine the extent to which public school districts are providing a thorough and efficient education. The NJQSAC system, through the use of the District Performance Review (DPR), focuses on five key components of school district effectiveness – instruction and program, personnel, fiscal management, operations, and governance. Within the NJQSAC components are the standards and indicators designed to assess for all students’ achievement in literacy and mathematics, progress toward proficiency, local capacity, and the need for support and assistance. The results of the NJQSAC monitoring will be used to review district practices and to coordinate program improvement planning with an emphasis on student achievement for students with disabilities. **(Activity 2008-2009)*****

B. *New Jersey Policy Implementation and Guidance Regarding State Assessments*

Alternate Proficiency Assessment (APA):

NJOSEP continued to work collaboratively with the Office of Assessment in regard to the Alternate Proficiency Assessment (APA). In the Fall of 2008, training on the revised Alternate Proficiency Assessment (APA) was provided to administrators and educators throughout the state providing guidance and instruction on the implementation of regulations for the upcoming school year based on the redesigned assessment. As per the direction of the USDOE, the redesign of the APA addressed the specific grade level NJCCCS, Strands and Cumulative Progress Indicators (CPIs) that were aligned with the general assessment for grades 3-8 and at the high school level. These statewide trainings were coordinated and provided through both offices by representative staff members.

During 2008-2009, the two offices continued to collaborate on the Alternate Proficiency Assessment inclusive of the range finding process and determination of scoring regulations. Both offices continued to work with DOE content specialists, assessment specialists, ILLSA personnel and Pearson to ensure that the APA design and structure were aligned with the grade level content standards and made some minor adjustments in CPIs for the 2009-2010 school year. Both offices collaborated on the development, selection and posting of sample activities and appropriate evidence for matched, near and far CPI links within Math, LAL and Science at the various grade levels on the NJDOE Assessment Website. This resource provided teachers of students with disabilities additional guidance and support in meeting the students’ educational needs.

The APA Advisory Committee continued to meet throughout the year and provided input and feedback regarding the changes and process guiding the testing system within New Jersey. This committee consists of a diverse group of stakeholders inclusive of local education agency personnel, private special education schools, NJEA members, state personnel from various agencies, and other interested parties and continues to be a critical resource to the NJDOE assessment process. **(Activity 2008-2009)****

B. *General Statewide Assessment Training Sessions:*

Training sessions regarding general assessments and the participation of students with disabilities in general state assessments were conducted for school personnel statewide by the Office of Assessment and Evaluation. Test manuals, which include the participation criteria for general assessments and the APA and guidance regarding accommodations and modifications, were distributed for each assessment. Technical assistance materials were developed and are available in districts and on the NJDOE web site. These materials include the skills and skill clusters assessed for each assessment, sample items, sample scored items for reference, scoring rubrics and information on holistic scoring for reading and writing as well as math.

(Activity 2008-2009)***

D. *Differentiated Instruction - Targeted Training: A Training of Trainers – Differentiated Instruction*

NJOSEP continues to implement a “training of trainers” series on differentiated instruction for districts identified during the self-assessment/monitoring process who did not meet state targets for LRE. During the first year (2007-2008) 10 districts participated in the training. During the second year (2008-2009), 16 districts participated in the training.

The four day “training of trainers” series is designed to increase the district capacity to differentiate instruction within general education classrooms, enabling special and general educators to address the needs of students with disabilities within those settings. District personnel attended the turnkey training as teams of general and special educators with the explicit purpose of sharing the knowledge and strategies of differentiated instruction with other general and special education staff within their district.

The training presents the principles and practices of differentiated instruction through mini-lectures and hands-on activities that participants can turnkey within their districts. Information, including turnkey training materials (e.g. power point presentations, activities and handouts, sample lessons), are provided to participants for this purpose. During each session teams learn new strategies, reflect and problem solve around implementation issues and receive feedback.

Teams reported conducting training on differentiated instruction within their districts; coaching in classrooms to demonstrate how to differentiate lessons; and creating lessons of study that teachers could use for instruction, and disseminating instructional materials and information through an e-board. Participants commented that teachers were able to incorporate these activities and lessons in classrooms and that teachers found them useful in enhancing learning opportunities for all students, including those with disabilities, in general education classrooms.

(Activity 2008-2009)***

F. *Assistive Technology*

The New Jersey State Department of Education, Office of Special Education Programs, continued to support a statewide initiative to facilitate the consideration of Assistive Technology (AT) during the IEP process and the use of AT to support the education of students with disabilities in general education settings. This initiative was implemented by NJOSEP in collaboration with the Department of Human Services, Office of Children and Families (DCF). The following activities were implemented during 2008-2009:

- **Training for District Personnel and Parents/Families** on how to consider a student's need for assistive technology (AT) and how to integrate the use of AT into a student's program to enhance student's access to the general education curriculum as well as to address other learning needs. Training was provided by the LRC- Central Special Education Consultant and/or an AT Specialist from NJDCF/OOE, upon request, to district/school personnel and parent groups. **(Activity 2008-2009)**
- **Technical Assistance for District Personnel and Parents/Families:** Upon request, NJDOE/OSEP, with the assistance of the NJ Department of Children and Families (DCF), Office of Education, provided technical assistance to district personnel and families through phone or email and on-site, when necessary. **(Activity 2008-2009)**

G. Self-Assessment/Monitoring: The current monitoring system is aligned with the SPP indicators. The new system links compliance, data and programming by requiring districts to review compliance in areas related to SPP indicators and to examine their data compared to state targets. Following the review conducted through self-assessment, districts must correct noncompliance and identify activities for continuous improvement toward state SPP targets. Districts are required to develop activities for continuous improvement in areas where their data do not meet state SPP targets.

Each district identified for self-assessment reviews their state assessment performance and participation rates against the state annual SPP targets, completes a protocol to identify needs for continuous improvement in curriculum and instruction and reviews compliance requirements related to participation in state assessments. The protocol for state assessment comes from the Quality Single Accountability System, the general monitoring system for all districts in the state that reviews achievement for all students. Other related requirements, such as IEP required components, are also reviewed. Districts that self-identified noncompliance during FFY 2008 were required to correct noncompliance within one year. Verification of progress toward correction is conducted within six to nine months of submission of the self-assessment to NJOSEP by monitors and supervisors of child study. Districts that had performance or participation rates below the state annual SPP target were required to develop and implement improvement strategies to make progress toward the next year's SPP targets. Districts were directed to collaborate with general education staff members in developing strategies and activities that would be used for both their QSAC review and special education monitoring. Improvement strategies include, but are not limited to:

- Data collection and analyses of student performance data by district, building, and grade level for subject areas of literacy and mathematics- for all students, general education students and students with disabilities;
- Self-assessment of organizational, curricular and instructional practices using CAPA and/or CUSAC protocols;
- IEP development aligned with the district curricula and the New Jersey Core Curriculum Content Standards;
- Use of technology in education to improve achievement;
- Use of assessment data to design instruction; research-based practices for literacy and mathematics instruction aligned with the NJCCCS; differentiated instruction; use of instructional and testing adaptations; use of assistive technology; and co-teaching;
- Parent – Family Involvement; and/or
- Development and use of targeted interventions, as appropriate (e.g. specialized materials/programs)

(Activity 2008-2009)***

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007

[If applicable]

Revised AYP Annual Measurable Objectives

Justification: Students in grades 3 and 4 took a revised NJ ASK in language arts literacy in FFY 2007. As a result, achievement standards were revised which required changes to AYP benchmarks. Since AYP benchmarks are developed by grade span and not by individual grade, this affected the AYP benchmarks for grades 3 through 8. Table 3A1 lists the revised benchmarks for language arts literacy and mathematics for each tested grade span. The revisions to the AYP benchmarks changed SPP targets for FFY 2008 through FFY 2010; therefore, Indicator 3 in the SPP has been revised. The NCLB Accountability Workgroup, a group of stakeholders, received the proposed AYP benchmark changes for review prior to adoption by the NJDOE and approval by the USDOE.

Table 3C1 above includes AYP annual measurable objectives (AMOs) for performance on state assessments developed in accordance with the requirements of NCLB.

The above revision is included in the SPP which can be found at:

<http://www.nj.gov/education/specialed/info/spp/>

Public Reporting Information: *Insert here the location (URL) of public reports of assessment results conforming with 34 CFR §300.160(f):*

The NJDOE reports on the performance of students with disabilities on statewide assessments with the same frequency and the same detail as it reports on the assessment of nondisabled children. Reports reflect the performance of students on general assessments, general assessments with accommodations, and alternate assessments based on alternate academic achievement standards. Assessment reports for FFY 2008 may be found at www.state.nj.us/education/schools/achievement/2010.

Revisions, with Justification, to Improvement Activities / Targets / Timelines / Resources for FFY 2008 (if applicable):

NOT APPLICABLE

Indicator #4A: Suspension and Expulsion

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Indicator 4A was discussed at the stakeholder meeting held on January 21, 2010. NJOSEP staff indicated that the methodology adopted in FFY 2006 for the calculation of significant discrepancy was applied again for the FFY 2008 APR submission. NJOSEP informed the stakeholders that the FFY 2008 target was met. Additionally, the targeted review process for districts identified with a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year was discussed.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

4 A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

State's definition of "significant discrepancy" - Revised FFY 2006

"Significant discrepancy" is defined as a suspension rate of greater than five times the baseline statewide average (i.e., a rate of more than 3%).

Overview/Description of Issue, Process, System - Suspension/Expulsion

In March of 2000, districts began reporting incidents of disciplinary action directly to NJDOE over the Internet on the Electronic Violence and Vandalism Reporting System (EVVRS).

The collection of data for general education students relates only to the four categories of violence, vandalism, weapons and substance abuse. ***The collection of data with respect to students with disabilities is the same information required by Table 5, Section A, Columns 3A, 3B and 3C of the Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served.***

The data collection for students with disabilities is not limited to the four categories of violence, vandalism, weapons and substance abuse. Rather, this collection includes disciplinary actions for any violation of the school's code of conduct that results in removals summing to more than 10 days or for a single episode that results in a removal for more than 10 consecutive days.

The following information is collected:

- The number of removals summing to 10 school days in a year
- The number of removals of more than 10 (consecutive) school days in a year
- The unduplicated count of students with disabilities
- The racial and ethnic background of the students

Description of methods used to determine significant discrepancies and the criteria used to identify a significant discrepancy

NJOSEP compared suspension and expulsion data **among local educational agencies within the State**, using data from the *Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days* of the Annual Report of Children Served.

The method the State used to determine possible discrepancies and explain what constitutes those discrepancies. The State must define “significant discrepancy.”

Methods and Criteria:

NJOSEP determined whether significant discrepancies were occurring in each LEA by comparing the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State. NJOSEP used a set number of times above the state average to determine significant discrepancy. This method was used by seven other states as stated in the *Analysis of Part B State Performance Plans (SPP) Summary Document, Compiled 8/01/07*, provided to the states by USOSEP – page 68.

Specifically, first, NJOSEP calculated the baseline state average (i.e., a rate of .6%). Second, NJOSEP used a multiple of the baseline statewide average (i.e. more than 5 x the state average) to determine local districts demonstrating a significant discrepancy. Third, NJOSEP determined that a minimum enrollment of greater than 75 students with disabilities (i.e. 76 and greater) would be used as a minimum n size to identify the districts with a significant discrepancy. A minimum number of more than 75 students with disabilities was used as small numbers of students with disabilities were found to distort percentages. In summary, school districts with more than 75 school-age students with disabilities that had a suspension rate of more than 3% percent were identified as having a significant discrepancy in their rate among LEAs.

State’s definition of “significant discrepancy” - Revised FFY 2006

As indicated above, under “Measurement”, “significant discrepancy” is defined as a suspension rate of greater than five times the baseline statewide average (i.e., a rate of more than 3%)

FFY	Measurable and Rigorous Target
<i>FFY 2007</i> <i>(2007-2008)</i>	Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion of children with disabilities for greater than 10 days in a school year will be at or below 3.2%

For this indicator, report data for the year before the reporting year (FFY 2007 data).

<p>Actual Target Data for FFY 2008 (data from FFY 2007):</p> <p>2.9% of districts were identified as having a significant discrepancy in the rates of suspension and expulsion of children with disabilities for greater than 10 days in a school year.</p>

Describe the results of the State examination of the data

The target for the percent of districts that have a significant discrepancy in the rate of suspension and expulsion was set at 3.2% or below. The data reveal that 2.9% of districts had a significant discrepancy in the rate of suspension and expulsion. Therefore, New Jersey met the target for FFY 2007.

.LEAs with Significant Discrepancy in Rates for Suspension and Expulsion

Actual Numbers Used in the Calculation:

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
FFY 2007 (2007-2008)	618	18	2.91%

NJOSEP's Targeted Review Process for Review of Policies, Procedures and Practices

For each district identified for a significant discrepancy in suspension/expulsion rates of children with disabilities for greater than 10 days in a school year, based on its analysis of FFY 2007 data, an onsite targeted review of discipline compliance requirements, including policies, procedures and practices regarding development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards was conducted. The targeted review included record review, interviews with general and special education staff members, review of written policies, procedures and practices and review of district discipline and suspension data. District data, reported through the EVVRS, were reviewed and analyzed to identify the schools where most suspensions over 10 days occurred. School-based discipline practices and tracking data were analyzed to identify noncompliance and patterns of suspension. Districts where data, interviews and record review indicated that policies, procedures and practices were not consistent with IDEA and N.J.A.C. requirements related to suspension and expulsion were identified as noncompliant and corrective action was required.

During the onsite visits, technical assistance was provided, as needed, with regard to policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Districts were provided with resources, as needed, for additional information on compliant policies, procedures and practices related to positive behavioral interventions and supports, school-wide behavioral systems and federal and state regulations. A brochure outlining the IDEA and N.J.A.C. requirements related to suspension/expulsion, developed by NJOSEP, was also disseminated to district staff. Districts were provided with additional training as described below (see discussion of improvement activities).

Of the districts that received a targeted review, seven districts were required to revise their procedures and practices as a result of identification of noncompliance with discipline requirements. For each district identified with a significant discrepancy in the suspension/expulsion rate for FFY 2007, following the onsite targeted review, a report was generated that included an analysis of the district suspension/expulsion data reported in the EVVRS, an analysis of data obtained during the onsite review and any findings of noncompliance (12 total findings of noncompliance). For each finding of noncompliance, a corrective action(s) was directed by the NJOSEP that included a timeline for completion or submission of documentation. Corrective actions included revisions of written policies, procedures, training for staff, activities related to implementation of procedures and/or ongoing oversight of the implementation of policies and procedures. Timelines in the reports were established to ensure correction within one year of identification. The reports were sent to the chief school administrator.

To verify correction of noncompliance consistent with OSEP Memorandum 09-02, the NJOSEP monitors determined, through desk audit or onsite visit, that each LEA with a finding of noncompliance:

- is correctly implementing the specific regulatory requirements by reviewing updated data that demonstrate compliance; and
- has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction by reviewing a sample of the files where noncompliance was identified.

Correction of FFY 2007 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	12
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	12
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of Remaining FFY 2006 Findings of Noncompliance

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	17
2. Number of remaining FFY 2006 findings the State has verified as corrected	17
Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2007:

Report of Progress/Slippage

Discussion of data and progress or slippage toward targets:

As noted above, 2.91% of districts had a significant discrepancy in the rate of suspension and expulsion. This represents a decrease of almost a full percentage point from the FFY 2006 rate of 3.8%. The improvement may be attributed to the correction of noncompliance of districts that were cited in FFY 2006. To address the noncompliance, districts implemented a tracking system to monitor the number of days of removal and implemented interventions to support students with behavioral difficulties.

Discussion of improvement activities completed in FFY 2008:

NOTE: Activities that occurred in 2007-2008 are ongoing during the course of the SPP, including FFY 2008, are represented by the symbol *.**

Information Dissemination: Discipline Requirements

Discipline Requirements Brochure: In 2007-2008 NJOSEP revised and distributed a two-page brochure outlining requirements for disciplinary action. The revisions were made to clarify the discipline process consistent with IDEA 2004 and state requirements. The revised brochure is posted on the NJOSEP website at http://www.nj.gov/education/specialed/info/discipline_broch.pdf **(2008-2009 Activity) *****

Statewide Training on Discipline Requirements: During 2007-2008 NJOSEP completed statewide training of all local district special education administrators initiated in the prior year. Training on discipline requirements was conducted for approximately 100 local school district directors of special education and principals in two counties to complete the statewide training. In addition to the statewide training, discipline training continues to be provided on-site to selected districts as part of the self-assessment/monitoring process. The discipline training developed by NJOSEP was posted on the web in March of 2007 to facilitate turnkey training by district personnel statewide. **(2008-2009 Activity)*****

State Capacity Building: NJOSEP is continuing to expand the use of positive behavior supports statewide through training and technical assistance initiatives conducted in collaboration with the Elizabeth M. Boggs Center, UMDNJ and through the efforts of NJOSEP's Learning Resource Center Network. Activities include: targeted training and technical assistance; statewide proactive training and technical assistance; implementation of a PBSIS network of districts and schools; and information/resource dissemination activities. 71 schools from 46 districts have been trained by the PBSIS State team and NJOSEP on PBSIS practices through 2008-2009. An additional group of 11 schools from 9 districts are receiving training and technical assistance support during 2009-2010. These schools will begin implementation in 2010-2011. **(2008-2009 Activity)*****

a. Targeted Training and Technical Assistance on Positive Behavior Supports in Schools (PBSIS): NJOSEP's technical assistance and monitoring staff meet annually to review statewide district and school data and identify those districts and schools that might benefit from implementing a tiered system of school-wide positive behavioral supports. Districts identified include those who had high rates of suspension/expulsion for two or more consecutive years, high rates of student placements in separate special education settings, or disproportionate representation of specific racial/ethnic groups in special education and related services. During September, 2007, two recruitment sessions were held for identified districts to learn about NJOSEP's two-year training and technical assistance initiative on Positive Behavior Support in Schools (PBSIS). Through an application process, interested districts were selected for participation beginning in the fall of 2007 through 2009. Another group of districts was selected through an application process following a recruitment event conducted in May of 2008. This second group of districts and schools received initial training and technical assistance during the 2008-2009 school year. During 2009-2010, this second group of districts and schools are implementing PBSIS practices with further training and technical assistance support.

Participating districts/schools received the following training and technical assistance support:

- School-wide practices (Tier 1) - Training and support for school-wide teams and building coaches who will lead the implementation of school-wide positive behavior practices within their buildings on:
 - school-wide assessment of building climate and behavior to establish priorities for interventions;
 - developing staff, community and student buy-in for PBSIS;
 - proactive practices for teaching and recognizing positive behavior;
 - analysis of Office Discipline Referral procedures and forms for intervention decisions and monitoring effectiveness of PBSIS interventions;

- school-wide targeted interventions based on data analysis; and
- effective classroom management strategies that promote inclusive classroom environments.
- Targeted student interventions (Tiers 2 and 3)
 - proactive targeted interventions for students with challenging behavior;
 - best practices for Function of Behavior Analysis and Behavior Intervention Plans (FBA and BIPs); and
 - self-assessment of FBA and BIP practices following training. **(Activity 2008-2009)*****

b. Statewide Training and Technical Assistance for Positive Behavior Supports: Training and technical assistance on positive behavior supports (PBS) continues to be provided statewide through the Boggs Center's Statewide Team for PBSIS in collaboration with the Learning Resource Center (LRC) Network. During 2008-2009, trainings were conducted on Functional Behavioral Assessment and Design of Behavior Intervention Plans.

c. PBSIS Network of Districts and Schools: In order to maintain and extend PBSIS practices by districts/schools who are implementing positive behavior supports, technical assistance support is provided through email and phone support by both the LRCs and the Boggs Center's PBSIS State Team. In addition, these districts/schools have been invited to further trainings to enhance practices including training on small group interventions and FBA/BIP. Follow-up with these districts indicated that schools who were implementing PBSIS practices reported improved school climate, reduced office discipline referrals and increased use of data to plan effective school-wide interventions. As part of this effort, a Coaches Network has been created to provide ongoing training opportunities for coaches of all implementing PBSIS schools to network, share resources, and problem solve areas of implementation. During 2008-2009, two coaches' events were held. **(Activity 2008-2009)*****

d. Resource and Information Dissemination: NJPBSIS website: To provide information statewide on PBSIS practices, NJOSEP supports the development and maintenance of a PBSIS website operated by the Boggs Center PBSIS State Team. The website contains information on promising practices in New Jersey as well as materials, tools, the New Jersey PBSIS newsletter and resource information. There is a special section for parents and for coaches to provide information on PBSIS practices. The website has received more than 125,000 visits since the launch of the website with over 32,000 visits in 2009. **(Activity 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007: *[If applicable]*

Not Applicable

Indicator # 5: LRE

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Placement data for students with disabilities, ages 6 to 21, were discussed with stakeholders at the stakeholder held on January 21, 2010. NJOSEP also reviewed several of the strategies it implemented with the goal of making progress toward each of its LRE targets.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;**
- B. Inside the regular class less than 40% of the day; or**
- C. In separate schools, residential placements, or homebound /hospital placements.**

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential placements, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Overview/Description of Issue, Process, System - FAPE in the LRE

New Jersey regulations at Chapter 6A:14 require that all students with disabilities be educated in the least restrictive environment with appropriate supports and services as determined by the IEP team and that the first consideration for placement of all students with disabilities shall be the general education classroom. Determination of restrictiveness of placement is in accordance with the above measurements.

