

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

DISABILITY RIGHTS NEW JERSEY, *et al.*,

Plaintiffs,

vs.

NEW JERSEY DEPARTMENT OF  
EDUCATION, *et al.*,

Defendants.

Civil Action No. 07-2978 (MLC)

**SETTLEMENT AGREEMENT**

This settlement agreement (the “Settlement Agreement”) is entered into by and between Disability Rights New Jersey, the Education Law Center, the Statewide Parent Advocacy Network and The Arc of New Jersey (collectively, “Plaintiffs”) and the New Jersey Department of Education, the Commissioner of Education, in his official capacity, and the New Jersey State Board of Education (collectively, “Defendants” or “NJDOE”) (and, together with Plaintiffs, “the Parties”), with approval of the Court.

This matter involves claims by Plaintiffs that children with disabilities in New Jersey schools are not being educated in the least restrictive environment (“LRE”), in violation of the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §1400, *et seq.*, and its implementing regulations, 34 C.F.R. §300.1, *et seq.* and N.J.A.C. 6A:14-1.1, *et seq.*, New Jersey’s Special Education Statute, N.J.S.A. 18A:46-1, *et seq.*, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 (“Plaintiffs’ claims”). While the Parties have differing views regarding Plaintiffs’ claims, they have agreed that a negotiated settlement of this matter is desirable. As such, this Settlement Agreement provides for the resolution and termination of this

litigation. It follows several years of litigation and discovery conducted by the Parties, and extensive negotiations between the Parties regarding the terms of settlement.

This Settlement Agreement shall be effective and binding, commencing the date on which it is signed by the District Court, and shall expire on the date on which NJDOE provides the Stakeholders the results of the Final LRE Monitoring report for each district, pursuant to Section F. Upon execution of this Settlement Agreement, the claims against Defendants will be dismissed with prejudice.

**Section A. Needs Assessment**

1. NJDOE will administer the Least Restrictive Environment Needs Assessment (hereinafter "LRE Needs Assessment"), attached hereto as Exhibit A, to each of the school districts listed in Exhibits B, C, and D to this Agreement (the "Designated Districts"). The LRE Needs Assessment will commence in September 2014 and will be completed by December 31, 2014.

2. NJDOE will provide (1) the written results of Steps 1 and 2 of the LRE Needs Assessment; and (2) a written summary of patterns of need identified through Steps 3 and 4 of the LRE Needs Assessment ("summary of patterns"), to the Stakeholder Committee (defined below in Section J) by no later than January 15, 2015. Within 21 days of NJDOE having provided the results of Steps 1 and 2 and the summary of patterns of all of the Designated Districts' LRE Needs Assessments to the Stakeholder Committee, NJDOE will hold a meeting with the Stakeholder Committee, at which time the Stakeholder Committee and NJDOE will discuss verbally any non-binding feedback provided to NJDOE by the Stakeholder Committee regarding the Designated Districts' "Areas of Need" as defined in Sections B.2, B.3., and B.4 in the Year One Annual Training and Technical Assistance Plans (defined below in Section B.1). NJDOE shall, in good faith, consider any feedback it receives from the Stakeholder Committee and implement such feedback as deemed appropriate by NJDOE.

## **Section B. Training and Technical Assistance**

1. For three (3) consecutive years, NJDOE shall annually develop a plan to address identified Areas of Need to be addressed by each Designated District (the “Annual Training and Technical Assistance Plan”). The Annual Training and Technical Assistance Plan must identify areas in which each Designated District requires, or is likely to benefit from, training (“LRE Training”) and/or technical assistance (“LRE Technical Assistance”) (collectively, “LRE Training and Technical Assistance”) regarding the education of students with disabilities in the least restrictive environment. The Year One Annual Training and Technical Assistance Plan must be based on each Designated District’s Needs Assessments, data from prior State and Federal monitoring reports, NJSmart data and results of complaint investigations conducted by NJDOE and must consider the results of any complaint investigations conducted by the United States Department of Education (“USDOE”) that NJDOE is aware of. The Year Two and Year Three Annual Training and Technical Assistance Plans must be based on information obtained by NJDOE through its activities set forth in Sections B.6 and F, below, data from prior State and Federal monitoring reports, NJSmart data and results of complaint investigations conducted by NJDOE and shall consider the results of any complaint investigations conducted by USDOE that NJDOE is aware of.

2. For Designated Districts listed on Exhibit B hereto, topics for LRE Training and Technical Assistance based on the identified Areas of Need may include, but shall not be limited to:

- (a) supporting diverse students with the full range of disabilities in general education classes;
- (b) developing an inclusive school climate;
- (c) analyzing placement data to ensure placement in the LRE;
- (d) “Universal Design for Learning” and “Model Curriculum Scaffolds”;
- (e) modified curricula;

- (f) differentiated instruction;
- (g) full range of supplemental needs and services;
- (h) provision of services in general education settings by itinerant service providers;
- (i) adaptation of curriculum, instruction and materials;
- (j) co-teaching models;
- (k) transportation;
- (l) long-range facilities planning related to educating students with disabilities; and
- (m) design and implementation of appropriate policies and programs.

3. For Designated Districts listed on Exhibit C hereto, topics for LRE Training and Technical Assistance based on the identified Areas of Need may include, but shall not be limited to:

- (a) establishing contractual relationships with community preschools;
- (b) supporting diverse students with disabilities in typical early childhood settings with non-disabled peers;
- (c) developing an inclusive school climate;
- (d) analyzing placement data to ensure placement in the LRE;
- (e) “Universal Design for Learning” and ”Model Curriculum Scaffolds”;
- (f) modified curricula;
- (g) differentiated instruction;
- (h) full range of supplemental needs and services;
- (i) provision of services in typical early childhood settings by itinerant service providers;

- (j) adaptation of curriculum, instruction and materials;
- (k) co-teaching models;
- (l) transportation;
- (m) long-range facilities planning related to educating students with disabilities; and
- (n) design and implementation of appropriate policies and programs.

4. For Designated Districts listed on Exhibit D hereto, topics for LRE Training and Technical Assistance based on the identified Areas of Need may include, but shall not be limited to, all of the topics set forth in Section B.2, above, as well as:

- (a) developing an inclusive school climate;
- (b) cultural/racial/ethnic awareness, culturally-responsive education and culturally-competent and non-discriminatory evaluations;
- (c) intersection of patterns of race, disability and Limited English Proficiency; and
- (d) strategies to address disproportionate placement in more segregated settings;

5. The format of each Annual Training and Technical Assistance Plan shall be in NJDOE's discretion, except that each Annual Training and Technical Assistance Plan must set forth the LRE Training and/or LRE Technical Assistance to be provided to each Designated District based on each Designated District's particular Areas of Need and shall be consistent with this Section.

6. Each Annual Training and Technical Assistance Plan shall require that NJDOE assess implementation and efficacy of the Plan. NJDOE's assessment must include, but not be limited to, classroom observation, review of individual IEPs and other student records, review of

placement data, including placement by race/ethnicity, and procedures and interviews of staff and parents. Where deemed appropriate by NJDOE, the assessment may also include review of lesson presentation and co-teaching methods. A copy of the placement data reviewed by NJDOE for each Designated District, along with the prior year's placement data for each Designated District, will be provided to the Stakeholders 60 days prior to the meeting with the Stakeholder Committee held pursuant to Section F.4. NJDOE may, when necessary, provide such placement data in groupings larger than single grade groupings, in order to avoid releasing students' personally identifiable information. In addition, at its meetings with the Stakeholders, NJDOE will provide an oral summary of its assessments of the implementation and efficacy of the Annual Training and Technical Assistance Plan with respect to the Designated Districts.

7. NJDOE will provide a draft Year One Annual Training and Technical Assistance Plan to the Stakeholder Committee no later than March 15, 2015.

8. Within 21 days of NJDOE having provided the draft Year One Annual Training and Technical Assistance Plan to the Stakeholder Committee, NJDOE will hold a meeting with the Stakeholder Committee, at which time NJDOE will discuss verbally any non-binding feedback provided to NJDOE by the Stakeholder Committee regarding the contents of the draft Plan. NJDOE shall, in good faith, consider any feedback it receives from the Stakeholder Committee and implement such feedback as deemed appropriate by NJDOE. NJDOE will also provide an oral summary of its assessment of the implementation and efficacy of each district's Plan.

9. NJDOE shall provide to each of the Designated Districts at least four (4) LRE Training and/or Technical Assistance sessions (covering one or more Areas of Need), each year for three (3) consecutive academic years (totaling a minimum of twelve (12) LRE Training and/or Technical Assistance sessions for each Designated District), commencing on July 15, 2015.

10. If any Designated District is identified as being Non-Compliant on Exhibits B, C, or D hereto as a result of the Year One or Year Two Monitoring (as defined below in Section F), or is found to be Non-Compliant with respect to LRE requirements as a result of an NJDOE Complaint Investigation, NJDOE shall require the Non-Compliant District to a) direct certain general education teachers and child study team members (to be identified by NJDOE) to attend at least three of the four LRE Trainings and Technical Assistance sessions, b) direct all special education directors and supervisors, all building principals and all teachers in supervisory roles (including “academic department chairs,” “lead teachers,” “deans,” and “team leaders” if they supervise teachers) to attend at least one training and technical assistance session; c) direct certain district personnel (to be identified by NJDOE) to view the Annual Webinar (as defined in Section D), d) provide a “Statement of Assurance” that appropriate district staff attended the LRE trainings and technical assistance sessions and the Annual Webinar, and e) establish a District LRE Facilitator (as defined below in Section H).

11. LRE Training and Technical Assistance may be conducted by employees of NJDOE or by outside vendors independent of NJDOE and independent of New Jersey school districts.

12. LRE Training may be provided to Designated Districts individually or may be provided in multi-district sessions. The Technical Assistance will always be district-specific and provided to Designated Districts individually.

13. Each LRE Training and Technical Assistance shall be at least three (3) hours long.

14. Representatives of parent groups within the district, including parent members of district special education parent advisory groups, shall be invited to at least one LRE Training. Parental attendance is not mandatory. NJDOE will advise the Stakeholder Committee that it may attend the LRE Training to which parent members of district Special Education Parent Advisory Groups are invited, as well as any LRE Training provided in a multi-district setting.

