

LRE SETTLEMENT IMPLEMENTATION

New Jersey Department of Education
Office of Special Education Programs
April/May 2014



Introduction

2

- **Goals for today's meeting**
 - ▣ **Review the history of the lawsuit**
 - ▣ **Provide an overview of the settlement**
 - ▣ **Review placement data**
 - ▣ **Define district responsibilities**
 - ▣ **Identify next steps**

History of the Lawsuit

3

- Complaint was filed in 2007 by Disability Rights New Jersey (formerly New Jersey Protection & Advocacy), the Education Law Center, the Statewide Parent Advocacy Network and The ARC of New Jersey.
- Complaint alleged a failure to provide FAPE in the least restrictive environment for children with disabilities.

History of the Lawsuit

4

- OSEP and County Office Involvement
 - Collection of thousands of pages of complaint investigation reports and monitoring reports and other compliance documentation
 - Collection of thousands of pages of handouts and other documentation from training activities
 - Depositions
 - Observation by experts
 - Editing of documents (Exhibits)
 - Settlement with plaintiffs

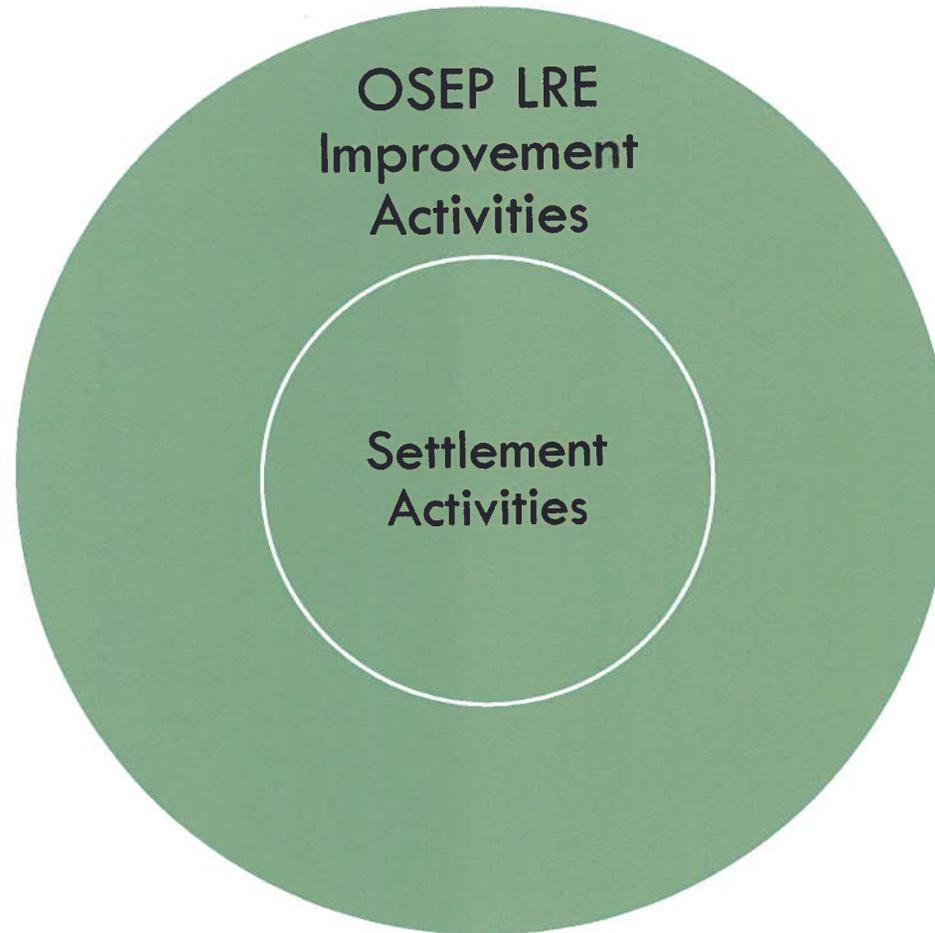
History of the Lawsuit

5

- Settlement components based on 2007 Monitoring Process
 - ▣ Districts selected based on placement data
 - ▣ Self-Assessment – LRE Priority
 - ▣ Monitoring-technical assistance alignment
 - ▣ Monitoring aligned with related requirements defined by USOSEP
 - ▣ Targeted Training and Technical Assistance based on individual district needs

