



State of New Jersey

DEPARTMENT OF EDUCATION

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TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

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Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

June 8, 2012

Mr. Walter Whitaker, Superintendent
Buena Regional School District
PO Box 309
Buena, NJ 08310

Dear Mr. Whitaker:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Buena Regional Board of Education**. The funding sources reviewed include titled programs for the Education Jobs Act of 2010 (Ed Jobs) in particular, and/or Elementary and Secondary Education (ESEA) and the Individuals with Disabilities Education Act (IDEA). The review covered the period July 1, 2010 through February 2, 2012. The resulting report is enclosed. Please provide a copy of the report to each board member. All issued Ed Jobs monitoring reports will be posted on the department's website at <http://www.state.nj.us/education/finance/jobs/monitor/>.

Utilizing the process outlined in the attached "Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process," the Buena Regional 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 Anthony Hearn at (609) 633-2492.

Sincerely,

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

RJC/AH/dk:Buena Reg. BOE Cover Letter/ Ed Jobs
Enclosures

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Education Jobs Fund Program
New Jersey K-12 Education

EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012

District: Buena Regional School District
County: Atlantic
Dates On-Site: February 27 and 28, 2012
Case #: Ed Jobs-001-11

FUNDING SOURCES

| Program | Funding Award |
|-----------------|---------------------|
| Ed Jobs | \$ 677,403 |
| Title I | 763,177 |
| IDEA Basic | 763,417 |
| IDEA Preschool | 22,402 |
| Title IIA | 144,838 |
| Title III | 12,372 |
| Carl D. Perkins | 35,334 |
| Total Funds | <u>\$ 2,418,943</u> |

**BUENA REGIONAL SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
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BACKGROUND

The *Education Jobs Act of 2010 (Ed Jobs)* 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 Ed Jobs). 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 Buena Regional School District to monitor the district's use of *Ed Jobs* 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: Ed Jobs, Title I; Title IIA; Title III; Carl D. Perkins; and IDEA for the period July 1, 2010 through February 27, 2012.

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 the speech-language specialist and an interview of the program administrator regarding the IDEA grant and 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 Educational Jobs Act, Title I, Title IIA, Title III, Carl D. Perkins and IDEA from July 1, 2010 through February 27, 2012. A sampling of 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 FUNDS

Title I Projects

The district is using its FY 2011-2012 Title I, Part A funds to implement targeted assistance programs in the district. Primarily, the district provides small group instruction with a reading and/or mathematics specialist through a push-in model with limited pull-out in the elementary program. In the middle school, students are provided an extra mathematics or Language Arts Literacy class.

IDEA Projects (Special Education)

IDEA Basic FY 2011- 2012 funds are being used to reduce tuition expenditures for students receiving special education services in approved private schools for students with disabilities. IDEA Preschool funds are being used to provide speech therapy services to preschool age students.

IDEA nonpublic funds are used to provide physical, occupational and speech therapy to students attending nonpublic schools located in the district. The district contracts with the Gloucester County Educational Services Commission and Catapult Learning to provide the services. Money is also used to fund instructional assistants for those students whose Individual Service Plans document the need for the instructional assistant.

Carl D. Perkins

The district operates the following Career and Technical Education (CTE) program for which they receive Carl D. Perkins funds to support the implementation of Applied Horticulture/Horticulture Operations/CIP Code – 01.0601. The monitoring of the CTE program revealed that all Perkins funds were utilized to support the strategies and activities identified in the district's current Carl D. Perkins One-Year Funding Application.

DETAILED FINDINGS AND RECOMMENDATIONS

Ed Jobs

There were no findings in Ed Jobs.

Title I

Finding 1: The district does not have documentation of board approval for the written parental involvement policy.

Citation: NCLB §1118 (a)(2) and (b)(1): *Parental Involvement (Local Educational Agency Policy)*.

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Required Action: The district's written parent involvement policy, developed in collaboration with parents of participating Title I students and evaluated annually, must be board approved. The date of board approval, as well as the distribution date must be consistent with the dates reflected in the FY 2011-2012 NCLB Consolidated Application on Electronic Web Enabled Grant system (EWEG). A copy of the board approval and revised EWEG page must be submitted with the CAP to the NJDOE for review. The written policy should be posted on the district's web page.