15. NJDOE shall provide the Year Two and Year Three Training and Technical Assistance Plans to the Stakeholder Committee no later than June 15 of 2016 and 2017.

**Section C. State Inclusion Facilitators**

1. For the Designated Districts not identified as non-compliant, NJDOE will make available one or more NJDOE employees who are trained in inclusive practices and who have experience in providing training and/or technical assistance to districts regarding implementation of federal and state requirements and best practices with regard to placement of students in the LRE (“State Inclusion Facilitators”). The State Inclusion Facilitators will, on a monthly basis, contact each Designated District which has not been identified as Non-Compliant for purposes of this Settlement Agreement (“compliant Designated District”), and offer to provide assistance, including on-site assistance, if appropriate, regarding any LRE issues, and shall raise with the Designated Districts any LRE issues of which NJDOE has become aware. The State Inclusion Facilitators will provide on-site assistance pursuant to this provision to each compliant Designated District that requests it, not to annually exceed a combined total of on-site visits numbering five times the number of compliant Designated Districts for the given year.

**Section D. Annual Webinars**

1. In addition to the LRE Training and Technical Assistance, NJDOE shall, in the 2015-16, 2016-17, and 2017-18 school years, identify an area for LRE Training (based on the Needs Assessments and formal and informal monitoring by NJDOE) that benefits all of the Designated Districts, and create at least one interactive web-based training session of not less than one (1) hour’s duration (the “Annual Webinar”). For purposes of this Settlement Agreement, “interactive” shall mean that, at least at the time of its initial presentation, the Annual Webinar shall be “live” and provide an opportunity for viewers to ask questions and receive responses. NJDOE will make available for viewing on its website by educators statewide a version of the



interactive Annual Webinar including, as deemed appropriate by NJDOE, public comments and/or questions.

2. NJDOE will inform all compliant Designated Districts that the Annual Webinar is available for viewing and recommend that district personnel view each Annual Webinar.

3. On the date that NJDOE meets with the Stakeholder Committee pursuant to Sections A.2 and F.4, NJDOE will provide the Stakeholder Committee with the proposed topics and content of the webinars and discuss verbally any non-binding feedback provided to NJDOE by the Stakeholder Committee regarding the topics and content of the Annual Webinar. NJDOE shall, in good faith, consider any feedback it receives from the Stakeholder Committee, discuss the feedback with the Stakeholder Committee at the Stakeholder meeting and implement such feedback as deemed appropriate by NJDOE.

#### **Section E. Professional Development Evaluation**

1. NJDOE will administer a survey to each individual participant in the LRE Trainings and Technical Assistance that occur under this Settlement Agreement (the “Professional Development Evaluation”) at the end of each LRE Training and Technical Assistance session. The form of the Professional Development Evaluation is attached hereto as Exhibit F. NJDOE shall distribute the forms to the participants and then collect them prior to the end of each LRE Training and Technical Assistance session.

2. NJDOE shall provide an electronic or hard copy of the completed Professional Development Evaluations to the Stakeholder Committee for review within thirty (30) days after NJDOE’s receipt of same. NJDOE shall, in good faith, consider any non-binding feedback it receives from the Stakeholder Committee, discuss the feedback with the Stakeholder Committee at the Stakeholder meeting and implement such feedback as deemed appropriate by NJDOE.

## **Section F. Annual Compliance Monitoring**

1. Between October and February of the 2015-2016 and 2016-2017 school years during the Settlement Period in which NJDOE provides LRE Training and Technical Assistance to the Designated Districts, NJDOE shall monitor each compliant Designated District. For purposes of this Settlement Agreement, such monitoring shall be referred to as “Year One Monitoring” and “Year Two Monitoring.”

2. The Year One Monitoring and Year Two Monitoring shall determine compliance with the LRE requirements as set forth in N.J.A.C. 6A:14-9.1, utilizing the monitoring protocol annexed as Exhibit G.

3. NJDOE shall provide a copy of the completed Year One and Year Two LRE Monitoring Reports for each Designated District to the Stakeholder Committee no later than March 15 of 2016 and 2017.

4. Within 21 days of NJDOE having provided the Year One and Year Two Monitoring Reports to the Stakeholder Committee pursuant to Section F.3, NJDOE will hold a meeting with the Stakeholder Committee at which time NJDOE will discuss verbally any non-binding feedback provided to NJDOE by the Stakeholder Committee regarding the Areas of Need to be addressed in the Year Two and Year Three Training and Technical Assistance Plans based on results of the Monitoring Reports. NJDOE shall, in good faith, consider any feedback it receives from the Stakeholder Committee and implement such feedback as deemed appropriate by NJDOE.

## **Section G. Final Monitoring**

1. At the conclusion of the Year Three Training and Technical Assistance, NJDOE shall monitor each Designated District to determine compliance with the LRE requirements as set forth in N.J.A.C. 6A:14-4.2, utilizing the monitoring protocol annexed as Exhibit G. NJDOE

shall provide to the Stakeholders a copy of the Final LRE Monitoring reports for each Designated District within 10 days of issuance. The Settlement Agreement expires immediately upon NJDOE providing the Stakeholders a copy of the Final LRE Monitoring reports for each Designated District, notwithstanding the outcome.

#### **Section H. District LRE Facilitators**

1. In July 2015, NJDOE shall direct each Designated District that is identified as a Non-Compliant District on Exhibits B, C or D, or which was determined to be Non-Compliant with respect to LRE requirements during the prior academic year as a result of an NJDOE complaint investigation, to designate at least one (1) teacher, child study team member or administrator, who is knowledgeable about LRE (the “District LRE Facilitator”), to be a resource person for, and to provide technical assistance to, other district staff members regarding LRE during the Settlement Period. The Designated District may contract with an experienced inclusion/LRE expert to perform this function.

2. If any Designated District should be identified as a Non-Compliant District as a result of the Year One or Year Two Monitoring, NJDOE shall direct that Designated District to designate at least one (1) District LRE Facilitator in the manner set forth in Paragraph H-1, above.

#### **Section I. Training of Complaint Investigators**

1. NJDOE will contract with Anne Louise Thompson to provide one full day of mandatory LRE training to all complaint investigators employed as of the date of the training. The LRE training will take place prior to the commencement of the 2015-16 school year.

#### **Section J. Stakeholder Committee**

1. The Parties have formed a committee comprised of seven (7) members (the “Stakeholder Committee”), which is a subcommittee of New Jersey’s IDEA-mandated

stakeholder group (“NJDOE Stakeholders Group”). A list of initial Stakeholder Committee members is attached hereto as Exhibit E.

2. In the event that any member of the Stakeholder Committee resigns during the Settlement Period, the Parties will agree upon his or her replacement.

#### **Section K. Parental Input**

1. When NJDOE monitors the Designated Districts in accordance with this Settlement Agreement, it will contact the Designated Districts’ special education advisory groups, and will offer to talk with a random sample of 20 parents of students who represent a variety of placements, disability categories, racial/ethnic groups and grade levels.

#### **Section L. Attorneys’ Fees and Costs**

1. NJDOE agrees to pay attorneys’ fees in the amount of \$295,000 for the services of Plaintiffs’ counsel reasonably necessary to the resolution of this matter through the date of this Settlement Agreement, payable to the Education Law Center within sixty (60) days of the filing of this Settlement Agreement by the Court.

2. Other than the fee specified in paragraph 1 of this Section, no Party shall be entitled to recover or charge any attorneys’ fees or costs against any other Party, except as a prevailing party on an application to enforce a provision of this Settlement Agreement and only upon order of the Court.

#### **Section M. Savings and Severability**

1. In the event that any provision of this Settlement Agreement is deemed unconstitutional by a court or other body having been delegated the authority to make such a judgment, then that provision shall be void, of no effect, and unenforceable as a term of this Settlement Agreement and NJDOE shall not be required to provide any funding to otherwise implement any such provisions.

2. The unenforceability of any provision of this Settlement Agreement shall not affect any other provision of this Settlement Agreement, and this Settlement Agreement shall be construed as if the offending provision had never been contained herein.

**Section N. Modification of Agreement**

1. The provisions of this Settlement Agreement may be modified during the term of the Settlement Agreement only upon agreement of both parties.

**Section O. Entire Agreement**

1. This Settlement Agreement constitutes the entire agreement between the Parties and supersedes any prior understanding or representation of any kind preceding the date of its execution.

2. There are no other promises, conditions, understandings, contracts or other agreements, whether oral or written, relating to the subject matter of this Settlement Agreement.

**Section P. General Release of Claims**

1. It is expressly understood and agreed upon by each of the Parties that this Settlement Agreement constitutes a complete and final general Release between the Parties with respect to any and all past and present liabilities, claims, demands, rights and causes of action, guarantees, claims for damages, settlements, costs, attorneys' fees, and compensation of any kind or nature whatsoever (whether derivative or individual in nature), in connection with or arising out of Plaintiffs' claims.

2. In return for the consideration set forth in Sections A through L of this Settlement Agreement, Plaintiffs on behalf of themselves and on behalf of the individuals on whose behalf Plaintiffs filed the instant action as identified in Paragraph 1 of the Amended Complaint filed July 10, 2009, do knowingly and voluntarily, completely and forever, release and discharge Defendants, and each of Defendants' present and former employees, officers, agents, and

representatives, and any successors of Defendants, from any and all claims, causes of action, judgments, obligations or liabilities of whatever kind and character, raised in the Amended Complaint filed July 10, 2009; and any claim for compensatory damages, liquidated damages, punitive damages, damages for emotional distress, pre- or post-judgment interest related to those claims.

3. Nothing in this Settlement Agreement shall be construed to limit the rights of individuals' on whose behalf DRNJ has filed this action to pursue any action against Defendants or against any local school district. Nothing in this Settlement Agreement shall be construed to limit Plaintiffs' pursuit of any action currently pending against Defendants, other than Plaintiffs' claims in this action. Nothing shall be construed to limit Plaintiffs' right to pursue any claims not raised in the Amended Complaint.

4. Plaintiffs agree that they will not fund any lawsuit brought by an individual or organization that asserts the same claims raised by Plaintiffs in the Amended Complaint.

