



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

October 24, 2012

Dr. Christopher Manno, Superintendent
Burlington Township Board of Education
PO Box 428
Burlington, NJ 08016

Dear Dr. Manno:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Burlington Township 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 August 7, 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 Burlington 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 Anthony Hearn at (609) 633-2492.

Sincerely,

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

RJC/AH/dk:Burlington Twp. BOE Cover Letter/ Ed Jobs
Enclosures

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Education Jobs Fund Program
New Jersey K-12 Education

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT
OCTOBER 2012**

District: Burlington Township School District
County: Burlington
Dates On-Site: August 14 and 15, 2012
Case #: Ed Jobs-009-11

FUNDING SOURCES

Program	Funding Award
Ed Jobs	\$ 647,847
Title I	202,885
IDEA Basic	831,769
IDEA Preschool	29,275
Title IIA	71,825
Title III	20,451
Total Funds	<u>\$ 1,804,052</u>

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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 Burlington Township 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; and IDEA for the period July 1, 2010 through August 7, 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 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 Educational Jobs Act, Title I, Title IIA, Title III, and IDEA from July 1, 2010 through August 7, 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 USES OF TITLE I AND IDEA 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 lunchtime tutoring services.

IDEA Projects (Special Education)

The majority of the FY 2011-2012 IDEA Basic and Preschool funds are being used to reduce district tuition expenditures to support out-of-district placements for students who have educational needs which cannot be currently addressed within the existing district programs.

No funds were allocated to provide support to students with disabilities attending nonpublic schools.

DETAILED FINDINGS AND RECOMMENDATIONS

Ed Jobs Act

Finding 1: The district's Cash Management Report does not match the records of the district.

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 accurately reflect cash drawn downs versus cash expended and update any drawdown schedules submitted. The district needs to compute any interest received on any federal funds that were drawn down prior to spending and report the interest amount to the NJDOE. The district must also refund any interest earned in excess of \$100.

Finding 2: The district's 1512 reports did not match the records of the district.

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 be sure to accurately reflect Jobs Created and Jobs Retained in the 1512 reports filed with the NJDOE.

Title I

Finding 3: The district is not tracking expenditures by attendance areas to ensure 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 FY 2011-2012 must be submitted 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 and District in Need of Improvement professional development, parental involvement and administrative costs 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 for FY 2011-2012. The district must submit a list of account numbers being used for this purpose with a description of the accounts.

Finding 5: 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 the school 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 parental 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 2012-2013 to include more specificity regarding entrance and exit criteria. The letter must first be submitted to the NJDOE for review.

Finding 6: The district did not have the schools develop a school-level Title I parental involvement policy in conjunction with parents.

Citation: NCLB §1118(b): *School Parental Involvement Policy*, United States Department of Education's Title I, Part A Parent Involvement Non-Regulatory Guidance (Item D-1).

Required Action: The district should provide technical assistance to its schools in the development of school-level parental involvement policies and ensure that its schools

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work with their stakeholder groups to develop a school-level parental involvement policy. Each school must distribute a newly developed school parental involvement policy to parents of the Title I students and send a copy to the NJDOE for review. These school-level parental involvement policies must also be posted on the district's parent webpage.

Finding 7: The district could not provide documentation of the mechanism used to distribute its written parental involvement policy to parents of Title I students.

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

Required Action: The district's parental involvement policy, developed in collaboration with parents of participating Title I students and evaluated annually, must be distributed to parents of participating Title I children in an understandable and uniform format and, to the extent practicable, in a language the parents understand. A copy of the district parental involvement policy must be submitted to the NJDOE for review. The distribution date and board adoption date of the parental involvement policy must be consistent with the dates reflected in the NCLB Application on the Electronic Web Enabled Grant system (EWEG).

Finding 8: The district's FY 2012 Consolidated Application did not reflect the enrollment of resident students that attend nonpublic schools.

Citation: NCLB §1120: *Participation of Children Enrolled In Private School*.

Required Action: The district must amend its EWEG application to reflect the accurate number of resident nonpublic students. The district must ensure a method to collect poverty data on private schoolchildren and document repeated attempts for nonpublic outreach and follow up on notifications.

Finding 9: The district used its Title I, Part A funds to pay for science kits and calculators that will benefit both the Title I and non-Title I students. This expenditure supplants state/local funds.

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

Required Action: The district must reverse the charges for the science kits and calculators and allocate state/local funds, rather than Title I funds, to support these expenditures.

Title IIA

Finding 10: The district did not properly advertise a bid for software in accordance with the Stevens Amendment.

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Citation: Stevens Amendment (Section 8136 of the Department of Defense Appropriations Act (P.L. 100-463)).

Required Action: The district must be sure to properly advertise the use of federal funds when requesting formal quotes or bids.

