



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

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Governor

KIM GUADAGNO  
Lt. Governor

CHRISTOPHER D. CERF  
Commissioner

October 24, 2012

Dr. Frank Scambia, Superintendent  
Paulsboro Board of Education  
662 North Delaware Street  
Paulsboro, NJ 08066

Dear Dr. Scambia:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Paulsboro 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 May 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 Paulsboro 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:Paulsboro BOE Cover Letter/ Ed Jobs  
Enclosures

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**Education Jobs Fund Program**  
*New Jersey K-12 Education*

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT  
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**District:** Paulsboro Public Schools  
**County:** Gloucester  
**Dates On-Site:** May 30 and 31, 2012  
**Case #:** Ed Jobs-031-11

**FUNDING SOURCES**

Program	Funding Award
Ed Jobs	\$ 425,330
Title I	822,303
IDEA Basic	468,224
IDEA Preschool	24,458
Title IIA	141,224
Total Funds	<u>\$ 1,881,539</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 Paulsboro 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; Title I; Title IIA; and IDEA for the period July 1, 2010 through May 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 (IEP), a review of student class and related service schedules, interviews of child study team members and the speech-language specialist, and an interview the program administrator regarding 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 Education Jobs Act, Title I, Title IIA, and IDEA from July 1, 2010 through May 31, 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 offers a Title I Schoolwide program. A push-in basic skills program, along with additional HSPA classes for 11th and 12th graders and a Jump Start summer program are offered for low-performing students. Two full-time Mathematics and Language Arts coaches work with staff from all schools on data analysis, reading and writing strategies, and cross content literacy collaboration. The district offers several parent meetings/workshops to engage and inform parents.

**IDEA Projects (Special Education)**

The majority of the FY 2011-2012 IDEA 2004 Basic funds are being used to reduce district tuition expenditures for students receiving special educational services in approved private schools for students with disabilities. Additionally, the IDEA Basic funds are used to support the district's summer extended school year program and IDEA Preschool funds are used for consultants providing related services. The district's nonpublic proportionate share is used to provide instructional assistants and additional speech services for classified students attending Guardian Angels Regional Catholic School.

**DETAILED FINDINGS AND RECOMMENDATIONS**

**Ed Jobs Act**

**Finding 1:** The district has been expending Ed Jobs Act funds since the beginning of the school year, yet has not requested any draw downs from the Electronic Web Enabled Grant (EWEG) system.

**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 should draw down grant funds for reimbursement as they are incurred and not wait until the end of the grant period to seek reimbursement.

**Title I**

**Finding 2:** The district distributed incentives to attendees at its parent night events. The incentives (netbook computers) exceed nominal value. Additionally, because the district lacks internal controls it is unable to verify which parents received the incentives.

**Citation:** EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems. USDE Policy Letter, January 15, 2008.

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**Required Action:** The district must have a formal policy that only incentives of nominal value can be provided to students. The United States Department of Education has indicated that districts can provide non-monetary rewards of nominal value such as plaques, gift certificate for a pizza or books, etc.). The district must also develop policies and procedures to track the distributions of any nominal incentives. The district must submit a copy of its incentives policy as part of its CAP to the NJDOE for review.

**Finding 3:** The district is not tracking expenditures by location to ensure the expenses for Title I schools are consistent with each school's allocation on Eligibility Page, Step 4 of the FY 2011-2012 NCLB Consolidated Application.

**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 must be submitted to the NJDOE for review.

**Finding 4:** The district does not have the required supporting documents to verify the activity of staff charged to the NCLB grant as required by federal law. The documentation must reflect what the staff is doing, when and where and must match their funded 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 2011-2012 Title I and Title IIA funded staff, salaries, funding percentages and time sheets to date to the NJDOE for review (including administrative staffing).

**Finding 5:** 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.

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**Finding 6:** The district has established criteria for identifying Title I students in a schoolwide Title I program, which is not consistent with the legislative intent of a Title I schoolwide program.

**Citation:** ESEA §1114(2): *Identification of Students Not Required.*

**Required Action:** The district must immediately discard any reference made to Title I eligibility criteria as schools operating Title I schoolwide programs are not required to identify children in a schoolwide program. The Title I Parental Involvement Policy and the School-Parent compact must be distributed to parents of all students in a schoolwide program.