**IT IS SO ORDERED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Hon. Mary Little Cooper, U.S.D.J.

We hereby consent to the form and entry of the within Order:

\_\_\_\_\_  
Christopher Cerf, Commissioner  
New Jersey Department of Education  
100 Riverview Plaza  
Trenton, NJ 08625

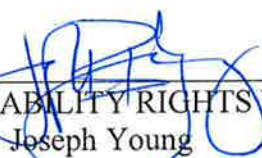
Dated:

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Dated: 4/27/14



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1/27/14

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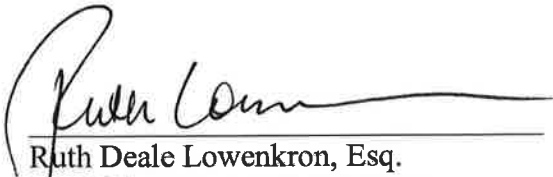
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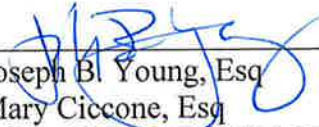
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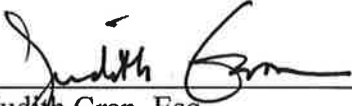
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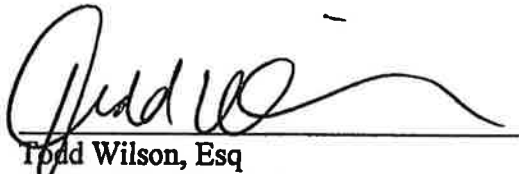
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**Exhibit A**

**FORM OF LRE NEEDS ASSESSMENT (attached hereto)**

**New Jersey**  
**Department of Education**  
**Office of Special Education Programs**  
**Targeted Review**

**Least Restrictive Environment (LRE) Needs Assessment**

When an Individualized Education Program (IEP) team is deciding where a student will receive their special education services, the Individuals with Disabilities Education Act (IDEA) requires the team consider placement in the general education classroom, in the school the student would attend if he or she did not have a disability, FIRST, before considering placement in a more restrictive setting. The IEP team must discuss an array of supplementary aids and services that could be provided in the general education classroom before discussing removing the child to a special education class or program. If the IEP can be implemented in the general education classroom in the student's home school, with appropriate supports and services, then that is the least restrictive environment for that student. It is important that every school district regularly review student-level, school and district performance and placement data, and procedures for developing IEPs for students, to ensure that students with IEPs are educated in general education settings, with appropriate supports, as much as possible.

The New Jersey Department of Education, Office of Special Education Programs (NJDOE), has conducted a data review and identified districts with a high percentage of students educated outside general education settings for an LRE Targeted Review. As part of the targeted review, the identified districts are required to participate in this needs assessment to determine the impact of their policies, procedures and instructional programs on the placement of students with disabilities. Results of the needs assessment will inform district actions and address those areas that limit the district's ability to educate students in less restrictive settings. Once a targeted district completes the data review and analysis and the LRE Questionnaire, and NJDOE completes its classroom observations and staff and parent interviews, NJDOE staff will meet with staff from the district and a training and technical assistance plan will be developed.

The identified school districts must use this LRE Needs Assessment tool to analyze placement patterns, as well as programs, practices and policies that impact placement patterns, and identify action steps to enhance supports in general education classrooms for students with disabilities.

The needs assessment consists of five steps:

**Step 1:** A review and analysis of placement data by district personnel.

**Step 2:** Completion of the Least Restrictive Environment (LRE) Questionnaire by:

- i. District-wide administrators and
- ii. District personnel in individual schools identified during the data review.

**Step 3:** A site visit of identified schools conducted by NJDOE staff that includes:

- i. Classroom observations using the attached Classroom Walkthrough protocol
- ii. Interviews with special and general education teachers, administrators, CST members, and parents using the attached Interview Question protocol

**Step 4:** Meeting conducted by NJDOE staff with district personnel to discuss:

- i. Data trends
- ii. LRE Questionnaire findings
- iii. Interview results
- iv. Classroom observation findings
- v. Current Long Range Facilities Plan

**Step 5:** Development of a training and technical assistance plan by **NJDOE** staff based on the results of Steps 1 -4, above.

## Step 1: Data Review and Analysis

### A. Review Data Charts

NJDOE will provide the district with the placement data reported by the district in NJSMART in October 2011 and October 2012.

#### i. Students Ages 6-21

The district will review for accuracy the NJSMART data referenced above, for students ages 6-21, and compare the data to the current district data for the same years. The district will compare the 2012 rates to the State Performance Plan (SPP) targets for 2012-2013 for the following categories:

80% or more of the day in general education: If the district placement rate of students with IEPs in general education for more than 80% of the school day, reported in the 2012-2013 NJSMART data, is **less than** NJDOE's statewide annual target for that year, the district must identify areas of need as a result of the data review and LRE Questionnaire.

Placement in segregated settings<sup>1</sup>: If the district placement rate of students with IEPs in segregated settings reported in the 2012-2013 NJSMART data is **greater than** NJDOE's statewide annual target for that year, the district must identify areas of need as a result of the data review and LRE Questionnaire.

#### ii. Students ages 3-5

The district will review for accuracy the NJSMART data referenced above, for students ages 3-5, and compare the data to the current district data for the same years. The district will compare the 2012 rates to the SPP targets for 2012-2013 for the following category.

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<sup>1</sup> As defined by the United States Department of Education in the State Performance Plan, segregated settings include: in separate schools, residential placements, or homebound/hospital placements.

Attending a separate special education class, separate special education school or residential facility: If the district placement rate for this category for 2012-2013 is **greater than** NJDOE's statewide target for 2012-2013, the district must identify areas of need as a result of the data review and LRE Questionnaire.

### **B. Analyze Ages 6-21 Placement Patterns from Data Tables**

Analyze the classification and placement data at the district level and at the attending/sending school level for students with IEPs ages 6 through 21 for the 2011-2012 and 2012-2013 school years by age and grade range, disability category, gender, and specific racial/ethnic groups, as well as case manager, for the following placement categories:

- In general education class for 80% of the day or more;
- In general education class less than 40% of the day; and
- Educated in separate public or private schools.

### **C. Analyze Ages 3-5 Placement Patterns from Data Tables**

Analyze the classification and placement data at the district level and at the attending/sending school level for students age 3-5 for the 2011-2012 and 2012-2013 school years by age, disability category, gender and specific racial/ethnic groups, as well as case manager, for the following placement categories:

- In early childhood general education settings;
- In early childhood special education settings; and
- In separate public and private schools.

### **D. Identify Placement Trends**

Review classification and placement trends (from NJSMART data for the 2011-2012 and 2012-2013 school years) at the district level and at the attending/sending school level across all grade levels, disability category, gender, specific racial/ethnic groups and case managers to determine patterns of placement (e.g. 75% of students placed in separate private or public settings were male students with behavioral challenges; 100% of preschoolers with Autism were placed in separate settings).

**E. Analyze Program Needs:**

Review programs offered for a) students placed out-of-district in separate schools and b) students in district in special class programs, and compare those programs to all programs available within the district to identify possible opportunities to expand programs available within the district to serve children in the general education classroom in neighborhood schools. Review the following program components:

- Qualified and Effective Teachers
- Student/Teacher Ratio
- Program Curriculum
- Assistive Technology
- Interventions and Supports
- Related Services
- Facilities

## Step 2: Least Restrictive Environment (LRE) Questionnaire

**Directions:**

- Read each question and rate the response 1-Not implementing at this time, 2- In exploratory stage, 3- Partial implementation, or 4-Full implementation.
- For those questions that are answered 3- Partial implementation, or 4-Full implementation, the district must identify documentation demonstrating evidence of support in the appropriate column. Any identified evidence shall be made available for on-site inspection.

**Part 1- DISTRICT**

Standard	1	2	3	4	Identify which of the below supporting evidence was used to determine the rating for each standard:
<p><b>I.0</b></p> <p>The district supports a system that reflects high expectations for all students through:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> A data maintenance system that provides a comprehensive data profile including student growth percentiles for all students.</li> <li><input checked="" type="checkbox"/> A system of professional development and technical assistance on the use of student data for educational planning and decision-making.</li> </ul>					<ul style="list-style-type: none"> <li>• District data profiles</li> <li>• District data maintenance system</li> <li>• Professional Development Plans and attendance lists</li> <li>• Staff meeting agendas</li> <li>• Evidence that data are used to discuss changes in placement, curriculum and instruction of special education students, for example, minutes of staff meetings _____</li> <li>• Data reports on performance trends</li> <li>• Data reports on placement trends</li> <li>• Evidence that data are used to inform instruction</li> <li>• Other _____</li> </ul>
<p><b>I.1</b></p> <p>There is a current district-approved LRE policy consistent with state and federal requirements that</p> <ul style="list-style-type: none"> <li>✓ stipulates that all students should be educated in age-appropriate general education classes to the maximum extent possible and in their neighborhood school or school of choice, with the appropriate accommodations, modifications, supports and services</li> <li>✓ communicates to all staff, parents and students, through multiple vehicles (website, handbook, newsletters, etc.), of LRE responsibilities under IDEA, <i>Oberri</i> standards</li> <li>✓ identifies, promotes and supports successful inclusive strategies</li> <li>✓ identifies inclusive education as a district priority</li> <li>✓ is included in professional development plans.</li> </ul>					<ul style="list-style-type: none"> <li>• District mission statement</li> <li>• District website</li> <li>• District policies and procedures</li> <li>• Communications with parents</li> <li>• Recruitment ads</li> <li>• Job descriptions</li> <li>• Professional development plans</li> <li>• Other _____</li> </ul>

