



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

November 22, 2013

Dr. Walter Uszenski, Superintendent
Brick Township Board of Education
101 Hendrickson Avenue
Brick, NJ 08724

Dear Dr. Uszenski:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Brick Township Board of Education**. The funding sources reviewed include titled programs for the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). The review covered the period July 1, 2012 through May 1, 2013. The resulting report is enclosed. Please provide a copy of the report to each board member. All issued Consolidated Monitoring Reports will be posted on the department's website at <http://www.state.nj.us/education/finance/jobs/monitor/consolidated>.

Utilizing the process outlined in the attached "Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process," the Brick Township Board of Education is required, pursuant to N.J.A.C. 6A:23A-5.6, to publicly review and discuss the findings in this report at a public board meeting no later than 30 days after receipt of the report. Within 30 days of the public meeting, the board must adopt a resolution certifying that the findings were discussed in a public meeting and approving a corrective action plan which addresses the issues raised in the undisputed findings and/or an appeal of any **monetary** findings in dispute (emphasis added). A copy of the resolution and the approved corrective action plan and/or appeal must be sent to this office within 10 days of adoption by the board. Direct your response to my attention.

Also, pursuant to N.J.A.C. 6A:23A-5.6(c), you must post the findings of the report and the board's corrective action plan on your district's website.

By copy of this report, your auditor is requested to comment on all areas of noncompliance and recommendations in the next certified audit submitted to the New Jersey Department of Education. If you have any questions, please contact Lori Ramella at (609) 984--0937.

Sincerely,

Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

RJC/LR/dk:Brick Twp. Cover Letter/consolidated monitoring
Enclosures

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BRICK TOWNSHIP SCHOOL DISTRICT
101 Hendrickson Avenue
Brick, NJ 08724
PHONE: (732)785-3000



New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
NOVEMBER 2013**

District: Brick Township School District
County: Ocean
Dates On-Site: May 1, 2 and 3, 2013
Case #: # CM-038-12

FUNDING SOURCES

Program	Funding Award
Title I	\$ 1,220,730
Title IIA	372,084
Title III	49,769
Race to the Top	100,050
IDEA Basic	2,663,613
IDEA Preschool	130,310
Total Funds	<u>\$ 4,536,556</u>

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BACKGROUND

The Elementary & Secondary Education Act (ESEA) and the Individuals with Disabilities Act (IDEA) and other federal laws require local education agencies (LEAs) to provide programs and services to their districts based on the requirements specified in each of the authorizing statutes (ESEA, IDEA, and Race to the Top). The laws further require that state education agencies such as the New Jersey Department of Education (NJDOE) monitor the implementation of federal programs by sub recipients and determine whether the funds are being used by the district for their intended purpose and achieving the overall objectives of the funding initiatives.

INTRODUCTION

The NJDOE visited the Brick Township School District to monitor the district's use of federal funds and the related program plans, where applicable, to determine whether the district'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, Part A (Title I); Title II, Part A (Title II); Title III; Race to the Top; and IDEA for the period July 1, 2012 through May 1, 2013.

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 (IEP), 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 district policies and procedures. The monitoring team members also conducted interviews with district personnel, reviewed the supporting documentation for a sample of expenditures and conducted internal control reviews.

EXPENDITURES REVIEWED

The grants that were reviewed included: Title I; Title II; Title III; Race to the Top and IDEA from July 1, 2011 through May 1, 2013. A sample of the purchase orders was taken from the entire population and later identified as to the grant that was charged.

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GENERAL DISTRICT OVERVIEW OF USE OF TITLE I, TITLE II, TITLE III, RACE TO THE TOP AND IDEA FUNDS

Title I Projects

The district operated Targeted Assistance programs at its five Title I funded schools: Emma Havens Young Elementary, Veterans Memorial Elementary, Lake Riviera Middle School, Osbornville Elementary, and Lanes Mill Elementary. The district has identified Closing the Achievement Gap, English Language Arts, and Mathematics for its Economically Disadvantaged and Limited English Proficient students as its identified priority problems.

