



State of New Jersey
 DEPARTMENT OF EDUCATION
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Acting Commissioner

May 10, 2011

Dr. Donnie W. Evans
 State District Superintendent
 Paterson School District
 90 Delaware Avenue
 Paterson, NJ 07503

Subject: May 2011 Review of Corrective Action for Complaint Investigation #C2011-4193

Dear Dr. Evans:

Following the April 14, 2011 review letter, the Office of Special Education Programs (OSEP) received documentation from the district to address the corrective action required by the above-captioned complaint. Below is a review of the documentation, a summary of items that remain open and further requirements for this corrective action plan.

Finding #1: Noncompliance regarding referral/evaluation timelines		
Corrective Action Required by the Complaint Investigation Report	Status	Action/Documentation Required
1. The district is directed to (a) identify all students currently in the referral and/or evaluation process, and (b) continue to conduct identification and/or evaluation/eligibility meetings, as needed.	The district provided updated information on preschool referrals/evaluations (as of 4/21/11). Identification meetings have been held for all students, except for one, who were referred between July 1, 2010 and February 28, 2011, although the timelines were overdue in most cases. All, but one, of the March 2011 referrals have been scheduled for identification meetings, yet most are outside the timeline. In regard to completion of evaluations and IEP development, a comparison of	The district is directed to continue to provide monthly status reports and demonstrate more consistent progress toward meeting required timelines.

<p>2. For those students found eligible for special education, the district must address the delay in the provision of special education services when developing the initial IEPs.</p>	<p>the 4/21/11 documentation to the 3/31/11 documentation indicates minimal progress.</p> <p>Remains open</p> <p>A tracking mechanism was developed for services owed and rendered; however, only a few students have been included on the spreadsheet to date, and of those, only two have actually received some compensatory services. The district provided samples of notices to parents indicating that the number of compensatory services owed as a result of the delay in evaluations has been discussed and agreed upon, as well as information as to when the services will be provided.</p> <p>Remains open</p>	<p>The district is directed to continue to provide sample documentation (IEP or Form A-9) showing compensatory services were discussed and a schedule was agreed upon by the parents. The district is also directed to continue to update the tracking sheet on a monthly basis to show consistent progress in addressing this issue.</p>
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<p>Finding #2: Noncompliance regarding 2010 Extended School Year (ESY) Program (specifically, related services during ESY)</p>		
<p>Corrective Action Required by the Complaint Investigation Report</p>	<p>Status</p>	<p>Action/Documentation Required</p>
<p>1. For those preschool students the district has already identified as having not received 2010 ESY programming and related services in accordance with their IEPs, the district is directed to provide compensatory services.</p>	<p>The district submitted a tracking log of compensatory services showing that OT and PT have been provided over the past few months and is ongoing. As of 4/21/11, no compensatory speech services for missed 2010 ESY sessions have been provided.</p> <p>Remains open</p>	<p>The district is directed to provide an updated log on a monthly basis until all compensatory services have been provided. In addition, as no progress regarding provision of compensatory speech sessions has been made, the district is directed to provide documentation by 5/20/11, demonstrating</p>

		a plan to address this issue.
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Finding #3: Noncompliance regarding provision of speech services for the 2010-2011 School Year		
Corrective Action Required by the Complaint Investigation Report	Status	Action/Documentation Required
<p>1. The district is directed to (a) identify all students who are owed compensatory speech services, and (b) develop a mechanism for tracking the provision of compensatory services.</p>	<p>The district provided a list of identified students who are owed compensatory speech services with corresponding number of compensatory sessions owed as of 4/21/11.</p> <p>Remains open</p>	<p>The district is directed to continue to update the chart on a monthly basis until all compensatory services are completed. In addition, the district is directed to provide documentation (e.g., therapy logs) for five randomly selected students to show that the speech services specified in their IEPs are consistently provided and are differentiated from the compensatory speech services owed.</p>
<p>2. Provide the compensatory speech services.</p>	<p>The district provided a tracking sheet which will allow the district to show the months and dates that compensatory speech services are provided. As of 4/21/11, the chart shows a minimal number of actual compensatory speech services that have been provided.</p> <p>Remains open</p>	<p>The district is directed to continue to provide an updated tracking sheet on a monthly basis and demonstrate more consistent progress toward addressing the backlog of compensatory speech sessions.</p>