<p><b>1.2</b></p>	<p>The leadership is supportive of LRE and district initiatives and activities reflect LRE:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The district staff are committed to the implementation of LRE programs and supports for teachers</li> <li><input checked="" type="checkbox"/> The district special education office monitors implementation of LRE throughout the district on an ongoing basis, including access to the general education curriculum and access to extra - curricular activities for all school age students.</li> <li><input checked="" type="checkbox"/> Personnel are held accountable for implementing LRE.</li> </ul>					<ul style="list-style-type: none"> <li>• Descriptions of district initiatives in general education and special education</li> <li>• General and Special Education Teacher/Administrator Interviews</li> <li>• The results of any district review of LRE implementation</li> <li>• Administrator/Teacher Interviews</li> <li>• Walkthrough protocols</li> <li>• Other _____</li> </ul>
<p><b>1.3</b></p>	<p>The district fosters a climate of collaboration between general and special education in order to promote a climate where everyone belongs, is accepted and is supported by peers and other members of the school community, as evidenced by:</p> <ul style="list-style-type: none"> <li>• Ongoing opportunities for collaborative instruction.</li> <li>• Ongoing opportunities to jointly plan lessons to make the curriculum accessible to students with disabilities and to jointly plan supports and modifications for students with disabilities</li> </ul>				<ul style="list-style-type: none"> <li>• Documentation of meetings attended by general and special education teachers</li> <li>• Examples of Co-teaching</li> <li>• Staff schedules that include common planning time for general and special education staff</li> <li>• General and Special Education Teacher/Administrator Interviews</li> <li>• Other _____</li> </ul>	



Standard	1	2	3	4	Supporting Evidence
<p><b>1.4</b> The district provides ongoing support, technical assistance and staff development activities for special and general education teachers, child study team members and other district personnel regarding methods, strategies and interventions to assist students in the general education setting.</p>					<ul style="list-style-type: none"> <li>• Notices of, outlines, agendas, materials and minutes from, staff development and technical assistance activities. , and documentation that key staff have attended staff development and technical assistance activities</li> <li>• Documentation that on-site strategies, for example , guided practice and coaching, are employed to assist teachers in meeting the needs of students with disabilities in general education classes:</li> <li>• General and Special Education Teacher/Administrator Interviews</li> <li>• Other _____</li> </ul>
<p><b>1.5</b> The district provides ongoing support, staff development activities and technical assistance to special and general education teachers, child study team members and other district personnel in the implementation of strategies that provide positive behavioral supports to students.</p>					<ul style="list-style-type: none"> <li>• Agendas, materials and minutes from, staff development and technical assistance activities. and documentation that key staff have attended staff development and technical assistance activities</li> <li>• Documentation that on-site strategies, for example, guided practice and coaching, are employed to support teachers</li> <li>• Evidence of implementation of positive behavioral supports</li> <li>• Conduct policy.</li> <li>• Other _____</li> </ul>
<p><b>1.6</b> There is ongoing collaboration between special education administrators and general education administrators regarding implementing LRE initiatives.</p>					<ul style="list-style-type: none"> <li>• Documentation of meetings attended by general and special education administrators</li> <li>• Administrator/Teacher interviews</li> <li>• Administrator/Teacher Schedules</li> <li>• Other _____</li> </ul>
<p><b>1.7</b> The district provides oversight to the Intervention and Referral Services (I&amp;RS) teams at <i>each</i> school to ensure they provide meaningful interventions to teachers that support struggling students in the general education classroom. Oversight includes:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Attending I&amp;RS team meetings</li> <li><input checked="" type="checkbox"/> Analyzing data</li> <li><input checked="" type="checkbox"/> Using data, reviewing and updating interventions available at each school</li> </ul>					<ul style="list-style-type: none"> <li>• Notes from I&amp;RS meetings attended by district administrators and I&amp;RS staff</li> <li>• I&amp;RS procedures, schedules, forms and data analysis</li> <li>• Other _____</li> </ul>
<p><b>1.8</b> District-level administrators regularly review referral and placement data at the district, building and grade levels by disability category, specific racial/ethnic groups, gender and to make LRE program improvements based on the data.</p>					<ul style="list-style-type: none"> <li>• Referral and placement data reports</li> <li>• Other _____</li> </ul>
<p><b>1.9</b> The district has developed a multi-year strategic plan to address the placement of students in less restrictive settings. The plan:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Identifies the service and support needs for, and establishes or expands programs and services within the district to serve a greater number of, students currently in self-contained programs, so they can be placed in general education programs;</li> </ul>					<ul style="list-style-type: none"> <li>• Strategic plan</li> <li>• Reports on implementation of strategic plan</li> <li>• Documents identifying the service and support needs for students to be placed in general education programs</li> <li>• Budgets for implementation of the strategic plan and development of services and supports needed for implementation</li> <li>• Documents concerning staff recruitment, retention and</li> </ul>

	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Identifies the service and support needs for students in general education classes less than 80% of the school day so they can be placed in general education programs;</li> <li><input checked="" type="checkbox"/> Identifies the service and support needs for, and establishes or expands programs and services within the district to serve a greater number of, students currently in out-of-district programs;</li> <li><input checked="" type="checkbox"/> Identifies the service and support needs for, and establishes or expands programs and services within the district to increase the number of, students placed in general education for less than 80% of the school day to be placed in general education 80% or more of the school day;</li> <li><input checked="" type="checkbox"/> Identifies specific student program and service needs;</li> <li><input checked="" type="checkbox"/> Includes a budget for needed programs and services;</li> <li><input checked="" type="checkbox"/> Includes activities to recruit, hire, assign, reallocate and retain staff;</li> <li><input checked="" type="checkbox"/> Includes plans for initial and ongoing staff training, technical assistance and coaching; and</li> <li><input checked="" type="checkbox"/> Includes plans for purchasing of specialized materials or equipment.</li> </ul>				<ul style="list-style-type: none"> <li>assignment</li> <li>• Notices of, outlines, agendas, materials and minutes from, staff training, technical assistance and coaching activities, and documentation that key staff have attended staff training, technical assistance and coaching activities</li> <li>• Class rosters _____</li> <li>• Other _____</li> </ul>
<b>1.10</b>	The Long Range Facilities Plan (LRFP) includes the names and titles of staff members who provided input in the creation of the document.				<ul style="list-style-type: none"> <li>• Most recent LRFP</li> <li>• Other _____</li> </ul>

<b>Part 1 - DISTRICT</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Supporting Evidence</b>
<b>1.11</b>	The LRFPP indicates that the district considered current and anticipated facilities needs for students with disabilities in developing the district's Long Range Facilities Plan (LRFPP).					<ul style="list-style-type: none"> <li>• LRFPP</li> <li>• out-of-district placement log</li> <li>• facilities survey</li> <li>• building maps or schematics showing location of special education classrooms</li> <li>• Other _____</li> </ul>
<b>1.12</b>	All spaces within the district's schools where students with disabilities receive their programs and services have been approved by NJDOE.					<ul style="list-style-type: none"> <li>• written approval letter</li> </ul>
<b>1.13</b>	The LRFPP addresses the needs of current and anticipated special education students.					<ul style="list-style-type: none"> <li>• census data</li> <li>• Other _____</li> </ul>
<b>1.14</b>	The LRFPP includes long-range plans to expand capacity to provide services to current and anticipated special education students through in-district programs.					<ul style="list-style-type: none"> <li>• LRFPP</li> <li>• Other _____</li> </ul>
<b>1.15</b>	The district provides training to all relevant staff regarding all aspects of LRFPP planning related to educating students with disabilities.					<ul style="list-style-type: none"> <li>• Notices of, outlines, agendas, materials and minutes from, LRFPP planning training, and documentation that relevant staff attended the training</li> <li>• Other _____</li> </ul>
<b>1.16</b>	The district collaborates with other districts in the area to provide special education programs and services in integrated public schools.					<ul style="list-style-type: none"> <li>• collaborative agreements</li> <li>• memoranda of understanding</li> <li>• Other _____</li> </ul>
<b>1.17</b>	The district provides opportunities for parents to meaningfully participate in the development of their children's special education program by: <ol style="list-style-type: none"> <li>1. offering opportunities (workshops, newsletters, course guides, web-based resources, handbooks, etc.) to learn about and discuss LRE; and</li> <li>2. providing information on services, supports and accommodations</li> </ol>					<ul style="list-style-type: none"> <li>• workshops</li> <li>• newsletters</li> <li>• course guides</li> <li>• web-based resources</li> <li>• handbooks</li> <li>• parent visitation policies</li> <li>• training materials</li> <li>• list of events and sign-in sheets</li> <li>• Other _____</li> </ul>
<b>1.18</b>	There is an active special education parent advisory group that meets regularly in order to provide input to the district on issues concerning students with disabilities.					<ul style="list-style-type: none"> <li>• List of meeting dates and/or meeting agendas</li> <li>• Parent training materials</li> <li>• Parent training sign-in sheets</li> <li>• Special education advisory panel notices and minutes</li> <li>• Other _____</li> </ul>

									<ul style="list-style-type: none"> <li>• IEPs</li> <li>• bus logs</li> <li>• Other _____</li> </ul>
<b>1.19</b>	Students with disabilities are transported together with students who do not have disabilities, when appropriate for their needs, based on travel routes.								

**SCHOOL BASED REVIEW**

<b>Part 2 - SCHOOL</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Supporting Evidence</b>
2.1	<p>The school Principal promotes the acceptance of and high expectations for students with disabilities, monitors the implementation of LRE, supports best practices, and takes ownership for all students and personnel at the school site.</p>				<ul style="list-style-type: none"> <li>• Specific reference to inclusion of students with disabilities in the school's mission statement, goals, or objectives</li> <li>• Specific mention of inclusion of students with disabilities in the school improvement plan or other plans</li> <li>• Documentation that Principal monitors the implementation of LRE.</li> <li>• Documentation that the Principal encourages teachers to identify their support needs</li> <li>• Documentation that special education teachers are represented on grade and subject teams</li> <li>• Teacher/Principal Interviews</li> <li>• Other _____</li> </ul>
2.2	<p>The school uses a comprehensive system of:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Informal assessments (portfolios, projects, surveys, rubrics, inventories, etc.)</li> <li><input checked="" type="checkbox"/> Formal assessments (statewide and district formative assessments and benchmark assessments)</li> <li><input checked="" type="checkbox"/> lesson planning</li> <li><input checked="" type="checkbox"/> data analysis and reporting to progress monitor the academic performance of all students.</li> </ul>				<ul style="list-style-type: none"> <li>• District testing schedule</li> <li>• Samples of Informal assessments used in the district</li> <li>• Trainings offered or attended on the use of assessments</li> <li>• IEP progress reports showing that students are assessed on their progress in the general curriculum and state standards</li> <li>• Informal assessments show progress of students with disabilities, including students with significant disabilities, in state standards.</li> <li>• Student work samples</li> <li>• Other _____</li> </ul>