Settlement and OSEP LRE Activities

6



Identified Districts

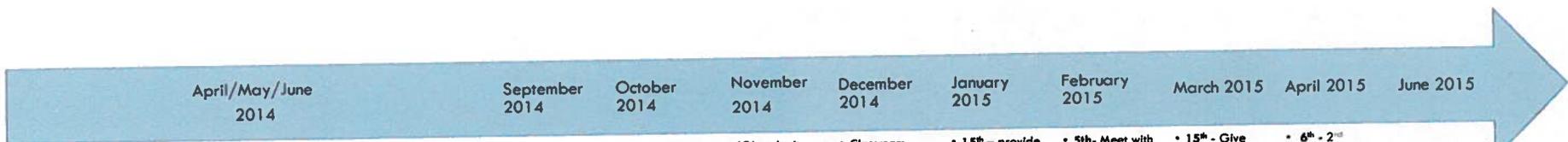
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- How were districts selected for participation?
 - NJDOE reviewed district placement data (NJSMART) and identified districts with:
 - High rate of students in separate special education placements when compared to other districts in the state, the nation and SPP targets
 - High rate of students in general education classes less than 40% of the school day
 - High rate of preschoolers with IEPs educated in separate settings
 - Disproportionate representation of specific racial/ethnic groups in separate placements
 - Multiple year trends

Settlement Overview

8

- 76 identified districts
- **Phase 1: Needs Assessment (2014)**
- **Phase 2: Monitoring (2015-16, 2016-17)**
- **Phase 3: Training and Technical Assistance**
 - ▣ Annual plan developed with district and stakeholder input
 - ▣ Training/TA provided annually for 3 years (2014-2015, 2015-2016, 2016-2017)
 - 4 three-hour training or technical assistance sessions per year
 - ▣ Annual Webinar (3 years)
- **Phase 4: Final Monitoring (Fall 2018)**
- Settlement expires in January 2019



- Contact LEAs
- Regional LEA meetings
- Distribute needs assessment

- Classroom observations and interviews

- Classroom observations and interviews

- LEAs submit completed needs assessments
- Classroom observations and interviews

- Classroom observations and interviews

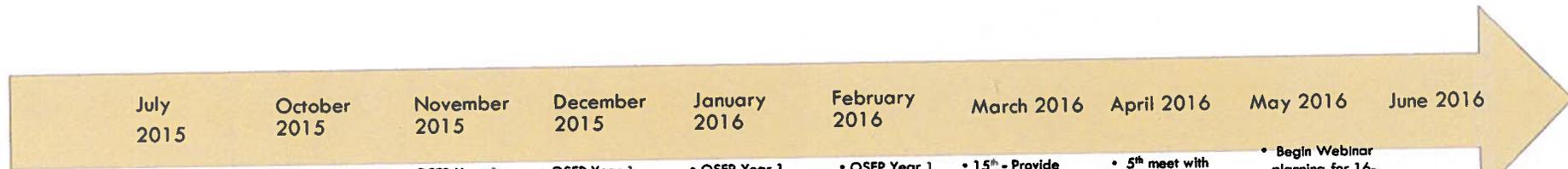
- 1st – provide results of steps 1 and 2 and summary of 3 and 4 to the stakeholders
- Complaint Investigator training

- 5th - Meet with stakeholders to discuss training needs
- Gather input on webinar from stakeholders

- 1st - Give draft T&TA plan to stakeholders
- Begin Webinar planning for 15-16 school year

- 6th - 2nd meeting with stakeholders to receive non-binding feedback on T&TA plans