Title II

Title II funds were used for professional development and for teacher stipends.

Title III

Title III funds were used to partially support the salary of a bilingual teacher, registration fees for conferences, supplies, and a portion of the ACCESS for English Language Learners (ELL) assessment.

Race to the Top Projects

Race to the Top funds were used to purchase iPads for administrator walkthroughs.

IDEA Projects (Special Education)

The majority of the FY 2013 IDEA Basic funds were used to reduce district tuition costs for students receiving special educational services in other public school districts and approved private schools for students with disabilities.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1: The district used Title I funds for programs, services and activities that benefited non-Title I students. For schools operating a Targeted Assistance program, services may benefit only targeted students who meet the established criteria defined by the school. Services funded by Title I cannot benefit the entire school. Rather, Title I funds must be used to supplement the core educational program of the school, through programs and services that bolster the academic performance of low-achieving students. The use of Title I funds for the following expenditures benefitted the non-Title I students and/or the entire school thereby supplanting state and local funds:

- License for Reading A-Z

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- Follett Library Resources
- Foundation for Educational Administrators Connected Action Roadmap Workshop (Common Core)
- School Specialty Supply (Document Cameras, laptop carts)
- IPEVO Inc. (Document Cameras)
- Interactive Projection Systems
- iPads
- Netbooks
- BSI Computer Lab (purposes of PARCC assessment)

Citation: ESEA §1120A (b) (1): *Federal Funds to Supplement, Not Supplant, Non - Federal Funds.*

Required Action: The district must reverse the charges for the expenditures noted in the finding and allocate state/local funds, rather than Title I funds, to support these expenditures. The nature of this finding has been referred to the Office of Fiscal Accountability and Compliance (OFAC) for further review.

Finding 2: The notification letters sent to the parents/guardians of identified Title I students to inform them of their child's participation in the Title I program did not include clearly defined entrance and exit criteria. The parents/guardians of identified Title I students must be informed of the multiple educationally-related criteria used to identify their child for Title I services, and the academic performance levels necessary for their child to exit the Title I program.

Citation: ESEA §1115(B): *Targeted Assistance Programs (Eligible Children from Eligible Population).*

Required Action: The district must include in its parental notification letters clearly defined entrance and exit criteria from the program. The district must provide a copy of its revised FY 2013-2014 parental notification letter to the NJDOE for review.

Finding 3: The district could not provide evidence as to when its Title I parental involvement policy was distributed to parents of Title I students. Per the legislative requirement, parents/guardians of Title I students have a right to be involved in the development of the written parental involvement policy, which informs them of ways they can further engage in the academic performance and achievement of their children.

Citation: NCLB §1118(b): *Parental Involvement (School Parental Involvement Policy).*

Required Action: For FY 2013-2014, the district must ensure all of its funded Title I schools distribute its written parental involvement policy to parents/guardians of the Title I students. The district must send a copy of the FY 2013-2014 policy to the NJDOE and provide a narrative describing its mechanism for distributing the policy to parents of students in the Title I program.

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Finding 4: The district could not provide evidence of distributing school-parent compacts for Lake Riviera Middle School and Lanes Mill Elementary School. All Title I funded schools must provide a mechanism to ensure its parents/guardians are informed of the roles and responsibility of the school, parents/guardians, and students in achieving academic success. The exclusion of parents in the development of these documents does not offer them the opportunity for full participation in their child's educational program.

Citation: NCLB §1118(d): *Parental Involvement (Shared Responsibilities for High Student Academic Achievement)*.

Required Action: The district must distribute its Title I school-parent compacts to the students and parents of Lake Riviera Middle School and Lanes Mill Elementary School. The compacts must reflect the legislative requirements by including how the school, parent, and students will share in the responsibility for improved student academic achievement. The district must provide a copy of the distributed school-parent compacts and a narrative describing its mechanism for distribution of the school-parent compact to the NJDOE for review.