2.3	The Principal demonstrates leadership for serving all students by participating in and overseeing the I&RS, CST and IEP processes.			<ul style="list-style-type: none"> <li>● School policies and procedures regarding I&amp;RS, CST and IEP processes</li> <li>● Data on referrals made to I&amp;RS and CST</li> <li>● Student data from interventions designed by I&amp;RS</li> <li>● Referral Rates to special education</li> <li>● Minutes, agendas and attendance sheets for I&amp;RS, CST and IEP meetings</li> <li>● Principal's schedule</li> <li>● I&amp;RS team schedule</li> <li>● Other _____</li> </ul>
2.4	The Principal identifies the systemic strategies needed to support LRE and includes those strategies in the school improvement plan.			<ul style="list-style-type: none"> <li>● School improvement plan</li> <li>● Principal interview responses</li> <li>● Other _____</li> </ul>
2.5	All students have access to the full range of services offered at the school, including classes, afterschool programs, and extracurricular activities.			<ul style="list-style-type: none"> <li>● A listing of programs offered throughout the district</li> <li>● Examples of accommodations and modifications</li> <li>● Displays of student work, awards, trophies and other forms of recognition of students with disabilities</li> <li>● Other _____</li> </ul>
2.6	The Principal meets regularly with the Director of Special Services to review referral and placement data to develop programs to support LRE.			<ul style="list-style-type: none"> <li>● Meeting schedules and/or agendas and minutes of meetings</li> <li>● Other _____</li> </ul>
2.7	The school offers classrooms that support education of students with disabilities in general education classes to the maximum extent possible and provides in-class support, consultation, and methods and materials that enable all students to access instruction.			<ul style="list-style-type: none"> <li>● Professional development plans</li> <li>● IEPs</li> <li>● Samples instructional materials and assistive technology</li> <li>● Evidence of a continuum of placement options.</li> <li>● Other _____</li> </ul>
2.8	There are sufficient supports and services within the district to support students with the most significant needs in general education classes to the maximum extent possible including: <input checked="" type="checkbox"/> Students with behavioral challenges. <input checked="" type="checkbox"/> Students with severe multiple disabilities (mobility, health, sensory, cognitive, language). <input checked="" type="checkbox"/> Students of preschool age.			<ul style="list-style-type: none"> <li>● Professional development plans</li> <li>● Curriculum</li> <li>● Supplemental instructional materials</li> <li>● IEPs</li> <li>● Instructional materials and assistive technology</li> <li>● Student work samples</li> <li>● Other _____</li> </ul>
2.9	The Principal meets with the Director of Special Education to analyze referral and placement decisions of the CST by gender, specific racial/ethnic groups, grade level, disability, and teacher.			<ul style="list-style-type: none"> <li>● Meeting Agenda and notes</li> <li>● Placement data</li> <li>● Reports of Principal's analyses</li> <li>● Other _____</li> </ul>

2.10	<p>Special education and general education teachers are given time for collaboration. This includes lesson planning and development, creating assessments, vertical and horizontal articulation, and curriculum review and refinement and review of student data.</p>					<ul style="list-style-type: none"> <li>• Master schedule</li> <li>• Lesson plans and modifications within lesson plans for students with disabilities</li> <li>• Teacher interview responses</li> <li>• Curricula</li> <li>• Other</li> </ul>
	<p>Special education teachers are included in professional learning communities together with general education teachers.</p>					<ul style="list-style-type: none"> <li>• Master schedule</li> <li>• Teacher interview responses</li> <li>• Other</li> </ul>

Standard	1	2	3	4	Supporting Evidence
<p><b>2.11</b> Administrators ensure that special and general education staff are knowledgeable and active members of each school's community:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Ongoing communication occurs with building level administrators to ensure that special and general education staff are participating in building level activities and professional development and that they have access to general education resources and materials.</li> <li><input checked="" type="checkbox"/> Periodic meetings are held with special and general education staff assigned to each building to discuss involvement in general education programs and curriculum.</li> <li><input checked="" type="checkbox"/> All CSTs, general education and special education teachers are knowledgeable about the model curriculum, the Core Curriculum Content Standards (CCCS) and the aligned scope and sequence of the district core general education curriculum for each content area.</li> <li><input checked="" type="checkbox"/> All general and special education teachers participate as members of general education grade level and/or content area teams.</li> <li><input checked="" type="checkbox"/> All CSTs, general and special education teachers participate in planning discussions, professional development and committees about new curricula, assessment, academic and behavioral interventions, discipline policies and other program initiatives within the building together with general education teachers and other student support staff</li> </ul>					<ul style="list-style-type: none"> <li>• Professional development plans</li> <li>• Announcements; lists of activities, events and committee meetings; lists of committee membership; attendance sheets for meetings</li> <li>• Agendas and minutes of meetings</li> <li>• Sample lesson plans developed by general education and special education teachers</li> <li>• Teachers and CST member interview responses</li> <li>• Documentation of grade level and content subject area teams</li> <li>• Correspondence and communications among administrators, general education and special education teachers</li> <li>• Other _____</li> </ul>
<p><b>2.12</b> General education teachers demonstrate high expectations and the skills necessary to meet the diverse needs of students with disabilities in their class.</p>					<ul style="list-style-type: none"> <li>• Sample lesson plans</li> <li>• Instructional materials demonstrating use of evidence-based instructional methodologies and strategies for instructing diverse learners</li> <li>• Teacher interview responses</li> <li>• Other _____</li> </ul>
<p><b>2.13</b> Student progress in the educational setting and in the general education curriculum is monitored closely using student performance data, progress towards IEP goals (as determined by the IEP team) and curriculum so students are moved to a less restrictive environment with appropriate supports as soon as possible.</p>					<ul style="list-style-type: none"> <li>• IEPs that contain links to state standards and the general curriculum</li> <li>• Professional development in standards-based IEPs and accessing the general education curriculum</li> <li>• Classroom and district assessment data</li> <li>• Other _____</li> </ul>

2.14	<p>The Present Levels of Academic Achievement and Functional Performance (PLAAFP) statement in the IEP includes a detailed description of the student's present level of academic performance in core content areas using the most recent state and district summative assessments as well as formative assessment measures such as teacher evaluations, observations, anecdotal records] etc.</p>					<ul style="list-style-type: none"> <li>● Sample PLAAFP statements</li> <li>● Other _____</li> </ul>
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<b>Part 3 – CST/IEP TEAM</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Evidence</b>
<b>3.1</b>	The CST considers placement options for students with disabilities in the general education setting first and makes appropriate placement decisions to keep students with disabilities in neighborhood schools.					<ul style="list-style-type: none"> <li>• Sample of student IEPs showing consideration of supplementary aids and services and individualization across students.</li> <li>• Teacher interview responses</li> <li>• Parent interview responses</li> <li>• Documentation of the type and range of supplementary aids and services provided to a heterogeneous sample of students.</li> <li>• Written procedures or manuals</li> <li>• IEP meeting minutes and notes demonstrating that a full range of supplementary aids and services were considered</li> <li>• Structured checklists of supplementary aids and services that the CST should consider before the student may be placed outside the general education classroom in the neighborhood school.</li> <li>• Other _____</li> </ul>
<b>3.2</b>	The CST reviews the I&RS interventions that were provided to the student prior to the Identification meeting to determine if they were implemented for at least 6 weeks and were reviewed for effectiveness prior to considering evaluation.					<ul style="list-style-type: none"> <li>• Reports of referrals to I&amp;RS</li> <li>• Intervention documentation</li> <li>• Other _____</li> </ul>
<b>3.3</b>	The CST requires multiple assessments in all areas in which the student is having difficulty, in order to provide a comprehensive representation of the student's abilities and disabilities before considering placement options, and the CST requires updated assessments, as appropriate, to meet the needs of the students they serve.					<ul style="list-style-type: none"> <li>• Sample of student evaluation reports</li> <li>• Sample of student re-evaluation reports</li> <li>• Sample of student IEPs</li> <li>• Minutes of CST meetings</li> <li>• Sample initial and /or reevaluation plans</li> <li>• Sample assessment reports</li> <li>• Other _____</li> </ul>
<b>3.4</b>	Parents participate in all IEP meetings, and the CST and IEP teams encourage and facilitate opportunities for parents to effectively participate in IEP decision-making and express their concerns and expectations for appropriate placement options for their child.					<ul style="list-style-type: none"> <li>• Documentation of parent input</li> <li>• Parent interview responses</li> <li>• State Parent Survey results</li> <li>• Other _____</li> </ul>
<b>3.5</b>	The CST reviews the IEPs of students served in segregated settings annually and addresses the transition needs of students so they can enter less restrictive environments as soon as possible and with appropriate supports and services.					<ul style="list-style-type: none"> <li>• Sample of student IEPs</li> <li>• Staff interview responses</li> <li>• Other _____</li> </ul>

3.6	During the IEP meeting, the IEP team addresses the academic, social/emotional, health, communication and behavior needs of the student and discusses the supports and services needed to address them.				<ul style="list-style-type: none"> <li>• Sample of student IEPs</li> <li>• Professional development includes positive behavioral support, peer programs, communication and social skills</li> <li>• Parent interview responses</li> <li>• Other</li> </ul>
3.7	The IEP team considers the extent to which the students will participate with nondisabled peers in general education programs and extracurricular and nonacademic programs and the supplementary aids and services the students require.				<ul style="list-style-type: none"> <li>• Sample of student IEPs</li> <li>• Information about school-sponsored activities shared with students with disabilities and their families</li> <li>• dissemination procedures for the information</li> <li>• Evidence that accessible transportation is available for all school-sponsored activities and events.</li> <li>• Other</li> </ul>
3.8	Programs addressing specific academic, social/emotional, health, communication and behavioral needs of students with disabilities, such as Circle of Friends or buddy programs, are available in the district and considered by IEP teams				<ul style="list-style-type: none"> <li>• IEPs</li> </ul>
3.9	Assistive Technology and Augmentative Communication interventions are available in the district and considered by IEP teams				<ul style="list-style-type: none"> <li>• IEPs</li> </ul>
3.10	School Wide Positive Behavioral Support are available in the district and considered by IEP teams				<ul style="list-style-type: none"> <li>• IEPs</li> </ul>

**New Jersey Department of Education  
Office of Special Education Programs LRE Targeted Review  
Interview Questions  
(Highlighted questions are mandatory)**

<b>Part 4 – General Education Teachers</b>		<b>Response</b>
<b>4.1</b>	Do you have access to the IEPs of the special education students whom you teach? If so, how are you provided access to student IEPs? If not, why not?	
<b>4.2</b>	How do you use the information in the IEP to guide instruction for students with disabilities?	
<b>4.3</b>	Do you differentiate instruction and/or adapt the general education curriculum, instruction and materials for students with disabilities in your class, including students who are more than two years below grade level? If so, how do you differentiate instruction and/or adapt it? How do you utilize Universal Design for Learning, scaffolds and multi-level curricula when adapting curriculum? If you do not differentiate instruction or adapt the general education curriculum and materials for students with disabilities in your class, is someone else, such as a special education teacher, responsible for adapting the curriculum and materials?	
<b>4.4</b>	In your classes where students with disabilities are placed, is there a special education teacher assigned to work with them? If so, what is his or her role in instructing your students? Do the students with disabilities who are assigned to your classes have a paraprofessional or aide to work with them? If so, what is the role of the paraprofessional or aide?	
<b>4.5</b>	How would you describe the role of the special education teacher in educating students with disabilities in your class?	
<b>4.6</b>	Do you collaborate with the special education teacher to help modify curriculum, instruction and assessment in order to implement student programs? If so, how do you collaborate and how much time, on average, do you spend collaborating with the special education teacher each week?	
<b>4.7</b>	Are you provided an opportunity to discuss the student's successes and challenges in your class during the IEP team meetings? If you do not attend the IEP Team meetings, how do you provide your input to the IEP Team?	

