

**Table B – New Jersey Part B
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 4 – Suspension and Expulsion</u></p> <p>OSEP’s September 8, 2005 APR letter required NJSDE, in the SPP, to describe how it reviewed, and, if appropriate revised (or required the LEAs with significant discrepancies in suspension and expulsions under 34 CFR §300.146 to review and revise) policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with the IDEA.</p>	<p>On pages 32-35 of the SPP, NJSDE reported that, for FFY 2004-2005, 2% of districts had significant discrepancies in the rates of suspensions and expulsions of children with disabilities for more than 10 days in a school year. NJSDE will require that noncompliant districts review and, if needed, revise their policies procedures and practices relating to the development and implementation of IEPs, the use of positive behavior interventions and supports, and procedural safeguards, to ensure that such policies, procedures and practices are compliant.</p>	<p>While the State’s plan to address significant discrepancies in the rates of suspensions and expulsions of children with disabilities for more than 10 days in a school year is appropriate, the State has not demonstrated that it is currently in compliance with the requirements of 34 CFR §300.146(b), because it did not provide documentation of the results of its review of policies, procedures and practices relating to the development and implementation of IEPs, including the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures and practices comply with the Act, in those districts where significant discrepancies were identified.</p>	<p>The State must ensure that this noncompliance is corrected and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary, revise its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p><u>Indicator 15 – General Supervision - 34 CFR at 34 CFR §300.600 & 20 U.S.C. 1232d (b)(3) - timely correction of identified noncompliance.</u></p> <ul style="list-style-type: none"> ○ OSEP’s July 13, 2004 letter required the State to demonstrate that its monitoring system was correcting all identified noncompliance, as outlined in NJSDE’s April 27, 2004 memorandum that described its Improvement Plan activities related 	<p>In the SPP, beginning on page 87, and in correspondence dated August 15, 2005 and December 2, 2005, NJSDE reported on its monitoring activities, including an update on the status of correction in the areas of parent involvement, secondary transition and LRE.</p>	<p>OSEP’s February 24, 2005 letter noted that no further action was required to resolve the previous-identified noncompliance.</p> <p>NJSDE’s December 2, 2005 letter reported on the status of correction of noncompliance for districts monitored</p>	<p>For the districts that were monitored between 1999 and 2003, NJSDE must continue to report, in the APR, due February 1, 2007, on correction of the identified noncompliance and its continuing efforts to achieve full compliance in all districts, including those designated as potentially high-risk</p>

**Table B – New Jersey Part B
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>to the correction of noncompliance.</p> <ul style="list-style-type: none"> ○ On August 19, 2004, NJSDE submitted a report on the status of noncompliance in the districts and submitted an update to that report on January 28, 2005. OSEP responded to these submissions in letters dated December 14, 2004 and February 24, 2005. ○ OSEP’s February 24, 2005 letter accepted NJSDE’s updated status report regarding verification of noncompliance in LEAs throughout the State. This letter also stated that no further action was required on this matter. ○ OSEP’s September 8, 2005 letter required NJSDE to report on its continued oversight and intervention activities in the districts that had not achieved full compliance, specifically in the areas of parent involvement, secondary transition and LRE. 	<p>In Attachment I of the SPP (pages 95-97), baseline data for FFY 2004-2005 are listed, that include the percent of identified noncompliance corrected within one year.</p> <p>During 2005, NJSDE instituted a categorical system to identify the overall compliance status of each district.</p> <p>During 2006-2007, NJSDE’s monitoring system will be further revised allowing NJSDE to track more effectively, all monitoring findings by issue.</p>	<p>between 1999 and 2004. NJSDE described the steps, including sanctions, it was taking to achieve and verify correction of noncompliance and provide technical assistance for districts where noncompliance had not been corrected within one year of identification.</p>	<p>districts.</p> <p>See Table A for additional action required under this Indicator.</p>
<p><u>Indicator 17 – Due Process Timelines</u></p> <p>OSEP’s July 13, 2004 letter required NJSDE to demonstrate compliance in meeting required timelines for due process decisions under 34 CFR §300.511 or submit a plan describing how NJSDE would collect data to determine compliance or</p>	<p>In correspondence dated September 13, 2004 and September 30, 2004, NJSDE provided plans designed to acquire and review the necessary data.</p> <p>On pages 101-104 of the SPP, NJSDE reported that 87.2% of due process</p>	<p>The State provided data that demonstrated continued noncompliance with the requirements at 34 CFR §300.511. The level of compliance reported was 87%. OSEP initially identified this noncompliance in its July 13, 2004 letter and required correction.</p>	<p>The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a “high-risk” grantee or may otherwise affect the State’s FFY 2006</p>

**Table B – New Jersey Part B
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>noncompliance. OSEP's September 8, 2005 letter required NJSDE to submit data and analysis in the SPP, demonstrating that it is meeting the required timelines for due process hearing decisions.</p>	<p>hearings were adjudicated within the 45-day timeline or a timeline that was properly extended.</p>		<p>grant award.</p>