Finding 2: The district did not inform parents of its Title I program selection criteria, why the child met the selection criteria and the course of action that the district has determined to remediate the child. All of these elements must be included in the notification letter to parents about their child's participation in the Title I program.

Citation: ESEA §1118(c): *Parental Involvement (Policy Involvement)*.

Required Action: The district must include in its parent notification letters the multiple measures used to identify the students and the reason for identification, as well as clearly defined exit criteria. The district notification letters must be updated for FY 2012-13 to include more specificity regarding entrance and exit criteria. The district must submit a copy of the letter to the NJDOE for review.

Finding 3: The district did not convene the required annual Title I parent meeting.

Citation: NCLB §1118(c) (1) (2): *Parental Involvement (Policy Involvement)*.

Required Action: The district must submit the correspondence inviting Title I parents to attend the annual meeting for FY 2012- 2013 including copies of minutes/notes, sign in sheets, and the agendas from the Title I parent meeting(s) to the NJDOE for review.

Finding 4: The district does not have a mechanism to track mandatory reserves, such as School in Need of Improvement professional development and parental involvement, in its accounting system to ensure accuracy of final reports.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems.

Required Action: The district must track its restricted reserves to ensure and verify spending of restricted amounts. The district must submit a list of account numbers being used for this purpose with a description of the accounts to the NJDOE for review.

Finding 5: The district is not tracking expenditures by attendance areas to ensure that the expenses for Title I schools are consistent with each attendance area's allocation on Eligibility Page, Step 4 of the FY 2011-2012 NCLB Consolidated Application.

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Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems; NCLB §9306(a)(5): *Other General Assurances (Assurances)*.

Required Action: The district must track Title I school-level allocations reflected in the FY 2011-2012 NCLB Consolidated Application for Title I funds (Eligibility Page, Step 4). The tracking for 2011-2012 must be submitted to the NJDOE for review.

Finding 6: The district does not have the required supporting documents to verify the activity of Title I staff as required by federal law, including schedules that show activity and funding percentage.

Citation: OMB Circular A-87, Attachment B, Section 8(h): *Cost Principles for State, Local and Indian Tribal Governments (Compensation for personal services)*.

Required Action: The district must verify the time and activity of staff charged to the grant. The district must submit a list of FY 2012 Title I funded staff, salaries, funding percentages and time sheets that match funding percentage to the NJDOE for review (including administrative staffing).

Finding 7: In its attempt to provide equitable services to eligible nonpublic school students, the district did not maintain control over its Title I, Part A funds. The district reimbursed nonpublic teachers for professional development expenditures and the nonpublic school for expenditures related to materials/supplies, thereby, allowing nonpublic schools and their staff to make decisions about the obligation of federal funds.

Citation: ESEA, Section 1120(d)(2), Provision of Services.

Required Action: The district must immediately cease reimbursing nonpublic schools and their staff for expenditures. The district must provide documentation of its process to provide equitable services to eligible nonpublic school students, including minutes, agendas and sign in sheets from the consultation process; entrance criteria for eligible students and a description of the services the district will provide to eligible students.

Title IIA

There were no findings in Title IIA.

Carl D. Perkins

There were no findings in Carl D. Perkins.

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IDEA (Special Education)

Finding 8: The district did not consistently provide parents of students eligible for special education and related services and students eligible for speech-language services notice of a meeting for reevaluation planning and IEP team meetings. Additionally, the district's notices of meetings did not consistently inform the parent of all intended purposes of the meeting when a meeting was conducted for more than one purpose. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *Provision and Content of Notice of a Meeting* 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 that parents are provided notice of a meeting that contains all required components, early enough to ensure that 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 regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must submit copies of notices of reevaluation planning and IEP meetings that occurred between May 2012 and July 2012 to the NJDOE for review.

Finding 9: The district did not consistently provide parents written notice that contains all required components, within 15 calendar days following eligibility and reevaluation planning meetings for students eligible for special education and related services and eligible for speech and language services. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *Provision and Content of Written Notice Following a Meeting* 20 U.S.C. §1414(b)(1)(c)(4)(A); 34 CFR §300.304(a)(4); and 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 that parents are provided written notice of a meeting that contains all required components within 15 calendar days of the meeting. In order to demonstrate correction of noncompliance, the district must provide training for child study team members and speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. In addition, the district must submit copies of notices of eligibility and reevaluation planning meetings that were conducted between May 2012 and July 2012 to the NJDOE for review.

