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*New Jersey K to 12 Education*

Collaborative Monitoring Report  
June 2020

**District:** Marion P. Thomas Charter School  
**County:** Essex  
**Dates On-Site:** January 7 and 8, 2020  
**Case #:** FM-015-20

**Funding Sources**

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Program	Funding Award
Title I, Part A	\$1,149,487
IDEA Basic	354,578
IDEA Preschool	6,068
Total Funds	<u>\$1,510,133</u>

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Background**

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The Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Act (IDEA) and other federal laws require that districts provide programs and services based on the requirements specified in each of the authorizing statutes (i.e., ESSA and IDEA). The laws further require that state education agencies such as the New Jersey Department of Education (NJDOE) monitor the implementation of federal programs by subrecipients and determine whether the funds are being used by the school for their intended purposes and achieving the overall objectives of the funding initiatives.

**Introduction**

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The NJDOE visited the Marion P. Thomas Charter School to monitor the school's use of federal funds and the related program plans, where applicable, to determine whether the school's programs are meeting the intended purposes and objectives, as specified in the current year applications and authorizing statutes and to determine whether the funds were spent in accordance with the program requirements, federal and state laws and applicable regulations. The on-site visit included staff interviews and documentation reviews related to the requirements of the following programs: Title I; Title II, Part A; Title IV, Part A; IDEA Basic and Preschool for the period July 1, 2019 through December 31, 2019.

The scope of work performed included the review of documentation including grant applications, program plans and needs assessments, grant awards, annual audits, board minutes, payroll records, accounting records, purchase orders, a review of student records, classroom visitations and interviews with instructional staff to verify implementation of Individualized Education Programs (IEPs), a review of student class and related service schedules, interviews of child study team members and speech-language specialists and an interview of the program administrator regarding the IDEA grant, as well as current school policies and procedures. The monitoring team members also conducted interviews with school personnel, reviewed the supporting documentation for a sample of expenditures and conducted internal control reviews.

**Expenditures Reviewed**

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The grants reviewed were Title I, Title II, Title IV, IDEA Basic and Preschool from July 1, 2019 through December 31, 2019. A sampling of purchase orders and/or salaries was taken from each program reviewed.

**General District Overview of Uses of IDEA Funds**

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**Title I Projects**

The charter school is using its 2019-2020 Title I funds to implement a schoolwide program for the following activities: teacher salaries for in-class support, and extended day/year programs; and professional development.

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**IDEA Projects (Special Education)**

The FY 2020 IDEA Basic funds are being used for salaries, tuition for receiving schools and for the provision of related services to students with disabilities.

**Detailed Findings and Recommendations**

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**Title I**

**Finding 1:**

The school did not provide evidence that the Stakeholder/Schoolwide Committee was involved in the needs assessment, plan development, and evaluation processes, as indicated on the Schoolwide Plan. The school did not provide an agenda, sign-in-sheet, and minutes for any of the meetings held as stipulated on the Annual School Plan. The Annual School Plan is the mechanism for the school to document its efforts to meet the purposes and intents of the Title I legislation.

**Citation:**

Elementary and Secondary Education Act (ESEA) 1114(b)(2)(B)(ii): Plan Development.

**Required Action:**

The school must convene and/or consult with its stakeholder committee for input and peer review before changes are made to the Annual School Plan. These meetings and consultations must be documented with agenda, sign in sheets and minutes, and uploaded as part of the Annual School Plan.

**Finding 2:**

The school did not provide information to verify the highly qualified status of the eight paraprofessionals in the school.

**Citation:**

ESEA §1111(g)(2)(J)&(M): Assurances

**Required Action:**

The school must submit a list of the 2019-2020 paraprofessional staff and indicate the responsibilities and classroom assignments for each. In addition, the school must submit to NJDOE for review documentation that each paraprofessional has met the highly qualified requirements listed below:

- Completed at least 2 years of study at an institution of higher education;
- Obtained at least an associate's degree; or
- Met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment-
  - Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

- Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

**Finding 3:**

The school did not provide evidence of a Title I parent and family engagement policy, and the school did not provide evidence that the school-parent compact was developed in collaboration with parents.

**Citation:**

ESEA §1116(a)(2): Parent and Family Engagement (Written Policy); ESEA §1116(b): Parent and Family Engagement (School Parent and Family Engagement Policy). ESEA §1116(d): Parent and Family Engagement (Shared Responsibilities for High Student Academic Achievement).

