



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL 13 2004

Honorable William L. Librera  
Commissioner of Education  
New Jersey Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500

Dear Commissioner Librera:

The purpose of this letter is to respond to New Jersey's April 2, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part B funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the State during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP's Memorandum regarding the submission of Part B APRs directed States to address five cluster areas for Part B: General Supervision; Early Childhood Transition; Parent Involvement; Free Appropriate Public Education in the Least Restrictive Environment; and Secondary Transition.

OSEP's FFY 2000 Part B Grant Award with Special Conditions required that the New Jersey Department of Education (NJSDE) demonstrate that its revised monitoring system was effective in ensuring the correction of all identified noncompliance, including any noncompliance that the State identified through its monitoring or complaint management systems and noncompliance previously identified by OSEP. NJSDE was further required to take appropriate action, including any necessary enforcement actions, to ensure that as soon as possible, not to exceed timelines prescribed in NJSDE's final monitoring reports, all public agencies corrected noncompliance. OSEP's FFY 2001 Part B Grant Award removed the FFY 2000 Special Conditions.

In OSEP's September 14, 2001 Monitoring Report<sup>1</sup>, OSEP identified the following areas of noncompliance: (1) failure of State complaint procedures to comply with 34 CFR §§300.660-.662; (2) failure to develop alternate State-wide assessments; (3) failure to ensure placement of children with disabilities in the least restrictive environment; (4) failure to ensure that psychological counseling services were available to children with disabilities who needed them as a related service; (5) failure to consider extended school year services on an individual basis; and (6) denial of related services due to personnel shortages. As a result of the June 2001 follow-up visit, also addressed in the September 2001 report, OSEP determined that NJSDE's new monitoring system was effective in identifying noncompliance in the local education agencies (LEAs), but was unable at the time of that visit to determine the effectiveness of the corrections ordered by NJSDE, as the new monitoring system had not been in place long enough to see whether ordered corrections were effective. OSEP's October 24, 2002 response to NJSDE's Improvement Plan required that, by October 24, 2003, NJSDE demonstrate full compliance in the areas of noncompliance identified in OSEP's September 14, 2001 Monitoring Report. By the time OSEP approved the Improvement Plan, NJSDE had already provided documentation of revisions to its complaint procedures, implementation of an alternate assessment and activities to resolve the findings regarding lack of psychological counseling services and individual consideration of the need for extended year services. On February 8, 2002 NJSDE submitted revised State complaint procedures that were approved by OSEP on May 2, 2002. Subsequently, NJSDE documented additional corrective actions:

- Hired a fourth complaint investigator and implemented, on May 24, 2002, newly revised state complaint procedures approved by OSEP.
- Submitted progress reports on December 2, 2002, January 3, 2003, March 24, 2003 and May 27, 2003 demonstrating compliance with the development of and implementation of an alternate assessment, including reporting results to the public and the Department.
- Provided documentation on February 23, 2004 regarding two additional areas: (1) Denial of related services and delays in evaluation due to an insufficient supply of personnel – speech-language specialists, and (2) Removal from general education to more restrictive environments. On the related services issue, NJSDE initiated an amendment to N.J.A.C. 6A:14-5.1(c) that was enacted on October 6, 2003 that now permits school district boards of education to contract with approved clinics or agencies for speech-language services and requires that all service providers must be fully certified. On the removal issue, NJSDE Office of Special Education Programs reported that it is monitoring and providing intensive oversight in nine high-risk Abbott districts (in addition to providing additional state funding for the Abbott Districts), as well as providing Capacity Building Grants to local education agencies in order to reduce barriers to educating students with disabilities in general education programs, which is reducing the number of students with disabilities placed in separate special education programs and/or facilities.

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<sup>1</sup> The September 14, 2001 OSEP Monitoring Report incorporated the results of on-site visits on February 24, 2000 and September 25, 2000 for the purpose of assessing compliance in implementation of IDEA Part B and assisting NJSDE in developing strategies to improve results for children and youth with disabilities. A June 2001 follow-up visit was conducted to assess the State's compliance with Special Conditions placed on NJSDE's FFY 1999 and 2000 Part B grant awards.