Title II

Finding 5: The district spent Title II funds on the cost of an individual membership, which is unallowable under the federal cost principles.

Citation: OMB Circular A-87, Attachment B, Section 28(a): *Cost Principles for State, Local and Indian Tribal Governments (Memberships, subscriptions, and professional activity costs)*.

Required Action: The district must reverse the charge for this unallowable expenditure.

Finding 6: The highly qualified (HQ) status of identified staff was not supported by appropriate/correct paperwork. Personnel records did not contain the information necessary to confirm HQ status.

Example 1: A teacher assigned to teach a 7th grade language arts and a 7th grade Basic Skills language arts class in departmentalized setting was reported as being highly qualified in all four middle grades core content areas according to the HQ identification (HQID) forms on file. The *Visual Personnel Employee Report* stated the same information. Upon review, the monitoring team verified that the teacher was HQ to teach in a self-contained setting only for grades K-8 and General Science middle grades (6-8) in a departmentalized setting. Teachers must be highly qualified in each subject area assigned for a departmentalized setting for grades 6-8 and for BSI for middle grades assignment.

Example 2: HQ status could not be verified because paperwork was not available in the district office. In several cases, the file presented for review contained only a teaching

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certificate, or were empty. Although individual schools were contacted, they could not produce the necessary documentation to verify HQ status of identified staff.

Citation: ESEA §1119. Qualifications for Teachers and Paraprofessionals.

Required Action: The district must update its personnel records to contain teacher certificates and supporting documentation to verify HQ status for current assignments. This may include HQID forms, HOUSE Matrix, transcripts, test scores, etc.

Recommended Action:

- 1) The district must update the information in the *Visual Personnel Employee* database so that schedules and assignments are accurate.
- 2) Personnel files should be maintained in the board of education office.

Title III

Finding 7: The district had a parental notification letter, but the letter did not outline all of the Title III parental notification requirements. Although the district had a parental notification letter for students identified for English as a Second Language, there was no letter for parents that specifically outlines the requirements for Title III. The missing elements that need to be included in the parental notification letter are: letter translations, students' level of English proficiency; how such level was assessed; how the program meets state standards; the exit requirements; and how the program will meet the objectives of an IEP of a child with a disability. This excludes parents from a complete understanding of the program their children are entering.

Citation: ESEA §3302 *Parental Notification*.

Required Action: The district's Title III parental notification letter needs to outline the specific requirements for Title III. Samples of the letters are located at: <http://www.state.nj.us/education/bilingual/title3/accountability/notification/title3par.htm>. The district must update the parental notification letter and submit a copy of the revised letter to the NJDOE for review.

Finding 8: Salaries funded through Title III were not for supplemental purposes. The Title III partially-funded bilingual teacher is providing core services required by state law. The district is required under state requirements to provide these bilingual services. This is not a Title III specific cost. This limits other Title III supplemental spending and restricts student access to needed services.

Citation: ESEA §3115(g) *Supplement, Not Supplant*.

Required Action: The district must reverse the charges and use state/local funds for the salaries of the bilingual teachers required by state law and remove these charges from the

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grant. The district must submit documentation of the adjusting journal entry to the NJDOE for review.

Finding 9: The district's use of Title III funds to cover \$15.00 per test of the ACCESS for ELLs test supplants state/local funds. Districts are permitted to use Title III funds to cover \$12.00 per test for the additional cost to administer the ACCESS for ELLs rather than a basic English language proficiency assessment, which is required by state law. The additional \$3.00 per test of this expenditure provides core services required by state law and thus supplants local funds. This is not a Title III specific cost and limits other Title III supplemental spending and restricts student access to needed services.