Data analyzed for this indicator were based on the 618 Education Environments data collected October 15, 2008.¹

¹ For the purpose of this report, New Jersey chose to eliminate nonpublic school (parentally placed) students with disabilities from the calculation of the percentages for 5A, 5B and 5C. Because New Jersey's number of nonpublic school students with disabilities is large, their inclusion in the calculation of 5A, 5B and 5C would skew the percentages of students with disabilities placed by the district of residence. As indicated in last year's APR, LRE percentages reported at www.ideadata.org for New Jersey are lower than reported here because nonpublic school students with disabilities are included in that calculation.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	<p>A. 43.0 percent of students with disabilities will be served inside the regular class 80% or more of the day.</p> <p>B. 19.0 percent of students with disabilities will be served inside the regular class less than 40% of the day.</p> <p>C. 9.0 percent of students with disabilities served in separate schools, residential facilities or homebound/hospital placements.</p>

Actual Target Data for FFY 2008:

- A. 47.0 percent** of students with IEPs were served inside the regular class 80% or more of the day.
Actual numbers used in the calculations: $90,518 / 192,499 = 0.470 \times 100 = 47.0\%$
- B. 15.8 percent** of students with IEPs were served inside the regular class less than 40% of the day.
Actual numbers used in the calculations: $30,501 / 192,499 = 0.158 \times 100 = 15.8\%$
- C. 8.0 percent** of students with IEPs were served in separate schools; residential facilities; or homebound/hospital placements.
Actual numbers used in the calculations: $14,402 + 327 + 645 = 15,374 / 192,499 = 0.799 \times 100 = 8.0$

Report of Progress/Slippage

Description of current data in relation to the SPP target/Description of the results of the calculations and comparison of the results to the SPP target

Discussion of data and progress or slippage toward targets:

New Jersey exceeded each of the three targets for LRE. For students with disabilities educated within general education settings for 80% or more of the day (**Target A**), New Jersey exceeded the target by 4% (47%-43%=4%). For students educated within from general education programs for less than 40% of the day (**Target B**), New Jersey exceeded the target by 3.2% (19%-15.8% = 3.2%). For students educated in separate settings (**Target C**), New Jersey exceeded the target by 1.0% (9.0-8.0=1.0%). These changes in placement data can be attributed to the continuing efforts on the part of NJOSEP and local districts to implement data driven monitoring, training, technical assistance and grant initiatives, focused on increasing the percent of students educated in general education settings with appropriate supports and services.

New Jersey has made progress in educating more students with disabilities within general education settings as evidenced by changes in placement data for 2008-2009 in comparison to the prior year. Examination of the data by the percentage of students with disabilities (ages 6-21) for each placement category reveals the following progress made in 2008-2009 (Table 1 below).

Comparison Between 2007-2008 and 2008-2009

Placement	07-08	08-09	Difference
>80%	45.0%	47.0%	↑ 2.0
<40%	16.2%	15.8%	↓ .4
Separate Settings	10.1%	8.0%	↓ 2.1

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Discussion of improvement activities completed for FFY 2008:

Self-Assessment/Monitoring, State Determinations of Local Districts, Targeted Technical Assistance and Improvement Planning:

During FFY 2008, in order to make progress toward each of the Indicator 5 LRE targets, NJOSEP continued to implement activities targeted to those districts that have the greatest percentage of students with disabilities being educated in separate public/private educational settings. Targeting districts with a pattern of separate placements for the self-assessment monitoring process, determining those districts as "Needs Assistance" based on their pattern of separate placements, and providing these districts with targeted technical assistance are among strategies being used.

The following is a summary of New Jersey's Self-Assessment Monitoring Process which describes how districts' placement data is a key factor in the selection for participation in the self-assessment/monitoring process. Additionally, it highlights the requirement for a continuous improvement plan for all districts that are discrepant from state LRE targets. Lastly, it provides for targeted technical assistance for districts with the highest rate of placements in separate settings to promote changes in district practices.

Summary of Self-Assessment/Monitoring and Improvement Planning Process

Selection of Districts	<p>For FFY 2006, districts were targeted for the special education self-assessment/monitoring process based on federal monitoring priorities – placement in the LRE and disproportionate representation of specific racial/ethnic groups in special education. 45 districts were identified for self-assessment for the first year of the monitoring cycle. Of the 45 districts, 18 districts with the highest percentage of students with disabilities educated in separate settings were targeted for the self-assessment process. An examination of placement data revealed that an additional 24 districts exceeded one or more of the LRE targets.</p> <p>For FFY 2007, districts were targeted for the special education self-assessment/monitoring process based on federal monitoring priorities – placement in the LRE and disproportionate representation of specific racial/ethnic groups in special education. Random selection was used to select additional districts for participation in the self-assessment process. 72 districts were identified for self-assessment for the second year of the monitoring cycle. Of the 72 districts, 20 districts with the highest percentage of students with disabilities educated in separate settings were targeted for the self-assessment process. An examination of placement data revealed that an additional 47 districts exceeded one or more of the LRE targets.</p> <p>For FFY 2008, districts were targeted for the special education self-assessment/monitoring process based on federal monitoring priorities – placement in the LRE and disproportionate representation of specific racial/ethnic groups in special education. Random selection was used to select additional districts for participation in the self-assessment process. 122 districts were identified for self-</p>
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	<p>assessment for third year of the monitoring cycle. Of the 122 districts, 20 districts with the highest percentage of students with disabilities educated in separate settings were targeted. An examination of the placement data revealed that an additional 30 districts exceeded LRE targets (a) and/or (c).</p>
<p>Data verification and analyses</p>	<p>Each district identified for the special education self-assessment/monitoring process reviews their current placement data against the state annual SPP targets. Local districts are required to participate in the following:</p> <ul style="list-style-type: none"> • <u>Review data charts</u> for students 6-21 and for preschool students with disabilities from the information provided by NJDOE. • <u>Analyze the district's placement patterns for students with IEPs</u> for 2004, 2005 and 2006 (FFY 2006 districts), 2005, 2006, 2007 (FFY 2007 districts), 2006, 2007, 2008 (FFY 2008 districts) by age and/or grade or grade ranges as well as the nature of the students' disabilities for the following placement categories: <ul style="list-style-type: none"> Served in the general education class 80% or more of the day; Served in the general education class less than 40% of the day; and Educated in separate public or private schools. • <u>Identify placement trends:</u> (e.g. the district has a pattern of placing students with behavioral challenges in public or private separate settings; preschoolers with disabilities placed in separate settings) • <u>Analyze data by CST</u> to identify team trends in placement.
<p>Review Monitoring Reports from other NJDOE Units</p>	<p>Each district is required to review reports from other NJDOE units that monitor districts or schools for issues related to placement in the least restrictive environment and to review complaint and due process history to identify patterns of concern regarding placement.</p>
<p>Compliance Review and Correction of Noncompliance:</p>	<p>Each district is required to conduct a review of compliance requirements for placement in the least restrictive environment and identify areas where they may be noncompliant. Subsequently, an on-site visit is conducted and a report is generated. The report includes an analysis of the factors that may have contributed to the noncompliance. The report also details a corrective action(s) that included a timeline for completion or submission of documentation. Corrective actions include revisions of policies, procedures, training for staff, activities related to implementation of procedures (e.g., reconvening IEP teams to review and revise IEPs), and/or implementation of an oversight mechanism to ensure correction of noncompliance and to enable ongoing</p>

	compliance.
Review of Practices for Continuous Improvement	<p>Each district is required to complete a protocol focused on continuous improvement. In this regard the following practices are reviewed:</p> <ul style="list-style-type: none"> • Adaptations and Supports for General Education Programs • Differentiated instructional practices and supplementary aids and services within each building • IEP Decision Making Process • School Community Integration • Collaboration Within General Education Programs • Parental Involvement • Transition Planning
Plan for Continuous Improvement for LRE/Activities	<p>Each district selected for self-assessment/monitoring due to high rates of students in separate special education public and/or private settings, as well as each district that did not meet one or more the LRE targets, is required to develop a plan for continuous improvement, based on the data analysis and review of practices, that includes the following:</p> <ul style="list-style-type: none"> • Identifies <u>barriers/gaps</u> that need to be addressed in order to increase the percentage of students with disabilities educated in general education programs/general education settings. • <u>Identifies activities to address barriers and gaps</u> • Activities to <u>transition</u> students with disabilities to less restrictive environments.
Targeted Technical Assistance for LRE Improvement Planning and Evaluation of Progress	<p>NJOSEP Learning Resource Center staff accompanied by NJOSEP monitors and County Child Study Supervisors meet with districts that had been selected for self-assessment/monitoring due to high rates of students in separate special education public and/or private settings. At these meetings districts receive assistance in reviewing their current placement data and practices, identifying their needs, and considering strategies to build capacity to educate students with disabilities within general education programs/settings. Consideration is also given to strategies for transitioning students to less restrictive environments.</p> <p>The LRE protocol of practices for Continuous Improvement developed by NJOSEP is used as the basis of the improvement planning discussions. Individual district technical assistance sessions are conducted following receipt of the self-assessment plans to review changes in current placement data, progress in continuous improvement plan activities and changes in practice. Where needed, NJOSEP collaborates with district staff to redefine and/or refocus activities to include students with disabilities within general education settings. In addition, NJOSEP staff also provides on-site technical assistance and training tailored to each district's practices, as needed. Topics include, but are not limited to:</p>

	<ul style="list-style-type: none"> ◆ IEP Development with a Focus on LRE Decision Making and Supports for Students with Disabilities ◆ Transitioning Students with Disabilities to General Education Programs and Settings ◆ Building-wide Accommodations Plans ◆ Instructional and Curricular Modifications ◆ Positive Behavioral Supports ◆ In-class Resource Program Instruction ◆ Allocation of district and building resources ◆ Parent Involvement ◆ Use of Assistive Technology <p>During 2008-2009, NJOSEP technical assistance staff, accompanied by NJOSEP monitoring staff and county office study supervisors, met individually with 48 districts from cohort 1-3 that had the highest percentage of students with disabilities in separate settings to provide targeted technical assistance. The purpose of these meetings was to discuss progress on their continuous improvement plans and review changes in their student placement data. Emphasis was placed on reviewing district efforts to transition students back to district from out of districts placements as well as efforts to include more students with disabilities within general education programs. As part of the technical assistance, the IEP decision making process was reviewed to ensure that first consideration is given to placement in general education programs with appropriate supports and services and that all decisions are based on the needs of individual students. When needed, NJOSEP staff assisted districts to refine or refocus their activities to facilitate the inclusion of students with disabilities and their progress towards state targets. NJOSEP staff also provided in-district training aligned to district needs to administrative and instructional staff.</p> <p>NJOSEP staff continues to meet with these districts to ensure that activities are resulting in building capacity and changes in practice to include students with disabilities in general education programs within the district.</p> <p>(Activity: 2008-2009)***</p>
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State Capacity Building: As specified in the SPP, NJOSEP is continuing to implement several initiatives to increase and enhance the capacity of local school districts to educate students with disabilities in general education programs with appropriate supports and services.

The Governor’s Initiative: Enhancing and Expanding In-district Program Options for Students with Disabilities: This grant opportunity provided funds dedicated to the development and implementation of in-district public school program options in general education settings for students with disabilities, ages 3-21. Specifically, the New Jersey Department of Education, in collaboration with the Governor’s Office, offered a 25-month grant program to: (a) organize and implement enhanced and/or expanded in-district public school program options that afford opportunities for students with disabilities to participate in academic, non-academic, and extra-curricular programs with nondisabled peers; and (b) encourage, where possible, cross-district planning in order to have an effective and efficient multi-district approach to meeting the needs of students with disabilities. Year 1

of this grant operated from June 1, 2007 – June 30, 2008 and Year 2 operated from July 1, 2008 – June 30, 2009. Twenty-eight (28) districts received the grant awards, with 5 grantees serving as Lead Partner Agencies in partnerships with other LEAs to share services for programs and professional development. Three (3) other districts included activities for cross-district planning and sharing of services with neighboring LEAs. The majority of programs developed through this grant are being implemented in settings providing inclusive opportunities.

Outcomes for The Governor's Initiative: Enhancing and Expanding In-district Program Options for Students with Disabilities - June 1, 2007 – June 30, 2009:

Grantees developed 43 new programs and enhanced 63 existing programs as a result of this initiative. At the preschool level, 6 new special class programs for students with Autism Spectrum Disorder (ASD) and 8 new integrated (general education) preschool programs were created. Additionally, 7 preexisting preschool programs were enhanced by grants that focused on instructional/sensory materials, social skills programs, professional development, and parent training/outreach activities. At the elementary level, 9 new programs were developed - and 24 previously established programs were enhanced by Literacy/Math Coaches, Positive Behavior Supports (PBS), professional development, curriculum development, technology, social skills training, peer-to-peer activities and new curriculum materials. At the middle school, 8 new programs were developed and 16 programs were enhanced. At the high school level, 12 new programs were developed and 16 previously established programs were enhanced. Enhancements at the middle and upper levels included assistive technology, instructional materials, social skills programs, professional development, parent training, and employment of additional program staff such as behaviorist specialists, inclusion facilitators, and job coaches. **(2007-2008, 2008-2009 Activity)**

Literacy and Inclusive Practices Initiatives

The NJDOE Offices of Language Arts Literacy Education and Special Education continue to promote a literacy model characterized by a tiered system of assessment and intervention that promotes inclusive practices. The model emphasizes co-teaching support and promotes providing literacy instruction to students with disabilities; first within general education programs. The model also supports additional instruction beyond the literacy block for any student, including students with disabilities, who requires more systematic, focused instruction. As part of the collaboration between the two offices, special education literacy resource coaching services (SELRCs) have been supported, through cooperative grant agreements (CA), in 46 districts including Abbott and other low performing districts. The SELRCs provide in-district training and coaching focused on students with disabilities. SELRCs also serve on district and building level teams to plan activities and monitor progress of students with disabilities. During this period, NJDOE staff conducted monthly statewide and/or regional training and technical assistance activities on effective practices for SELRCs and other districts staff who support teachers in implementing these practices within their districts.

Of the 46 participating districts, NJOSEP funded 26 districts through cooperative agreements (CA) during the 2008-2009 school year. Fourteen (14) Abbott districts participated in the CA "Providing Quality Intensive Early Literacy (IEL) Instruction to Students with Disabilities (K-4) – Year 4" and twelve (12) other low performing districts participated in the Initiative for the Development of Early Achievement in Literacy (IDEAL) through the CA "Providing IDEAL Instruction to Students with Disabilities (K-4) – Year 3. Both initiatives address the same three tiered intervention model of literacy practices.

District training: During 2005-2009, NJDOE has trained teams, including Special Education Literacy Resource Coaches (SELRCs), participating in NJDOE's early literacy initiatives in research-based assessment and instructional practices including: organization and structure of intensive early literacy programs; 4 levels of assessment - screening, ongoing, summative and diagnostic assessment; scientifically based reading research (SBRR) instruction in phonemic awareness, phonics, vocabulary, comprehension and fluency; and writing process instruction. District teams are provided resources to turnkey this information within their districts.

Outcomes: Participating districts report programmatic and instructional changes which include: greater collaboration between general and special education in literacy learning; changes to the organization and structure of literacy practices such as the provision of 90 minutes or more for an uninterrupted literacy block; use of benchmarking and ongoing assessment practices; provision of guided reading and targeted skill instruction; additional instructional time beyond the block for students significantly below grade level; access to core and supplemental materials on students' reading levels; and, involvement of special education teachers in grade level teams and professional development activities.

Inclusive Support Options:

Positive Behavior Supports in Schools

NJOSEP is continuing to expand the use of positive behavior supports statewide through training and technical assistance initiatives conducted in collaboration with the Elizabeth M. Boggs Center, UMDNJ and through the efforts of NJOSEP's Learning Resource Center Network. Activities include: Positive Behavior Support State Team Training and Technical Assistance: PBSIS network of districts and schools; and information/resource dissemination activities. Currently, 71 schools from 46 districts have been trained by the PBSIS State team and NJOSEP on PBSIS practices through 2008-2009. An additional group of 11 schools from 9 districts are receiving training in 2009-2010 to begin implementation in 2010-2011. **(2008-2009 Activity)*****

Assistive Technology

The New Jersey State Department of Education, Office of Special Education Programs, continued to support a statewide initiative to facilitate the consideration of Assistive Technology (AT) during the IEP process and the use of AT to support the education of students with disabilities in general education settings. This initiative was implemented by NJOSEP in collaboration with the Department of Human Services, Office of Children and Families (DCF). The following activities were implemented during 2008-2009:

- **Training for District Personnel and Parents/Families** on how to consider a student's need for assistive technology (AT) and how to integrate the use of AT into a student's program to enhance student's access to the general education curriculum as well as to address other learning needs. Training was provided by the LRC-Central Special Education Consultant and/or an AT Specialist from NJDCF/OOE, upon request, to district/school personnel and parent groups. **(Activity 2008-2009)**
- **Technical Assistance for District Personnel and Parents/Families:** Upon request, NJDOE/OSEP, with the assistance of the NJ Department of Children and Families (DCF), Office of Education, provided technical assistance to district personnel and families through phone or email and on-site, regarding assistive technology. **(Activity 2008-2009)**

Array of Supports Training

- During the fall of 2008 and early winter of 2009, NJOSEP conducted county-based training for directors of special education and charter school administrators on an array of supports for including students with disabilities in general education programs. The purpose of these sessions was to describe various ways of supporting the academic and behavioral needs of students with disabilities within general education programs to inform the IEP decision making process. As part of this session, statewide placement data trends were reviewed as well as State Performance Plan targets for Least Restrictive Environment (LRE). A discussion of the self-assessment monitoring process was also presented as well as the requirement for continuous improvement for those districts that did not meet the target.

The session described a variety of supports as well as the decision making process regarding the individual determination of appropriate supports in general education programs. Support options described in the training included: (a) curricular/instructional modifications and specialized instructional strategies, (b) assistive technology devices and services, (c) positive behavior supports, (d) consultation services, (e) teacher aides, (f) in-class resource programs, and (g) supplementary instruction. Directors of special education were provided an opportunity to reflect on current practices in their districts/buildings and identify their needs to develop and/or expand supports within their buildings/district in order to build capacity for including students with disabilities. In addition, implementation considerations and strategies for building district capacity to educate students with disabilities in general education programs were addressed. The training materials were posted on the NJOSEP website to facilitate turnkey training by Directors to their fellow administrators and instructional staff. In addition, training for child study team personnel was conducted through the regional learning resource centers during February and March, 2009. **(Activity 2008-2009)**

Universal Design

Targeted Middle School Math Initiative: Implementing New Curricular Learning With Universally Designed Experiences (INCLUDE) Project:

During 2006-2007, the Office of Educational Technology and NJOSEP collaborated in the development of a multi-year targeted grant focused on middle grades (5th through 8th) math curriculum. The INCLUDE project is designed to ensure that all students in the general education classroom, including those with disabilities, struggling students and English language learners, are provided access to math instruction through the use of educational technology, thereby improving their mathematics achievement.

The grant was available to districts designated as “high need” in terms of student achievement. In 2007-2008 thirteen districts were selected to receive the grant based on an application process. Through this grant, teachers received specialized training in differentiation and effective use of educational technology to support the different learning styles, languages and disabilities of ALL students using a Universal Design for Learning approach.

During 2007-2008 NJOSEP personnel conducted training for middle school general and special education math teachers, CST members, middle school principals and special education directors on the provision of supports and accommodations for learners of varying ability levels within general education classrooms. Training was also provided on the array of supports to promote access to the general education curriculum by students with IEPs.

During the 2008-2009 school year NJOSEP personnel continued to consult and collaborate with the NJDOE, Office of Educational Technology personnel in support of the INCLUDE project. **(Activity 2007-2008, 2008-2009)**

Differentiated Instruction - Targeted Training: A Training of Trainers – Differentiated Instruction

NJOSEP continues to implement a “training of trainers” series on differentiated instruction for districts identified during the self-assessment/monitoring process who did not meet state targets for LRE. During the first year (2007-2008) 10 districts participated in the training. During the second year (2008-2009), 16 districts participated in the training.

The four day “training of trainers” series is designed to increase the district capacity to differentiate instruction within general education classrooms, enabling special and general educators to address the needs of students with disabilities within those settings. District

personnel attended the turnkey training as teams of general and special educators with the explicit purpose of sharing the knowledge and strategies of differentiated instruction with other general and special education staff within their district.

The training presents the principles and practices of differentiated instruction through mini-lectures and hands-on activities that participants can turnkey within their districts. Information, including turnkey training materials (e.g. power point presentations, activities and handouts, sample lessons), are provided to participants for this purpose. During each session teams learn new strategies, reflect and problem solve around implementation issues and receive feedback.