**Required Action:**

The school must provide copies to NJDOE for review of the written parent and family engagement policy, together with evidence that stakeholders participated in the development of the policy and the school-parent compact.

**Finding 4:**

The school provided two invoices in the amount of \$295,442.73 (invoice # 14) and \$103,096.18 (invoice # 16) for purchased professional services. There was not sufficient information provided on the invoices to determine if these professional services are aligned with the identified academic needs. The Needs Assessment, as articulated in the school's FY 2019 *ESEA* Consolidated Subgrant Application, serves as the basis for determining whether proposed uses of Title I funds are necessary and reasonable. Without a direct connection to the Needs Assessment, professional development activities are not necessary and reasonable for proper and efficient performance and administration of the school's Title I program. As a result, the proposed activities are unallowable.

**Citation:**

ESEA §1112 Local Educational Agency Plans; Uniform Grant Guidance Cost Principles for State, Local and Indian Tribal Governments (Necessary and Reasonable)

**Required Action:**

The school needs to revise its Needs Assessment in the FY 2019 *ESEA* Consolidated Subgrant Application, to show an alignment between identified academic needs and the proposed professional development activities or delete these proposed activities from the Program Plan and Title I Budget sections of the FY 2019 *ESEA* Consolidated Subgrant Application.

**Finding 5:**

The school did not provide evidence that junior and senior students' names, addresses, and telephone listings were provided to military, college recruiters, and employers, upon request. The school also did not provide evidence of distributing the "opt-out" form to parents and adult students. Local Education Agencies (LEAs) are to distribute these documents at the beginning of the school year, so parents or students can make timely and informed decisions.

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Citation:**

ESEA §8528 Armed Forces Recruiter Access to Students and Student Recruiting Information.

**Required Action:**

The school must ensure that parents and students, as applicable, are notified of these requirements and given the opportunity to exercise the “opt-out” using the form located on the “[ESSA in New Jersey: Student Records and Rights](#)” webpage:  
<https://www.state.nj.us/education/ESSA/records/>

**Finding 6:**

The school did not provide evidence of distributing the English Language Learner (ELL) parent notification letter to the parents of the school’s identified English language learners. Parents must be notified within 30 days of the start of the school year if their child has been identified as limited English proficient and in need of English language instructional services. Schools are also required to provide information to parents of participating students in a language that is understandable and in a uniform format, and to the extent practicable in a language that the parent(s) understand.

**Citation:**

ESEA §1112(e)(3)(4): Local Educational Agency Plans (Parents Right-to-Know).

**Required Action:**

The school must provide a copy of its ELL parent notification letter to the NJDOE for review. Information regarding [ELL parent notification requirements](#) may be found at: <https://www.nj.gov/education/bilingual/title3/accountability/notification/>. Additionally, the school must have all required documents translated into a language that is understandable to the parent(s) of the students served. The documents that must be in multiple languages are the District/School Parent and Family Engagement Policy, Parent-School Compact, Title I and ELL Parent Notification Letters, and the Parents’ Right to Know Letter, at a minimum.

**Finding 7:**

The school provided evidence of convening an annual Title I parent meeting. However, the documentation showed a “Title I meeting & feedback tour” with the Superintendent held on December 19, 2019, with six parents in attendance.

**Citation:**

ESEA §1116(c)(1): Parent and Family Engagement (Policy Involvement)

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Required Action:**

The school must ensure that it convenes an annual Title I meeting, at the beginning of the school year, no later than October 15<sup>th</sup>, to inform all parents of the legislative requirements and the school's Title I program. Each schoolwide school must upload documentation of the meetings (e.g., invitational letter/flyer, agenda, meeting minutes, and sign in sheets) as part of the Annual School Plan.

**IDEA (Special Education)**

**Finding 8:**

The charter did not consistently provide parents of students referred and/or eligible for special education and related services, notice of a meeting for reevaluation planning, and eligibility meetings.

**Citation:**

N.J.A.C. 6A:14-2.3(k); 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).

**Required Action:**

The charter must provide parents notice of a meeting in writing that contains all required components, early enough to ensure they have an opportunity to attend. In order to demonstrate correction of noncompliance the charter must conduct training for child study team members and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct a site visit to interview staff, review meeting documentation for meetings to be conducted at a time to be determined later. A review of the oversight procedures will also take place at that later time.

**Finding 9:**

The charter did not consistently document in the IEPs of students removed from the general education setting for more than 20 percent of the school day, including students placed in separate settings, consideration of placement in the least restrictive environment (LRE). Specifically, IEPs did not consistently account for those students placed in separate settings, activities to transition the student to a less restrictive environment.