Citation: ESEA §3115(g) *Supplement, Not Supplant.*

Required Action: The district must reverse the charges and use state/local funds for the per-test, allowable cost above \$12.00 of the ACCESS for ELLs test. The district must submit documentation of the adjusting journal entry to the NJDOE for review.

Finding 10: The district's use of Title III funds to purchase classroom supplies supplants state/local funds. These supplies include construction paper, writing utensils, and office supplies. This limits other Title III supplemental spending and restricts student access to needed services.

Citation: ESEA §3115(g) *Supplement, Not Supplant.*

Required Action: The district must reverse the charges and use state/local funds for the cost of the supplies that are not allowable costs and remove these charges from the grant. The district must submit documentation of the adjusting journal entries to the NJDOE for review.

Finding 11: The district's use of Title III funds to purchase services from a dance theater for a World Languages Showcase is not a necessary and reasonable expenditure that meets the intents and purposes of the legislation. Additionally, the expenditure supplants state and local funds because the dance theater performance was not restricted to students receiving Title III services. This limits other Title III supplemental spending and restricts student access to needed services.

Citation: OMB Circular A-87; ESEA §3115(g) *Supplement, Not Supplant.*

Required Action: The district must reverse the charges and use state/local funds for the services of the dance theater. The district must submit documentation of the adjusting journal entry to the NJDOE for review.

Race to the Top

A review of the expenditures charged to the Race to the Top grant yielded no findings.

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IDEA

A review of the expenditures charged to the IDEA grant yielded no fiscal findings.

IDEA (Special Education)

Finding 12: The district did not demonstrate that notice of a meeting was consistently provided to parents of students referred and/or eligible for special education and related services and for students referred and/or eligible for speech-language services. In addition, notices of meetings did not consistently include all purposes of the meeting.

Citation: N.J.A.C. 6A:14-2.3(k)3,5; 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).

Required Action: The district must ensure parents are provided notice of a meeting in writing, that contains all required components, early enough to ensure the parent has an opportunity to attend. In order to demonstrate correction of noncompliance, the district 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 citation listed above. The NJDOE will conduct an on-site visit to interview staff and review documentation of notice of a meeting for meetings conducted between September 2013 and December 2013, and to review the oversight procedures.

Finding 13: The district did not consistently ensure the required participants are in attendance at eligibility/IEP meetings for students eligible for special education and related services. In addition, if a required member of the IEP team was excused from a meeting, the district did not obtain written consent from the parent. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-2.3(k)1(i-vii); 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a).

Required Action: The district must ensure meetings are conducted with required participants and documentation of attendance is maintained in student files. If the district plans to excuse a required member of the IEP team from a meeting, consent must be obtained from the parents. In order to demonstrate correction of noncompliance, the district 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 an on-site visit to interview staff and review meeting documentation, including the sign in sheets, for meetings conducted between September 2013 and December 2013, and to review the oversight procedures.

Finding 14: The district did not consistently inform parents of proposed actions through provision of written notice containing all required components, within 15 calendar days of eligibility or reevaluation planning meetings for students eligible for special education and related services or for students eligible for speech-language services.

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Citation: 20 U.S.C. §1414(b)(1)(c)(4)(A); 34 CFR §300.304(a)(4); 34 CFR §300.305(a) and N.J.A.C. 6A:14-2.3(f) and 2.3(g)1-7.

Required Action: The district must ensure parents are provided written notice following a meeting, that contains all required components, within 15 calendar days of the meeting. In order to demonstrate correction of noncompliance, the district 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 citation listed above. In addition, a monitor from the NJDOE will conduct an on-site visit to interview staff, review copies of written notice sent to parents following meetings conducted between September 2013 and December 2013, and to review the oversight procedures.

Finding 15: The district did not consistently conduct all required sections of the functional assessment as a component of an initial evaluation 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)(4) and (5); and 34 CFR §300.306(c)(i).