Teams reported conducting training on differentiated instruction within their districts; coaching in classrooms to demonstrate how to differentiate lessons; and creating lessons of study that teachers could use for instruction, and disseminating instructional materials and information through an e-board. Participants commented that teachers were able to incorporate these activities and lessons in classrooms and that teachers found them useful in enhancing learning opportunities for all students, including those with disabilities, in general education classrooms. **(Activity 2008-2009)*****

NJOSEP Partnership with the Statewide Parent Advocacy Network (SPAN)

Between **September 1, 2008 and October 31, 2009**, NJOSEP continued its partnership with the Statewide Parent Advocacy Network (SPAN), through the START project, to further family-school collaborative relationships, increase family resources, and enhance the involvement of parents/caregivers in program and placement decisions. A component of this partnership was the regional mini-conferences and workshops on inclusive practices for families and educators and web-based resources for families on inclusive practices.

SPAN, in collaboration with NJOSEP staff, conducted regional conferences and workshops to inform parents of best practices for educating students with disabilities within general education settings.

Two regional mini-conferences titled *Assistive Technology: A System of Support for Including Students within General Education Programs* were held. The southern mini-conference was held on May 16, 2009 with a total of 45 individuals in attendance. The mini-conference in the northern region was held on May 30, 2009 with a total of 89 people in attendance. In addition, a condensed version of this training was presented at the 2009 NJEA Convention on November 6, 2009.

A workshop titled *Decision Making in the IEP Process: Emphasis on Least Restrictive Environment* was developed jointly with SPAN. Three regional trainings were conducted by NJOSEP and SPAN staff through the Learning Resource Centers. In addition, this training was presented at the 2008 NJEA Convention.

During 2008-2009, through the cooperative agreement with NJOSEP, SPAN expanded their START website to include information and resources for families, educators, administrators, and students on key topical areas, including inclusive practices. In particular, information/resources on Assistive Technology as a system of support for including students with disabilities in general education programs and information/resources on conducting functional behavior assessment and designing intervention plans in order to support student with challenging behaviors within general education programs were featured. **(Activity 2008-2009)**

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Not Applicable

Not Required FFY 2008

Indicator # 6: Preschool LRE

Part B State Annual Performance Report (APR) for 2008)

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
<i>(Insert FFY)</i>	<i>(Insert Measurable and Rigorous Target.)</i>

Actual Target Data for *(Insert FFY):*

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *(Insert FFY):*

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for *(Insert FFY)*
[If applicable]

Not Required FFY 2008

Indicator # 7: Preschool Outcomes

Part B State Annual Performance Report (APR) for 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- b. **Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.**
- c. **Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.**
- d. **Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.**
- e. **Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level$**

comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1:

Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

FFY	Measurable and Rigorous Target
<i>(Insert FFY)</i>	<i>(Insert Measurable and Rigorous Target.)</i>

Actual Target Data for *(Insert FFY)*:

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *(Insert FFY)*:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for *(Insert FFY)*
[If applicable]

Indicator # 8: Parent Involvement

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

On January 15, 2010, NJOSEP met with the stakeholders to present the methodology and results of the parent involvement data collection from the third cohort of districts. During 2008-2009, a representative sample of 137 randomly selected districts participated in NJOSEP's third parental involvement survey. The results of the survey, including response rate, representativeness of respondents and the percent of respondent parents who reported that schools facilitated parent involvement were presented to the stakeholders. The stakeholders expressed satisfaction with this year's data from cohort 3 districts in which 83.3 % of New Jersey's families agreed that schools facilitated their involvement in their child's program. The stakeholders were informed that the data represent a third year of positive results regarding schools' facilitation of parent involvement. New Jersey exceeded this year's target of 81.6% by 1.7% and improved over last year's results of 81.1% by 2.2%.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities times 100.

Overview/Description of Issue, Process, System - Parent Involvement

NJOSEP used the *Sampling Calculator* developed by the National Post-Secondary Outcomes Center (NPSO) to select a representative sample of districts to be included each year of the five year study. Characteristics used to select each sample of districts included: district size, number of students with disabilities, disability type, gender, race/ethnicity and Abbott* status. Each year, one sample (or cohort) of districts is participating in the survey. **The Sampling Calculator developed by NPSO is based on a 5 way clustering process which has as its basis a probability model.**

Using the *Sampling Calculator*, data were entered for the sampling parameters listed above for all New Jersey school districts serving students with disabilities. The Sampling Calculator software selected a representative sample for each of five years reflecting the population of the State at a pre-set confidence level of plus or minus 3%. NJOSEP established a $\pm 3\%$ sampling error, i.e. the sample that is chosen will be representative of districts serving students with disabilities within the state at a level of error that will be plus or minus 3% -- an error band of 6%. Through the establishment of the $\pm 3\%$ sampling error and the use of the NPSO sampling calculator, selection bias should be prevented.

(NOTE: * Abbott refers to districts designated by the New Jersey Supreme Court as in need of assistance due to the preponderance of children from low income families.)

Data Collection:

Beginning in 2006-2007, NJOSEP conducted a survey of how schools/districts facilitate parental involvement among families of student with disabilities, ages 3-21, within a randomly selected, representative sample of New Jersey districts. The results of the survey for the first year (baseline) were reported in the updated State Performance Plan (SPP) submitted February 1, 2008. Each year, for five years, NJOSEP will continue to survey families. Over a five year period, families of students with disabilities in all New Jersey districts will have an opportunity to participate in this survey.

Instruments/Surveys used to gather the data

For the third year of the survey, ***NJOSEP continued to use the two survey instruments developed by NCSEAM, the 25 item NCSEAM 619 preschool survey and the 25 item NCSEAM school-age survey.*** An additional response option, “Does Not Apply” was added to both surveys to provide respondents with a way of indicating that a particular item did not apply to their experience and to reduce the number of items that were unanswered. Consistent with the first year’s data collection, 8 additional items were included on each survey to capture demographic information. Each survey was translated into both English and Spanish and disseminated with a cover letter from the State Director, Office of Special Education Programs, written in both English and Spanish. Respondents had a choice to complete the survey in English or Spanish. The cover letter explained to parents the purpose of the survey and highlighted the importance of their feedback to NJOSEP.

For the third cohort of districts, NJOSEP requested and obtained mailing information from 137 local districts, enabling the dissemination of the surveys to parents of preschool age children and parents of school-age students. NJOSEP contracted with Rutgers University’s Bloustein Center for Survey Research to prepare and disseminate the surveys directly to families. Parents were given the opportunity to respond either by completing a paper survey or by using a web-based format. As part of the survey mailing, all parents were sent a personalized identification number and instructions on how to complete the survey on-line in English or Spanish as an alternative to completing the paper survey. 48,866 surveys were mailed to all families of students with disabilities in the 137 districts participating in the cohort three data collection. This number included: 2,735 preschool surveys and 46,131 school-age surveys.

Surveys were mailed initially in mid-May of 2009. In an effort to increase response rates, NJOSEP, through the Bloustein Center, sent a second mailing, three weeks later, to all parents who had not responded to the initial mailing. In all, a ten week window for response was provided. Once the survey window was closed, a database of survey responses was created by using a double entry verification process; then analyses were completed in collaboration with the Bloustein Center for Survey Research. Additionally, NJOSEP conducted two technical assistance sessions on the parent survey for administrators in participating districts. During these sessions strategies to submit accurate address information to NJOSEP as well as strategies to increase response rates were stressed. Following these sessions, correspondence was sent to all administrators in participating districts highlighting these strategies. A preformatted CD Excel template was mailed to each district with written instructions of how to complete parent address information. In addition, three teleconferences were conducted to train district administrators and support staff on how to complete the Excel CD template. Further support was provided through phone technical assistance to monitor progress and to problem solve issues regarding the submission of the address files.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	81.6% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Target Data for FFY 2008:

83.3% of parents with a child receiving special education services reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Numbers Used in the Calculation:

Cohort Three Data for Facilitation of Parental Involvement: 2008-2009

A combined total of 10,496 completed surveys were returned to the Bloustein Center. Completed surveys were excluded from the analysis if parents selected 'does not apply' for a majority of the first 25 items. 109 surveys were eliminated from the analysis for this reason. The remaining completed surveys were analyzed as follows: each survey was scored to determine the number and percentage of items that had been positively rated as "agree, strongly agree or very strongly agree". Surveys were included in the analysis only if 50% or more of the items had been answered. Each survey, for which a majority of items (≥51%) had been rated in one of the three agreement responses, was counted as agreement with "schools facilitating parental involvement". The number of respondent surveys that indicated this level of "agreement" was used as the numerator in the analysis of outcome data. The denominator was the total number of completed and analyzed surveys. A percentage of parents reporting that schools facilitated their involvement was calculated separately for parents of preschool and school-age students. Additionally, this percentage was calculated separately reflecting the combined score for families of both preschool and school-age students. This combined percentage was used as the measure of facilitation of parental involvement for Indicator #8. The combined percent of preschool and school-age parents that reported their schools facilitated their involvement for FFY 2008 (2008-2009) was calculated as **8,651 divided by 10,387 = 83.3%**.

Three years of results for this indicator appear in the table below.

Percent of Parents that Reported Schools Facilitated Parent Involvement as a Means of Improving Services and Results for Children with Disabilities									
	Pre-School			School Age			Combined		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
A. Completed Surveys	284	762	866	2,438	7,302	9,630	2,722	8,064	10,496
B. Eliminated from Analysis: Surveys where parent did not answer or selected "does not apply" for a majority of items. ¹	0	5	8	0	62	101	0	67	109
C. Completed and analyzed surveys	284	757	858	2,438	7,240	9,529	2,722	7,997	10,387
D. Surveys with a majority of items rated as agree, strongly agree or very strongly agree (4 to 6 on 6- point scale)	240	621	722	1,955	5,861	7,929	2,195	6,482	8,651
E. Percent of parents with a majority of items rated positively - as agree, strongly agree or very strongly agree (Row D/Row C) ²	84.5%	82.0%	84.1%	80.2%	81.0%	83.2%	80.6%	81.1%	83.3%
<p>¹ In 2008, a 'does not apply' response option was added to questions 1 thru 25 on the survey. Overall, only 0.8% of respondents failed to rate items on a 6-point scale for a majority of questions.</p> <p>² Majority of items rated positively was determined by dividing questions answered agree, strongly agree or very strongly agree (4 thru 6) by all questions answered. Respondents had to rate over 50% of questions answered as positive in order to be counted as positive. Analysis is based on questions where respondent rated the item on the 1 to 6 scale. Questions skipped or answered as 'does not apply' were excluded from the denominator.</p>									

Description of the results of the calculations/Comparison of the results to the target:

Of the 10,387 completed and analyzed surveys received from *both* preschool and school-age parents, **83.3%** (8,651) of parents agreed that “schools facilitated parent involvement as a means of improving services and results for their children with disabilities.”

New Jersey exceeded the SPP target of 81.6% for FFY 2008 by 1.7% and improved over last year’s results of 81.1% by 2.2%. The data represent a third year of positive results regarding schools’ facilitation of parent involvement.

Description of how the State has ensured that the response data are valid and reliable, including how the data represent the demographics of the State

Response Rate for FY 2008

A total of 10,496 completed preschool and school-age surveys were returned for a combined response rate of 21.48%. Response rate was calculated by dividing the number of completed surveys returned (F) by the number of surveys mailed (A) as indicated in the table below.

This year’s response rate of 21.48% substantially exceeded last year’s response rate of 15.40% by 6.08%. 866 preschool surveys were returned for a response rate of 33.66%. 9,630 school-age surveys were returned for a response rate of 20.88%. A total of 14.93% of the surveys were completed on-line, with a slightly higher percentage of families with preschool students selecting this option (18.24%) versus families of school-age students (14.63%).

1,582 surveys were returned to NJOSEP due to incomplete addresses. This represented only 3.13% of the total mailing, a 1% reduction from last year (4.13%) due to a number of strategies used by NJOSEP. NJOSEP met with districts prior to the data collection in an effort to obtain complete, accurate mailing information as well as to enlist their assistance in publicizing the surveys to increase the response rate. Each district was given a CD with a preset EXCEL template to complete and submit district parent address files to NJOSEP. Additionally, a series of EXCEL training sessions, phone technical assistance and edit checks were conducted to obtain accurate address files. As a result of the technical assistance sessions, only a small number of surveys were returned that were not useable due to incomplete information or use of an incorrect survey.

Survey Dissemination and Response Rate Cohort 3: Baseline FY2008 137 Districts				
		Preschool	School-Age	Combined
A	Surveys mailed	2,735	46,131	48,866
B	Mailings returned undeliverable	63	1,465	1,528
C	Surveys returned <ul style="list-style-type: none"> ▪ 1st mailing ▪ 2nd mailing ▪ Web survey 	875 546 171 158	9,738 5,987 2,342 1,409	10,613 6,533 2,513 1,567
D	Valid Mailing Address	2672	44,666	47,338
E	Ineligible - Total	9	108	117
	E ¹ - Surveys returned but less than 50% of the questions 1-25 answered and therefore excluded	4	62	66
	E ² - Surveys returned but excluded for incorrect student age <ul style="list-style-type: none"> ▪ preschool surveys reported on child age 7 or older. ▪ school age surveys reported on child age 4 or younger. 	5	46	51
F	Completed surveys	866	9630	10,496
F1	Preschool Response Rate (F1 / A)	33.66%		
F2	School-age Response Rate (F2 / A)		20.88%	
F3	Combined Response Rate (F3/ A)			21.48%

Representativeness of Respondents:

Representativeness of respondents to families of all students with disabilities in cohort 3 districts was analyzed using the response calculator developed by the National Post-School Outcomes Center (NPSO) for Indicator #14. Characteristics examined included: disability type, gender, minority and Abbott status. Demographic data on the population of special education students in cohort 3 districts was obtained using district data from the federally required Annual Data Report. Because NJOSEP does not collect demographic data on preschool students by subtypes of disability, the analysis of representativeness was conducted by comparing information for school-age students, ages 6-21, in cohort 3 districts to demographic information provided by respondent families of students ages 6-21. The assumption was made that the characteristics of preschool students were comparable to school-age students from the same districts. Because families of school-age students represented the substantial majority of the respondents, NJOSEP considered this analysis appropriate.

The respondents were similar to the target population of cohort 3 districts for: gender and for the disability categories of emotional disturbance, mental retardation and learning disabilities. Differences were found for other categories of disability as well as for Abbott and minority status. Differences in representation of other categories of disability may be due to differences between parents' perceptions of disability as indicated on the survey and district reporting. Although statistical differences were found for Abbott and minority subgroups, a greater number of families in both subgroups responded to the survey this year than in the two prior years in which the survey was conducted. Improvement activities will continue to seek an increase in response rates for successive cohorts, particularly among Abbott districts and other districts in which a large proportion of families of minority students reside.

Representativeness of Respondents – Cohort 3

	Overall	LD	ED	MR	AO	Female	Minority	Abbott
Target Population Cohort 3	45,355	19,343	2,306	1,369	22,317	15,227	18,189	9,836
Respondents Cohort 3	9,630	3,345	340	102	4,640	3,032	2,927	1,082
Question Sample Size*		n= 8,427				n=9,338	n=9,438	n=9,630
Target population representation		42.65%	5.08%	3.02%	49.21%	33.57%	40.10%	21.69%
Respondent Representation		39.69%	4.03%	1.21%	55.06%	32.47%	31.01%	11.24%
Difference		-2.96%	-1.05%	-1.81%	5.85%	-1.10%	-9.09%	-10.45%

Note: A difference of greater than $\pm 3\%$ is considered a statistical difference.

* (n) refers to the number of surveys for which information was available based on respondent completion of the particular question. Percentages in "Respondent Representation" are based on this sample size.

Report of Progress/Slippage

Discussion of data and progress or slippage toward targets:

New Jersey exceeded the SPP target of 81.6% for FFY 2008 by 1.7% and improved over last year's results of 81.1% by 2.2%. The data represent a third year of positive results regarding schools' facilitation of parent involvement.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

NJOSEP will continue the improvement activities which have contributed to the positive responses of New Jersey families over the past three years

Improvement Activities/Timelines/Resources:

I. Data Collection and Analysis

To increase response rates and accuracy of mailing addresses, NJOSEP conducted two teleconferences for districts participating in the third cohort of districts to explain the parent survey and their role in data collection. Emphasis was placed on facilitating parent involvement from minority families, a need identified from last year's data collection. Suggestions for publicizing the parent survey and encouraging parent participation were provided. The excel template for collection of addresses was revised this summer and provided to districts in cohort 3. The revised excel template included formatting and entry checks to provide consistency in the data entry of parents' names and addresses. Districts were also provided with a timeline for return of completed mailing information. NJOSEP offered districts compensation through a reimbursement contract for expenditures associated with preparation of parent address files and for activities associated with informing parents of the survey mailing, based on the number of students with disabilities. Scheduled teleconferences as well as ongoing telephone assistance were provided to districts to assist in compiling parent address files. NJOSEP used a tracking system to monitor receipt of address files from each district and to determine completeness of the mailing information. Follow-up contact was made with districts who provided incomplete address files or who missed timelines for submission of address files. Beginning in 2007-2008 and continuing for subsequent cohorts, in addition to a paper survey, parents were given the option of responding to the survey on-line.

Targeted Assistance: In addition to the previously mentioned strategies, during the winter and spring of 2010, NJOSEP will provide targeted technical assistance to participating districts in cohort 3 with large enrollments of minority students with disabilities (including but not limited to Abbott districts) to facilitate collection of accurate mailing addresses for families. Districts will be contacted individually *prior to the submission* of their address files to review directions for the compilation and submission of address files. In addition, prior to the dissemination of the survey, technical assistance will be provided to individual districts with large enrollments of minority students (including but not limited to Abbott districts) in order to systematically plan and implement strategies to increase the participation of minority families of students with disabilities who reside in these districts. **(Activity: 2008- 2009 through 2010-2011)**

II. Systems Administration:

NJOSEP contracted with Rutgers University's Bloustein Center for survey research to provide assistance with completing the preparation, dissemination and analysis of the parent survey. **(Activity: 2008- 2009 through 2010-2011)**

III. Publicity

To increase response rates, NJOSEP included a description of the parent involvement survey, copies of the survey and the names of districts by cohort on the NJOSEP website located at <http://www.nj.gov/education/specialed> **(Activity: 2008- 2009 through 2010-2011)**

NJOSEP employed a number of additional strategies to publicize the parent survey within each district. During the parent survey technical assistance sessions, NJOSEP asked participating districts to contact their parent groups for help in disseminating advance information about the survey to encourage parent participation. In addition, NJOSEP provided districts with a sample letter that districts could use to inform parents in advance about the survey. Additionally, suggestions were made to inform parents during IEP meetings about the parent survey and the importance of their participation. **(Activity: 2008-2009 through 2010-2011)**

The Statewide Parent Advocacy Network (SPAN) also provided assistance to disseminate information about the parent survey through their website and newsletter **(Activity: 2008- 2009 through 2010-2011)**

IV. Use of Survey Results

NJOSEP will continue to conduct data analysis from each cohort to identify items with less favorable responses to determine potential areas for improvement planning. NJOSEP is incorporating this information into existing parent involvement activities to enhance existing activities and/or development of new activities.

NJOSEP will continue to share the results of item level and district level analyses with monitoring and compliance units to determine implications for those activities. **(Activity: 2008- 2009 through 2010-2011).**

V. Regulations

The department proposed regulations on November 2, 2005 requiring each district board of education to ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities. This requirement was adopted on September 5, 2006. **(Ongoing Activity 2008-2009 through 2010-2011)**

VI. Self-Assessment/Monitoring Process

NJOSEP has realigned its self-assessment /monitoring system to be consistent with the SPP indicators. Section V. of the NJOSEP self-assessment/monitoring process is Parent Involvement and is related to SPP Indicator #8. This section requires local districts to review input from parents collected through sources such as a local survey, parent group input, stakeholder meetings and interviews and to conduct a compliance review for Parental Involvement. Parent involvement is also a component of Section VI.