- Finalize year 1 T & TA plan send to stakeholders



- Begin Year 1 Training
- LEAs identify LRE facilitator

- OSEP Year 1 monitoring activities

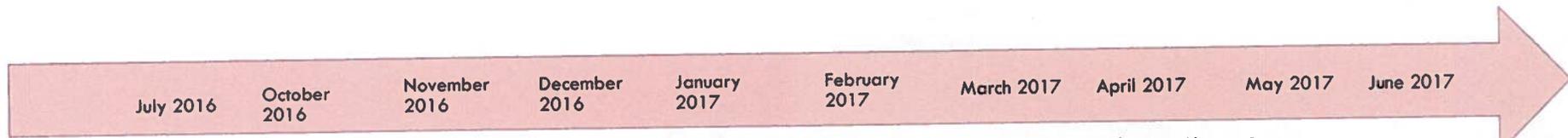
- OSEP Year 1 monitoring activities
- 5th – provide data to stakeholders

- 1st - Provide monitoring reports to stakeholders
- Identify LEA status (C/NC)

- 5th meet with stakeholders to discuss needs
- Gather input for webinar

- Begin Webinar planning for 16-17 school year

- 1st - Finalize year 2 T&TA plan send to stakeholders



- Begin Year 2 Training
- LEAs identify LRE facilitator

- OSEP Year 2 monitoring activities

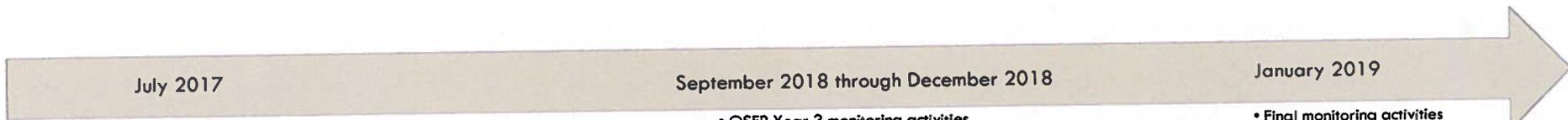
- OSEP Year 2 monitoring activities
- 6th – provide data to stakeholders

- 1st - provide monitoring reports to stakeholders
- Identify LEA status (C/NC)

- 5th – meet with stakeholders to discuss needs
- Gather input for webinar

- Begin Webinar planning for 17-18 school year

- 1st - Finalize year 3 T & TA plan send to stakeholders



- Begin Year 3 Training
- LEAs identify LRE facilitator

- OSEP Year 3 monitoring activities

- Final monitoring activities
- Within 10 days of final approval submit reports to stakeholders
- Settlement agreement expires upon issuance of final report

Phase 1: Needs Assessment

10

- Step 1: Conduct data review and analysis
- Step 2: Complete LRE Questionnaire
- Step 3: NJDOE will conduct site visits
 - ▣ Classroom observations
 - ▣ Interviews with district staff and parents
- Step 4: Districts will meet with NJDOE

Phase 1: Needs Assessment

11

- **Step 1: Data Review and Analysis**
 - Data provided to the districts directly by NJOSEP
 - Binders contain district specific data
 - Include a review of CURRENT placement data
 - Conduct analysis of placement patterns
 - Send copy of analysis to your NJOSEP team leader by **October 15, 2014**

Phase 1: Needs Assessment

12

- **Step 2: Complete LRE Questionnaire**
 - Copy available in your binder
 - Electronic copy available on NJDOE web site
 - District responsible for completing the questionnaire
 - Contact your NJOSEP team with any questions
 - Send completed copy to NJOSEP team leader
 - Results due on: **October 15, 2014**

Phase 1: Needs Assessment

13

- **Step 3: NJDOE will conduct site visits**
 - NJOSEP team will reach out to district contact to schedule **classroom observations.**
 - NJOSEP team will conduct classroom observations.
 - Classroom observations will be conducted using the required Classroom Walkthrough Data Collection Form (copy in your binder).
 - Observations will be conducted from **September – November 2014.**

Phase 1: Needs Assessment

14

- **Step 3: NJOSEP will conduct site visits**
 - NJOSEP team will reach out to district contact to schedule **interviews with selected staff.**
 - Interviews will be conducted using the required Interview Questions (copy in your binder).
 - Interviews will be conducted from **now through November 2014** depending on district availability.

