



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

MAR - 9 2012

Honorable Christopher D. Cerf
Acting Commissioner
New Jersey Department of Education
100 Riverview Plaza
P.O. Box 500, Route 29
Trenton, New Jersey 08625-0500

Dear Acting Commissioner Cerf:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the New Jersey Department of Education during the week of October 31, 2011. As indicated in our letter to you dated March 24, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ CIVs are designed to ensure compliance and improve performance with Part B of the IDEA in accordance with 20 U.S.C. 1416.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management, as well as the State's systems for improving child and family outcomes. OSEP developed critical elements that were used to guide its evaluation of the New Jersey Office of Special Education's (NJOSE) general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems and briefly outlines relevant statutory and regulatory requirements for each critical element.

OSEP is currently in the process of conducting a comprehensive review of States' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States. In order to provide each State with an integrated response based on its review of States' fiscal systems, OSEP will respond to the State separately to address fiscal issues and has not included a fiscal section in the Enclosure. The fiscal information gathered during the verification visit will also be addressed in that separate letter.

OSEP found noncompliance, and has required corrective action in the following area(s): the identification of noncompliance in a timely manner regarding whether: (1) any LEAs were conducting district-wide assessments, and – if so – were doing so in a manner that was consistent with the requirements in 20 U.S.C 1412(a)(16) and 34 CFR §300.160; (2) LEAs are implementing corrective actions specified in due process hearing decisions; (3) LEAs convene resolution meetings as required by 34 CFR §300.510(a); (4) the required content and usage of the model form are consistent with 34 CFR §§300.508(a) and 300.509(a); and (5) the State investigates complaints in accordance with 34 CFR §§300.151 through 153, including those that involve disagreements regarding the child's educational placement.

¹ During the week of October 31, 2010, OSEP also conducted its Part C CIV to the Department of Health and Senior Services.

Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in its State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the visit, are provided in the Enclosure to this letter.

During the CIV, the NJOSE also focused on improving educational results and functional outcomes for children and youth with disabilities. Prior to the visit, NJOSE participated in a process with OSEP to concentrate its efforts on improving third grade language arts literacy. With OSEP's participation, the NJOSE and stakeholders, which included participants from the New Jersey Department of Education Office of Academic Standards, the State Advisory Council, the Statewide Parent Advocacy Network, Disability Rights of New Jersey, New Jersey City University, the New Jersey Association of Pupil Service Administrators, and the Northeast Regional Resource Center, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the third grade language arts literacy area, and formulated strategies that the NJOSE will employ to improve results for children with disabilities in its selected area. NJOSE is developing a plan that includes specific benchmarks for improvement, as well as timelines, resources, and measurements for the State educational agency (SEA) to improve results. The NJOSE will publish this plan with updates on the State's Web site at <http://www.state.nj.us/education>.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the New Jersey Parent Training and Information Center, the New Jersey Special Education Advisory Panel, the New Jersey Protection and Advocacy Agency and parents of children and youth with disabilities in providing feedback and input on the State's systems for providing educational services to children and youth with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results and compliance for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Susan Falkenhan, at 202-245-7242.

Sincerely,



Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosure

cc: Peggy McDonald

State Director of Special Education