Disproportionate Representation of Racial and Ethnic Groups in Special Education review of policies, procedures, and practices. Additionally, as part of the self-assessment process, each LEA must form a steering committee that includes a minimum of two parents of students with disabilities, one of which must be a representative of the district's special education parent advisory group. **(Activity: 2008-2009 through 2010-2011)**

VII. Personnel Development

NJOSEP Partnership with the Statewide Parent Advocacy Network (SPAN)

Between **September 1, 2008 and October 31, 2009**, NJOSEP continued its partnership with the Statewide Parent Advocacy Network (SPAN), through the START (Statewide Technical Assistance Resource Team) project, to further family-school collaborative relationships, increase family resources, and enhance the involvement of parents/caregivers in program and placement decisions. Specifically, activities addressed the following components: (1) Parent Group Initiative; (2) Family-Educator Collaboration; (3) Web-Based Information and Support Project; (4) Regional Mini-Conferences, Workshops, and Teleconferences on Inclusion; (5) Regional Mini-Conferences and Teleconferences on Transition; and (6) SPAN Conference Scholarship Program. **(Activity: 2008- 2009)**

Component 1. Parent Support Group Initiative:

Provide direct technical assistance and leadership development expertise to increase the capacity and sustainability of existing local parent/family support groups and to develop new local parent/family groups, particularly for parents/caregivers who are located in underserved regions or have historically been underserved due to language, race or ethnicity. **(Activity: 2008-2009)**

- Over the course of the grant term, START staff met with 200 parent leaders, including 123 from existing parent groups, 39 from new groups and 38 from pre/emerging groups. START staff provided technical assistance to parents and educators through informational phone calls (over 270) and e-mail correspondences (over 700) and disseminated over 300 informational and outreach mailings. In addition, START staff attended 110 groups meetings and either presented or facilitated at 86 meetings. :

Outcomes

Parent leaders reported receiving assistance in areas including, but not limited to, communication skills, strategies for enhancing parent/professional collaboration, basic rights in special education, how to start and sustain a special education parent advisory group, family resources, understanding ADHD, IEP development, parent advocacy, and how to outreach to Limited English Proficient families.

Component 2. Family-Educator Collaboration:

Provide direct training and train-the-trainer instruction and technical assistance to improve collaboration and communication between parents/caregivers and special education professionals and to encourage effective parent involvement in the IEP process. NJOSEP, in collaboration with SPAN, conducted the following trainings for parents and educators across the state. **(Activity: 2008-2009)**

- Train-the-trainer workshops that focused on *Planning for Effective Involvement of Parents of Children Receiving Special Education Services* were conducted regionally. District teams, each comprised of a parent and an educator, received training on how to conduct planning sessions with parent and educator representatives from their own district, resulting in a district or building plan of activities to enhance parent involvement. A total of 63 parents and educators attended [Northeast (15), Northwest (18), Central (10), and South (20)]. In addition, in-district technical assistance that focused on enhancing the involvement of parents was provided, as requested.

- Two Informational teleconferences were conducted to inform parents and educators of NJOSEP's local district self-assessment/monitoring process and ways in which parents can be effective partners throughout the process. A total of 81 individuals participated in these sessions.

Outcomes

- Parent-educator teams have: (a) an increased understanding of the characteristics of a collaborative team; (b) an increased awareness of key behaviors that facilitate effective communication and collaboration; (c) an increased and common understanding of students' needs relative to IEP development and implementation; and (d) tools to assist in preparing for and participating in IEP meetings. The workshop provided a framework for districts and caregivers to train their communities in collaboration as well as opportunities to learn together in a collaborative setting.
- Parent-educator building-based and/or district teams received the content information and materials needed to turnkey information within their school/district.
- Parent-educator teams have: (a) an increased awareness of levels of parent involvement at the school/district level; (b) ways to include parents as members of an educational team; and (c) a means of planning discussions at the school/district level to enhance and increase parent involvement.
- Parent-educators teams were provided opportunities to network with other teams in their region.
- Parents and educators developed a greater understanding of cultural differences that influence parent involvement and communication and learned strategies that foster cultural responsiveness.
- Parents gained an understanding of the self-assessment/monitoring process and ways in which they may become actively involved throughout the process.

Component 3. Web-Based Information and Support Project:

Through web-based information and support, serve families of children with disabilities and support the enhancement of New Jersey special education programs. **(Activity: 2008-2009)**

- Developed and disseminated resources for local Parent Support Groups.
- Developed and disseminated resources and information for schools, educators, administrators, parents and students on Transition-to-Adult-Life.
- Developed and disseminated information for schools, educators, administrators, parents and students on Inclusion, with a particular focus on Assistive Technology as a system of support for including students with disabilities in general education programs.
- Developed and disseminated information for parents and educators on functional behavior assessment and design of intervention plans to support students with challenging behaviors within general education programs.
- Developed and disseminated resources and information for parents and educators on strategies for enhancing parent involvement and building parent-educator partnerships.
- Posted information and online registration for SPAN/DOE collaborative trainings.

Outcomes

Opportunities for families to access information and resources were enhanced by ongoing implementation and maintenance of the Project START website. The Project START website received an average of 316 visitors and 2,735 page views each month.

Component 4. Regional Mini-Conferences, Workshops, and Teleconferences on Inclusive Practices

In collaboration with NJOSEP staff, conduct regional workshops, mini-conferences, and teleconferences on Inclusion in order to inform parents of best practices for educating students with disabilities within general education settings. **(Activity: 2008-2009)**

- Two regional mini-conferences were held in May, 2009, one in the northern region and one in the southern region. The mini-conferences entitled *Assistive Technology: A System of Support for Including Students within General Education Programs* were attended by 144 parents and educators.

- A workshop titled *Decision Making in the IEP Process: Emphasis on Least Restrictive Environment* was developed jointly with SPAN. Three regional trainings were conducted. Over 78 parents and educators attended this training throughout the State. In addition, this training was presented at the 2008 NJEA Convention on November, 2008 with over 45 individuals in attendance.

Outcomes

- Parents and educators received information on the benefits of inclusion, the IEP decision making process, and best practices in including students with disabilities in general education settings.
- Parents and educators received information and resources related to using assistive technology as a support system for including students with disabilities in general education settings.
- Parents and educators gained an awareness of the Learning Resource Center Network including resources and services that are available to assist in the education of students with disabilities.

Component 5. Regional Mini-Conferences and Teleconferences on Transition-to-Adult Life

In collaboration with NJOEP, provide two regional mini-conferences and two teleconferences for parents and educators on the benefits, and best practices in Transition-to-Adult-Life planning and programming for students with disabilities. **(Activity: 2008-2009)**

- Two regional mini-conferences entitled *Student Voices of Self Advocacy* were held. The transition mini-conference for the central/southern part of the State was held on March 7, 2009 with 100 individuals in attendance. The mini-conference for the central/northern part of the State was held on March 28, 2009 with 120 individuals in attendance.

Outcomes

- Parents and educators received information on the benefits, and best practices in transition planning and programming for students with disabilities.
- Parents and educators received needed information, strategies and resources to enhance their discussion of transition planning and programming at annual IEP meetings.

Component 6: SPAN Conference Scholarship Program

Sponsor the attendance at SPAN's Annual Statewide Conference for 50 parents/caregivers of children with disabilities who would otherwise be unable to attend.

- Approximately 53 parents/caregivers of children with disabilities were provided scholarships to attend SPAN's Annual Statewide Conference that was held on March 21, 2009. **(Activity 2008-2009)**

Outcomes

- Parents/caregivers in need of financial or other support were able to attend the annual SPAN conference

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008

[If applicable]

Not Applicable

Indicator # 9 – Disproportionality

Child with a Disability

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

At the stakeholder meeting held on January 21, 2010, stakeholders were informed that for FFY 2008 NJOSEP used seven racial/ethnic categories to analyze data to identify the number of districts with disproportionate representation, using two years of trend data. Stakeholders were also informed that districts that were identified for disproportionate representation participated in NJOSEP self-assessment and/or monitoring activities regarding compliance indicators in order to determine the number of districts in which the disproportionate representation was related to inappropriate identification.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Calculation – Total number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by the total number of districts in the state (9/619) * 100 = 1.45%.

For the FFY 2008 APR submission, NJOSEP used data from its Fall Survey Data Collection (October 2008) and data from the IDEA 2008 Child Count collection.

Overview/Description of Issue, Process, System - Disproportionality

State's Definition of "Disproportionate Representation" and Methodology

NJOSEP defined disproportionate representation and examined data for both **over-identification** and **under-identification**, from both a functional and statistical perspective:

Functional Definition:

Implementation of policies, procedures, and practices in the general education instructional, behavioral, and intervention process and/or the special education identification, referral, evaluation or eligibility determination process that results in a **systemic, pervasive, persistent pattern** of inappropriate **over-identification/under-identification** of students with disabilities of a specific racial/ethnic group as eligible for special education and related services or in a specific eligibility category.

Statistical Definition/ Methodology:

How the State calculates disproportionate representation

NJOSEP, with technical assistance provided through the USDOE, Office for Civil Rights, developed a process for determining disproportionate representation (**over-identification/under-identification**). NJOSEP's process involved the use of multiple measures to statistically determine disproportionate representation (**over-identification/under-identification**). In this way, NJOSEP was able to use a statistical process that was consistent with the functional definition.

The measures included three descriptive statistics:

- unweighted risk ratio
- risk rate comparison
- a measure of impact comparing expected vs. observed numbers of students identified as eligible for special education (***systemic, pervasive***)

The measures included a statistical test of significance – chi square.

In order to determine ***persistence***, districts were ranked on each of the three measures (risk ratio, risk rates, and a measure of impact (i.e. number of students impacted by the disproportionality (**over-identification/under-identification**)) for a consecutive two year period, including the FFY being reported in the SPP/APR. Ranks for the three year period were totaled and those districts with the lowest ranks (e.g. Ranks of 1 to 50) were identified as having a disproportionate representation.

NJOSEP used a **minimum 'n' size of 10** in its identification of districts for disproportionate representation.

Data were analyzed for over-identification/under-identification for each district, for all racial/ethnic groups in the district, for children aged 6 through 21 served under IDEA.

Using the criteria established above, NJOSEP determined that **24 school districts** met the data threshold for disproportionate representation

Description of how the State determined that disproportionate representation was the result of inappropriate identification

District Review of Policies, Procedures and Practices/NJOSEP Verification

NJOSEP has aligned its special education self-assessment/monitoring process to the federal monitoring priorities and SPP indicators. One of the priority areas used to target districts for comprehensive self-assessment and monitoring is disproportionality.

Using the statistical processes described above, NJOSEP identifies districts to be targeted for the self-assessment/monitoring process that includes a review of policies, procedures and practices in order to determine the extent to which disproportionate representation (**over-identification/under-identification**) of racial/ethnic groups is the result of inappropriate identification.

The self-assessment includes: data verification and a review of compliance indicators related to the requirements of 34 CFR 300.111, 300.201 and 300.301 through 300.311. Additionally, a comprehensive "practice" protocol has been developed to complement the compliance review that focuses on the areas of Location, Identification, and Referral, Evaluation, and Eligibility Determinations including: administrative oversight, general education interventions and supports, parent-family involvement, assessment tools and strategies, written reports of assessment findings, eligibility decision-making process, and bilingual considerations

Districts are required to submit the self-assessment to NJOSEP. NJOSEP reviews the self-assessment and directs the districts to correct the non-compliance related to the requirements of 34 CFR 300.111, 300.201 and 300.301 through 300.311 within one year of identification. NJOSEP conducts an on-site verification visit to ensure the timely correction of non-compliance. Districts selected for self-assessment due to disproportionate representation of specific racial/ethnic groups in special education receive a review of IDEA requirements related to the requirements listed above during the subsequent onsite monitoring visit regardless of whether or not these requirements were identified as noncompliant by the district during self-assessment. Approximately six months following identification of noncompliance, an onsite visit or desk audit is conducted to verify correction of the identified noncompliance. This provides an opportunity for districts to receive technical assistance if noncompliance is not corrected and modify activities to ensure correction within one year of identification.

The 24 districts identified for disproportionate representation participated in either self-assessment or onsite monitoring during 2008-2009 to determine whether the disproportionate representation was the result of inappropriate identification. Some districts had been selected for self-assessment due to having been identified as having disproportionate representation in FFY 2007 and FFY 2008 and some were selected for self-assessment for other reasons (i.e. high percentage of students in separate public and private special education settings, random selection). As either a part of self-assessment or onsite monitoring, the districts conducted a review of IDEA requirements related to Indicator 9.

The results of NJOSEP's activities to determine whether disproportionate representation was the result of inappropriate identification were that 9 districts had findings of noncompliance in one or more of the requirements reviewed, indicating that it was the result of inappropriate identification. The districts were directed to correct noncompliance within one year of identification.

Actual Target Data for FFY 2008:

FFY	Measurable and Rigorous Target
FFY 2008	0%

Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2008 (2008-2009)	619	24	9	1.45%

Report of Progress/Slippage

The data for this indicator indicate slippage from .81% in FFY 2007 to 1.45% in FFY 2008, of districts in the state that demonstrated disproportionate representation of racial ethnic groups in special education and related services that is the result of inappropriate identification. Although the number of findings with requirements related to this indicator is too small to identify statewide trends or patterns regarding the root cause of the inappropriate identification, the most frequent finding of noncompliance involved ensuring that parents or adult students were provided copies of evaluation reports prior within 10 days of

eligibility meetings. This requirement is important to ensure that parents and adult students have the information necessary to make an informed decision regarding eligibility. In addition to requiring correction of the noncompliance, technical assistance was provided to districts regarding procedural changes needed to expedite the distribution of reports. **NJOSEP will verify that the findings of noncompliance made in FFY 2008 are corrected, consistent with OSEP Memorandum 09-02, as described below.**

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Self-Assessment/Monitoring and Improvement Planning: In FFY 2006, NJOSEP realigned its self-assessment/ monitoring system to be consistent with the SPP indicators. Districts are selected for monitoring based on federal monitoring priorities – placement in the least restrictive environment and disproportionate representation of specific racial/ethnic groups in special education – or randomly. As described in the *Overview/Description of Issue, Process, System* the new system links compliance, data and programming by requiring districts to conduct a self-assessment that includes a compliance review and completion of a comprehensive “practice” protocol developed to complement the compliance review that focuses on the areas of Location, Identification, and Referral, Evaluation, and Eligibility Determinations including: administrative oversight, general education interventions and supports, parent-family involvement, assessment tools and strategies, written reports of assessment findings, eligibility decision-making process, and bilingual considerations.

Following the review conducted through self-assessment districts identified for disproportionate representation develop an improvement plan to address areas in need of continuous improvement. Districts are directed to correct any noncompliance identified within one year of identification. Approximately six months following identification of noncompliance, an onsite visit or desk audit is conducted to verify correction of any noncompliance with IDEA 2004 requirements related to Indicator 9.

NJOSEP also provides technical assistance regarding the issues related to disproportionate representation including, but not limited to, the tracking data related to general education referrals and the effectiveness of general education interventions. **Activity: (2008-2009 through 2010-2011)*****

Correction of FFY 2007 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: .81%

Data Year	Number of LEAs with Disproportionate Representation	Number of LEAs where Disproportionate Representation was the Result of Inappropriate Identification (Actual Target Data)	Number of Findings	Number of LEAs where all Noncompliance was Verified as Corrected within One Year	Number of LEAs where Noncompliance was Subsequently Verified as Corrected
FFY 2008	24	9	9	*	*
FFY 2007	9	4	5	4	NA
FFY 2006	26	26	26	26	NA
FFY 2005	26	0	0	NA	NA

*Corrective action is being implemented and the one-year timeline for correction has not yet expired. Correction will be reported in the FFY 2009 APR.

Verification of Correction:

To verify correction of noncompliance, the NJOSEP monitors, through desk audit or onsite visit, to ensure that each LEA with a finding of noncompliance:

- Is correctly implementing the specific regulatory requirements, by reviewing student files for which identification occurred following the finding of noncompliance; and
- For any child-specific requirements, has corrected each individual case of noncompliance, unless the child is no longer in the jurisdiction of the LEA, by reviewing a sample of student files identified with noncompliance;
- For a child-specific timeline requirement, has completed the required action, although late, unless the child is no longer within the jurisdiction of the LEA, by reviewing data that demonstrate that the required activities were completed.

Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the uncorrected noncompliance was corrected, by reporting that it has verified that each LEA with remaining noncompliance identified in FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).</p>	<p align="center">See above</p>

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):

Not Applicable

Indicator # 10 – Disproportionality

Eligibility Category

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

At the stakeholder meeting held on January 21, 2010, stakeholders were informed that for FFY 2008 NJOSEP used seven racial/ethnic categories to analyze data to identify the number of districts with disproportionate representation, in specific eligibility categories, using two years of trend data. Stakeholders were also informed that districts identified for disproportionate representation participated in NJOSEP self-assessment and/or monitoring activities regarding compliance indicators in order to determine the number of districts in which the disproportionate representation was related to inappropriate identification.

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Calculation – Total number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by the total number of districts in the state (8/619) * 100 = 1.29%.

For the FFY 2008 APR submission, NJOSEP used data from its Fall Survey Data Collection (October 2008) and data from the IDEA 2008 Child Count collection.

NJOSEP analyzed data for children in the following six disability categories: mental retardation, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism

Overview/Description of Issue, Process, System - Disproportionality

State's definition of "disproportionate representation"

NJOSEP defined disproportionate representation, i.e., **over-identification and under-identification**, from both a functional and statistical perspective:

Functional Definition:

Implementation of policies, procedures, and practices in the general education instructional, behavioral, and intervention process and/or the special education identification, referral, evaluation or eligibility determination process that results in a **systemic, pervasive, persistent pattern** of inappropriate **over-identification/under-identification** of students with disabilities of a specific racial/ethnic group as eligible for special education and related services or in a specific eligibility category.

Statistical Definition: How the State calculates disproportionate representation

NJOSEP, with technical assistance provided through the USDOE, Office for Civil Rights, developed a process for determining disproportionate representation (**over-identification/under-identification**) NJOSEP's process involved the use of multiple measures to statistically determine disproportionate representation (**over-identification/under-identification**). In this way, NJOSEP was able to use a statistical process that was consistent with its functional definition.

The measures included three descriptive statistics:

- unweighted risk ratio
- risk rate comparison
- a measure of impact comparing expected vs. observed numbers of students identified as eligible for special education (***systemic, pervasive***)

The measures included a statistical test of significance – chi square.

In order to determine ***persistence***, districts were ranked on each of the three measures (risk ratio, risk rates, and a measure of impact (i.e. number of students impacted by the disproportionality (**over-identification/under-identification**)) for a three year period, including the FFY being reported in the SPP/APR.

Data were analyzed for over-identification and under identification for each district, for all racial ethnic groups in the district, for children aged 6 through 21 served under IDEA.

For the purpose of identifying districts with disproportionate representation (**over- representation/under-representation**) of racial-ethnic groups in specific disability categories, NJOSEP:

- applied the chi-square, to this pool of districts (regardless of rank) determined to statistically demonstrate disproportionate representation, for each racial-ethnic group and for the disability categories of specific learning disability, mental retardation, other health impaired, emotionally disturbed, language impaired, and autism; and
- applied a measure of impact comparing expected vs. observed numbers of students identified as eligible for special education.

Districts in which the impact was greater than 10 students were identified as having a “disproportionate representation” of racial and ethnic groups in specific disability categories.

Using the criteria established above, NJOSEP determined that **16 school districts** met the data threshold for disproportionate representation

Description of how the State determined that disproportionate representation was the result of inappropriate identification

District Review of Policies, Procedures and Practices/NJOSEP Verification

NJOSEP has aligned its special education self-assessment/monitoring process to the federal monitoring priorities and SPP indicators. One of the priority areas used to target districts for comprehensive self-assessment and monitoring is disproportionality.

Using the statistical processes described above, NJOSEP identifies districts to be targeted for the self-assessment/monitoring process that includes a review of policies, procedures and practices in order to determine the extent to which disproportionate representation (**over-identification/under-identification**) of racial/ethnic groups is the result of inappropriate identification.

The self-assessment includes: data verification and a review of compliance indicators related to the requirements of 34 CFR 300.111, 300.201 and 300.301 through 300.311. Additionally, a comprehensive “practice” protocol has been developed to complement the compliance review that focuses on the areas of Location, Identification, and Referral, Evaluation, and Eligibility Determinations including: administrative oversight, general education interventions and supports, parent-family involvement, assessment tools and strategies, written reports of assessment findings, eligibility decision-making process, and bilingual considerations

Districts are required to submit the self-assessment to NJOSEP. NJOSEP reviews the self-assessment and directs the districts to correct the non-compliance related to the requirements of 34 CFR 300.111, 300.201 and 300.301 through 300.311 within one year of identification. NJOSEP conducts an on-site verification visit to ensure the timely correction of non-compliance. Districts selected for self-assessment due to disproportionate representation of specific racial/ethnic groups in special education receive a review of IDEA requirements related to the requirements listed above during the subsequent onsite monitoring visit regardless of whether or not these requirements were identified as noncompliant by the district during self-assessment. Approximately six months following identification of noncompliance, an onsite visit or desk audit is conducted to verify correction of the identified noncompliance. This provides an opportunity for districts to receive technical assistance if noncompliance is not corrected and modify activities to ensure correction within one year of identification.

The 16 districts identified for disproportionate representation participated in either self-assessment or onsite monitoring during 2008-2009 to determine whether the disproportionate representation was the result of inappropriate identification. Some districts had been selected for self-assessment due to having been identified as having disproportionate representation in FFY 2007 and FFY 2008 and some were selected for self-assessment for other reasons (i.e..high percentage of students in separate public and private special education settings, random selection). As either a part of self-assessment or onsite monitoring, the districts conducted a review of IDEA requirements related to Indicator 9.

The results of NJOSEP’s activities to determine whether disproportionate representation was the result of inappropriate identification were that 8 districts had findings of noncompliance in one or more of the requirements reviewed, indicating that it was the result of inappropriate identification. The districts were directed to correct noncompliance within one year of identification.