Finding 11: The district purchased formative assessments and software site licenses (MS Office) with Title IIA monies, which must be used for professional development. The use of the funds for the professional development to train the teachers would be acceptable, but not the software package itself.

Citation: ESEA §2123, *Local Use of Funds*; ESEA §2123(b): *Fiscal Requirements (Federal Funds to Supplement, Not Supplant, Non-Federal Funds)*.

Required Action: The district must reverse the charges for the formative assessments and software licenses and allocate state/local funds, rather than Title IIA funds, to support these expenditures.

Title III

Finding 12: The district did not issue the required notification letter to parents of students identified for English as a Second Language services.

Citation: NCLB §3302: *Parental Notification*.

Required Action: The district's Title III parental notification letter needs to outline the specific requirements for Title III. An example of this can be found at: <http://www.state.nj.us/education/bilingual/title3/accountability/notification/title3par.htm>. The district must submit a revised copy of the parental notification letter to the NJDOE for review prior to distributing the letter to parents.

IDEA (Special Education)

Finding 13: A review of documentation demonstrated that the vouchers for payment of services provided to students with disabilities placed in other public schools and approved private schools for the disabled did not accurately identify students for whom services were provided. The district divided the total amount allocated to out of district tuition by 10 months resulting in each voucher being identical in terms of the amount and students for whom payment was made. The vouchers did not identify students whose placement changed during the course of the school year which would require an adjustment to the voucher.

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

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Required Action: The district must develop a procedure to ensure monthly payment vouchers accurately identify the students, individual tuition rate and monthly payment for each student funded through FY 2012 IDEA. A monitor from NJDOE will conduct an on-site visit to review the procedure and evidence of implementation.

Finding 14: The district did not consistently provide parents notice of a meeting, containing all required components for students referred and/or eligible for special education and related services and speech-language services for identification, reevaluation planning, eligibility/IEP and IEP meetings. Noncompliance was due to a lack of implementation of district procedures.

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 regarding the procedures for implementing the requirements in the citation listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to review copies of notices of meetings for each type of meeting conducted between October 2012 and December 2012.

Finding 15: The district did not consistently inform parents of proposed actions through provision of written notice, containing all required components, within 15 calendar days of the date of the following meetings: identification, reevaluation planning, and reevaluation/IEP for students eligible for special education and related services and eligible for speech-language services. Noncompliance was due to a lack of implementation of district procedures.

Citation: 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 parents are provided written notice of a meeting, in writing, that contains all required components, within 15 calendar days of the date 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 citations listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to review copies of written notice for each type of meeting conducted between October 2012 and December 2012.

Finding 16: The district did not consistently provide copies of evaluation report(s) to parents at least 10 days prior to the determination of initial eligibility or determination of continued eligibility for students eligible for special education and related services or eligible for speech-language services. 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).

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Required Action: The district must ensure 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, a monitor from the NJDOE will conduct an on-site visit to review documentation of provision of evaluation reports to parents for evaluations conducted between October 2012 and December 2102

Finding 17: The district did not obtain parental consent to waive reevaluations prior to expiration of eligibility for students eligible for special education and related services. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-2.3(a)1 and 20 U.S.C. §1414(c); 34 CFR §300.300(c)(1) and(2).

Required Action: The district must ensure written parental consent to waive a reevaluation is obtained prior to expiration of eligibility for students currently eligible for special education and related services and that written consent is maintained in the students' file. 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, a monitor from the NJDOE will conduct an on-site visit to review documentation pertaining to the receipt of written parental consent to waive the reevaluation and determine eligibility.

Finding 18: The district did not consistently provide to students eligible for special education and related services a summary of academic achievement and functional performance, containing all required components prior to graduating and/or exiting. Noncompliance was due to a lack of implementation of the district procedures.

Citation: N.J.A.C. 6A:14-4.11(b)4; 20 U.S.C. §1414(c)(5)(B); and 34 CFR §300.305(e)(3).

Required Action: The district must ensure students are provided with a summary of academic achievement and functional performance prior to graduation that addresses all required components. 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, a monitor from the NJDOE will conduct an on-site visit to review summary of academic achievement and functional performance provided to eligible students at the conclusion of the 2012-2013 school year.

Finding 19: The district did not consistently convene IEP, identification, initial eligibility determination, eligibility/IEP and reevaluation meetings with a general education teacher in attendance and did not document multiple attempts to obtain parental participation for students

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eligible for special education and related services or for students eligible for speech-language services. Noncompliance was due to a lack of inconsistent implementation of district procedures.

Citation: s 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, identification, initial eligibility determination, eligibility/IEP and reevaluation meetings are conducted with required participants and that documentation of attendance and attempts to obtain parental participation when the parent does not attend the meeting are maintained in student's records. 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, a monitor from the NJDOE will conduct an on-site visit to review documentation of participation of a general education teacher and multiple attempts to obtain parental participation for meetings conducted between October 2012 and December 2012.