OSEP issued NJSDE's FFY 2002 Part B Grant Award with a Special Condition because NJSDE was not reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments in the same frequency and details for nondisabled children as required by 20 U.S.C.1412(a)(17); 34 CFR §300.139. Additionally, NJSDE signed an assurance that it would correct all outstanding eligibility issues including a signed interagency agreement between Part C and Part B that addressed child find (34 CFR §300.125(c)(1)). By the time NJSDE submitted the FFY 2002 APR, it had submitted documentation that allowed OSEP to remove the FFY 2002 Special Condition from the FFY 2003 Part B Grant Award; submitted documentation that all eligibility activities had been completed; and demonstrated compliance on all of the issues from the monitoring report, with the exception of demonstrating the effective correction of identified noncompliance.

The State's APR should reflect the collection, analysis, and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas (as well as any other areas identified by NJSDE to ensure improvement). OSEP's comments regarding NJSDE's responses to the FFY 2000-2003 Part B Grant Award letters, NJSDE's Improvement Plan Progress Reports and each cluster area within the April 2002 APR are set forth below.

### *General Supervision*

Monitoring: Identification and Correction of Noncompliance. OSEP's September 2001 Monitoring Report concluded that NJSDE demonstrated: (a) a comprehensive system to identify and correct noncompliance; (b) a raised level of accountability by local school district administrators and staff; (c) an ability to link SEA technical assistance to monitoring and LEA improvement planning activities in a comprehensive results-oriented manner; (d) a results-oriented improvement planning process; and (e) an ability to identify specific problem areas and address the problems through funding initiatives, but was unable at the time of that visit to determine the effectiveness of the corrections ordered by NJSDE, as the new monitoring system had not been in place long enough to see whether ordered corrections were effective. New Jersey's Improvement Plan focused on a variety of improvement strategies relative to general supervision including: (1) implementing its revised monitoring and enforcement system for correcting identified noncompliance in LEAs; (2) supporting the local school district self-assessment process through the allocation of funds to conduct self-assessment activities; (3) continuing oversight to include local district self-assessment, follow-up on-site monitoring by NJSDE staff, the development of local board of education approved improvement plans as part of the self-assessment process, revision of improvement plans, if needed, following the on-site monitoring, and oversight of implementation of improvement plans; (4) providing technical assistance to LEAs throughout the self-assessment and improvement planning process; (5) revising onsite monitoring reports to include specific directives regarding improvement plans developed during the self-assessment process; and (6) expanding NJSDE's monitoring system database and targeting LEAs who have completed the monitoring process and continue to demonstrate a pattern of noncompliance.

On pages 6-7 and 11-15 of the APR, NJSDE included data indicating an increase in the identification and correction of noncompliance in LEAs and an increase in the number of

improvement plans submitted and approved, along with strategies to continue increasing the identification and correction of noncompliance. However, an April 27, 2004 memorandum to OSEP staff providing additions to the Improvement Plan reports indicates that NJSDE is still not able to demonstrate that its monitoring system is effectively correcting all identified noncompliance. The APR, at pp. 4 –5, indicates that verification of correction for ‘high-risk’ districts is the direct responsibility of the NJSDE, while county offices are responsible for verification of correction of non ‘high-risk’ districts. The April 27 memorandum indicates that in January 2004 NJSDE compliance monitors initiated assistance activities with county supervisors of child study in an effort to address concerns regarding verification activities in non ‘high-risk’ districts including: (1) twice weekly meetings to develop verification plans and to identify activities that would be conducted by the supervisors to accurately determine whether a district has corrected areas of noncompliance (2) accompanying county supervisors to some districts to ensure the accuracy of their findings and (3) NJSDE monitors conducting verification activities in the event that the county supervisor positions remain vacant. The data accompanying the April 27, 2004 memorandum indicates a number of LEAs for which no verification activities have occurred. While the efforts outlined in the April 27 memorandum are interim measures for addressing NJSDE’s ability to ensure correction of noncompliance in all LEAs monitored, NJSDE must submit a report within 30 days of the date of this letter providing documentation that NJSDE has verified correction of noncompliance in all the districts outlined in the April 27, 2004 memorandum.