Actual Target Data for FFY 2008:

FFY	Measurable and Rigorous Target
FFY 2008	0%

Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2008 (2008-2009)	619	16	8	1.29%

Report of Progress/Slippage

The data for this indicator indicate slippage from 0% in FFY 2007 to 1.29% in FFY 2008, of districts in the state that demonstrated disproportionate representation of racial ethnic groups in special education and related services that is the result of inappropriate identification. Although the number of findings with requirements related to this indicator is too small to identify statewide trends or patterns regarding the root cause of the inappropriate identification, similar to findings related to Indicator 9, the most frequent finding of noncompliance involved ensuring that parents or adult students were provided copies of evaluation reports prior within 10 days of eligibility meetings. This requirement is important to ensure that parents and adult students have the information necessary to make an informed decision regarding eligibility. In addition to requiring correction of the noncompliance, technical assistance was provided to districts regarding procedural changes needed to expedite the distribution of reports. **NJOSEP will verify that the findings of noncompliance made in FFY 2008 are corrected, consistent with OSEP Memorandum 09-02, as described below.**

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Self-Assessment/Monitoring and Improvement Planning: In FFY 2006, NJOSEP realigned its self-assessment/ monitoring system to be consistent with the SPP indicators. Districts are selected for monitoring based on federal monitoring priorities – placement in the least restrictive environment and disproportionate representation of specific racial/ethnic groups in special education – or randomly. As described in the *Overview/Description of Issue, Process, System* the new system links compliance, data and programming by requiring districts to conduct a self-assessment that includes a compliance review and completion of a comprehensive “practice” protocol developed to complement the compliance review that focuses on the areas of Location, Identification, and Referral, Evaluation, and Eligibility Determinations including: administrative oversight, general education interventions and supports, parent-family involvement, assessment tools and strategies, written reports of assessment findings, eligibility decision-making process, and bilingual considerations.

Following the review conducted through self-assessment districts identified for disproportionate representation develop an improvement plan to address areas in need of continuous improvement. Districts are directed to correct any noncompliance identified within one year of identification. Approximately six months following identification of noncompliance, an onsite visit or desk audit is conducted to verify correction of any noncompliance with IDEA 2004 requirements related to Indicator 10.

NJOSEP also provides technical assistance regarding the issues related to disproportionate representation including, but not limited to, the tracking data related to general education referrals and the effectiveness of general education interventions. **Activity: (2008-2009 through 2010-2011)*****

Correction of FFY 2007 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 0%

Data Year	Number of LEAs with Disproportionate Representation	Number of LEAs where Disproportionate Representation was the Result of Inappropriate Identification (Actual Target Data)	Number of Findings	Number of LEAs where all Noncompliance was Verified as Corrected within One Year	Number of LEAs where Noncompliance was Subsequently Verified as Corrected
FFY 2008	16	8	16	*	
FFY 2007	9	4	5	4	NA
FFY 2006	12	12	26	26	NA
FFY 2005	0	0	0	NA	NA

*Corrective action is being implemented and the one-year timeline for correction has not yet expired. Correction will be reported in the FFY 2009 APR.

Verification of Correction:

To verify correction of noncompliance, the NJOSEP monitors, through desk audit or onsite visit, to ensure that each LEA with a finding of noncompliance:

- Is correctly implementing the specific regulatory requirements, by reviewing student files for which identification occurred following the finding of noncompliance; and
- For any child-specific requirements, has corrected each individual case of noncompliance, unless the child is no longer in the jurisdiction of the LEA, by reviewing a sample of student files identified with noncompliance;
- For a child-specific timeline requirement, has completed the required action, although late, unless the child is no longer within the jurisdiction of the LEA, by reviewing data that demonstrate that the required activities were completed.

Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the uncorrected noncompliance was corrected, by reporting that it has verified that each LEA with remaining noncompliance identified in FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of	See above

the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).	
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Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):

Not Applicable

Indicator # 11: Child Find

Part B State Annual Performance Report (APR) for FFY 2008 Part B State Annual

Overview of the Annual Performance Report Development:

A stakeholder meeting was held on January 21, 2010 to review New Jersey's progress towards each indicator. Stakeholders were presented with the data for this indicator, which indicated slippage from FFY 2007. NJOSEP staff informed stakeholders that they were reviewing the local district data to determine the reason(s) for the decrease in the number of evaluations completed within the state established timeframe.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

Overview/Description of Issue, Process, System – Child Find

Information about the State's established timeline for initial evaluations and State-established exceptions

In accordance with 34 C.F.R. §300.301(c)(1)(ii) and 34 C.F.R. §300.301(c)(1)(ii), New Jersey has established a timeline within which evaluations must be completed and has also established procedures by which eligibility is determined. New Jersey's system of evaluation and determination of eligibility includes the following procedures which must be completed within specific timelines from when a parent provides consent for evaluation, as detailed in New Jersey's special education regulations. These include providing written notice of a meeting; disseminating to the parents any evaluations or reports that will be used to determine eligibility, at least 10 days prior to the eligibility meeting; conducting the eligibility meeting; and if the student is eligible, conducting an IEP meeting; providing written notice of the IEP; obtaining consent to implement the IEP; and having a program that is in place for the student. To comply with the requirement to have the entire process completed within 90 days from the date parental consent is obtained, **the data for this indicator are collected based on the requirement that evaluations and a written report must be completed no later than the 65th day from parental consent.**

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	100%

Actual Target Data for FFY 2008:

88% of children with parental consent to evaluate were evaluated within New Jersey's established timeline.

Describe the method used to collect data

Statewide census data for this indicator are collected through the Annual Data Report which is now reported to NJDOE through the New Jersey Standards Measurement and Resource for Teaching (NJSMART) student level data base on October 15th of each year. LEAs report dates of consent and dates for the completion of evaluations, by student. Reasons for any delays in meeting evaluation timelines are also reported by student. Data are aggregated to the district and state level for reporting in Indicator 11 and for analysis to identify and correct noncompliance.

Children Evaluated Within 60 Days (or State-established timeline):

a. Number of children for whom parental consent to evaluate was received	20,428
b. Number of children whose evaluations were completed within 60 days (or State-established timelines)	18,016
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	88%

The reasons for delays were analyzed by student as indicated above. The evaluation timeline set for initial evaluation does not apply to a public agency if: (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability (34 CFR §300.301(d)). As a result, in accordance with the instructions for Indicator 11 in the USOSEP measurement table, these exceptions are not reflected in either the numerator or denominator in the calculation of data for Indicator 11.

In addition, because there is an automatic stay-put whenever mediation or due process hearing is initiated, this was also determined by NJOSEP to be a valid exception to the state established timeline [N.J.A.C. 6A:14-2.6(d) 10 and N.J.A.C. 6A:14-2.7(u)]. As instructed in the measurement table, evaluations that met this exception are included in the numerator and denominator. The NJOSEP determined that all other reasons for a delay in timelines are either not valid or not permitted in regulation.

Indicate the range of days beyond the timeline and provide reasons for the delays:

Range of days beyond the timeline, when the evaluation was completed and reasons for the delays: With respect to the length of delay, the majority of the evaluations that were delayed between 1 and 60 days. The two reasons for delays that could not be considered valid were:

- Additional or specialized evaluations were determined necessary after consent was obtained for the initial evaluation plan
- Staff related issues (vacancies/shortages)

<u>Reason</u>	<u>Number of Delayed Evaluations</u>	
	Not Valid	Valid
Mediation or due process hearing (valid reasons)		26
Additional evaluations were needed	277	
Specialized evaluations were needed	294	
Evaluation related issues (not valid)	571	
Vacancies of child study team or related services personnel	39	
Child study team or related services personnel were unavailable	522	
Staff related issues (not valid)	561	
Incomplete residency/enrollment information (not valid)	33	
No reason for delay reported (not valid)	1247	
Total:	2412	26

The 2412 evaluations listed above account for all students in (a) but not included in (b).

The chart below represents the reasons, length of delay and number of evaluations.

Delay Reason	Between 1-5	Between 6-15	Between 16-30	Between 31-60	Between 61-90	Between 91 and 120	>120	Total
Incomplete residency	8	6	7	5	3	2	2	33
Additional Evaluations Needed	32	56	39	74	33	18	25	277
Specialized Evaluations Needed	55	57	61	66	27	11	17	294
Vacancies of Child Study Team or Related Services Personnel	6	8	7	13	2	1	2	39
Child Study Team or Related Services Personnel were Unavailable	99	136	89	92	54	18	34	522
Total	200	263	203	250	119	50	80	1165

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of data and progress or slippage toward targets:

The data for this indicator indicate slippage from 99.9% in FFY 2007 to 88% in FFY 2008, of evaluations completed within state reported timeline. There was an increase from FFY 2007 to FFY 2008 in the delays due to lack of availability of staff and time necessary to complete additional evaluations or evaluations by specialists. These reasons were the primary reported causes for delays. Approximately one half of the evaluations that were not completed within required timelines did not have reasons reported for the delays. Additional reasons for slippage will be determined through desk audit and onsite visits as part of the targeted review process described below. Although the evaluations were not completed within required timelines, **NJOSEP has verified that all evaluations represented in 'a' but not in 'b' above were completed prior to the submission of this report, although late, consistent with OSEP Memorandum 09-02.**

Improvement Activities:

Targeted Reviews - For the districts identified in NJOSEP's FFY 2007 APR, for delays based on the analysis of FFY 2007 data regarding timelines for initial evaluation, an onsite targeted review of child find requirements was conducted. The targeted review included desk audit, record review, interviews with

general and special education staff members, and review of policies, procedures and practices. District data, reported through the Annual Data Report and local district data systems, were reviewed to determine if the reasons for delays in evaluations had been addressed, resulting in correction of noncompliance with the timeline requirement. The review also included analysis of data for evaluations conducted subsequent to the evaluations reported in the ADR data, to determine if the state established timeline was being met.

For each district where noncompliance was not corrected by the time of the onsite targeted review, a report was generated that included an analysis of the barriers to ensuring the evaluation of students with parental consent to evaluate within the required timeline. The report also included a corrective action(s) with a timeline for completion or submission of documentation demonstrating correction. Corrective actions included revision of policies and/or procedures, training for staff, activities related implementation of procedures and/or ongoing oversight of implementation. Timelines in the reports were established to ensure correction within one year of identification. The reports were sent to the chief school administrator. In some of the districts, identified for a targeted review for Indicator 11, the correction of noncompliance was addressed through either the hiring of additional staff, contracting for additional staff, or redeployment of existing staff to ensure that evaluations are conducted within required timelines.

The targeted review described above was completed during FFY 2008 for the districts identified for delays in meeting child find timelines for FFY 2007. Findings and correction of those findings are listed below. Targeted reviews are being conducted currently in the districts reported for delays in meeting evaluation timelines based on NJOSEP's review of FFY 2008 data. Results of the targeted reviews will be reported in the FFY 2009 APR. **(Activity: 2008-2009)*****

Self-Assessment/Monitoring: Districts with delays in completing initial evaluations within the state established timeline receive a separate targeted review as described above; however, *requirements related to the evaluation process* are also reviewed in all districts selected for self-assessment and monitoring. NJOSEP's current monitoring system is aligned with the priorities established in the SPP. Policies, procedures and practices regarding the initial evaluation of students referred to determine eligibility for special education and related services are reviewed during the monitoring process. During the onsite visits, technical assistance is provided, as needed, with regard to policies, procedures, and practices relating to timely evaluation of students. **(Activity: 2008-2009)*****

Data Collection and Analysis:

Beginning in the fall of 2008, collection of data for Indicator 11 was changed from an aggregate count submitted by each district and charter school to a student level count and the date was moved from December 1 to October 15. Despite these changes, the overall numbers of children for whom consent to evaluate was obtained remained consistent with last year's data. For the previous reporting period, the number of students for whom consent to evaluate was obtained equaled 23,091. For this reporting period the number was 23,141. **(Activity: 2008-2009)*****

Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 99.9%

Year Evaluations Conducted	Year of Findings	Total Number of Findings of Noncompliance with Indicator 11 or Related Requirements	Findings Verified as Corrected within One Year	Number of Findings Subsequently Corrected	Findings of Noncompliance Remaining
FFY 2007	FFY 2008*	3	3	0	0
FFY 2006	FFY 2007*	27	27	0	0

*Because the data for this indicator are collected for the complete reporting period, findings of noncompliance are not made until the following fiscal year. The findings made in FFY 2008 based on FFY 2007 data will be reported under Indicator 15 of the FFY 2009 APR due February 1, 2011. Indicator 15 of this report includes the findings made in FFY 2007 based on FFY 2006 data.

Verification of Correction Consistent with OSEP Memorandum 09-02:

Each district with a finding of noncompliance for this indicator was required to either review and revise district procedures, review and revise their IEP format, conduct staff training regarding transition, and review and revise IEPs of students whose IEPs were determined to be noncompliant. Districts where oversight was a root cause of noncompliance were required to implement a system of oversight to ensure compliant implementation of the specific regulatory requirements.

To verify correction of noncompliance, the NJOSEP monitors determined, through desk audit or onsite visit, that each LEA with a finding of noncompliance:

- **Is correctly implementing the specific regulatory requirements by reviewing updated data for a period of time, determined based on the level of noncompliance, that demonstrate compliance; and**
- **Has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction by reviewing statewide data that demonstrate that all evaluations were completed including the range of days beyond the required timeline and reasons for delay, as described above.**

Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements ; and (2) has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	See above
If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance .	NJOSEP has reviewed its improvement activities and determined that no revisions are necessary at this time to ensure compliance. As indicated above, reasons for slippage will be determined through desk audit and onsite visits as part of the targeted review process.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):

Not Applicable

Indicator # 12: Early Childhood Transition

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

At the stakeholder meeting held on January 21, 2010, stakeholders were informed of the slippage that occurred between FFY 07 and FFY 08 for this indicator. NJOSEP staff informed stakeholders that they were reviewing the local district data to determine the reason(s) for the decrease in the number of children transitioning from the Early Intervention System (EIS) who have an IEP developed and implemented by their third birthdays.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- # of children who have been served in Part C and referred to Part B (LEA notified pursuant to IDEA section 637(a)(9)(A) for Part B eligibility determination.) **2205**
- # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays. **7**
- # of those found eligible who have an IEP developed and implemented by their third birthdays. **1462 + 252***
- # of children for whom parent refusal to provide consent caused delays in evaluation or initial services. **74 + 252***
- # of children who were referred to Part C less than 90 days before their third birthdays. **240**

Account for children included in a but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d – e)] times 100. ~~1714 / 1884 = 91% (90.9%)~~ **1462 / 1632 = 89.6% (90%)**

*Includes exceptions allowed by New Jersey state policy for missed appointments by parents or delays in scheduling due to unavailability of the child or parent

Overview/Description of Issue, Process, System – Early Childhood Transition

In accordance with the requirements of 34 C.F.R. 20 U.S.C. 1416(a) (3) (B), New Jersey has adopted regulations to enable a smooth and timely early childhood transition from Part C to Part B. Specifically, these regulations state:

To facilitate the transition from early intervention to preschool, a child study team member of the district board of education shall participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system. The district representative at the transition planning conference shall:

- Review the Part C Early Intervention System Individualized Family Service Plan;

- Provide the parents written district registration requirements;
- Provide the parents written information on available district programs for preschool students, including options available for placement in general education classrooms; and
- Provide the parent a form to utilize to request that the district board of education invite the Part C service coordinator from the Early Intervention System to the initial IEP meeting for the child after a determination of eligibility.

Additionally, the regulations at N.J.A.C. 6A:14-3.3 (3)2 require that:

- Preschoolers with disabilities shall have their IEPs implemented no later than age three. To assure that preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.
- For a child receiving Early Intervention System services, the form to request the district board of education to invite the Part C service coordinator from the Early Intervention System to the initial IEP meeting for the child after a determination of eligibility shall be submitted to the district board of education with the request for initial evaluation.

Information about the State’s established timeline for initial evaluations and State-established exceptions

In accordance with 34 CFR §300.101(b), each state must ensure that the obligation to make a free appropriate, public education to all children residing in the state begins no later than age three and that an IEP is in effect no later than the child's third birthday. In New Jersey, to assure that preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three. An identification meeting is conducted within twenty days of receipt of the written request for initial evaluation. The child study team, a teacher and the parents determine the nature and scope of the evaluation on an individual basis. Parents must provide written consent for the evaluation to begin. Eligibility is determined at a meeting with the parents, members of the child study team and other required participants. Notice of the meeting is provided to the parent early enough to ensure participation and a copy of any evaluations or reports used to determine eligibility are provided to the parents at least 10 days prior to the meeting. If the child is determined eligible, an IEP meeting is conducted and parental consent to implement the program must be obtained. All these activities must be concluded prior to the child turning age three.

FFY	Measurable and Rigorous Target
FFY 2008	100%

Actual Target Data for FFY 2008:

91% 90% of children referred by Part C prior to age 3 were found eligible for Part B, and had an IEP developed and implemented by their third birthdays.

Describe the method used to collect data, and if the data are from monitoring, describe the procedures used to collect these data.

Statewide data for this indicator are collected through the Annual Data Report which is now reported to NJDOE through the New Jersey Standards Measurement and Resource for Teaching (NJSMART) student level data base on October 15th of each year. LEAs report if the child was receiving services through the early intervention system (EIS), the date of IEP implementation and the reasons for any delays in implementing the IEP beyond the third birthday. Reasons for any delays in meeting evaluation timelines are also reported by student. Data are aggregated to the district and state level for reporting in Indicator 11 and for analysis to identify and correct noncompliance.

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B (LEA notified pursuant to IDEA section 637(a)(9)(A) for Part B eligibility determination)	2205
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	7
c. # of those found eligible who have an IEP developed and implemented by their third birthdays**	1462 +252**
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	74 +252
e. # of children who were referred to Part C less than 90 days before their third birthdays. <i>[This information is not required until the 2011 submission but may be reported in 2010 if the State's data are available.]</i>	240
# in a but not in b, c, d, or e.	170
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays: Percent = [(c) / (a-b-d-e)] * 100	91%-90%

** Includes exceptions allowed by New Jersey state regulation for missed appointments by parents or delays in scheduling due to unavailability of the child or parent [N.J.A.C. 6A:14-3.4(e)1]

Account for Children Included in a, but not in b, c, d, or e:

NJOSEP calculated the rate for Indicator 12 using the new formula in the USOSEP measurement table. The reasons for delays were analyzed and, as indicated above, NJOSEP determined that delays due to parent cancellations or the child not being available were reasons that were valid exceptions to the early childhood timeline in accordance with state regulations. [N.J.A.C. 6A:14-3.4(e)1]

In addition, because there is an automatic stay-put whenever mediation or a due process hearing is initiated, this was also determined by NJOSEP to be a valid exception to the early childhood transition timeline [N.J.A.C. 6A:14-2.6(d) 10 and N.J.A.C. 6A:14-2.7(u)]. The NJOSEP determined that all other reasons for a delay in timelines are either not valid or not permitted in regulation.

Indicate the range of days beyond the timeline and provide reasons for the delays:

Range of days beyond the timeline, when the evaluation was completed and reasons for the delays: With respect to the length of delay, the majority of the evaluations were delayed between 1 and 60 days beyond the third birthday. Incomplete residency information was cited most frequently as the reason for the delay. The two remaining reasons for delays that could not be considered valid were:

- Additional or specialized evaluations were determined necessary after consent was obtained for the initial evaluation plan
- Staff related issues (vacancies/shortages)

<u>Reason</u>	<u>Number of Delayed Evaluations</u>	
	Not Valid	Valid
Mediation or due process hearing (valid)		2
Additional evaluations were needed (after initial evaluation plan)	15	
Specialized evaluations were needed	<u>14</u>	
Evaluation related issues (not valid)	29	
Vacancies of child study team or related services personnel	5	
Child study team or related services personnel were unavailable	<u>24</u>	
Staff related issues (not valid)	29	
Incomplete residency/enrollment information (not valid)	38	
No reason for delay and/or consent dates reported (not valid)	74	
Total	170	2

The chart below represents the reasons, range of delay and number of delayed evaluations

Invalid Reason	Between 1-5	Between 6-15	Between 16-30	Between 31-60	Between 61-90	Between 91-120	>120	Total
Incomplete residency	3	10	5	12	5	1	2	38
Additional Evaluations Needed	3	3	2	2	3	1	1	15
Specialized Evaluations Needed	4	1	3	5	1	0	0	14
Vacancies of Child Study Team or Related Services Personnel	1	2	0	1	0	1	0	5
Child Study Team or Related Services Personnel were Unavailable	3	6	7	6	1	1	0	24
Total	14	22	17	26	10	4	3	96

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Discussion of data and progress or slippage toward targets:

The data for this indicator indicate slippage from 93% in FFY 2007 to **94% 90%** in FFY 2008 of children referred by Part C prior to age 3 were found eligible for Part B, and had an IEP developed and implemented by their third birthdays. The overall number of referrals decreased from FFY 2007 to FFY 2008 by 649. There was a slight increase from FFY 2007 to FFY 2008 in the number of delays due to vacancies, but a significant decrease in the number of delays due to unavailability of child study team or related services personnel. There was a slight decrease in the number of delays due to incomplete residency information. This was the primary reported cause for delays. Additional reasons for slippage and the drop in the referral rate will be determined through desk audit and onsite visits as part of the targeted review process described below. Although the evaluations were not completed within required timelines, **NJOSEP has verified that all evaluations represented in 'a' but not in 'b,' 'c,' 'd,' or 'e' above were completed prior to the submission of this report, although late, consistent with OSEP Memorandum 09-02.**

Improvement Activities:

Targeted Reviews - For the districts identified in NJOSEP's FFY 2007 APR, for delays based on the analysis of FFY 2007 data regarding timelines for early childhood transition, an onsite targeted review of child find requirements was conducted. The targeted review included desk audit, record review, interviews with general and special education staff members, and review of policies, procedures and practices. District data, reported through the Annual Data Report and local district data systems, were reviewed to determine if the reasons for delays in evaluations had been addressed, resulting in correction of noncompliance with the timeline requirement. The review also included analysis of data for referrals from early intervention subsequent to those reported in the ADR data, to determine if IEPs were implemented by age 3.