<b>4.8</b>	What are the consequences if you do not implement an IEP?	
<b>4.9</b>	Are the supplementary aids and services included in the IEP necessary for the students' progress in general education class provided to the student? What do you do if you believe that a student requires different supports from those that are set forth in the current IEP?	
<b>4.10</b>	How do you monitor the progress of students with IEPs in the general education curriculum?	
<b>4.11</b>	Do the IEPs include the appropriate goals, supports, and services to meet the educational needs of students with disabilities in your class?	
<b>4.12</b>	Is there a school-wide positive behavioral support plan?	
<b>4.13</b>	Do any of your students with disabilities have behavioral intervention plans? If so, are you implementing the plans? If you are not responsible for implementing the plans, who has that responsibility?	
<b>4.14</b>	What professional development have you received regarding how to differentiate instruction and modify the curriculum in your classroom? Did that professional development include training in how to differentiate instruction for students who are more than two years below grade level?	
<b>4.15</b>	What professional development have you received regarding how to provide positive behavioral supports for students who have behaviors that interfere with learning?	
<b>4.16</b>	Have you had professional development on how to deescalate negative and aggressive student behavior?	
<b>4.17</b>	How do you participate in determining the kinds of training and technical assistance needed to support students with disabilities in general education classes?	
<b>4.18</b>	What is the process you follow when a student with disabilities is experiencing behavioral difficulties in your class?	
<b>4.19</b>	What professional development have you received in using assistive technology in the classroom?	
<b>4.20</b>	How do you measure the progress students make in meeting the goals and objectives in the IEPs?	

<b>4.21</b>	Which modes of co-teaching, if any, do you utilize?	
<b>4.22</b>	Do you feel that your district fosters a climate of collaboration between general and special education?	
<b>4.23</b>	Does your district provide you with the opportunity to collaborate with special education teachers, including time for lesson planning and development, creating assessments, vertical and horizontal articulation, curriculum review and refinement and review of student data?	
<b>4.24</b>	Do you feel that your district fosters a climate of acceptance of, and high expectations for, all students, including students with disabilities? How is this climate demonstrated?	
<b>4.25</b>	Does your school principal promote the acceptance of, and high expectations for, students with disabilities? How is this demonstrated?	
<b>4.26</b>	Are you included in professional learning communities together with special education teachers?	
<b>4.27</b>	Do you participate in professional development along with special education teachers?	
<b>4.28</b>	Do you have periodic meetings with administrators and special education staff?	
<b>4.29</b>	Do you participate in planning discussions and committees about new curricula, assessment, academic and behavioral interventions, discipline policies and other program initiatives within the building, together with special education teachers and other student support staff?	
<b>4.30</b>	What initiatives are in place in your school that demonstrate an inclusive school culture? How can that culture be enhanced?	

<b>Part 5 – Special Education Teachers</b>		<b>Response</b>
<b>5.1</b>	Explain how the students with disabilities for whom you have responsibility participate in the general education class to the maximum extent possible.	
<b>5.2</b>	What opportunities are provided to students with disabilities to participate in extracurricular and nonacademic activities with children without disabilities? Which supports, services and accommodations, if any, are provided to those students?	
<b>5.3</b>	How are you and related services personnel working together toward meeting the measurable annual goals in your students' IEPs?	
<b>5.4</b>	If you work in the general education classroom with general education teachers, how is the responsibility for implementing IEPs shared between the general education teachers and the special education teachers?	
<b>5.5</b>	How are the supplementary aids and services in the IEPs identified in order to promote the students' progress in the general education curriculum?	
<b>5.6</b>	Who assists in the oversight of the type and amount of instruction as well as the supports and related services stipulated in the IEPs?	
<b>5.7</b>	What supports do you provide to general education teachers to assist them with the delivery of instruction, supports and services as required in the IEPs? Do these supports include strategies for differentiating instruction, Universal Design for Learning, scaffolds, multi-level curricula or other means (please specify) to adapt curriculum, including for students who are two or more years below grade level?	
<b>5.8</b>	What support do you provide to general education teachers to assist them with implementing a student's behavior intervention plan?	
<b>5.9</b>	Are students provided the supports and services required in their IEPs to participate with non-disabled peers in all areas of the general education curriculum?	
<b>5.10</b>	What specific supplementary aids and services are provided to students with disabilities in order to ensure their fullest participation with non-disabled peers?	

<b>5.11</b>	Do you participate in determining the kinds of training and technical assistance needed to support students with disabilities in general education classes? If so, how do you participate?	
<b>5.12</b>	Do you collaborate with general education teachers to identify training needs related to the provision of supplementary aids and services to students with disabilities in the general education setting? If so, how do you collaborate?	
<b>5.13</b>	Do you have access to general education resources and materials?	
<b>5.14</b>	Have you received professional development in the model curriculum, the Core Curriculum Content Standards (CCCS) and the aligned scope and sequence of the district core general education curriculum for your content area?	
<b>5.15</b>	Do you have ongoing communication with building-level administrators?	
<b>5.16</b>	Do you participate in building-level activities?	
<b>5.17</b>	Do you participate as a member of the general education team for your grade level and/or your content area?	
<b>5.18</b>	In which ways do you differentiate instruction? Do you and the general education teacher(s) collaborate on differentiation of instruction?	
<b>5.19</b>	Have you adapted curriculum, instruction and materials to serve the needs of students with disabilities on your caseload? If so, in which ways have you adapted them? Is someone else responsible for adapting and modifying curriculum and instruction for those students? If so, who is responsible?	
<b>5.20</b>	Which modes of co-teaching, if any, do you utilize?	
<b>5.21</b>	Do you feel that your district fosters a climate of collaboration between general and special education?	
<b>5.22</b>	Does your district provide you with the opportunity to collaborate with general education teachers, including time for lesson planning and development, creating assessments, vertical and horizontal articulation, curriculum review and refinement and review of student data?	
<b>5.23</b>	Do you feel that your district fosters a climate of acceptance of, and high expectations for, all students, including students with disabilities? How is this climate demonstrated?	

5.24	Is district leadership committed to supporting teachers in providing services to students with disabilities in general education classes to the maximum extent appropriate?	
5.25	Does your school principal promote the acceptance of, and high expectations for, students with disabilities? How is this demonstrated?	
5.26	Are you included in professional learning communities together with general education teachers?	
5.27	Do you participate in professional development along with general education teachers?	
5.28	Do you have periodic meetings with administrators and general education staff?	
5.29	Do you participate in planning discussions and committees about new curricula, assessment, academic and behavioral interventions, discipline policies and other program initiatives within the building, together with general education teachers and other student support staff?	
5.30	What initiatives are in place in your school that demonstrate an inclusive school culture? How can that culture be enhanced?	



**Part 6 – Child Study Team Members**

<p><b>6.1</b></p>	<p>Describe the process for determining the program and placement of student with disabilities during an IEP team meeting? What role, if any, do administrators have in determining the program and placement of student with disabilities?</p>	
<p><b>6.2</b></p>	<p>What supplementary aids and services and other supports are available to students with disabilities? How do you explain to parents what supplementary aids and services can be provided in general education classes, and the legal requirement that students cannot be removed from general education classes if their education in those classes can be achieved satisfactorily with supplementary aids and services?</p>	
<p><b>6.3</b></p>	<p>What is your role in supporting general education teachers and special education teachers in implementing the IEPs of students with disabilities?</p>	
<p><b>6.4</b></p>	<p>Do you participate in planning discussions and committees about new curricula, assessment, academic and behavioral interventions, discipline policies and other program initiatives within the building, together with general education teachers and other student support staff?</p>	
<p><b>6.5</b></p>	<p>What initiatives are in place in your school that demonstrate an inclusive school culture? How can that culture be enhanced?</p>	

<b>Part 7 –Administrators</b>	
<b>7.1</b>	<p>What initiatives are in place in your school that demonstrate an inclusive school culture? How can that culture be enhanced?</p>
<b>7.2</b>	<p>Do administrators ensure that supports contained in IEPs are provided for students with disabilities by:</p> <ol style="list-style-type: none"> <li>observing classrooms periodically to see that adaptations and supports are being implemented;</li> <li>obtaining appropriate curriculum materials for students with disabilities;</li> <li>reviewing documentation kept by teaching staff on the use and effectiveness of IEP supports; and</li> <li>meeting with teachers to discuss student progress regarding IEP goals and objectives?</li> </ol>
<b>7.3</b>	<p>Does the district support the placement of students with disabilities in the least restrictive environment by providing:</p> <ol style="list-style-type: none"> <li>professional development for general and special education staff, including teacher aides;</li> <li>scheduled collaborative planning time for general and special education staff;</li> <li>positive behavioral support programs for students with behavioral challenges; and</li> <li>assistive technology?</li> </ol> <p>What role, if any, do administrators have in determining the program and placement of students with disabilities?</p>
<b>7.4</b>	<p>How does the district support general and special education teachers to assist them with the delivery of instruction, supports and services as required in the IEPs?</p>
<b>7.5</b>	<p>What professional development opportunities are available to special and general education teachers in the areas of differentiated instruction, Universal Design for Learning and scaffolding?</p>

### Part 8 – Parents

<b>8.1</b>	Describe the process for determining the program and placement of student with disabilities during IEP team meetings. Do discussions about placement begin with consideration of placement in general education with supplementary aids and services? What role, if any, do administrators have in determining the program and placement of students with disabilities?	
<b>8.3</b>	What information has your child's case manager provided to you about the supplementary aids and services available to your child in order for your child to be educated in the general education classroom?	
<b>8.2</b>	Does the district offer training to inform parents about placement options?	
<b>8.4</b>	What supports and services do you think would successfully support your child's placement in general education?	
<b>8.5</b>	What initiatives are in place in your school that demonstrate an inclusive school culture? How can that culture be enhanced?	
<b>8.6</b>	What opportunities are provided to students with disabilities to participate in extracurricular and nonacademic activities with children without disabilities? Which supports, services and accommodations, if any, are provided to those students in extracurricular and nonacademic activities?	