**Complaint Procedures.** OSEP’s September 2001 Monitoring Report found NJSDE’s State complaint procedures inconsistent with 34 CFR §§300.660-662. As required by OSEP’s October 2002 Improvement Plan letter, NJSDE submitted revised complaint procedures on February 8, 2002 that OSEP determined were consistent with 34 CFR §§300.660-662. Although NJSDE corrected the problem with State complaint procedures, the ability to implement the complaint procedures, specifically the 60-day timeline, are impacted by staff shortages. NJSDE included data and information on page 19 of the APR that indicated an area of noncompliance not previously identified by OSEP: the failure to complete complaint investigations within the 60-day timeline required by 34 CFR §§300.660-662 due to staff turnover. On page 20 of the APR, NJSDE reports strategies to address the shortage of complaint investigators and ensure the 60-day timeline is met. OSEP accepts NJSDE’s strategies. Within 60 days of the date of this letter, NJSDE must submit an interim report on the status of the results of its efforts to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date of this letter. NJSDE must provide evidence of progress in correcting the noncompliance, including supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following the end of the one-year timeline.

**Due Process Hearings.** On page 21 of the APR, NJSDE reported that it was unable to provide data related to the number of due process hearings held and the number of decisions issued after timelines and extensions expired for the period of July 1, 2002-June 30, 2003. NJSDE also noted that the Office of Administrative Law has serious problems with its computer system that render it unable to compile the needed data. From data and information provided by NJSDE in the APR, OSEP could not determine compliance regarding the completion of due process hearings within the forty-five day timeline. (34 CFR §300.511) OSEP has not previously identified noncompliance within this area in this cluster. NJSDE must submit data to OSEP, within 60 days

of the date of this letter, along with analysis and a determination of compliance or noncompliance. If the data demonstrate noncompliance, NJSDE must include a plan with strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan. NJSDE must provide evidence of progress in correcting the noncompliance, including current supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following the end of the one-year timeline. If data are not available, NJSDE must submit a plan within 60 days of the date of this letter that describes how NJSDE will collect data to enable it to determine compliance or noncompliance by the FFY 2003 APR.

Probe GS. II in the APR asks State to determine whether systemic issues are identified through analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations and hearing resolution. The September 2003 General Accounting Office (GAO) report<sup>2</sup> titled “Numbers of Formal Disputes Are Generally Low and States Are Using Mediation and Other Strategies to Resolve Conflicts”, identifies New Jersey as having high numbers of requests for due process hearings, based on data from 2000. On pages 5 and 11 of the APR, NJSDE reports using a variety of strategies to determine which LEAs will participate in a self-assessment, will be monitored by the State or other actions taken by utilizing a variety of triggers, including the number of completed complaint investigations where the education agency was determined noncompliant, trends of common issues in due process requests in specific local education agencies and the number and nature of parent complaints to NJSDE, advocacy agencies and to NJDOE county offices. NJSDE might also want to examine whether its interventions in LEAs with high numbers of due process requests is leading to reductions in the numbers of disputes that reach due process.

Sufficient Supply of Personnel. In OSEP’s September 2001 Monitoring Report, OSEP identified noncompliance in the provision of related services and delays in evaluation due to an insufficient supply of personnel, specifically, an insufficient supply of speech-language therapists. OSEP’s October 2002 Improvement Plan letter required that by October 24, 2003, NJSDE demonstrate full compliance in these areas of noncompliance. In its February 2004 Improvement Plan status report, NJSDE submitted documentation that on October 6, 2003 N.J.A.C. 6A:14-5.1(c) was amended to permit district boards of education to contract with approved clinics or agencies for speech-language services and requires that all instructional, child study team and related services personnel provided by approved clinics and agencies and private professional practitioners be fully certified. Although NJSDE made efforts to address the shortage of speech-language therapists, there has not been sufficient time to determine the impact of these efforts. On pages 24-27 of the APR, NJSDE included data and analysis that identified another area of personnel shortage (Teacher of the Handicapped) not previously identified by OSEP, and included strategies for improvement of performance relative to sufficient supplies of personnel. OSEP looks forward to reviewing implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

Data Collection and Reporting. On page 28 of the APR, NJSDE reported that from July 1, 2002 through June 30, 2003 it was unable to collect and report accurate and timely data to OSEP due