For each district where noncompliance was not corrected by the time of the onsite targeted review, a report was generated that included an analysis of the barriers to transitioning children from the EIS to preschool by the third birthday. The report also included a corrective action(s) with a timeline for completion or submission of documentation demonstrating correction. Corrective actions included revision of written policies and/or procedures, training for staff, activities related implementation of procedures and/or ongoing oversight of implementation. Timelines in the reports were established to ensure correction within one year of identification. The reports were sent to the chief school administrator. In some of the districts, identified for a targeted review for Indicator 11, the correction of noncompliance was addressed through either the hiring of additional staff, contracting for additional staff, or redeployment of existing staff to ensure that evaluations are conducted and IEPs are developed by age 3.

The targeted review described above was completed during FFY 2008 for the districts identified for delays in meeting child find timelines for FFY 2007. Findings and correction of those findings are listed below. Targeted reviews are being conducted currently in the districts reported for delays in meeting evaluation timelines based on NJOSEP's review of FFY 2008 data. Results of the targeted reviews will be reported in the FFY 2009 APR. **(Activity: 2008-2009)*****

Self-Assessment/Monitoring: Districts with delays in IEP development and implementation by the third birthday for children referred by receive a separate targeted review as described above; however, *requirements related to early childhood transition* are also reviewed in all districts selected for self-assessment and monitoring. NJOSEP's current monitoring system is aligned with the priorities established in the SPP. Policies, procedures and practices regarding referral from the EIS, initial evaluation, IEP development and implementation of services are reviewed during the monitoring process. During the onsite visits, technical assistance is provided, as needed, with regard to policies, procedures, and practices relating to this indicator. **(Activity: 2008-2009)*****

Data Collection and Analysis:

Beginning in the fall of 2008, collection of data for Indicator 12 was changed from an aggregate count submitted by each district and charter school to a student level count and the date was moved from December 1 to October 15. Reasons for delays were expanded for the FFY 2008 data collection and the FFY 2009 data collection for the purpose of determining the root cause for delays in early childhood transition. **(Activity: 2008-2009)*****

Coordination across Systems: The NJOSEP 619 coordinator continued to:

- participate on the Part C Steering Committee and the SICC and provide information on this indicator;
- participate on the Part C and B stakeholders group to further define and clarify transition reporting categories;
- coordinate efforts with New Jersey Department of Health and Senior Services, Early Intervention System to disseminate the revised transition booklet for families and continued joint training regarding the early childhood transition process for families, districts, early intervention providers; and
- work with the Department of Human Services, Early Care and Education Office in the dissemination of information on early childhood transition to Head Start and childcare. **(Activity: 2008-2009)*****

Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance)

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 93 %

Year Data Reported	Year of Findings	Total Number of Findings of Noncompliance with Indicator 12 or Related Requirements	Findings Verified as Corrected within One Year	Number of Findings Subsequently Corrected	Findings of Noncompliance Remaining
FFY 2007	FFY 2008*	47	47	0	0
FFY 2006	FFY 2007*	3	3	0	0

*Because the data for this indicator are collected for the complete reporting period, findings of noncompliance are not made until the following fiscal year. The findings made in FFY 2008 based on FFY 2007 data will be reported under Indicator 15 of the FFY 2009 APR, due February 1, 2011. Indicator 15 of this report includes the findings made in FFY 2007 based on FFY 2006 data.

Verification of Correction Consistent with OSEP Memorandum 09-02

Each district with a finding of noncompliance for this indicator was required to either review and revise district procedures, review and revise their IEP format, conduct staff training regarding transition, and review and revise IEPs of students whose IEPs were determined to be noncompliant. Districts where oversight was a root cause of noncompliance were required to implement a system of oversight to ensure compliant implementation of the specific regulatory requirements.

To verify correction of noncompliance, the NJOSEP monitors determined, through desk audit or onsite visit, that each LEA with a finding of noncompliance:

- **Is correctly implementing the specific regulatory requirements by reviewing updated data for a period of time, determined based on the level of noncompliance, that demonstrate compliance; and**
- **Has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction for all eligible children by reviewing a sample of the files found to have noncompliance.**

Additional Information Required by the OSEP APR Response Table (if applicable)

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.	See above
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s) ; and (2) has developed and implemented	See above

<p>the IEP although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance .</p>	
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Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):

Not Applicable

Indicator #13: Secondary Transition

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development: At the stakeholder meeting held on January 21, 2010, NJOSEP staff described the IEP review process used to collect data for this indicator. Additionally, the results of the review, relative to the results reported in the FFY 2007 APR and the target of 100%, were presented. Additionally, NJOSEP staff discussed the FFY 2009 requirements for Indicator # 13.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

Correction of FFY 2007 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 91 %

4. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	23
5. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	23
6. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Verification of Correction (either timely or subsequent):

For those findings for which the State has reported correction, describe the process the State used to verify that the LEA: 1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02.

Data for this indicator for FFY 2007 were obtained through the NJOSEP self-assessment/monitoring system. Districts selected for special education monitoring in FFY 2007 were required to submit a sample of IEPs of students, aged 16 and above, for review by NJOSEP staff. A review of the sample of IEPs was conducted to determine if the IEPs included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. The sample included students with disabilities, ages 16 and above, who represented a variety of disability categories, racial/ethnic groups and educational placements. NJOSEP staff members used the survey, developed by the National Secondary Transition Technical Assistance Center (NSTTAC), to determine whether each IEP contained the required components. An IEP was determined to have “coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals,” if the NJOSEP monitor responded “yes” to the following three questions from the survey for that IEP:

<p>1. Is there a measurable postsecondary goal or goals as appropriate for the following areas: education/training, employment, and/or independent living?</p> <p>Explanation: Can the goal(s) be counted? Will the goal(s) occur <i>after</i> the student graduates from school?</p> <ul style="list-style-type: none">• For each area, if <i>yes is the answer to both questions above</i>, then circle Y.• If a postsecondary goal(s) is not stated, circle N.
<p>2. Is (are) there annual IEP goal(s) that reasonably enable the child to meet the postsecondary goal(s)?</p> <p>Explanation: Is (are) an annual goal(s) included in the IEP that will help the students make progress towards the stated postsecondary goal(s)? If <i>yes</i>, circle the Y.</p>
<p>3. Are there transition services in the IEP that focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school?</p> <p>Explanation: Is a type of <i>instruction, related service, community experience, development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills, and provision of a functional vocational evaluation</i> listed in association with meeting the post-secondary goal(s)? If <i>yes</i>, then circle Y.</p>

Districts where noncompliance was identified related to Indicator # 13 were required to correct the noncompliance as soon as possible, but in no case not later than one year from identification in accordance with the USOSEP memo 09-02. Targeted technical assistance was provided to specific districts with more substantial noncompliance with this indicator, as determined by NJOSEP, to ensure that district personnel were knowledgeable about the IEP requirements regarding transition to adult life. The technical assistance was designed around the specific areas of noncompliance identified by the NJOSEP monitors. All districts identified for self-assessment and monitoring were provided information regarding state and national resources for transition assessment and services to enable IEP teams to make informed IEP decisions regarding secondary transition programs and services.

Each district with a finding of noncompliance for this indicator was required to either review and revise district procedures, review and revise their IEP form, conduct staff training regarding transition, and review and revise IEPs of students whose IEPs were determined to be noncompliant. Districts where oversight was a root cause of noncompliance were required to implement a system of oversight to ensure compliant implementation of the specific regulatory requirements.

To verify correction of noncompliance, the NJOSEP monitors determined, through desk audit or onsite visit, that each LEA with a finding of noncompliance:

- is correctly implementing the specific regulatory requirements by reviewing updated data for a period of time, determined based on the level of noncompliance, that demonstrate compliance; and
- has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction by reviewing a sample of the files found to have noncompliance.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
Although the State is not required to report data on this indicator in the FFY 2008 APR, the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR.	See Table Above
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	See Table Above

Indicator #14: Post School Outcomes

Part B State Annual Performance Report (APR) for FFY 2008

Note: Although states are not a required to report on Indicator 14 this year, NJOSEP chose to collect and report post school outcomes data for 2007-2008 student exiters consistent with prior requirements. This option was provided to states as described in the National Post School Outcomes Center document entitled Frequently Asked Questions: Revised Part B Indicator 14 Post School Outcomes, Revised October, 2009:

- Q-1:** States are not required to report on Indicator 14 for FFY 2008 due February 1, 2010; however, if a State chooses to report Indicator 14 data in the APR due February 2010, must the State use the “new” requirements, or can they use the “previous” requirement?
- A-1:1** State may choose to collect and report data consistent with the previous requirements or the new requirements. States have four options for the FFY 2008 submission due February 1, 2010.
- 1) Collect the data for 07-08 leavers and report the data in February 2010 consistent with the previous requirements

Next year, NJOSEP will collect post school outcomes data using the new NPSO survey instrument and new measurement of outcomes. Additionally, a new baseline and new targets will be established and reported in the SPPQ next year.

Overview of the Annual Performance Report Development:

NJOSEP met with stakeholders on January 21, 2010 to review the results of the post school outcomes survey conducted for the third cohort of 50 districts whose students exited school during 2007-2008. Discussion included response rate, demographic representation and progress in achieving the target. Additionally, NJOSEP discussed strategies for improving response rates from districts with high drop out rates and/or a large percentage of minority students.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

Overview/Description of Issue, Process, System – Post School Outcomes Data Collection:

NJOSEP is following the guidelines established by the National Post School Outcomes (NPSO) Center for the sampling methodology, data collection procedures and data analysis for the purpose of developing and implementing a study **to yield valid and reliable data as described in the SPP**. Consistent with New Jersey's sampling plan, all districts in the state who have high school programs are participating in this study over a five year period. Using the NPSO sampling calculator, districts were randomly assigned to one of five cohorts. Each cohort consists of a representative sample of districts according to the following demographic characteristics: district enrollment (size); number of students with disabilities; disability categories (percentage of learning disabled, emotionally disturbed, mentally retarded and a category for all other students); race/ethnicity; gender (percentage of female students); Abbott/Non Abbott status; and dropout rate.

Using the NPSO sampling calculator, a representative sample of 50 districts was selected to participate in the third cohort of districts. From May through August of 2009, districts contacted students with disabilities who had exited school during 2007-2008 (the prior school year) to gather information related to their post school outcomes status. **Student exiters** included students with disabilities who graduated, reached maximum age, dropped out during the school year or moved, but were not known to be continuing. Dropouts included students ages 14-21 who left school during the 2007-2008 school year. Contacts were made by phone or in-person interviews using the data collection protocols developed by the NPSO Center. Survey data was analyzed using the NPSO Center's response calculator and data display tools.

Definition of competitive employment

NJOSEP is using the Rehabilitation Act's definition of competitive employment which reads: Competitive employment means work (i) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled. Competitive employment is full-time (35 or more hours per week) and part-time (less than 35 hours per week). (Authority: Sections 7(11) and 12(c) of the Act; 29 U.S.C. 705(11) and 709(c).

Competitive employment is defined as:

- in an integrated community employment setting;
- working 35 hours per week or less;
- earning minimum wage or greater; and
- can include military or supported employment

Definition for enrollment in Post Secondary School

NJOSEP is using the definition for enrollment in Post Secondary School as one of the following:

- 2 year college or community college
- 4 year college or university
- Technical college
- High school completion degree
- Vocational or short-term training program
- On-the-job training program

New Jersey included students who were attending a post secondary school full-time or part-time in the definition of post secondary school. Full-time enrollment is defined as enrollment in at least 12 credits per term.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	80% of students who have been competitively employed, enrolled in some type of post secondary school, or both, within one year of leaving high school

Actual Target Data for FFY 2008

79% of New Jersey youth who had an IEP and who exited secondary school during 2007-2008 have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

Actual Numbers Used in Calculation:

The calculation for the percent of youth with IEPs, no longer in secondary school, and who have been competitively employed, enrolled in some type of secondary school or both, within one year of leaving high school was computed by dividing the total number of students who reported engagement in competitive employment, secondary school or both, within one year of leaving high school, divided by the total number of student respondents in cohort three, $1721/2171=79\%$. Similarly the calculation for each category of engagement was computed by dividing the number of students who reported engagement in that category by the total number of student respondents in cohort three.

Student Engagement: 2007-2008 exiters

	Total Positive Engagement	Competitively Employed Only	Postsecondary School Only	Both Employed & School	Other	Neither
% of Students	79%	25%	13%	41%	12%	9%
Number of Student Respondents in Each Category	2171	545	281	895	265	185
Total Number of Student Respondents	2955	2955	2955	2955	2955	2955

Report of Progress/Slippage

Description of current data in relation to the SPP target/Description of the results of the calculations and comparison of the results to the SPP target

Discussion of data and progress or slippage toward targets:

Engagement: 79% of students with disabilities reported they were engaged in competitive employment, secondary school or both, within one year of leaving high school. **New Jersey missed the post school outcomes target for FFY 2008 by 1%.** Despite the current economic conditions of the country, the rate of engagement reported this year was consistent with the rate of engagement reported for the prior two years of the study.

Actual Numbers Used in the Calculation: The calculation for engagement was derived by dividing the total number of respondents who were competitively employed, enrolled in postsecondary school or both within one year of leaving high school by the total number of respondents: $2171/2955=79\%$ engagement.

Of the students who were positively engaged, 25% reported they have been competitively employed, 13% reported they have been enrolled in postsecondary school and 41% reported that they have been both employed and in post secondary school or training within one year of leaving high school. In addition to these students, another 12% of students reported they were engaged in “other activities”. These activities included engagement in non-competitive employment (e.g. sheltered workshops, working in the home, babysitting, caretaking, working in prison) or engagement in studies by exiters who were incarcerated. An additional 9% of exiters reported that they had neither worked nor attended post secondary education or training in the year following exiting from high school.

Response Rate: The response rate for student exiters from 2007-2008 was 73.47%. This response rate represents an increase of 3.37% over last year’s response rate of 70.10%. For the past two years of the study, the total response rate has improved by over 3% each year. NJOSEP attributes the increased response rate to the technical assistance strategies employed. Noteworthy is the increase in response rates for dropouts this year (53.63% year 3 minus 46.43% year 2 = 7.2% gain).

Actual Numbers Used in the Calculation: NJOSEP used the NPSO response calculator to derive response rate demographic statistics. The calculation for response rate for demographics was the total number of student exiters who responded to the survey divided by the total number of student exiters in cohort three districts ($2171/2955 = 73.47\%$). Similarly, the calculation of response rate for each demographic category was computed by dividing the number of student exiters in that category who responded to the survey, by the total number of exiters in that category from cohort three districts.

Response Rates By Demographics

	Overall Number of Exiters	LD	ED	MR	OA	Female	Minority	Out of District or Public or Private	Dropout	Abbott
Student Exiters	2955	1676	291	96	892	995	1350	289	509	663
Respondents	2171	1237	194	60	680	718	850	215	273	384
Response Rates	73.47%	73.81%	66.67%	62.50%	76.23%	72.16%	62.96%	74.39%	53.63%	57.92%

Representativeness:

NJOSEP used the NPSO Response Calculator to determine the representativeness of respondents to all student exiters from cohort three districts. Representativeness is calculated for each demographic category by subtracting the percentage of respondents from the percentage of all student exiters in cohort three for each category. A difference of $\pm 3\%$ is considered a statistical difference.

The sample of respondents very closely matched the target leavers for the categories of disability, gender and students in separate public or private placements. Differences were seen for students who dropped out (-4.65% difference), for minority students (-6.53%) and for students in Abbott districts (-4.75%).

While there were statistical differences in the representation of students who dropped out as well as for students in Abbott districts, the magnitude of the difference for both groups was reduced this year

in comparison to last year. For dropouts, the difference was reduced by 2.77% (-7.42 in year 2 minus - 4.65% in year 3 = 2.77% reduction). For students in Abbott districts, the difference was reduced by 1.27% (-6.02 in year 2 minus -4.75 in year 3 = 1.27% reduction). The difference in representation for minority students increased this year by 0.75%. Continued efforts will be directed toward increasing representation of these three groups.

Actual Numbers Used in the Calculation:

Representativeness of Respondents to Student Exiters

Overall	LD	ED	MR	OA	Female	Minority	Separate Public or Private	Dropout	Abbott
Student Exiters 2955	1676 56.72%	291 9.85%	96 3.25%	892 30.19%	995 33.67%	1350 45.69%	289 9.78%	509 17.23%	663 22.44%
Respondents 2171	1237 56.98%	194 8.94%	60 2.76%	680 31.32%	718 33.07%	850 39.15%	215 9.90%	273 12.57%	384 17.69%
Difference	0.26	-0.91%	-0.49%	1.14%	-0.60%	-6.53%	0.12%	-4.65%	-4.75%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007

Discussion of improvement activities for FFY 2008

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol *.**

This past year, New Jersey missed the target by 1%. This slippage was equal to the 1% increase for this year's target of 80%. Despite current economic conditions, New Jersey was able to maintain the rate of 79% engagement for 2007-2008 exiters. New Jersey realized over a 3% increase in total response rate in comparison to last year (73.47% year 3 minus 70.10 year 2 = 3.37% gain). Next year, New Jersey will use the new measurement for this indicator and establish a new baseline and targets for this indicator. Continued efforts will be made to increase response rates for students who drop out, minority students and students in Abbott districts.

NJOSEP will continue to implement the improvement strategies described below.

Data Collection and Analyses

a. *Meetings with District Staff Prior to Data Collection:* NJOSEP conducted two technical sessions for the third cohort of districts identified to participate in the post school outcomes study for students who exited school during 2007-2008. The technical assistance sessions were conducted for district administrative staff and transition coordinators who were responsible for data collection. The first technical assistance session was conducted in March of 2008, one year prior to the start of follow-up contact with student exiters. The purpose of the first session was to describe the post school outcomes study, the data collection process and district responsibilities. Districts were instructed to inform students prior to graduation about the transition study, encourage their participation and collect complete contact information for each student to facilitate student contact the following year. A format and strategies for the collection of contact information was provided to districts. To facilitate participation of district personnel

across the state, a second technical assistance session was conducted via a teleconference in February, 2009. The purpose of this session was to prepare district staff to manage the data collection process. The session focused on the collection of student demographic information on all student exiters and provided directions for conducting the follow-up telephone or in-person survey of student outcomes. Emphasis was placed on strategies for acquiring a high response rate and submission of complete surveys to ensure valid and reliable data for all students. A particular focus was placed on increasing response rates for students who dropped out and for minority students. Suggestions were made to verify dropouts by examining this year's student rosters to determine if student exiters had reenrolled in the district or if their records had been requested by another district. Suggestions for increasing response rates included strategies for broadening the type of contact information collected (i.e. cell phone numbers, email addresses, existing family members currently in school, friends, etc); strategies for when and how to conduct phone or in-person interviews; using and documenting results of repeated contacts; and administrative oversight of the data collection process. Data collection on student exiters was conducted from May through the end of August, 2009. Districts then forwarded all surveys to NJOSEP. **(Activity: 2008-2009)*****

b. Incentives: New Jersey continued to employ an incentive system for response rates. Districts were offered reimbursement through a contract for specific expenses associated with conducting this study (e.g. salary costs to interview students after school and during weekends). The amount of compensation was based on the number of student exiters and the number of completed, returned surveys. **(Activity: 2008-2009)*****

c. NJOSEP Oversight/Technical Assistance: Throughout the year, technical assistance was provided to all districts participating in the study. NJOSEP staff monitored progress in data collection throughout the data collection period with a focus on districts with large minority populations and/or dropouts. When progress in data collection was delayed, or when districts reported initially low response rates, individualized technical assistance meetings were conducted by NJOSEP with district administrators and personnel directly responsible for data collection to address improvement strategies. The oversight and technical assistance provided by NJOSEP contributed to the 73.47% response rate for the study. **(Activity: 2008-2009)*****

d. Post School Outcomes Study Protocol: The original post-school outcomes study protocol developed by the NPSO Center was used without changes for 2007-2008 exiters. **(Activity: 2008-2009)*****

e. Assistance from NPSO Center: NJOSEP received continued technical assistance from the NPSO Center. The technical assistance provided through phone, web conferences and on-site meetings has been and will continue to be a valuable source of support for this work. The staff at NPSO has been an invaluable resource in problem solving issues related to transition and conducting this study with specific regard to changes in the proposed indicator measurement as well as improvement strategies. **(Activity: 2008-2009)*****

f. Data Analysis: Trend analyses on response rates, representation and outcomes are being conducted to inform targets and improvement activities. **(Activity: 2008-2009)*****

Application of Data from the Post School Outcomes Study

The data from the post school outcomes study continues to be used in a number of ways to enhance programs and services for students, including the following activities:

a. Follow-up Technical Assistance for Participating Districts

In December of 2009, districts who participated in the second cohort of districts were provided with individual district reports of their post school outcomes data to use in planning improvement activities. Feedback from districts was very positive in terms of the usefulness of this data.