**Citation:**

N.J.A.C. 6A:14-4.2 (a)

**Required Action:**

The charter must ensure that when determining the educational placement of a child with a disability, the IEP team considers the general education class first and that all required decisions regarding the placement are documented in the IEP for each student removed from general education for more than 20 percent of the school day. The charter must also

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

ensure that for students placed in separate settings, the IEP team identifies activities to transition the student to a less restrictive environment and document them in each IEP. In order to demonstrate correction of noncompliance, the charter must conduct training for child study team members and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. To demonstrate that the charter has corrected the individual instances of noncompliance, the charter must conduct annual review meetings and revise the IEPs for specific students with IEPs that were identified as noncompliant. A monitor from the NJDOE will conduct a site visit to interview staff, review the revised IEPs together with a random sample of additional IEPs developed, at meetings at a time to be determined later. A review of the oversight procedures will also take place at that later time. The names of the students whose IEPs were identified as noncompliant will be provided to the charter by the monitor.

**Finding 10:**

The charter did not conduct meetings within 20 calendar days of receipt of a written request for a child study evaluation and speech-language evaluation to determine if an evaluation was warranted.

**Citation:**

N.J.A.C. 6A:14-3.3(e), 3.4(j).

**Required Action:**

The charter must ensure that identification meetings are conducted within 20 calendar days of receipt of a written request for evaluation and that required participants are in attendance. In order to demonstrate correction of noncompliance, the charter school must conduct training for child study team members and speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from NJDOE will conduct a site visit to interview staff, review documentation from identification meetings to be conducted at a time to be determined later. A review of the oversight procedures will also take place at that later time.

**Finding 11:**

The charter did not consistently conduct reevaluations within three years of the previous classification date for students eligible for special education and related services and for students eligible for speech-language services.

**Citation:**

N.J.A.C. 6A: 14-3.8(a) and 20 U.S.C. §1414(a)(2).

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Required Action:**

The charter school must ensure reevaluations are conducted within required timelines with required participants in attendance. In order to demonstrate correction of noncompliance, the charter school must conduct training for child study team members and speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct a site visit to interview staff, review documentation of eligibility meetings held as part of the reevaluation process at a time to be determined later. A review of the oversight procedures will also take place at that later time.

**Finding 12:**

The charter did not consistently conduct annual reviews within one year of the previous IEP for students eligible for speech-language services.

**Citation:**

N.J.A.C. 6A: 14-3.7(i) and 20 U.S.C. §1414(a)1(2).

**Required Action:**

The charter must ensure annual reviews are conducted annually or more often if necessary, to review and revise the IEP. In order to demonstrate correction of noncompliance, the charter school must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct a site visit to interview staff, review documentation of annual reviews conducted at a time to be determined later. A review of the oversight procedures will also take place at that later time.

**Finding 13:**

The charter did not consistently conduct all required sections of the functional assessment as a component of initial evaluations for students referred for speech-language services.

**Citation:**

N.J.A.C. 6A:14-3.4(f)4(i –vi); 20 U.S.C. §1414(b)(1)-(3), 1412(a)(6)(b); 34 CFR 300.304(b)(1).

**Required Action:**

The charter must ensure all components of the functional assessment are conducted as part of all initial evaluations. In order to demonstrate correction of noncompliance, the charter must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. Monitors from the NJDOE will conduct a site visit to interview staff, review initial evaluation reports for students whose eligibility meetings at a time to be determined later. A review of the oversight procedures will also take place at that later time.



**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Finding 14:**

The charter did not consistently conduct multi-disciplinary initial evaluations for students referred for speech-language services by obtaining an educational impact statement from the classroom teacher.

**Citation:**

N.J.A.C. 6A:14-2.5(b)6, 3.4(g)3 and d 3.6(b).

**Required Action:**

The charter must ensure that a multidisciplinary evaluation is conducted for students referred for speech-language services by obtaining a statement from the general education teacher that details the educational impact of the speech problem on the student's progress in general education. In order to demonstrate correction of noncompliance, the charter must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from NJDOE will conduct a site visit to interview staff, review initial evaluation reports for students referred for speech-language services whose eligibility meetings are to be held between September 2020 and December 2020, and review the oversight procedures.

**Finding 15:**

The charter did not consistently provide to students eligible for special education and related services written notice of graduation containing all required components within required timelines.