<sup>2</sup> GAO Report #GAO-03-897. Available at [www.gao.gov](http://www.gao.gov)

to the vacancy of the chief data analyst position, use of outdated database management and collection tools and inconsistent data collection policies and procedures that affected the collection, analysis and reporting. To address this problem, NJSDE hired a chief data analyst in March 2003, and subsequently was able to generate the missing reports. NJSDE also identified the problems in its policies and procedures that contributed to confusion and misinterpretation among LEAs when reporting their data to NJSDE, made changes in existing in-house databases used for tracking due process hearings and complaints, and contracted with a consulting company to develop a data management warehouse that will enhance NJSDE's ability to retrieve and produce data in a timely manner. OSEP looks forward to reviewing implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

### ***Early Childhood Transition***

On pages 30-41 of the APR, NJSDE included data and analysis that identified barriers to the accurate collection and sharing of data between Part C and Part B for children exiting Part C. The APR also included strategies and timelines for improving performance. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

### ***Parent Involvement***

On pages 45-61 of the APR, NJSDE reported a decrease in the identification of noncompliance related to NJSDE monitoring indicators of parent involvement (notice to parents under 34 CFR §300.345(a) and (b) and documenting multiple attempts to secure parent participation under 34 CFR §300.345(d)) as shown by a decrease in noncompliance findings between LEA self-assessments conducted in 2001-2002 and subsequent State monitoring of those same LEAs in 2002-2003. However, the 2002-03 monitoring data contained in your APR continues to demonstrate noncompliance in these areas. On pages 57-58 of the APR NJSDE reports strategies, proposed evidence of change, targets, and timelines to address this noncompliance. OSEP had not previously identified noncompliance in this area. OSEP accepts NJSDE's strategies, proposed evidence of change, targets, and timelines. NJSDE must provide evidence of progress in correcting the noncompliance, including supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

### ***Free Appropriate Public Education in the Least Restrictive Environment***

OSEP's September 2001 Monitoring Report identified the following areas of noncompliance: (1) Removal – (a) lack of placement in the least restrictive environment; (b) segregated placement for students with behavioral issues; and (c) impact of administrative practices on placement; (2) lack of psychological counseling services when needed as a related service; (3) failure to consider extended school year services on an individual basis; and (4) denial of related services and delays in evaluation due to an insufficient supply of personnel. OSEP's October 2002 Improvement Plan letter required that no later than October 24, 2003, NJSDE address these areas of noncompliance. As noted in the introduction to this letter, NJSDE has resolved these issues.

In the APR, submitted April 2, 2004, NJSDE provided data and information across the six probes required in this cluster as follows:

On pages 65-74 of the APR, NJSDE included data and analysis that identified efforts to decrease the significantly disproportionate percentage of children by race/ethnic group identified with disabilities in New Jersey compared to the NJSDE's general education distribution. NJSDE reported that African American students with disabilities are overrepresented in the disability categories of Specific Learning Disabilities, Multiple Disabilities, Mental Retardation, Emotional Disturbance, Deaf-Blind, and Traumatic Brain Injury; Hispanic students are overrepresented in the disability categories of Mental Retardation and Language Impairment; Native American students are overrepresented in the disability category of Mental Retardation; Asian students are overrepresented in the disability category of Deaf-Blind and white students were underrepresented in the disability categories of MR and DB and overrepresented in the categories of OHI, TBI and speech. NJSDE also reported significant disproportionality across race/ethnic groups in the various educational environments<sup>3</sup>.

NJSDE entered into a Memorandum of Understanding in March 1999 with the U.S. Department of Education, Office for Civil Rights (OCR) to address inappropriate placement of minority students in special education in New Jersey. In collaboration with OCR, the Equity Assistance Center at New York University and the Northeast Regional Resource Center (NERRC), a model program was developed relative to quantitative and qualitative data collection, data analysis, improvement planning and issues related to cultural diversity and bias. As a result of the collaboration, NJSDE has incorporated the issue of disproportionate identification and placement rates into the special education self-assessment process; developed data collection tools for the LEAs to use in data analysis and to assist in gathering information relative to patterns of differential treatment; and identified interim measures to assess the extent to which LEAs are taking appropriate actions to reduce inappropriate placement of minority students in special education. Between July 1, 2002 and June 30, 2003, the above referenced collaborating agencies initiated the data collection process in nine LEAs and continued review of improvement plans with twelve LEAs. As a result of these efforts, LEAs are revising their data collection and general education (pre-referral) identification procedures. On page 73 of the APR, NJSDE reported data that suggested a positive trend in the first two groups of targeted districts and that as of December 1, 2002, data showed a decrease in the difference between the Black and White male classification rates in 16 of 18 districts. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