A follow-up meeting will be held during 2009-2010 for districts in cohorts two and three who participated in the post school outcomes study. NJOSEP staff will facilitate a structured review of district results and improvement planning strategies. Follow-up technical assistance will be provided for individual districts based on their data. **(Activity: 2008-2009)*****

b. Self Assessment/Monitoring/Technical Assistance: Data from the post-school outcomes study will continue to be used to inform the self-assessment monitoring process. As districts are selected for monitoring, information on exiters will be used in conjunction with other data (e.g. dropout rates, graduation rates, post-school goals, linkages to other agencies) regarding areas of need and improvement plan development as well as strategies to direct training or technical assistance. **(Activity: 2008-2009)*****

c. Dissemination Activities/Showcasing Practices: Data will continue to be used to identify districts that had positive survey results. These districts will be contacted to delineate practices that are contributing to these outcomes. Practices employed by these districts will be disseminated through NJOSEP's transition training and technical assistance activities and through NJOSEP's website. **(Activity: 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007: *[If applicable]*

NOT APPLICABLE

Indicator # 15: Identification and Correction of Non Compliance

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

At the stakeholder meeting held on January 21, 2010, NJOSEP's performance with respect to identifying and correcting noncompliance within one year was viewed. The effectiveness of improvement activities was discussed in relation to progress toward the target of 100%.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B) and 1442)

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the "Indicator 15 Worksheet" to report data for this indicator.

FFY	Measurable and Rigorous Target
<i>FFY 2008</i>	<i>100%</i>

Actual Target Data for FFY 2008:

95.92% of noncompliance identified through the general supervision system (including monitoring, complaints, etc) and related to monitoring priority areas and indicators during FFY 2007 was verified as corrected within one year of identification

Target Data (from Table B15): Percent of noncompliance corrected in one year of identification = (column [b] sum divided by column [a] sum) * 100

683/712 = 95.92%

Overview/Description of Issue, Process, System – Correction of Noncompliance

Description of correction of noncompliance

The findings of noncompliance in Table B-15 include findings identified as a result of district and charter school monitoring activities, complaint investigation and dispute resolution.

Monitoring

The findings of noncompliance included in Table B-15 from monitoring activities were identified in 45 districts selected as part of the current monitoring cycle. Districts were selected for monitoring based on the rate of students with disabilities educated in separate public and private placements and disproportionate representation of specific racial ethnic groups in special education.

Districts were required to correct noncompliance identified during monitoring activities within one year of identification. If noncompliance was not corrected, corrective action plans were required that included specific activities, timelines and documentation required to demonstrate correction. Corrective action activities included the revision of procedures, training, activities related to implementation of procedures and/or oversight of implementation of procedures. In addition to requiring corrective actions, NJOSEP verifies correction consistent with USOSEP Memorandum 09-02 by reviewing files with individual noncompliance that could be corrected and reviewing subsequent data collected following the implementation of the corrective actions that demonstrate compliance. Districts where noncompliance was not verified as corrected within one year of identification received a designation of needs assistance or needs intervention and a monitoring team, including the NJDOE county supervisor of child study, conducted regular onsite visits and desk audits to facilitate correction. Technical assistance was provided as needed.

Targeted Review

Findings of noncompliance with Indicators 11 and 12 and with requirements *related* to Indicator 4A are identified through review of Annual Data Report data analysis. Once districts are identified as noncompliant with Indicators 11 and 12, a desk audit or an onsite targeted review is conducted to ensure correction of noncompliance. For Indicator 4A, an onsite targeted review is conducted in districts that demonstrate a significant discrepancy in their rate of suspensions and expulsions over 10 days. Compliance with IDEA requirements related to discipline procedures, and positive behavioral supports, is reviewed during the onsite visit.

The onsite targeted reviews are conducted by a monitor and, depending on the data and additional relevant information regarding the district, a child study supervisor and/or a technical assistance provider from the Learning Resource Center Network. Following the targeted reviews, a written report of findings is generated. Corrective action activities are included in the report if the district has not corrected identified noncompliance or if additional noncompliance is identified. Corrective action activities may include: the revision of procedures, staff training, activities related to implementation of procedures, and/or oversight of implementation of procedures.

Findings of noncompliance with Indicator 13 are identified through a targeted desk audit review of a sample of IEPs obtained from each district in self-assessment. Districts with extensive noncompliance with Indicator 13 receive specific targeted technical assistance to assist with development of compliant IEPs and appropriate transition services.

Complaint Investigation

Whenever a complaint investigation determines that a district or charter school is non-compliant with state or federal special education law or regulations, the NJOSEP will identify the noncompliance in a report that is sent to the complainant and to the school or school district. Each finding of noncompliance is accompanied by a directive for corrective action that, as appropriate, may require the school or district to

review and revise current policies/procedures; conduct staff training in the new procedures and to verify that the revised procedures have been implemented. Corrective action may also require the provision of compensatory services, when those services have not been provided in accordance with a student's IEP. All corrective actions must be completed within one year of notification of the noncompliance. NJOSEP verifies the correction of each finding.

If a district fails to complete corrective actions in a timely manner, the department has, depending on the circumstances, provided technical assistance, notified the district board of education of the district's failure to complete the corrective action in a timely manner and arranged for a meeting with the district superintendent and president of the board of education to review and summarize the outstanding corrective actions. In the event this is not sufficient to correct the noncompliance, the department will initiate the process to withhold approval of the district's IDEA grant or delay payment of the funds until the noncompliance is verified as corrected. In the case of a charter school, the same procedures with respect to technical assistance and interaction with the director and board of directors are in place. However, the department has the authority to place the charter school on probation and, if necessary, revoke the school's charter.

Dispute Resolution

The New Jersey Office of Special Education Programs (NJOSEP) identifies noncompliance with respect to mediation and due process hearings in two ways. Whenever a pattern (number of mediations or due process hearings related to a particular issue in a district) is discerned, the information is conveyed to the regional monitoring team for review of policies and procedures that may affect the number of requests in a district for mediation or due process hearings.

In addition, NJOSEP enforces the district's compliance with mediation agreements and due process hearing decisions including any findings of noncompliance identified through the due process hearing regardless of the outcome of the hearing. Parents may request enforcement of a state mediated agreement or a decision of an administrative law judge (ALJ) by writing to the NJOSEP when the parent believes the district has failed to implement the agreement or decision as written. For agreements, a mediator will be assigned to enforce the agreement. For decisions of an ALJ, a complaint investigator will be assigned to enforce the decision. In each instance the district is required to submit documentation of compliance with the agreement or decision.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Discussion of data and progress or slippage toward targets:

The rate of correction for findings from the FFY 2008 (95.92%) demonstrates slight progress from the rate of correction reported in the FFY 2007 APR (95%), submitted in February 2009, for findings made in FFY 2006. NJOSEP continues to ensure correction of noncompliance in accordance with the USOSEP 09-02 memo.

In order to ensure that NJOSEP timely corrected noncompliance identified in FFY 2007 (2007-2008) under this indicator, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§ 300.149 and 300.600, the following improvement activities were completed.

Improvement Activities

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol*.**

Monitoring Process and Procedures

a. NJOSEP continued to direct specific activities to correct noncompliance identified within district monitoring and complaint reports. A short timeline for correction is provided to LEAs to ensure timely provision of services to students with disabilities and ample time for targeted assistance with the correction process, if necessary, in order to ensure correction within one year of identification. **(Activities: 2008-2009)*****

b. Selection of districts for the NJOSEP self-assessment/monitoring process continues to begin with districts that have the highest rates of students with disabilities placed in separate public or private settings and those with disproportionate representation of specific racial/ethnic groups in special education. A random selection of districts is also completed annually to ensure that all districts will participate in monitoring during the SPP period.

Districts selected for monitoring participate in a self-assessment of policies, procedures, practices related to SPP priority areas. Districts in self-assessment were provided with sample activities to correct noncompliance and sample forms in specific areas to assist personnel in monitoring the special education process. This reduced the time spent on paperwork and increased time available for program improvement. Districts were also provided with links to technical assistance centers to obtain information on best practices relative to specific priority areas.

c. Targeted technical assistance continues to be provided for districts in need of assistance and in need of intervention in areas where the districts have demonstrated an inability to correct noncompliance. Sessions are focused on the specific barriers identified by the district staff and the monitors. Timelines for verification are established as a mechanism to track the effectiveness of the assistance and as an incentive for correction. Sessions thus far have focused on speech and language services, evaluation timelines, transition, discipline, evaluation and placement decision making. **(Activity: 2005-2006 through 2010-2011)**

Note: For this indicator, report data on the correction of findings of noncompliance the State made during FFY 2007 (July 1, 2007 through June 30, 2008).

Correction of FFY 2007 Findings of Noncompliance Timely Corrected (corrected within one year from identification of the noncompliance):

7. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	712
8. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	683
9. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	29

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

10. Number of FFY 2007 findings not timely corrected (same as the number from (3))	29
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above)	
11. Number of findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	21
12. Number of findings <u>not</u> yet verified as corrected [(4) minus (5)]	8

Actions Taken if Noncompliance Not Corrected

Districts that fail to correct noncompliance within one year of identification, through monitoring, complaint investigation or due process, receive a determination of needs assistance or needs intervention depending upon the extent of the noncompliance and other factors considered in the determination process. Specific actions taken for uncorrected noncompliance are:

Monitoring

A total of 5 findings in three districts from FFY 2007 remain uncorrected. As part of NJOSEP's oversight, a monitoring team was assigned to conduct regular onsite visits to these districts. During the onsite visits, the monitors reviewed files, interviewed staff, visited classrooms and provided technical assistance. Data from district databases were also reviewed. When necessary, the county supervisor of child study, a Learning Resource Center Consultant, the 619 coordinator and/or the manager of the monitoring unit participated in the meetings. Root causes for the noncompliance were identified during the visits and technical assistance was designed to provide strategies to address the specific barriers that have delayed correction of noncompliance. Topics include modifying data systems, placement decision making, oversight strategies, monitoring evaluation timelines, procedures for provision of notice, and data analysis. Student data and records were also required to be submitted to NJOSEP for desk audit to expedite correction depending upon the extent of the noncompliance. NJOSEP imposed additional reporting requirements and more detailed corrective actions in each of the three districts.

Complaints

A total of 3 FFY 2007 findings, made as a result of complaint investigations in one district, remain uncorrected. NJOSEP staff members have required additional, more frequent, documentation from the district to monitor correction. In addition, complaint investigators and the district's monitoring team leader have met and are working collaboratively to ensure correction through technical assistance, onsite visits and review of data submitted by the district.

Verification of Correction: The Indicator B-15 worksheet includes findings of noncompliance identified through: LEA monitoring, targeted review, complaint investigation and dispute resolution. All findings of noncompliance must be corrected within one year of identification.

To verify correction of noncompliance consistent with OSEP Memo 09-02, the NJOSEP monitors, complaint investigators, and hearing officers determined, through desk audit or onsite visit, that each LEA with a finding of noncompliance:

- **Is correctly implementing the specific regulatory requirements by reviewing updated data for a period of time, determined based on the level of noncompliance, that demonstrate compliance;**
- **For a child-specific requirement, has corrected each individual case of noncompliance, unless the child is no longer in the jurisdiction of the LEA, by reviewing a sample of files previously found to have noncompliance; and**
- **For a child-specific timeline requirement has completed the required action, although late, unless the child is no longer within the jurisdiction of the LEA, by reviewing statewide data that demonstrated that the required activities were completed for each child.**

Correction of Remaining FFY 2006 Findings of Noncompliance

If the State reported <100% for this indicator in its FFY 2006 APR and did not report that the remaining FFY 2006 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	79
2. Number of remaining FFY 2006 findings the State has verified as corrected	79
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Additional Information Required by the OSEP APR Response Table (if applicable)

Statement from the Response Table	State's Response
In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.	See above
If the state is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.	NJOSEP has reviewed its improvement activities and has determined that revisions are not necessary at this time.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):

Not applicable

Indicator B15 Worksheet

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	22	36	36
	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	7	7
	Dispute Resolution: Complaints, Hearings			
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: Targeted Review	20	51	47
		5	17	17
	Dispute Resolution: Complaints, Hearings	49	69	58

New Jersey
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: Grant Monitoring	22	40	35
	Dispute Resolution: Complaints, Hearings	23	23	23
		1	1	1
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	21	35	33
	Dispute Resolution: Complaints, Hearings	18	19	18
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	5	5
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings			

New Jersey
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: Targeted Review	27	27	27
	Dispute Resolution: Complaints, Hearings			
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: Targeted Review	47	47	47
	Dispute Resolution: Complaints, Hearings	8	8	8
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: Targeted Review	23	23	23
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Requirements related to SPP Indicators 1, 2, 3, 5, 6, 11 and 12	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	56	302	296

New Jersey
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	2	2	2
Sum the numbers down Column a and Column b			712	683
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	95.92%

Indicator #16: Complaint Timelines

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Indicator #16 was discussed at the January 21, 2010 stakeholder meeting. As reflected on the Indicator Progress Chart disseminated to stakeholders, NJOSEP staff discussed both the target and actual target data for FFY 2008. NJOSEP also discussed how complaint timelines are tracked and the oversight mechanisms used to issue reports within the 60-day timeline.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

Overview/Description of Issue, Process, System – Complaint Timelines

During FFY 2008 the NJOSEP employed two full time complaint investigators and a manager who coordinated the complaint investigation process. This is a change from past years when the NJOSEP employed a full-time coordinator and three full time complaint investigators, as well as part-time staff to assist with the process. The decrease in staff was due to attrition and a hiring freeze of State employees. In order to maintain and achieve compliance with this indicator, NJOSEP utilized staff from other bureaus within the office to assist with tasks associated with the complaint process.

The investigators identify allegations; conduct fact-finding and write reports that determine compliance/noncompliance and where there is noncompliance, direct corrective action. Procedures for conducting a complaint investigation, which had been developed in FFY 2005, continue to be implemented. These include providing the parent and education agency an opportunity to resolve the complaint either locally or through mediation of the complaint and providing the education agency an opportunity to submit a written response to the allegations of noncompliance.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of signed written complaints with reports are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Actual Target Data for FFY 2008:

98% of signed written complaints with reports were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Actual Numbers Used in the Calculation:

110 reports within timelines + 23 reports within extended timelines/136 = 98%

Description of current data in relation to the SPP target/Description of the results of the calculations and comparison of the results to the SPP target

NJOSEP received 291 signed written complaints for the 2008-09 school year, which represents an increase of 6 cases from the previous school year of 2007-08. Although NJOSEP has maintained its efforts toward achieving the target of 100% of written complaints resolved within the required timeline, the target was not achieved.

Through the ongoing oversight of the manager, Bureau of Policy and Planning, NJOSEP continued to implement a process for tracking the receipt of the complaint, the assignment of the complaint to a complaint investigator, the completion of the report, the review of the report and the final approval and issuance of the report by the NJOSEP director.

Report of Progress/Slippage

Discussion of data and progress or slippage toward targets:

NJOSEP has maintained its efforts toward the target of 100%. In FFY 2007, NJOSEP reported 99% of complaints were completed within the required timeline or an extended timeline. The NJOSEP has reported a decrease in the percentage of complaints completed within timelines by 1% from the previous year.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Discussion of improvement activities completed for FFY 2008:

NOTE: Activities that occurred in 2007-2008 and are ongoing during the course of the SPP, including FFY 2008, are represented by the symbol *.**

Monitoring Timelines

- In order to achieve or make progress toward the target of 100% for this indicator, NJOSEP maintained its oversight for tracking the receipt of the complaint, the assignment of the complaint to a complaint investigator, the completion of the report, the review of the report and the final approval of the report by the NJOSEP director in accordance with the 60-day timeline. **(Activity 2008-2009)*****
- Regular staff meetings were conducted throughout the year with complaint investigators, including meetings dedicated to strategies for organizing investigations and generating reports in order to meet the required timeline. **(Activity 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Not Applicable

Indicator #17 – Due Process

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

A stakeholder meeting was held on January 21, 2010. New Jersey's performance with respect to the percent of fully adjudicated cases within the required timelines was reviewed. Stakeholders were informed of progress in this area.

Monitoring Priority: Effective General Supervision Part B/General Supervision

Measurement Information

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: $[(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100$

Overview/Description of Issue, Process, System – Due Process Timelines

In New Jersey, the Office of Administrative Law (OAL) is the agency that hears all due process cases. Data are collected throughout the year by the OAL indicating the number of due process cases transmitted to OAL, the outcome of each case and the timeline for hearing and deciding a case. The New Jersey Office of Special Education Programs (NJOSPEP) also maintains a database and inputs the total number of cases filed in New Jersey.

All due process and mediation cases are filed with the NJOSPEP. All pertinent information (i.e., date received, relief requested, parent/student identifying information, issues, and attorneys) is logged into a database and the case is assigned a specific case number. If mediation is requested, NJOSPEP immediately gives the case folder to the office scheduler, who then schedules the mediation date and location.

Pursuant to New Jersey law and code, the OAL is the agency responsible to hear all due process cases that are not settled through mediation/resolution session or are directly transmitted for hearing per parent/district agreement. All transmittals are clearly tracked in the office database.

NJOSPEP and OAL have taken steps to expedite the processing of requests for a due process hearing and completion of due process hearings, with the goal of completing all cases within the 45-day federal time period (including all legal extensions of time). The NJOSPEP and OAL implemented a new system for transmittal and processing of requests for a due process hearing to OAL on February 1, 2005. Cases are transmitted and scheduled for an initial hearing on or about day 10. If additional hearing dates are required, they are scheduled on that initial hearing date and the matter is adjourned to the next hearing date. This system results in early case management by the administrative law judge assigned to the case, with an emphasis on keeping the parties focused on preparing for and completing the case as quickly and efficiently as possible. Parties are expected to begin their cases on the initial hearing date, and to resolve any discovery, witness or other procedural issues at that

time, in order to allow for completion of the hearing on any subsequent hearing day(s) determined necessary to fully hear the matter. This system, with its added emphasis on case management at an early date, has resulted in a significant reduction in the number of calendar days utilized to complete due process hearings, as well as the number of federal days necessary to complete these cases.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

Actual Target Data for FFY 2008:

95% of fully adjudicated due process cases were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party.

Actual Numbers Used in the Calculation:

29 cases within 45-day timeline + 11 cases within extended timelines/ 42 = 95%

Description of current data in relation to the SPP target/Description of the results of the calculations and comparison of the results to the SPP target

Data Analysis (Including Trend Data to Demonstrate Progress)

In FFY2004, the baseline data revealed that **87.2%** of fully adjudicated cases were fully adjudicated within the 45-day timeline or within a properly extended timeline.

In FFY 2005, the data revealed that **93%** of fully adjudicated cases were fully adjudicated within the 45-day timeline or within a properly extended timeline.

The FFY 2006 data revealed that **98.1%** of fully adjudicated cases were fully adjudicated within the 45-day timeline or within a properly extended timeline. Of the 55 fully adjudicated cases for FFY 2006, only one of the 55 cases was not fully adjudicated within the appropriate timelines.

The FFY 2007 data revealed that **91%** of fully adjudicated cases were fully adjudicated within the 45-day timeline or within a properly extended timeline. Of the 88 fully adjudicated cases, 8 cases were not fully adjudicated within appropriate timelines.

The FFY 2008 data reveal that **95%** of fully adjudicated cases were fully adjudicated within the 45-day timeline or within a properly extended timeline. Of the 42 fully adjudicated cases, 2 cases were not fully adjudicated within appropriate timelines.

Report of Progress/Slippage

Discussion of data and progress or slippage toward targets:

As indicated in the SPP, New Jersey receives approximately 1,100 due process and mediation cases each year. Consistent with that number, 1,193 requests for due process and mediation were filed in FFY 2008. In New Jersey, the Office of Administrative Law (OAL) is the agency that adjudicates all due process cases. The number of fully adjudicated due process cases decreased significantly (by 48%) from 88 cases in FFY2007 to 42 cases in FFY 2008.