Finding 20: The district did not consistently include required considerations and statements in IEPs for students eligible for special education and related services and for students eligible for speech-language services.

Specifically, the IEPs of students eligible for special education and related services did not contain:

- criteria used to measure goals and objectives;
- statement of how progress towards annual goals will be measured;
- the statement of Present Level of Academic Achievement and Functional Performance, consideration of language needs; and
- documentation of the provision of related services in either an individual or group setting.

In addition, the IEPs of students eligible for speech-language services did not contain a statement of support for school personnel. Noncompliance was due to a lack of consistent implementation of district procedures.

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 the required considerations and statements. 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. The district must conduct annual review meetings and revise IEPs for the specific students whose IEPs were identified as noncompliant during monitoring. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor. For assistance with correction of noncompliance, the district is

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referred to the state IEP sample form at: www.statenj.us/education/specialed/forms. Additionally, a monitor from the NJDOE will conduct an on-site visit to review documentation of the revised IEPs, as well as IEPs developed between October 2012 and December 2012.

Finding 21: 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 consistently document:

- comparison of the benefits provided in the regular education class and the benefits provided in the special education class;
- the potentially beneficial or harmful effects which a placement in the general education class may have on the student with disabilities or the other students in the class; and
- for those students in separate settings, activities to transition the student to a less restrictive environment.

Citation: (*LRE*) N.J.A.C. 6A:14-4.2 (a)4,8(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 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 district must also 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 district must conduct training for child study team members regarding the district's procedures. 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. A monitor from the NJDOE will conduct an on-site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between October 2012 and December 2012. Names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

Finding 22: 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 implementation of the district procedures.

Citation: 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).

Required Action: The district must ensure 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

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conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to review copies of student invitations for meetings conducted when transition planning is discussed between October 2012 and December 2012.

Finding 23: The district did not consistently maintain documentation of the description, frequency, duration and effectiveness of the interventions provided in the general education setting through the Intervention and Referral Service (I&RS). Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.3(c)

Required Action: The district must ensure that the I&RS team documentation includes the description, frequency, duration and a description of the effectiveness of the interventions provided in the general education setting. 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, a monitor from the NJDOE will conduct an on-site visit to review I&RS documentation for students referred for a child study team evaluation between October 2012 and December 2012.

Finding 24: 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 lack of consistent implementation of district procedures.

Citation: N.J.A.C. 6A:14-2.5(b)6 and 3.6(b).

Required Action: The district must ensure 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, a monitor from the NJDOE will conduct an on-site visit to review initial evaluation reports for evaluated for speech-language services whose eligibility meetings were held between October 2012 and December 2012.

Finding 25: The district did not consistently conduct all required sections of the functional assessment as a component of initial evaluations for students referred for special education and related services and for students referred for speech-language services.

Specifically, the function assessments for students referred for special education and related services did not include a structured observation in other than a testing session. In addition, the functional assessments for students referred for speech-language services did not contain:

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- Structured observation in other than a test situation
- Parent interview
- Teacher Interview
- Review of interventions

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

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 all initial evaluations. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and speech-language specialists regarding the district's procedures for implementing the requirements in the citation listed above. The district is referred to the sample report form for speech-language evaluations at www.state.nj.us/education/speced/forms. In addition, a monitor from the NJDOE will conduct an on-site visit to review evaluation reports developed between October 2012 and December 2012.

Finding 26: The district did not maintain written certification of each child study team evaluator as to whether his/her report reflects his/her conclusion of eligibility of the student for special education and related services. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.4(h)5.

Required Action: The district must maintain the written certification of each child study team evaluator as to whether his/her evaluation report reflects his/her conclusion of eligibility of each student they evaluated. 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, a monitor from the NJDOE will conduct an on-site visit to review documentation pertaining to written certification of each child study team evaluator as to whether his/her report reflects his/her conclusion of eligibility for students whose eligibility meetings were held between October 2012 and December 2012.

Finding 27: The district did not consistently conduct reevaluations within three years of the previous classification date for students currently eligible for special education and related services or for students eligible for speech-language services. Noncompliance was due to a lack of implementation of district procedures.

Citation: 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 reevaluations are conducted within required time lines. In order to demonstrate correction of noncompliance, the district must

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conduct training for child study team members and speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to review evidence of determination of continued eligibility within three years of the previous classification date for students eligible for special education and related services or speech-language services.

Administrative

Recommendation 1: The district does not have internal control policies and procedures to prevent contracting with disbarred vendors.

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 update internal control policies to prevent errors from potentially occurring.

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 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

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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.