Finding 10: The district did not consistently obtain written parental consent or document efforts to obtain written parental consent to conduct reevaluation assessments for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of district procedures.

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Citation: *Parental Consent* N.J.A.C. 6A:14-2.3(a); 20 U.S.C. §1414(a)(1)(D); and 34 CFR §300.300(a).

Required Action: The district must ensure that informed parental consent is obtained and maintained in student files. The district must maintain documentation of attempts to obtain written parental consent to evaluate when the parent does not attend the reevaluation planning meeting. In order to demonstrate correction of noncompliance, the district must conduct training for speech-language specialists regarding procedures for implementing the requirements in the citation listed above. Additionally, the district must submit documentation of written parental consent to conduct reevaluation assessments between May 2012 and July 2012 for students eligible for speech-language services to the NJDOE for review.

Finding 11: The district did not consistently provide copies of evaluation report(s) to parents at least 10 days prior to the determination of eligibility 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: *Provision of Evaluation Reports to Parents* 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 that parents are provided copies of evaluation report(s) 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 regarding procedures for implementing the requirements in the citation listed above. Additionally, the district must submit documentation demonstrating provision of evaluation report(s) to parents for students evaluated for special education and related services and for students evaluated for speech-language services between May 2012 and July 2012 to the NJDOE for review.

Finding 12: The district did not consistently provide to students eligible for special education and related services written notice of graduation containing all required components within required timelines. Noncompliance was due to a lack of consistent implementation of the district procedures.

Citation: *Provision of Graduation Notice* N.J.A.C. 6A:14-4.11(b)2.

Required Action: The district 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 district must conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must submit written notice of graduation for three students who are graduating at the conclusion of the 2011-2012 school year to the NJDOE for review.

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Finding 13: The district did not consistently convene IEP team meetings with required participants for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *IEP Team Participants* 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 that IEP meetings are conducted with required participants and that documentation of attendance is maintained in student records. In order to demonstrate correction of noncompliance, the district must conduct training for speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must submit documents for students eligible for speech-language services whose IEP meetings were conducted between May 2012 and July 2012 to the NJOE for review.

Finding 14: The district did not consistently include goals and objectives in each IEP for students eligible for special education and related services. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *IEP Components* 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 that each IEP contains goals and objectives. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. In addition, the district must conduct annual review meetings and revise IEPs for the specific students whose IEPs were identified as noncompliant during monitoring and submit to the NJDOE for review, along with IEPs for students whose annual review meetings were conducted between May 2012 and July 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the school by the special education monitor. For assistance with correction of noncompliance, the district is referred to the state IEP sample form at www.statenj.us/education/specialed/forms.

Finding 15: The district did not consistently document in the IEPs of students removed from the general education setting for more than 20% of the school day (including students placed in separate settings), consideration of placement in the Least Restrictive Environment (LRE). Specifically, IEPs did not consistently include:

- the supplementary aids and services considered;
- an explanation of why the supplementary aids and services were rejected;
- the potentially beneficial or harmful effects which a placement in general education may have on the student with disabilities or the other students in the class; and
- for those students placed in separate settings, activities to transition the student to a less restrictive environment.

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Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-4.2 (a)8(i),(ii) and (iii), N.J.A.C. 6A:14-4.2 (a)4.

Required Action: The district 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% of the school day. The district must also ensure that for students placed in separate settings, the IEP team identifies activities to transition the student to a LRE and document them in each IEP. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the district's procedures. To demonstrate that the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise the IEPs for specific students whose IEPs were identified as noncompliant. The district must submit the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between May 2012 and September 2012 to the NJDOE for review. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the special education monitor.

Finding 16: The district did not consistently document in the IEPs of students eligible for special education and related services the relevant factors considered determining whether a student requires an extended school year program (ESY). Noncompliance was due to a lack of consistent implementation of the district procedures.

Citation: *Consideration of ESY* N.J.A.C. 6A:14-4.10(a).

Required Action: The district must ensure that consideration of ESY is documented in the IEP. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must conduct annual review meetings to review/revise IEPs for the specific students whose IEPs were identified as noncompliant during monitoring and submit to the NJDOE for review, along with IEPs for students whose annual review meetings were conducted between May 2012 and July 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the special education monitor.

Finding 17: The district did not consistently provide to students beginning at age 14, written invitations to meetings where post-school transition was being discussed. Noncompliance was due to a lack of consistent implementation of the district procedures.