**Citation:**

N.J.A.C. 6A:14-4.11(b).

**Required Action:**

The charter must ensure that parents or adult students are provided with written notice of graduation containing all required components prior to graduation. In order to demonstrate correction of noncompliance, the charter must conduct training for child study team members and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. A monitor from the NJDOE will conduct a site visit to interview staff, review written notice of graduation provided to students with disabilities who will graduate at the conclusion of the current school year, and review the oversight procedures.

**Finding 16:**

The charter did not consistently follow appropriate procedures to evaluate students referred for a speech-language evaluation. Speech-language specialists conducted screenings of individual students to determine if an evaluation was warranted prior to initiating the formal referral process.

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Citation:**

N.J.A.C. 6A:14-2.3(a)1, 3.3(e), 3.4(j).

**Required Action:**

The charter must discontinue the practice of screening individual students prior to initiating the evaluation process. In order to demonstrate correction of noncompliance, the charter must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct a site visit to interview staff, review documentation from identification meetings at a time to be determined later. A review of the oversight procedures will also take place at that later time.

**Administrative**

**Finding 17:**

The school used Title I funds to pay Charter Management Organization (CMO) management fees. On October 4, 2019 the school paid the CMO \$295,442.73, on October 21, 2019 the school paid the CMO an additional \$103,096.18. Both payments were charged to the Title I grant. Per the CMO's contract with the school, federal funds cannot be used to pay CMO management fees.

**Citation:**

Uniform Grant Guidance (UGG) 2 C.F.R. 200.302.

**Required Action:**

All management fees charged to federal grants must be reallocated to general funds.

**Finding 18:**

As of the date of the monitoring visit (January 8, 2020), the school had not filed or paid their New Jersey TPAF and FICA reimbursement for FY 2018-2019. The report and payment were due October 1, 2019.

**Citation:**

N.J.S.A. 18A:66-90.

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Required Action:**

The school must file and remit funds due for the 2018/2019 New Jersey TPAF and FICA reimbursements. Future reimbursements must be filed timely.

**Finding 19:**

The school did not provide detailed schedules, by individual, of salaries that agreed with the expenditures charged to the programs in the general ledger.

**Citation:**

Uniform Grant Guidance (UGG) 2 C.F.R. 200.302.

**Required Action:**

The school must maintain records that account for the salary amounts charged to the federal grants, by individual.

**Finding 20:**

The school failed to formally appoint all individuals, charged to the federal programs, by board resolution.

**Citation:**

Uniform Grant Guidance (UGG) 2 C.F.R. 200.302.

**Required Action:**

All staff charged to federal grants should be reappointed annually by board resolution.

**Finding 21:**

The school did not comply with required timekeeping standards for federally funded grants. Employees with 100 percent of their salary paid with federal funds must complete a semi-annual certification attesting to their performance of grant related duties. Employees with less than 100 percent of their salary paid with federal funds must complete monthly, personal activity reports.

**Citation:**

Uniform Grant Guidance 2 C.F.R. 200.302.

**Required Action:**

The school must ensure that employees submit personal activity reports that have been verified by supervisors, as required.

**Finding 22:**

The school lacked adequate board approved policies and standard operating procedures to ensure compliance with federal and New Jersey regulations.

**Marion P. Thomas Charter School  
Collaborative Monitoring Report  
June 2020**

**Citation:**

Uniform Grant Guidance (U.G.G.) 2 C.F.R. 200.300 and N.J.A.C. 6A:23A-6.

**Required Action:**

The school must prepare written policies and procedures or revise existing versions as necessary for conformity with state regulations and UGG, 2 C.F.R. § 200 et seq.

**Recommendation 1:**

The school does not have a purchasing manual that details procedures for the procurement of goods and services in accordance with federal regulations and New Jersey Public School contract law.

**Citation:**

Uniform Grant Guidance 2 C.F.R. 200.302; N.J.A.C. 6A:23A-6.6 Standard operating procedures for business functions; N.J.S.A. 18A:18A(2)(v).

**Recommended Action:**

The school should prepare and adopt a detailed purchasing manual to ensure compliance with current state and federal procurement regulations.

The NJDOE thanks you for your time and cooperation during the monitoring visit and looks forward to a successful resolution of all findings and implementation of all recommendations contained in this report.

If you have any questions, please contact Steven Hoffmann via phone at (609) 376-3593 or via email at [steven.hoffmann@doe.nj.gov](mailto:steven.hoffmann@doe.nj.gov).