Finding #4: Noncompliance regarding provision of resource room instruction		
Corrective Action Required by the Complaint Investigation Report	Status	Action/Documentation Required
<p>1. The district is directed to (a) identify all students who did not receive resource room instruction, as required by their IEPs for the 2010-2011 school year, and (b) conduct IEP meetings to discuss the provision of compensatory services for those identified students.</p>	<p>The district provided an updated chart identifying all students who are owed compensatory resource room instruction with corresponding number of sessions owed and rendered as of 4/21/11. The district also provided a tracking sheet of compensatory services rendered, showing specific dates. It should be noted that the district has completed the compensatory resource services for many of the students identified for this issue.</p> <p>Remains open</p>	<p>The district is directed to continue to update the chart on a monthly basis until all resource services are completed.</p>
<p>2. Provide the compensatory resource room instruction.</p>	<p>As stated above, the district has provided a tracking log showing that it has been providing compensatory services over the past few months.</p> <p>Remains open</p>	<p>The district is directed to continue to provide an updated tracking log on a monthly basis.</p>

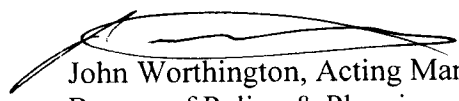
Finding #5: Noncompliance regarding provision of a Special Education Teacher		
Corrective Action Required by the Complaint Investigation Report	Status	Action/Documentation Required
<p>1. The district is directed to (a) identify all preschool students who did not have a special education teacher, as required by their IEPs for the 2010-2011 school year, and (b) conduct IEP meetings to discuss the provision of compensatory services for those identified students and program</p>	<p>The district provided a list identifying all students who did not have a special education teacher, as required by their IEPs for the 2010-2011 school year. The district also provided a general schedule of</p>	<p>By 5/20/11, the district is directed to submit the clarification regarding the students who will receive compensatory special education sessions during ESY 2011 as</p>

<p>revisions to reflect the current teaching model.</p>	<p>compensatory services options; however clarification is needed as to the specific compensatory services to be provided for each student during ESY 2011. Additionally, the district has not provided documentation of written notice to the parents of each of the affected students.</p> <p>Remains open</p>	<p>well as copies of written notice to the parents of <u>all</u> identified students. The district is reminded that for students who moved within the state, they must contact the student's new district to offer compensatory services and provide OSEP with the related documentation.</p>
<p>2. Provide the compensatory services.</p>	<p>Pending ESY program.</p> <p>Remains open</p>	<p>The district is directed to submit a log of services following completion of ESY in August 2011.</p>

Pursuant to U.S. Department of Education requirements, the Office of Special Education Programs must ensure that any identified noncompliance is corrected as soon as possible, but in no case later than one year from identification. Therefore, the local education agency (district, charter school, or receiving school) is expected to correct the noncompliance according to the timelines established in the corrective action plan, but in no case later than one year from the date the education agency was notified of the noncompliance. Failure to complete the corrective actions within the one-year timeline does not relieve the education agency of its responsibility for completion and may result in additional action or sanctions by the OSEP to ensure completion. These may include the withholding of IDEA funds, until all corrective activities are documented and approved. Once submitted and approved, the OSEP will be responsible for verifying the implementation of the corrective action plan through document review and/or onsite visit(s).

You may submit the required documentation to the attention of Maria Desautelle. If you have any questions, you may call me at (609) 292-7602. Thank you for your timely response to this matter.

Sincerely,


 John Worthington, Acting Manager
 Bureau of Policy & Planning
 Office of Special Education Programs

JW/md/fl

c: Maria Desautelle, Complaint Investigator
 Passaic Executive County Superintendent
 Director of Special Education
 Early Childhood Supervisor
 Board President