District \_\_\_\_\_ Date \_\_\_\_\_  
 Teacher(s) \_\_\_\_\_

Monitor \_\_\_\_\_  
 Class: SC PO ICS GE \_\_\_\_\_

**Office of Special Education Programs - Classroom Walkthrough**  
**Directions: Check all that apply.**

Environment	Instruction and Student Engagement		Professional Staff	Notes/Comments
<b>Classroom Arrangement:</b> <input type="checkbox"/> Location is accessible <input type="checkbox"/> Allows for access to all areas <input type="checkbox"/> Allows all students to see and hear instruction <input type="checkbox"/> Allows for teacher to see and monitor all students <input type="checkbox"/> Allows students to work without distraction <input type="checkbox"/> Noise level does not interfere with learning <input type="checkbox"/> Lighting does not interfere with learning <input type="checkbox"/> Students with disabilities are seated within the same seating structure as the other students in the classroom.	<b>Lesson Design:</b> <input type="checkbox"/> Alternating whole & small group activities <input type="checkbox"/> Efficient transitions <input type="checkbox"/> Equitable student participation <input type="checkbox"/> Evidence of differentiation <input type="checkbox"/> Evidence of direct instruction <input type="checkbox"/> Classroom discussions <input type="checkbox"/> The students' IEP goals and objectives are integrated as part of the lesson design and instructional delivery, as applicable <input type="checkbox"/> Materials match students' needs and are age-appropriate <input type="checkbox"/> Instruction is adjusted as needed <input type="checkbox"/> Evidence that data was used to design lessons and deliver instruction	<b>Lesson Presentation Methods</b> <input type="checkbox"/> Chalk/White board <input type="checkbox"/> Smart Board <input type="checkbox"/> Overhead <input type="checkbox"/> Lecture <input type="checkbox"/> Printed notes/handouts <input type="checkbox"/> Videos/movies <input type="checkbox"/> Graphic organizers <input type="checkbox"/> Visual supports <input type="checkbox"/> Objects/manipulatives <input type="checkbox"/> Supplementary aids and services, accommodations, and modifications are applied as appropriate to the curricular activity. <input type="checkbox"/> Other _____	<b>Staff in Classroom</b> <input type="checkbox"/> General education teacher <input type="checkbox"/> Special Education Teacher <input type="checkbox"/> Classroom aide <input type="checkbox"/> One-to-one aide	
<b>Classroom Appearance</b> <input type="checkbox"/> organized, neat and uncluttered <input type="checkbox"/> learning goals/data is displayed <input type="checkbox"/> student work is displayed <input type="checkbox"/> visual supports are used (e.g. word wall and other materials on walls) <input type="checkbox"/> centers are utilized	<b>Check for Learning/Understanding</b> <input type="checkbox"/> Verbal questioning <input type="checkbox"/> Monitoring student practice <input type="checkbox"/> Total group response <input type="checkbox"/> Formative assessments <input type="checkbox"/> The general education teacher or the general education-special education co-teachers check that the students with disabilities are understanding the instruction (rather than the paraprofessional)	<b>Instructional Format</b> <input type="checkbox"/> Small-group discussion <input type="checkbox"/> Large-group discussion <input type="checkbox"/> Lecture <input type="checkbox"/> Independent reading <input type="checkbox"/> Individual seatwork <input type="checkbox"/> Dyads/partners <input type="checkbox"/> 1:1 instruction <input type="checkbox"/> In-class assignment <input type="checkbox"/> Homework <input type="checkbox"/> Students with disabilities are engaged in the same curricular activity as the other members of the class <input type="checkbox"/> Other _____	<b>Co-Teaching Methods</b> <input type="checkbox"/> Complementary teaching <input type="checkbox"/> Station Teaching <input type="checkbox"/> Parallel Teaching <input type="checkbox"/> Supportive Teaching <input type="checkbox"/> Shared Teaching <input type="checkbox"/> General education teacher is the primary provider of the instruction or assessment <input type="checkbox"/> Teachers differentiate instruction	
<b>Classroom Management</b> <input type="checkbox"/> Safe and orderly environment <input type="checkbox"/> Routines and procedures are used	<b>Materials Used by Students</b> <input type="checkbox"/> Textbook <input type="checkbox"/> Workbook <input type="checkbox"/> Trade Book	<b>Observed Level of Engagement</b> <input type="checkbox"/> Authentically and actively on-task <input type="checkbox"/> Passive/Compliant	<b>Role of Classroom Aides/Paraprofessionals</b> <input type="checkbox"/> Small group instruction <input type="checkbox"/> One-to-one instruction	

Adapted From: Supplementary Aides and Services Toolkit (PaTTAN/BSE/PDE); Los Angeles County Office of Education Classroom Walkthrough Checklist; CAST's Universal Design for Learning Guidelines - Educator Checklist

<input type="checkbox"/> Positive behavior is reinforced <input type="checkbox"/> Teacher moves throughout the classroom <input type="checkbox"/> Teacher managers more than one activity	<input type="checkbox"/> Worksheets <input type="checkbox"/> Newspapers/Magazines <input type="checkbox"/> Other _____	<input type="checkbox"/> Disengagement/Disruptive	<input type="checkbox"/> Proximity support <input type="checkbox"/> Paraprofessional appropriately assists students with disabilities without interfering with appropriate peer assistance or developing an overdependence of the students on the assistance of the paraprofessional
<b>Classroom Culture</b> <input type="checkbox"/> Student-teacher interactions are positive <input type="checkbox"/> Students are comfortable sharing ideas and asking questions. <input type="checkbox"/> Peer assistance is occurring as appropriate <input type="checkbox"/> Peer interactions occur naturally among all students <input type="checkbox"/> Teachers interact with students with disabilities	<b>Technology Used by Students</b> <input type="checkbox"/> Computers <input type="checkbox"/> Internet <input type="checkbox"/> e-mail <input type="checkbox"/> Instructional software <input type="checkbox"/> Graphics software <input type="checkbox"/> Printer/scanner <input type="checkbox"/> Other _____		

**Exhibit B**

**SCHOOL-AGE (6-21) LRE DISTRICTS**

1. Asbury Park
2. Atlantic City
3. Burlington Township (*Non-Compliant*)
4. Camden City
5. Carteret Borough
6. East Orange (*Non-Compliant*)
7. East Windsor Regional
8. Edison
9. Elizabeth (*Non-Compliant*)
10. Elmwood Park
11. Franklin (Somerset)
12. Garfield
13. Greater Egg Harbor
14. Hackensack
15. Irvington
16. Lakewood
17. Lenape Regional
18. Linden
19. Livingston
20. Middle Township (Cape May) (*Non-Compliant*)
21. Morris School District
22. Newark
23. North Brunswick
24. North Plainfield
25. Passaic City
26. Pennsauken (*Non-Compliant*)
27. Perth Amboy
28. Plainfield
29. Pleasantville
30. Rancocas Valley Regional
31. Roxbury (*Non-Compliant*)
32. South Orange-Maplewood
33. Trenton (*Non-Compliant*)
34. Union City (Hudson) (*Non-Compliant*)
35. Westwood Regional
36. Willingboro
37. West Orange
38. Woodbridge Township

**Exhibit C**

**PRESCHOOL (3-5) LRE DISTRICTS**

- |                                                           |                                      |
|-----------------------------------------------------------|--------------------------------------|
| 1. Barnegat Township                                      | 39. Wall Township                    |
| 2. Bayonne                                                | 40. Washington Township (Gloucester) |
| 3. Bloomfield Township ( <i>Non-Compliant</i> )           | 41. West Deptford Township           |
| 4. Bridgewater-Raritan Regional                           | 42. West Milford Township            |
| 5. East Windsor Regional                                  | 43. Westfield                        |
| 6. Edison                                                 | 44. Woodbridge Township              |
| 7. Englewood City                                         | 45. West Orange                      |
| 8. Evesham Township                                       |                                      |
| 9. Gloucester Township (Camden)                           |                                      |
| 10. Hackensack                                            |                                      |
| 11. Hamilton Township (Mercer)                            |                                      |
| 12. Hillsborough Township                                 |                                      |
| 13. Howell                                                |                                      |
| 14. Jackson Township                                      |                                      |
| 15. Jefferson Township                                    |                                      |
| 16. Jersey City                                           |                                      |
| 17. Livingston                                            |                                      |
| 18. Manalapan-Englishtown Regional                        |                                      |
| 19. Manchester Township                                   |                                      |
| 20. Marlboro Township                                     |                                      |
| 21. Monroe Township (Gloucester) ( <i>Non-Compliant</i> ) |                                      |
| 22. Monroe Township (Middlesex)                           |                                      |
| 23. Mount Laurel                                          |                                      |
| 24. Mount Olive Township                                  |                                      |
| 25. New Brunswick                                         |                                      |
| 26. Newark                                                |                                      |
| 27. North Bergen ( <i>Non-Compliant</i> )                 |                                      |
| 28. Ocean Township (Monmouth)                             |                                      |
| 29. Passaic City                                          |                                      |
| 30. Paulsboro                                             |                                      |
| 31. Pittsgrove                                            |                                      |
| 32. Plainfield                                            |                                      |
| 33. Rahway                                                |                                      |
| 34. Randolph Township                                     |                                      |
| 35. Rockaway Township                                     |                                      |
| 36. Sayreville                                            |                                      |
| 37. Stafford Township                                     |                                      |
| 38. Trenton ( <i>Non-Compliant</i> )                      |                                      |