Phase 1: Needs Assessment

15

- **Step 3: NJOSEP will conduct site visits**
 - Interviews will be conducted with the following staff:
 - 13 General Education teachers
 - 11 Special Education teachers
 - 5 Administrators
 - 5 Child Study Team members
 - 5 Parents

Phase 1: Needs Assessment

16

- **Step 4: Second meeting with NJDOE**
 - Districts will be invited to attend a second regional meeting to review the results of the Needs Assessment.
 - Goal of the second regional meeting will be to summarize “areas of need,” identify areas of focus for training and technical assistance plan, and discuss the format of the technical assistance.

Phase 2: LRE Monitoring

17

- **Monitoring will be conducted:**
 - **Year 1: October 2015 – February 2016**
 - **Year 2: October 2016 – February 2017**

- **Intended to determine compliance with the LRE requirements.**

- **1 to 3-day site visit by NJOSEP special education monitors.**

- **Monitoring will be conducted using protocol in the binder.**

Phase 2: LRE Monitoring

18

- Year 3: September 2018 – December 2018
- The settlement agreement expires immediately upon NJDOE providing the stakeholders a copy of the final LRE Monitoring reports for each district.

District LRE Facilitator

- Districts identified as noncompliant must:
 - In July 2015, designate at least one (1) teacher, child study team member or administrator, who is knowledgeable about LRE, to be the “District LRE Facilitator.”

- Districts identified as noncompliant include:
 - Those districts listed as noncompliant in Exhibits B or C due to uncorrected noncompliance, **at the time of the settlement agreement**, which was identified through previous monitoring.
 - Those districts found to be noncompliant as a result of the Year 1 LRE monitoring activities.
 - Those districts found to be noncompliant with respect to LRE requirements as a result of an NJDOE complaint investigation.

District LRE Facilitator

20

- Facilitator will be a resource person for and provide technical assistance to other district personnel during the settlement period.
- A district may contract with an experienced expert to perform this function or assign a district staff member.

State Inclusion Facilitators

- For districts with no findings of noncompliance:
 - 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 in the area of LRE.
 - State inclusion facilitator will contact the districts on a monthly basis and offer assistance including on-site assistance, if necessary, regarding LRE.

Phase 3: Training and Technical Assistance

22

- Annually, for three years, NJDOE will develop a “training and technical assistance plan”.
- The plan will be based on identified areas of need and may include but is not limited to:
 - ▣ Supporting diverse students with the full range of disabilities in general education classes;
 - ▣ Developing an inclusive school climate;
 - ▣ Analyzing placement data to ensure placement in the LRE;
 - ▣ Transportation; and
 - ▣ Long-range facilities planning related to students with disabilities.

Phase 3: Training and Technical Assistance

- There will be at least four (4) training and/or technical assistance sessions each year for three (3) consecutive academic years (for a total of 12 sessions).
- If a district is designated as noncompliant, NJDOE will require certain district staff to attend at least three of the four trainings.
- Each training will be at least three hours long.
- Parent groups, including parent members of district special education advisory groups, will be invited to attend at least one training.

Next Steps

24

- Identify primary district contact for LRE Settlement Activities.
- Identify general education and special education team to participate in Needs Assessment.
- Complete Data Analysis.
- Complete LRE Questionnaire.
- Communicate with NJOSEP team regarding site visits.
- Attend training and technical assistance plan development meeting with NJDOE.

Communication

25

- Settlement Activities Coordinator
- Kathy Ehling
 - 609-292-7602
 - Kathleen.ehling@doe.state.nj.us
- Primary Contact:
 - NJOSEP Teams (district specific) listed in binder
 - NJOSEP Team Leader will contact District Special Education Director