Required Action: The district must ensure all components of the functional assessment are conducted as part of the initial evaluations process for students referred for speech-language services. In order to demonstrate correction of noncompliance the district must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review initial evaluation reports developed between September 2013 and December 2013 for students referred for speech-language services, and to review the oversight procedures. For assistance with correction of noncompliance, the district is referred to the sample report form for speech-language evaluations which is located at: www.state.nj.us/education/speced/forms.

Finding 16: The district did not consistently conduct multidisciplinary 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 and 3.6(b).

Required Action: The district 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 district must conduct training for child study team members and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. Additionally, a monitor from NJDOE will conduct an on-site visit to interview staff, review initial evaluation reports for students

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referred for speech-language services whose eligibility meetings were held between September 2013 and December 2013, and to review the oversight procedures.

Finding 17: The district did not consistently document all required considerations and statements in each IEP for students eligible for speech-language services. Specifically, IEPs did not include:

- a summary of results of the initial evaluation;
- a statement of how the student's disability affects his/her involvement and progress in the general education curriculum;
- supports for school personnel; and
- consideration of an extended school year program.

Citation: N.J.A.C. 6A:14-3.7(c)1-11, (e) 1-17, and (f); 20 U.S.C. §1414(d)(3)(A)(B); and 34 CFR §300.324(a)(1)(2).

Required Action: The district must ensure each IEP contains all required components. In order to demonstrate correction of noncompliance, the district 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 citation listed above. To demonstrate the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for specific students whose IEPs were identified as noncompliant. A monitor from NJDOE will conduct an on-site visit to interview staff, review the revised IEPs and IEPs for students whose annual review meetings were conducted between September 2013 and December 2013, and to review the oversight procedures. The names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

Finding 18: The district did not consistently document in the IEPs of students removed from the general education setting for more than 20 percent of the day, including students placed in separate settings, consideration of placement in the least restrictive environment. Specifically, IEPs did not include:

- the supplementary aids and services considered;
- an explanation of why they were rejected; and
- for 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)8(i),(ii) and (iii).

Required Action: The district must ensure when determining the educational placement of a child with a disability, the IEP team considers the general education class first and 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. In order to demonstrate correction of noncompliance, the district must conduct training for child

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study team members and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. To demonstrate the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise the IEPs for specific students with IEPs that were identified as noncompliant. Additionally, at the next IEP meeting for each student removed from general education for more than 20 percent of the day, the district must ensure the procedures are implemented. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs and the IEPs for students whose annual review meetings were conducted between September 2013 and December 2013, and to review the oversight procedures. The names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

Finding 19: The district did not consistently determine eligibility within three years of the previous eligibility date for students eligible for special education and related services and for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.8 (e); 20 U.S.C. §1414(a)(2)(B)(ii) and (d); and 34 CFR §300.324(b)1.

Required Action: The district must ensure reevaluations are conducted within required time lines with required participants in attendance. In order to demonstrate correction of noncompliance, the district 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, to review evidence of determination of continued eligibility for students identified during monitoring, to review the signed participation page from eligibility meetings held as part of the reevaluation process between September 2013 and December 2013 and to review the oversight procedures. The names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

Finding 20: The district did not consistently provide copies of evaluation reports to parents at least 10 days prior to determine the eligibility for students referred for special education and related services and for students referred for speech-language services. Additionally, child study team evaluators did not consistently sign and date evaluation reports. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.5(a); 20 U.S.C. §1414(b)(4); and 34 CFR §300.306(a).

Required Action: The district must ensure parents are provided copies of signed and dated evaluation reports not less than 10 days prior to the determination of eligibility. In order to demonstrate correction of noncompliance, the district 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 citation listed above. A

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monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of provision of evaluation reports to parents for students evaluated for special education and related services or speech-language services between September 2013 and December 2013, and to review the oversight procedures.

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 Lori Ramella via phone at (609) 292-8777 or via email at lori.ramella@doe.state.nj.us.