On pages 75-76 of the APR, NJSDE included data and analysis that identified barriers to calculating and reporting graduation and drop-out rates for children with disabilities comparable to graduation and drop-out rates for nondisabled children. NJSDE reported that the collection of this data, through the State Exiting Report, is slightly different for special education and general education students and that the Exiting Report is not designed for, nor capable of, tracking graduation and drop-out rates by cohort and can only be done as a snapshot in time. NJSDE reported data along with strategies and timelines for improving performance. NJSDE reports that

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<sup>3</sup> 21-60% outside regular class; >60% outside regular class; separate public school; private day school; home instruction; public residential facilities and correctional facilities.

an initial pilot of the State-wide student database will occur during the 2003-2004 school year. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

On page 77 of the APR, NJSDE included data and analysis that identified barriers to calculating and reporting suspension and expulsion rates for children with disabilities comparable to suspension and expulsion rates for nondisabled children, along with strategies and timelines for improving performance. To address a high rate of suspension and expulsion of students with disabilities, NJSDE has initiated the School-wide Behavior Supports project to support the inclusion of students with disabilities in general education programs. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

OSEP's September 2002 Monitoring Report identified that NJSDE lacked an alternate State-wide assessment for students with disabilities who do not participate in the State-wide assessment system.<sup>4</sup> The FFY 2002 Part B Grant Award with Special Conditions and the October 2002 Improvement Plan letter directed NJSDE to report on the progress of implementing an alternate State-wide assessment. Between December 2, 2002 and May 27, 2003, NJSDE submitted Progress Reports on its efforts to address the development of an alternate State-wide assessment and on the participation and performance of children with disabilities on alternate assessments.<sup>5</sup> On pages 80-95 of the APR, NJSDE included data indicating an increase in the number of students with disabilities participating in general State-wide assessments for their grade, and a decrease in the gap between students with disabilities and their nondisabled peers on general assessments in mathematics at all tested grades. NJSDE also reported that despite these gains, there continues to be a significant gap between the performance of students with disabilities and their nondisabled peers, even with the provision of appropriate accommodations and modifications. NJSDE included strategies to increase the performance of students with disabilities on all state general assessments. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

OSEP's September 2001 Monitoring Report identified noncompliance in the removal of children with disabilities from the regular educational environment, specifically, (a) lack of placement in the least restrictive environment; (b) segregated placements for students with behavioral issues; and (c) the impact of administrative practices on placement (e.g. class grouping, limitations on class/space, lack of communication between IEP teams and class schedulers and misunderstanding about NJSDE's regulations on the use of the co-teaching model). In NJSDE's status report, required by OSEP's October 2002 Improvement Plan letter, NJSDE reported the efforts to address lack of placements in the least restrictive environment through two initiatives: (1) Supplemental Funding to 30 Abbott School districts to support the development or expansion of education programs and services and monitoring and program oversight and expansion of in-class support programs; and (2) Capacity Building Grants focused on initiating systemic change in local LEAs with a total resident student enrollment of 1,000 or greater and a special education placement pattern in which 6% or greater of the students with disabilities ages 6-21 are placed in

<sup>4</sup> The Alternate Proficiency Assessment (APA) was developed and implemented in 2001-2002.

<sup>5</sup> The FFY 2003 Grant Award removed the Special Condition related to an alternate state-wide assessment.

separate special education settings. In July 2001, 25 LEAs received the Capacity Building Grant resulting in 1,465 students with disabilities transitioning from separate settings to general education settings. In April 2003, NJSDE issued a Supplemental Fund opportunity to the first cadre of LEAs (25) directed at transitioning students with disabilities from separate special education facilities. In July 2002, a second cadre of LEAs applied for and received a grant that allowed them to transition 321 students to general education settings at least 40% of the school day. NJSDE also reported that for preschool age children, progress has been made in increasing the percentage of preschool children being educated in early childhood settings and in reducing the number of preschool children with disabilities who are educated in special education early childhood settings. As noted in the introduction to this letter, NJSDE has resolved this issue.