Citation: *Post-school Transition* N.J.A.C. 6A:14-2.3(k)2x and 3.7(e)13, 3.7(h); 20 U.S.C. §1414 (d)(1)(A)(i)(1)(VIII); and 34 CFR §300.322.b(2).

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Required Action: The district must ensure that each student with an IEP age 14 or above is provided with a written invitation to any IEP meeting where transition to adult life will be discussed. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the district's procedures. Additionally, the district must submit copies of invitations addressed to students age 14 and above inviting the student to an IEP meetings conducted between May 2012 and July 2012 the NJDOE for review.

Finding 18: The district did not consistently complete transition planning for students ages 14 and above and document decisions in the IEP. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *Post-school Transition* N.J.A.C. 6A:14-3.7(e)11.

Required Action: The district must ensure that transition is discussed at each IEP meeting for students age 14 or above, and that decisions are documented in the IEP. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must conduct annual review meetings to review/revise IEPs for the specific students whose IEPs were identified as noncompliant during monitoring and submit along with IEPs for students whose annual review meetings were conducted between May 2012 and July 2012 to the NJDOE for review. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the special education monitor.

Finding 19: 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. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *Multidisciplinary Initial Evaluations* 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 speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must submit initial evaluation reports for students referred for speech-language services whose eligibility meetings were held between May 2012 and October 2012 to the NJDOE for review.

Finding 20: The district did not consistently conduct reevaluations within three years of the previous classification date for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of district procedures.

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Citation: *Reevaluation Timelines* N.J.A.C. 6A: 14-3.7(i) and 14-3.8(a) and 20 U.S.C. §1414(a)(2)(B)(ii) and (d); and 34 CFR §300.324(b)1.

Required Action: The district must ensure that reevaluations are conducted within required timelines with required participants in attendance. In order to demonstrate correction of noncompliance, the district must conduct training for speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. Additionally, the district must submit evidence of determination of continued eligibility for students identified during monitoring to the NJDOE for review. The district must also submit copies of the signed participation page from eligibility meetings held as part of the reevaluation process between May 2012 and July 2012 for students eligible for speech-language services to the NJDOE for review. Names of the students for whom reevaluations were not conducted will be provided to the district by the special education monitor.

Administrative

Recommendation 1: The district does not have internal control policies and procedures to prevent contracting with disbarred vendors. The district should update internal control policies to prevent potential errors from occurring.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 36, Procurement.

Recommendation 2: The district does not have formal written policies for requesting reimbursement from the EWEG system; however, the district's practice for requesting reimbursement was verified through questions concerning the district's internal controls.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems.

Recommended Action: The district must have a formal board policy concerning the reimbursement of grant funds and should submit this to the NJDOE for review.

Recommendation 3: Under the New Jersey's Public School Contracts Law (PSCL), districts are not required to advertise for bids or competitively contract the provision of goods and services by vendors on the state contract list. In accordance with the PSCL [N.J.S.A. 18A:18A:10(a)], a board of education may place its order with a vendor offering the lowest price, including delivery charges, that best meets the requirements of the board of education. However, for all federal funds, districts need to review 34 CFR Part 80.36 on procurement requirements. The federal procurement regulations under this section do not include all the exemptions allowed under the PSCL and therefore, it is our understanding these federal regulations require districts to competitively contract or bid all goods and services over the bid

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threshold, whether exempt under PSCL or not. The federal rules do include provisions for procurement by “noncompetitive proposals,” but only under certain circumstances.

The NJDOE has requested clarification from the federal government regarding vendors on the state contract list and we are still waiting for a definitive response. It is the department’s position and recommendation to the federal government that such contracts do not need any additional documentation beyond the statutory requirement under N.J.S.A. 18A:18A:10(c) that prior to placing orders, the board of education shall document with specificity that the goods and services selected best meet the requirements of the board of education. See LFN 2010-3 issued January 15, 2010 for more information on competitive contracting for districts and professional development services.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 36, Procurement.

Recommended Action: The district should review 34 CFR Part 80.36 and use open and competitive procedures where at all possible. The district should also analyze and include documentation in its files that demonstrates the district ensured the costs were reasonable.

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 Anthony Hearn via phone at (609) 633-2492 or via email at anthony.hearn@doe.state.nj.us.