**Exhibit D**

**DISPROPORTIONALITY DISTRICTS**

1. East Windsor Regional
2. Elizabeth
3. Jersey City
4. Lakewood
5. Millville
6. Montclair
7. Newark
8. South Orange-Maplewood
9. Toms River
10. Trenton



**Exhibit E**

**MEMBERS OF STAKEHOLDER COMMITTEE**

Mary Ciccone – Disability Rights New Jersey

Sue Gottesman – New Jersey Developmental Disabilities Council

Deborah Jennings – Statewide Parent Advocacy Network

Paula Lieb – New Jersey Coalition for Inclusive Education

Jerry Petroff – College of New Jersey

Kathy Roberson – Boggs Center

Renay Zamloot – Advocate

**Exhibit F**

**FORM OF PROFESSIONAL DEVELOPMENT EVALUATION (attached hereto)**

**Office of Special Education Programs  
Professional Development Evaluation Form**

**WORKSHOP TITLE:** \_\_\_\_\_

**WORKSHOP TOPIC(S):** \_\_\_\_\_

**PRESENTER(S):** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **LOCATION:** \_\_\_\_\_ **Series workshops: Day** \_\_\_\_\_ **of** \_\_\_\_\_

Overall, how informative was the workshop in expanding your understanding of the inclusion of students with disabilities?

*Very Informative*  
4

3

2

*Lacking in information*  
1

To what degree will the information be useful in your professional role to include students with disabilities?

*Very useful*  
4

3

2

*Not useful*  
1

How would you rate the materials that were used in this presentation? Did you find the materials useful?

*Very useful*  
4

3

2

*Not useful*  
1

How would you rate the presentation in terms of presenter's knowledge of inclusive practices and LRE issues, quality of instruction, and responsiveness to group needs?

*Excellent*  
4

3

2

*Poor*  
1

How would you rate your level of knowledge about the topic BEFORE you attended the presentation?

*A lot*

4

3

2

*Little to none*  
1

How would you rate your level of knowledge about the topic AFTER you attended the presentation?

*A lot*

4

3

2

*Little to none*  
1

Was the presentation designed to impart skills, information or both?

*Knowledge and skills*  
4

*Knowledge only*  
3

*Skills only*  
2

*Neither*  
1

Did the presentation teach new skills that can be practiced in the classroom, at the school level or at the district level?

*Yes, it taught significant new skills*  
4

3

2

*No, it did not teach skills*  
1

What do you plan to do with the information you received during the workshop? (Check all that apply.)

\_\_\_\_\_ Make some changes in my professional practice: Please provide details

\_\_\_\_\_ Share the information with my colleagues: Please provide details

\_\_\_\_\_ Train other staff in my building/district: Please provide details

\_\_\_\_\_ Train other parents/caregivers: Please provide details

\_\_\_\_\_ Other (Please specify and provide details.)

Is there anything that could have made this presentation more useful to you and your instruction of students in the classroom? If so, please describe. (For teachers only)

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Other comments:

Suggestions for future workshop topics that will facilitate the inclusion of students with disabilities:

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DISTRICT/SCHOOL: \_\_\_\_\_ POSITION: \_\_\_\_\_

New Jersey Department of Education, Division of Student and Field Services, Office of Special Education Programs  
and funded through IDEA Part B funds.

Revised July 2013

**Exhibit G**

**FORM OF MONITORING PROTOCOL (attached hereto)**

**NJDOE MONITORING  
PROTOCOL**

**Placement in the  
Least Restrictive  
Environment (LRE)**

**School Age, PSD and Out-  
of-District**

**School District:** \_\_\_\_\_

**School:** \_\_\_\_\_

**Monitoring Date:** \_\_\_\_\_

**Team Leader:** \_\_\_\_\_

**Monitor:** \_\_\_\_\_

Student Initials/ No.	Student Initials/ No.	Student Initials/ No.	Student Initials/ No.	Student Initials/ No.	Compliance Status (Number of compliant files /number of files reviewed)

1. To the maximum extent appropriate, the child is educated with children who are not disabled [20 U.S.C. §1412(a)(5)(A); 34 C.F.R. §300.114(a)(2)(i)]

**Guiding Questions:**

a. Do interviews with CST members, the director of special services and teachers indicate that children are educated with children who are not disabled to the maximum extent appropriate? (Yes or No)

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<p>b. Do interviews with CST members, the director of special services and teachers indicate that, if a child requires placement in a general education placement with supports, the program is provided? (Yes or No)</p> <p>If the answer to either question is no, the district is noncompliant.</p>						
<p>2. The IEP shows that a) consideration was given to whether the student can be educated satisfactorily in the general education classroom with supplementary aids and services and b) an explanation of the rejection of any supplementary aids and services was given. [N.J.A.C. 6A:14-4.2(a)(8)]</p> <p><b>Guiding Questions:</b></p> <p>a. For each student who is placed outside of the general education classroom for 20 percent of the day or more, are the specific supplementary aids and services that were considered identified in the IEP? (Yes or No)</p>						

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<p>b. If the supplementary aids and services listed were rejected, is an adequate reason for the rejection identified in the IEP? (Yes or No)</p> <p>If the answer to either question is no, the IEP is noncompliant.</p>						
<p>3. The IEP includes a comparison of the benefits provided in the general education class and the benefits provided in the special education class.</p> <p><b>Guiding Questions:</b></p> <p>a. Is there an adequate comparison of benefits documented in the IEP? (Yes or No) If no, did the team explain why the benefits were not compared? (Yes or No)</p> <p>b. Are the benefits of BOTH the general education class and the special education class documented in the IEP? (Yes or No)</p> <p>c. Are the benefits documented individualized (e.g., all IEPs do not have the same statement)? (Yes or No)</p> <p>If the answer to any question is no, the IEP is noncompliant.</p>						



	Student Initials/ No.	Student Initials/ No.	Student Initials/ No.	Student Initials/ No.	Student Initials/ No.	Compliance Status (Number of compliant files /number of files reviewed)
<p>4. The IEP includes the potentially beneficial or harmful effects which a placement (general education) may have on the student with disabilities or the other students in the class [20 U.S.C. §1412(a)(5); 34 C.F.R. §300.116(d)]</p> <p><b>Guiding Questions:</b></p> <p>a. Are the potential benefits and/or harmful effects documented in the IEP? (Yes or No)</p> <p>b. Does the IEP describe the potentially beneficial or harmful effects of placement in <b>general education</b>, as well as describe the potentially beneficial or harmful effects of a special education placement, on the student with disabilities or the other students in the class? (Yes or No)</p> <p>c. Are the documented harmful or beneficial effects based on the specific student and the placement (general education)?</p> <p>d. Does the IEP show that supports and services were considered to prevent or ameliorate any harmful effects?</p> <p>If the answer to any question is no, the IEP is noncompliant.</p>						

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<p>5. For students in separate settings, the IEP sets forth activities to move the student to a less restrictive placement.</p> <p><b>Guiding Questions:</b></p> <p>a. Are the activities to move the student to a less restrictive environment documented in the IEP? (Yes or No) If yes, do the documented activities include efforts to develop the program or supplementary aids and services the student needs to benefit from education in a general education classroom or in-district school?</p> <p>b. Does the IEP include activities the district will complete rather than what the student must do to become "ready" to move to a less restrictive environment? (Yes or No)</p> <p>If the answer to either question is no, the IEP is noncompliant.</p>						
<p>6. Is a full continuum of alternative placements available [20 U.S.C. §1412(a)(5); 34 C.F.R. §300.115]</p> <p><b>Guiding Question:</b></p> <p>a. Do interviews with CST members, the director of special services and teachers indicate that the district can access a full continuum of placement</p>						

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<p>options? (Yes or No)</p> <p>b. Does the file review demonstrate that the district can access a full continuum of placement options? (Yes or No)</p> <p>If the answer to either question is no, the district is noncompliant.</p>						
<p>7. Placement must be as close to home as possible. Unless the IEP requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.[20 U.S.C. §1412(a)(5); 34 C.F.R. §§300.116(b)(3) and (c)]</p> <p><b>Guiding Questions:</b></p> <p>a. Do interviews with CST members, the director of special services and teachers demonstrate that adequate consideration is given to placing the child in the school they would attend if nondisabled? (Yes or No)</p> <p>b. Does the file review demonstrate that adequate consideration is given to placing the child in the school they would attend if nondisabled? (Yes or No)</p> <p>If the answer to either question is no, the district is noncompliant.</p>						

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<p>8. The child is not removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum. [20 U.S.C. §1412(a)(5); 34 C.F.R. §300.116(e)].</p> <p><b>Guiding Question:</b></p> <p>a. Do interviews with CST members, the director of special services and teachers demonstrate evidence that modifications are utilized as appropriate in general education settings. (Yes or No)</p> <p>b. Do interviews with Child Study Team members, the director of special services and teachers indicate that children are removed from age-appropriate general education classrooms solely because of needed modifications in the general education curriculum (e.g. curriculum modifications due to child not working on grade level, pace of instruction or the rate of learning of other students)</p> <p>If the answer to either question is no, the district is noncompliant.</p>							
<p>9. The LEA ensures that students participate with nondisabled children in nonacademic and extracurricular activities to the maximum extent appropriate.</p>							

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<p><b>Guiding Questions:</b></p> <p>a. Do interviews with the director of special services, child study team members and teachers indicate that the student has opportunities to participate in nonacademic and extracurricular activities? (Yes or No)</p> <p>b. Does the IEP list the modifications the student needs to participate in extracurricular services and activities? (Yes, No or the interviews with the director of special services, child study team members and teachers indicate that the student does not need modifications)</p> <p>c. Does the IEP include an explanation of the extent, if any, to which the child will not participate with nondisabled children in extracurricular and other nonacademic activities?</p> <p>If the answer to any question is no, the district is noncompliant.</p>						