



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

October 9, 2012

Dr. Gloria Scott, Superintendent  
East Orange School District  
715 Park Avenue  
East Orange, NJ 07017

Dear Dr. Scott:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **East Orange 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 March 31, 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 East Orange 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 Steven Hoffmann at (973) 621-2750.

Sincerely,

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

RJC/SH/dk:East Orange BOE Cover Letter/ Ed Jobs  
Enclosures

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**STATE OF NEW JERSEY  
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**Education Jobs Fund Program**  
*New Jersey K-12 Education*

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT  
OCTOBER 2012**

**District:** East Orange Public Schools  
**County:** Essex  
**Dates On-Site:** April 16, 17 and 18, 2012  
**Case #:** Ed Jobs-024-11

**FUNDING SOURCES**

<u>Program</u>	<u>Funding Award</u>
Ed Jobs	\$5,952,669
Carl D. Perkins	134,131
Total Funds	<hr/> <hr/> \$6,086,800

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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. 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 East Orange Public Schools 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; Special Education, and the Carl D. Perkins (Perkins) grant for the period July 1, 2010 through March 31, 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 (IEPs). The visit also included a review of student class and related service schedules, interviews of the child study team members and speech-language specialists, and an interview of the program administrator regarding 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 Ed Jobs and Perkins grants were reviewed from July 1, 2010 through March 31, 2012. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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**GENERAL DISTRICT OVERVIEW OF USES OF CARL D. PERKINS GRANT FUNDS**

The district operates Career and Technical Education (CTE) programs for which they receive Perkins funds to support the implementation of programs. 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 Perkins funding application.

**DETAILED FINDINGS AND RECOMMENDATIONS**

**Ed Jobs Act**

**Finding 1:**

**Condition:** At the time of the monitoring visit, the district did not have complete records available to document expenditures charged to Ed Jobs. Ed Jobs funds were used to fund salaries; however, a schedule of Ed Jobs expenditures by employee was not available for FY 2011 and FY 2012. Salaries were charged to Ed Jobs by journal entries which transferred expenditures that were already recorded in the general fund. Districts are required to maintain records that will facilitate an effective audit and demonstrate that funds were used in compliance with applicable requirements.

**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 prepare a schedule of employees charged to Ed Jobs for FY 2011 and FY 2012. The schedule should include the employee's name, position, location, total compensation and compensation charged to Ed Jobs. The district must submit the schedule along with supporting documentation to the NJDOE for review. Salaries of employees funded by the Ed Jobs grant should be charged directly to Fund 18 expenditure accounts.

**Finding 2:**

**Condition:** NJDOE records indicate that the district submitted the 1512 Jobs reports in a timely manner through September 30, 2011. However, the district failed to retain copies of the reports for audit purposes as required.

**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:** Copies of quarterly 1512 reports should be retained for audit purposes.

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**Finding 3:**

**Condition:** The amount of the appropriation of Ed Jobs funds for the FY 2012 was incorrect.

**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 FY 2012 appropriation for Ed Jobs must be revised.

**Special Education**

**Finding 4:**

**Condition:** The district did not consistently inform parents regarding identification, eligibility, reevaluation planning and IEP meetings through provision of notice of a meeting for students referred and/or eligible for special education and related services and for students referred and/or eligible for speech-language services. In addition, when notice of a meeting is provided, it does not consistently include all required components. 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 notices of identification, eligibility, reevaluation planning and IEP meetings that occurred between September 2012 and December 2012.

**Finding 5:**

**Condition:** The district did not consistently inform parents of proposed actions through provision of written notice containing all required components for students referred and/or eligible for special education and related services and for students referred and/or 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.

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**Required Action:** The district must ensure parents are provided a 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, a monitor from the NJDOE will conduct an on-site visit to review notices of eligibility and reevaluation planning meetings that were conducted between September 2012 and August 2012.

**Finding 6:**

**Condition:** The district did not consistently provide copies of evaluation report(s) to parents at least 10 days prior to the determination of initial eligibility when assessments were conducted for students referred for special education and related services and for students referred 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).

**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 report(s) to parents for students initially evaluated for special education and related services or speech-language services between September 2012 and December 2012 to the NJDOE for review.

**Finding 7:**

**Condition:** The district did not provide to students eligible for special education and related services written notice of graduation within required time lines. Noncompliance was due to a lack of implementation of district procedures.

**Citation:** 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 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, a monitor from NJDOE will conduct an on-site visit to review written notice of graduation for students who are graduating at the conclusion of this school year.

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**Finding 8:**

**Condition:** The district did not provide to students eligible for special education and related services a summary of academic achievement and functional performance prior to graduating and/or aging out. Noncompliance was due to a lack of implementation of 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 to the NJDOE for review. Additionally, a monitor from the NJDOE will conduct an on-site visit to review documentation demonstrating the provision of the summary of academic achievement and functional performance to students graduating at the conclusion of this school year.

**Finding 9:**

**Condition:** The district did not consistently convene identification, eligibility, eligibility/IEP, and reevaluation meetings with required participants for students referred and/or eligible for special education and related services and for students referred and/or eligible for speech-language services. 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 identification, eligibility determination, initial eligibility/IEP, and reevaluation meetings are conducted with required participants and that documentation of attendance is maintained in students' files. 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 a site visit to review files of students whose identification, initial eligibility determination, initial eligibility/IEP, reevaluation, and determination of continued eligibility meetings were conducted between September 2012 and December 2012.