The NJOSEP was not able to meet the goal of 100% in only 2 cases. However, progress of 4% was made from FFY 2007. In order to achieve this progress, the OAL reviewed and provided the

NJOSEP with frequent and regular progress reports of the timeliness of cases, and communicated regularly with NJOSEP in order to assess progress or slippage and quickly address issues to ensure completion of cases within the required timelines. This enhanced oversight and communication, and the resultant immediate resolution of issues, allowed NJOSEP and OAL to achieve progress toward the 100% compliance with this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Discussion of improvement activities completed for FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol *.**

Procedures and Process: ALJs continue to implement effective and early case management of special education cases. Cases continue to be transmitted and scheduled for an initial hearing on or about day 10. Furthermore, a request to adjourn a case is not easily granted by the ALJs. This aids in the completion of a hearing and helps to improve overall timelines. ALJs expect the parties to be prepared for a hearing on the initial hearing date.

Ongoing collaboration and open dialogue continue between the NJOSEP and the OAL. The OAL revised its "Manual on Special Education" for all of the ALJs based on the New Jersey code and procedural changes that were a result of IDEA 2004. Each ALJ received this manual to use as a reference guide for hearing special education due process cases. Also, as indicated in the SPP, meetings between the NJOSEP and the OAL are held at least four times per year with at least one meeting designated to reviewing the SPP and APR data. Regular phone calls are also made to ensure the cases are being completed within timelines. In addition, the chief ALJ continues to send regular reminders to all of the ALJs regarding the timelines for completing special education hearings and the paperwork involved in adjourning specific hearings. Further coordination will continue in order to meet the goal of 100%. **(Activity 2008-2009)*****

Data Collection and Analysis: The database system is fully operational and periodic meetings to ensure coordination with Office of Administrative Law are conducted. The OAL continued to work with the ALJs to ensure proper paperwork and procedures are followed for each special education due process case. **(Activity 2008-2009)*****

Memorandum of Understanding with OAL: The NJOSEP and the OAL completed a new Memorandum of Understanding (MOU) whereby funds were allocated to process and conduct special education due process cases. The scope of the MOU between the NJOSEP and the OAL was expanded to hire an additional administrative law judge. Through the MOU, on March 19, 2009, Perry Zirkel, a nationally known professor and speaker from Lehigh University presented to all of the ALJs on special education case law and section 504. **(Activity 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Not Applicable

Indicator #18 – Resolution Agreements

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Indicator 18, Resolution Agreements, was discussed at the stakeholder meeting held on January 21, 2010. NJOSEP staff indicated that the target was exceeded.

Monitoring Priority: Effective General Supervision Part B/General Supervision

Measurement Information

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

Measurement: $(3.1)(a) \text{ divided by } 3.1 \text{ times } 100$

Overview/Description of Issue, Process, System - Hearing Requests Resolved by Resolution Sessions

As of July 1, 2005 all due process cases that are filed by parents with the New Jersey Department of Education (NJDOE) have the option of holding a resolution session or mediation session. When the cases are filed, the petitioner may indicate in the petition his or her preference for resolution session or mediation. The parent's preference is noted in a log that the Coordinator of Dispute Resolution maintains on a daily basis.

Once a new due process petition is opened by NJDOE, an acknowledgement letter is sent to all parties. The acknowledgement indicates the district's responsibility to offer and coordinate a resolution session or the option that all parties may instead agree to mediation, which is arranged through the NJDOE. The district has 15 days to contact the parties to arrange and conduct a resolution session.

Preferably, the district notifies NJDOE of its decision to conduct a resolution session or request mediation. Since the district does not always notify NJDOE regarding the resolution session, it is NJDOE's practice to have a representative of the NJOSEP, on or about day 20 of the 30-day resolution period, call the parties to see whether a resolution session has been held or whether the parties consent to schedule mediation. A representative of the NJOSEP also calls the parties on day 30 prior to transmitting the case to the Office of Administrative Law (OAL) to see if a resolution was reached.

If a resolution session resulted in a signed agreement by all parties, NJDOE is notified in writing and the case is closed in the database with the outcome listed as "Resolution Agreement." This allows NJDOE to track the number of resolution agreements reached each year.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	45-55% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.

Actual Target Data for FFY 2008:

69% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements. NJOSEP exceeded the target for FFY 2008.

Actual Numbers Used in the Calculation:

37 resolution session agreements / **54** resolution sessions = **69%**

Description of the results of the calculations and compares the results to the state target:

In FFY 2008, a total of 54 resolution sessions were held. Of that total 37 resulted in a settlement agreement which calculates to a rate of 69%. NJOSEP exceeded the upper end of the state target range (45-55%) for FFY 2008.

Report of Progress/Slippage

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Discussion of data and progress or slippage toward targets:

As indicated in the SPP, data collected and reported for FFY 2005 may not have accounted for all of the resolution sessions held and the related outcomes for the initial reporting period. The tracking of resolution sessions has improved and as a result, more accurate and reliable data have been collected. At the stakeholders meeting in 2006, the NJOSEP anticipated that the number of resolved cases would decrease with the better collection of data and thus, the targets were set lower than the 77% agreement rate reported for FFY 2005. In October 2007, the stakeholders revised the targets for Indicator 18 and set a "range" for the number of hearing requests resolved through resolution session settlement agreements. The range is more in keeping with the number of mediation agreements reported in Indicator 19. The NJOSEP believed that the new ranges would more accurately reflect the rate of settlement for hearing requests in New Jersey whether through a resolution session or through mediation.

In FFY 2007 (school year 2007-08) a total of 96 resolution sessions were held. Of the 96 sessions, 48 resulted in a resolution agreement which calculated to 50% of the sessions resulting in agreements. A comparison of the FFY 2008 data (69% of the resolutions sessions resulting in agreement) with the previous year's data reveals that the percentage of cases resolved through a resolution session increased by 19%, and New Jersey has exceeded the target.

Discussion of improvement activities completed for FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol*.**

Data Collection: If a resolution session results in a signed agreement by all parties, NJDOSEP is notified in writing and the case is closed in the database with the outcome listed as "Resolution Agreement." This allows NJDOE to track the number of resolution agreements reached each year. Data for this indicator are collected through the NJOSEP database system which allows NJDOE to input the outcome of all resolutions sessions held in the state on a case-by-case basis. Thus, NJOSEP is using a tracking system that results in the accurate collection and reporting of data. **(Activity 2008-2009)*****

Procedures: NJDOE continues to implement procedures to call the district/parent before the end of the 30-day resolution period, to see if they have held a resolution session or prefer to schedule mediation (with consent from all parties). NJDOE also reaches out to the parties on day 30 prior to transmitting the case to the Office of Administrative Law (OAL) to see if a resolution was reached. **(Activity 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

[If applicable]

Not Applicable

Indicator #19: Mediation Agreements

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

NJOSEP staff discussed the FFY 2008 data for Indicator 19 at the stakeholder meeting on January 21, 2010. Stakeholders were reminded that according to the measurement chart, the USOSEP allows states to utilize a range to set targets for this indicator. Prior to FFY 2008, NJOSEP did not utilize a range. The stakeholders discussed and agreed that a range would appropriately measure performance for this indicator. At the January 21st meeting, ranges were determined by the stakeholders for FFY 2008, FFY 2009 and FFY 2010. The new ranges are reflected in New Jersey's updated SPP as follows:

FFY 2008 32% through 40%

FFY 2009 34% through 41%

FFY 2010 36% through 42%

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.
(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

Overview/Description of Issue, Process, System - Mediation Agreements

Requests for mediation are logged in to the office database and are separated by requests for mediation only and requests for mediations related to due process. All files for mediation are immediately given to the office scheduler who in turn calls both parties and schedules the mediation session within approximately 10 days.

When the mediation occurs and a settlement agreement is reached, the mediator will write the agreement with the parties and both parties will sign the agreement form, which in turn becomes a binding and enforceable agreement. The case is then closed by the mediator in the database.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	32-40% of mediations held will result in mediation agreements.

Actual Target Data for FFY 2008:

164 mediation agreements/ 509 = 32% of mediations held resulted in mediation agreements.

Actual Numbers Used in the Calculation:

85 mediation agreements /309 mediations related to due process = **28%**

79 mediation agreements/ 200 mediations not related to a due process hearing = **40%**

164 mediation agreements/ 509 = 32% of mediations held resulted in mediation agreements.

Formula: (2.1(a)(i) + 2.1(b)(i) divided by (2.1) times 100.

$$85 + 79 / 509 \times 100 = 32\%$$

Report of Progress/Slippage

Discussion of data and progress or slippage toward targets:

In the 2008-09 school year the NJOSEP received a total of 666 requests for mediation (of which 157 were not held or were pending). The requests continue to be logged into a database and are separated by mediations and mediations related to a due process hearing. Files requesting mediation are immediately given to the scheduler who in turn calls both parties and schedules the mediation session.

Of the 666 requests for mediation, a total of 509 mediations were held. Of those, 309 were mediations related to due process and 200 were mediations not related to due process. Of the 309 mediations related to due process, 85 resulted in mediation agreements (28%). Of the 200 mediations not related to due process, 79 resulted in mediations agreements (40%). This translates to a total of 32% of mediations held in FFY 2008 resulted in a mediation agreement. New Jersey met its revised target for this indicator.

While NJOSEP met the target, there was a reduction in the percentage of mediations that resulted in settlement. This slippage may be attributed to the fluid nature of the mediation process. For example, the nature of the issues being mediated can result in fluctuations in the percentage of cases resulting in mediation agreements. In addition, each year many cases that are mediated result in the parties agreeing in principle to a settlement; however the parties choose to have the agreement ordered by a judge in a due process proceeding. Thus, the case is identified as being settled in a due process hearing, when the agreement is in fact reached at the mediation conference.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Discussion of improvement activities completed for FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol *.**

Data Collection and Analysis

Database System: NJOSEP continues to update its database system to accurately capture all information and outcomes related to mediations that are filed each year. Regular maintenance and evaluation of the system occurs to ensure accurate reporting of all data. **(Activity: 2008-2009)*****

Information Dissemination

Parental Rights in Special Education: The Parental Rights in Special Education (PRISE) document continues to be disseminated which includes updated due process and mediation information forms. **(Activity: 2008-2009)*****

Technical Assistance: NJOSEP staff responds to parent information requests regarding the nature of the mediation process. This assistance enables parents to gain an understanding of the proceedings and helps them to prepare for the mediation meeting. **(Activity: 2008-2009)*****

Training for Mediators

Regular meetings are held with the mediators to discuss issues and strategies related to mediation. Ongoing guidance and training on special education regulations have been provided to all mediators as well as districts and parents regarding special education regulations and IDEA changes.

On March 19, 2009, the mediators attended a training by Perry Zirkel, a nationally known professor and speaker from Lehigh University, who presented on special education case law and section 504. **(Activity: 2008-2009)*****

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008

NJOSEP met with the stakeholders and amended New Jersey's SPP in January 2010 to utilize a range for the target for this indicator. The new ranges in New Jersey's amended SPP are as follows:

FFY 2008 32% through 40%

FFY 2009 34% through 41%

FFY 2010 36% through 42%

Indicator #20: State Reported Data

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

A stakeholder meeting was held on January 21, 2010 during which NJOSEP staff reported on the data collections and analyses regarding each of the SPP/APR indicators.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Measurement Information

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

Overview/Description of Issue, Process, System – State Reported Data

Collection of Data Under Section 618 of the IDEA

NJOSEP uses the secured New Jersey Standards Measurement and Resource for Teaching (NJ SMART) a comprehensive data warehouse, student-level data reporting, and unique statewide student identification (SID) (see <http://www.nj.gov/education/njsmart/background/>) and the NJDOE Web Administrator System (see <http://homerom.state.nj.us/>) to collect data required under Section 618 of the IDEA.

The data are stored on secure servers in an Oracle database. The child count, educational environments, and personnel data required under Section 618 of the IDEA are collected annually on October 15th through an online data collection known as the Annual Data Report (ADR). The exiting data are collected annually on June 30 through an online data collection, known as the End of the Year Report (EOY). For the FFY 2006 data collection, six tables were added to collect data on the timelines for evaluation and the determination of eligibility for school age children (Indicator 11) and the timely evaluation of children transitioning to Part B from Part C (Indicator 12). Beginning FFY 2007, the data for these tables are collected through NJSMART.

Sampling Plans

NJOSEP forwarded all required revisions and clarifications regarding the Sampling Plans for Indicators 7 and 8 on September 27, 2007. The sampling plans were then approved by USOSEP. The sampling plan for Indicator 14 had been approved previously. A description of the Sampling Plans for Indicators 7, 8, and 14 each provided under each of these indicators (see SPP for Indicator 7 and SPP/APR for indicators 8 and 14).

Description of the State's mechanisms for ensuring error free, consistent, valid, and reliable data and evidence these standards are met

The NJDOE publishes a *Special Education Data Handbook*, a reference guide that defines and maintains a set of standards for educational data collection and submissions and provides for student data elements that are uniform and consistent. In order to ensure consistency in data collection, error checks have been built into the system (e.g. error will occur if the field is *NULL*; error will occur if data element falls outside of date parameters; an error will occur if Referral Date is *NULL*, or empty); an error date will occur if the required dates do not follow the specified sequence).

With respect to the ADR and EOY data collections, NJOSEP implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and Section 618. In addition, NJOSEP implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies. Data checks are built into the web application that help to ensure accuracy of data. The data entered by LEA staff must pass a series of edit checks to ensure data accuracy (See Edits for the Special Education Annual Data Report at: <http://www.nj.gov/education/specialed/data/adrintst/instructions.doc>).

If the LEA staff are not able to make the required corrections to the data, they must contact NJOSEP or the NJ SMART vendor for online technical support. The LEA superintendent or special education director must certify the data prior to submission to NJOSEP. Upon receipt of complete data from all LEAs and other entities, NJOSEP uses a series of programs to further check for data validity, including year-to-year consistencies. LEAs with questionable data are required to verify, correct, and/or resubmit their data.

Discipline data are collected by the Office of Program Support Services through the Electronic Violence and Vandalism Report. These data are entered on an ongoing basis during the school year in which the disciplinary actions are implemented. Assessment data for Table 6 of the IDEA Part B 618 data collection are generated by the New Jersey Department of Education, Office of Assessment which obtains the data from test contractors who process test booklets and answer folders. NCLB rules are applied to the data by the Office of Title 1. Data are then forwarded to the NJOSEP for completion of Table 6. AYP data used for accountability reporting under Title 1 of the ESEA are used to determine if SPP targets are met for Indicator 3.

Monitoring data are submitted through self-assessment by LEAs and collected through desk audit and onsite visits which include interview, observation and file review. Findings of noncompliance are made based on results of the desk audit, onsite monitoring and targeted review, and based on data submitted by LEAs regarding evaluation timelines (Indicator 11) and early childhood transition timelines (Indicator 12). Noncompliance is 'identified' when the NJDOE informs an LEA in writing of the results of review of the self-assessment, data from the desk audit or onsite visit or data review. Findings of noncompliance are tracked by individual areas which are categorized according to SPP priority areas (see Table in Indicator 15). Districts are required to correct noncompliance within a year of notification. The date of correction of each finding of noncompliance is the date when the LEA

is informed in writing that corrective actions have been implemented and correction has been verified. A database is maintained which tracks each LEA, each finding by area, the date of identification and the date of correction.

To ensure timely data for complaints, mediation/due process and resolution sessions, the NJOSEP maintains databases to record data for Table 7. Mediators, complaint investigators and other assigned staff are able to log onto their respective databases and enter complaint and mediation data as appropriate. In addition, the Office of Administrative Law (OAL) tracks data regarding due process cases, including the number of cases settled or withdrawn and the timeline for fully adjudicated due process cases.

NJOSEP provides guidance and ongoing technical assistance to local programs/public agencies regarding requirements and procedures for reporting data under Section 618 of the IDEA, with an emphasis on the need for timely and accurate data submissions. (See for example: Special Education Annual Data Report Instructions and Forms at: <http://www.nj.gov/education/specialed/data/adrintst/> and Special Education End of the Year Report, User Manual, Frequently Asked Questions, etc. at <http://homeroom.state.nj.us/eoy.htm>).

Local school district personnel are trained in each LEA to enter data for the web based data system. In addition, call-in assistance is available to staff responsible for data entry to assist with accurate and timely collections and reporting. Assistance is also available from the NJDOE County Supervisors who have been trained on the State data systems. The County Supervisors meet monthly to discuss issues including data issues and provide NJOSEP with suggestions for revisions to data collection instructions and procedures and training/technical assistance.

Timely Submission – District Level Data

To ensure that New Jersey's districts submit their data to NJDOE in a timely manner, representatives of NJOSEP track district submissions and provide follow-up phone calls and/or written correspondence to districts that appear in jeopardy of missing important deadlines.

Accurate Data – District Level Data

As indicated above, the online submissions of data from New Jersey's districts must pass a series of edit checks to ensure the data received from each district is accurate and complete. There is an array of multiplication and logic checks that must be satisfied before the system will accept and ultimately allow users to submit their data. Users who are unable to submit their data due to errors must then call NJOSEP or the NJ SMART vendor for online technical support.

During FFY 2008 to ensure error free, consistent, and valid and reliable data include:

- Ongoing collaboration with other units in the NJDOE and the NJ SMART vendor responsible for data collection
- Data dictionary with common definitions across data collections
- Statewide training on specific data elements (for example, educational environment, eligibility criteria)
- Review of submitted data by NJOSEP staff for anomalies and contacts to districts when anomalies are identified
- Defined values for data elements
- Validations/edit checks to prevent data mismatches to be submitted
- Edit checks to prevent null and invalid values to be submitted
- Written technical instructions outlining application use

- Collected and calculated data in a consistent manner for all LEAs
- Help desk support

FFY	Measurable and Rigorous Target
2008	100% of state reported data are submitted in a timely and accurate manner.

Actual Target Data for FFY 2008:

~~100%~~ **95.24%** of state reported data were submitted in a timely and accurate manner.

Actual Numbers used in the calculation:

See attached work sheets for actual numbers and calculations.

Report of Progress/Slippage

Description of the results of the calculations and comparison of the results to the target:

Discussion of data and progress or slippage toward targets

NJOSEP ~~met~~ did not meet the target of 100%. While the state was able to report Table 2 – Personnel in a timely manner, the state was unable to sort the required data to meet the data specifications. Revisions have been made by NJOSEP to meet future reporting requirements for Table 2.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Improvement activities completed FFY 2008:

NOTE: Activities that occurred in 2008-2009 and are ongoing during the course of the SPP are represented by the symbol *.**

Data Submission Timelines: NJOSEP maintained a timetable to ensure that data was submitted to USOSEP in a timely manner. All state reported data required under Section 618 and the Annual Performance Report were submitted in a timely manner during the 2008-2009 school year. **(Activity: 2008-2009)*****

The following steps were taken with respect to the submission of data from school districts:

- Clarifying directions to districts regarding the Exiting, Personnel, Child Count, and Discipline counts with clear and concise timelines for them to follow;
- Ensuring prompt phone response from NJOSEP staff to questions and technical problems that occurred while districts were preparing their online data submission; during the actual data submission; and after the data submission to NJDOE;
- Providing local school districts with strict instructions that specify the data submission deadlines and penalties for those districts not adhering to the deadlines. **(Activity: 2008-2009)*****

New Jersey Standards Measurement and Resource for Teaching (NJ SMART) Student Data Base: Significant progress in implementing the New Jersey Department of Education student level database. Student identification numbers have been assigned to all students and districts are uploading data to the system. The Special Education Student Data Handbook is updated to conform to federal reporting requirements.

Districts were required to submit their file, correct any errors, and release the file as final to NJ DOE by February 29, 2008. In an effort to assist Districts and Charters in preparation of the Special Education snapshot file, the NJDOE NJ SMART vendor hosts web-based **NJ SMART Special Education Data Element** trainings (Webinars). These Webinars provided an overview of all the required special education data elements.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008

[If applicable]

Not applicable. There were no revisions for proposed targets, improvement activities, or timelines.

SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	* N/A	* N/A	0
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	36
APR Score Calculation	Timely Submission Points - If the FFY 2007 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total - (Sum of subtotal and Timely Submission Points) =		41.00

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date:	1	1	1	1	4
Table 2 - Personnel Due Date:	1	0	0	N/A	1
Table 3 - Ed. Environments Due Date:	1	1	1	1	4
Table 4 - Exiting Due Date:	1	1	1	N/A	3
Table 5 - Discipline Due Date:	1	1	1	N/A	3
Table 6 - State Assessment Due Date:	1	N/A	N/A	N/A	1
Dispute Resolution Due Date:	1	1	1	N/A	3
				Subtotal	19
618 Score Calculation			Grand Total (Subtotal X 1.9523) =		37.09

Indicator #20 Calculation	
A. APR Grand Total	41.00
B. 618 Grand Total	37.09
C. APR Grand Total (A) + 618 Grand Total (B) =	78.09
Total N/A in APR	0
Total N/A in 618	0
Base	82.00
D. Subtotal (C divided by Base*) =	0.952
E. Indicator Score (Subtotal D x 100) =	95.24

Note any cell marked as N/A will decrease the denominator by 1 for APR and 1.9523 for 618