On pages 96-115 of the APR, NJSDE included data and analysis that identified barriers to decreasing the number of students removed from general education environments to separate placements, along with strategies and timelines for improving performance. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

On page 116 of the APR, NJSDE reports that it currently has no system for collecting follow-up data on preschool children with disabilities that would enable accurate reporting regarding improved skills of preschool children with disabilities. NJSDE anticipates collecting information related to this probe through the New Jersey Department of Education State-wide student database currently under development. Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA section 619 program is being measured based on the extent to which early language/communication, pre-reading, and socio-emotional skills of preschool children with disabilities receiving special education and related services are improving. In the FFY 2003 APR, OSEP expects States to either submit documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

### ***Secondary Transition***

OSEP's September 2001 Monitoring Report contained no findings of noncompliance in the area of Secondary Transition. OSEP found in its June 2001 follow-up visit, that NJSDE was providing direct oversight and targeted technical assistance in two of the districts visited by OSEP that were in the beginning stages of implementation of corrective action plans. On pages 117-132 of the APR, NJSDE included data indicating noncompliance related to the secondary transition requirements in 34 CFR §§ 300.29(a)(2), 300.347(b) and 300.347(c). On pages 121-127 of the APR NJSDE includes strategies, evidence of change, targets, and timelines to address this noncompliance. OSEP accepts these strategies, evidence of change, targets, and timelines. NJSDE must provide evidence of progress in correcting the noncompliance, including supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

NJSDE also reported an inability at this time to collect post-school outcome data that would enable a comparison of the percentage of youth with disabilities participating in post-school activities with that of nondisabled youth. NJSDE reports that NJSDE staff is currently involved in the planning stages of the New Jersey Department of Education's efforts to implement a State-wide student database that incorporates post-school outcome data for students with disabilities. OSEP looks forward to reviewing the implementation of these strategies and their impact on children with disabilities in the FFY 2003 APR.

### ***Conclusion***

As noted above, NJSDE must demonstrate that its monitoring system is effectively correcting all identified noncompliance. NJSDE must submit a report within 30 days of the date of this letter providing documentation that NJSDE has verified correction of noncompliance in all the districts outlined in the April 27, 2004 memorandum.

As noted above, NJSDE must demonstrate that it can meet the 60-day timeline for complaint resolution. Within 60 days of the date of this letter, NJSDE must submit an interim report on the status of the results of its efforts to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date of this letter. NJSDE also must provide evidence of progress in correcting the noncompliance, including current supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following the end of the one-year timeline.

As noted above, NJSDE must demonstrate that it is meeting the 45-day timeline for due process hearing decisions. NJSDE must submit data to OSEP, within 60 days of the date of this letter, along with analysis and a determination of compliance or noncompliance. If the data demonstrate noncompliance, NJSDE must include a plan with strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance within a reasonable period of time not to exceed one year from the date OSEP accepts the plan. NJSDE must provide evidence of progress in correcting the noncompliance, including current supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following the end of the one-year timeline. If data are not available, NJSDE must submit a plan to OSEP within 60 days of the date of this letter that describes how NJSDE will collect data to enable it to determine compliance or noncompliance by the FFY 2003 APR.

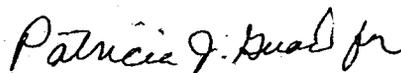
As noted above, to address noncompliance related to parent involvement, NJSDE must provide evidence of progress in correcting the noncompliance, including supporting data and its analysis, in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

As noted above, to address noncompliance related to secondary transition, NJSDE must provide evidence of progress in correcting the noncompliance, including supporting data and its analysis,

in the FFY 2003 APR and, in addition, provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and we look forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Maral Taylor at (202) 245-7542.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephanie J. Smith Lee".

Stephanie Smith Lee

Director

Office of Special Education Programs

cc: Barbara Gantwerk