**Finding 10:**

**Condition:** The district did not include required considerations and statements in the Present Levels of Academic Achievement and Functional Performance section of the IEP for students eligible for special education and related services and for students eligible for



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speech-language services. Noncompliance was due to a lack of 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 all 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. 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 a site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between September 2012 and December 2012. 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 referred to the state IEP sample form at [www.statenj.us/education/specialed/forms](http://www.statenj.us/education/specialed/forms).

**Finding 11:**

**Condition:** The district did not consistently document in the IEPs of students removed from the general education setting for more than 20 percent of the school day (including students placed in separate settings), consideration of placement in the Least Restrictive Environment . Specifically, the 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 students with disabilities or other students in the class; and
- for those students placed in separate settings, the activities necessary to transition the student to a less restrictive environment.

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).

**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. 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

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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 NJDOE will conduct a site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between September 2012 and December 2012. The names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

**Finding 12:**

**Condition:** The district did not consistently document in IEPs for students eligible for speech and language services how each student will participate in district wide and/or statewide assessment. Noncompliance was due to a lack of implementation of the district procedures.

**Citation:** N.J.A.C. 6A:14-3.7(e)7(i); 20 U.S.C. §1412(a)(16)(A); and 34 CFR §300.160(a) and (f).

**Required Action:** The district must ensure that IEP documentation indicates how each student will participate in district wide and/or statewide assessment. 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 NJDOE will conduct a site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between September 2012 and December 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the school by the monitor.

**Finding 13:**

**Condition:** The district did not consistently include in IEPs of students eligible for speech-language services, a statement of any individual modifications to be provided in the administration of district wide and/or statewide assessments. Noncompliance was due to a lack of implementation of the district procedures.

**Citation:** N.J.A.C. 6A:14-4.10(a)1; 20 U.S.C. §1414(d)(1)(A)(i)(VI)(aa); and 34 CFR §300.320(a)(6)(i).

**Required Action:** The district must ensure each IEP includes documentation of any individual modifications to be provided to the student in the administration of district wide and/or statewide assessment. 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 conduct annual review meetings to review/revise IEPs for the specific students whose IEPs were identified as noncompliant. A monitor from the NJDOE will

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conduct a site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between September 2012 and December 2012. The names of the students whose IEPs were identified as noncompliant will be provided by the monitor.

**Finding 14:**

**Condition:** The district did not consistently document in the IEPs of students eligible for speech-language services, a statement describing the consideration of Extended School Year (ESY) with a description of the program when ESY will be provided. Noncompliance was due to a lack of implementation of district procedures.

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

**Required Action:** The district must ensure that IEP documentation indicates a statement describing the consideration of ESY with a description of the program when it is determined that ESY will be provided. 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 conduct annual review meetings to review/revise IEPs for the specific students whose IEPs were identified as noncompliant. A monitor from the NJDOE will conduct a site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between September 2012 and December 2012. The names of the students whose IEPs were identified as noncompliant will be provided by the monitor.

**Finding 15:**

**Condition:** 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. 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 that 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 regarding the district's procedures for implementing the requirements in the citation listed above. In addition, a monitor from the NJDOE will conduct an on-site visit to review evaluation reports developed subsequent to the last day of monitoring for students referred for special education and related services between September 2012 and December 2012. The district is referred to the sample report form for speech-language evaluations at [www.state.nj.us/education/speced/forms](http://www.state.nj.us/education/speced/forms).

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**Finding 16:**

**Condition:** The district did not consistently conduct reevaluations within three years of the previous classification date for students currently eligible for speech-language services. Noncompliance was due to 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 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, a monitor from the NJDOE will conduct an on-site visit to review evidence of determination of continued eligibility for students identified during monitoring to the NJDOE for review, and copies of the signed participation page from eligibility meetings held as part of the reevaluation process between September 2012 and December 2012 for students eligible for speech-language services. The names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

**Finding 17:**

**Condition:** The district does not have a policy to ensure the participation of students with disabilities, with appropriate modifications and accommodations, in district wide assessments.

**Citation:** 34 CFR §300.160.

**Required Action:** The district must revise its policies and procedures to ensure students with disabilities participate in district wide assessments. The policy must include the provision of accommodations and modifications and the provision of alternate assessments for those children who cannot participate in the regular assessment. If the district reports publicly on the district wide assessment, the district must also report with the same frequency and in the same detail as it reports on the assessment of nondisabled children. A monitor from the NJDOE will conduct an on-site visit to review evidence of this policy revision which includes all of the required components in the citation above.

**Carl D. Perkins**

There were no findings for the Perkins grant.

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**Administrative**

**Finding 18:**

**Condition:** The district did not obtain multiple quotes before entering into a \$10,000 consulting agreement as required by New Jersey Public School Contracts Law (PSCL), federal procurement law and district policy.

**Citation:** EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems. N.J.S.A 18A:18A-37 *Award of purchases, contracts or agreements*.

**Required Action:** The district must comply with current federal and state procurement regulations and obtain multiple quotes as required.

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

If you have any questions, please contact Steven Hoffmann via phone at (973) 621-2750 or via email at [steven.hoffmann@doe.state.nj.us](mailto:steven.hoffmann@doe.state.nj.us).