**Finding 7:** There is no evidence the district notified nonpublic schools of students whose residence of record is in the public school attendance area of equitable Title I services.

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

**Required Action:** The district must notify nonpublic schools, located both within and outside the district's boundaries, that enroll resident students of the opportunity for their eligible students to receive equitable services. The district must submit a copy of the letters and documentation of mailings, refusal forms and affirmation of consultations to the NJDOE for review. Information on equitable participation of nonpublic students for Title I can be found on the NJDOE website at: <http://www.state.nj.us/education/title1/leg/policy/equitable.shtml>

## **Title IIA**

There were no findings in the Title IIA grant.

## **IDEA (Special Education)**

**Finding 8:** The district did not provide, to the maximum extent appropriate, opportunities for students with disabilities to be educated with children who are not disabled. Teachers and child study team members indicated during interviews that students who could be placed in general education settings with appropriate supports are placed in self-contained settings due to a lack of staff and scheduling difficulties. Students with disabilities do not have the full range of program options, including in-class support and resource, due to staffing issues.

**Citation:** 20 USC 1412(a)(5)(A); 34 CFR §300.114(a). N.J.A.C. 6A:4.2(a-b).

**Required Action:** The district must ensure students with disabilities have the opportunity to participate in programs and services based on their individual needs. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and district administrators regarding the procedures for implementing the requirements in the citation listed above. The district must develop a

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procedure to ensure all students have access to academic and nonacademic activities and programs and services based on their individual needs and abilities. The district must ensure supports are available to meet the needs of students. At the next annual review meeting the IEP team must ensure placement in general education is considered first and placement decisions are made based on the individual needs of the students. A monitor from NJDOE will conduct an on-site visit to review IEPs, the procedures developed by the district and documentation demonstrating provision of training to child study team members and administration.

**Finding 9:** Notices of meetings for students eligible for speech-language services were not consistently provided. In addition, notices of meetings did not consistently inform the parents of their right to invite other persons with expertise regarding their child when convening to review and/or revise the IEP and did not consistently identify all the purposes of a meeting when multiple purposes were planned. Also, the district's notices of meetings for students eligible for special education and related services did not consistently indicate that transition planning would be discussed, when required and notice of a meeting for the initial identification meeting did not document the provision of Parental Rights in Special Education. 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 that contains all required components, early enough to ensure the parent has an opportunity to attend, and this documentation is maintained in student 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 an on-site visit to review copies of notices of identification and IEP meetings conducted between July 2012 and November 2012.

**Finding 10:** Written notice to parents containing all required components was not consistently provided following meetings for students eligible for special education and related services and for students eligible for speech-language services. Specifically, written notice of eligibility for students evaluated for speech-language services did not include the options considered and why those options were rejected. In addition, written notice of a proposed reevaluation for students eligible for special education and related services did not consistently document provision of the Short Procedural Safeguards Statement and notice of the IEP and the initial proposed evaluation did not include the options considered and why those options were rejected. Also, the district did not consistently document the provision of written notice to parents who were not in attendance at meetings. 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 with written notice of proposed actions that contains all required components. 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. Additionally, a monitor from the NJDOE will conduct an onsite visit to review copies of notices of identification, eligibility, reevaluation planning and IEP meetings conducted between July 2012 and November 2012.

**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 speech-language services and 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:14-3.5(a); 20 U.S.C. §1414(b)(4); and 34 CFR §300.306(a).

**Required Action:** The district must ensure the provision of copies of evaluation report(s) not less than 10 days prior to the determination of eligibility. To demonstrate implementation of the procedures, 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 provision of evaluation reports for evaluations conducted between July 2012 and November 2012.

**Finding 12:** The district did not provide to students eligible for special education and related services written notice of graduation that contained all the required components. Specifically, notice of graduation did not include a description of the options considered and why those options were rejected. Noncompliance was due to a lack of correct district procedures.

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

**Required Action:** The district must ensure parents or adult students are provided with written notice prior to graduation. In order to demonstrate correction of noncompliance, the district must revise their procedures and 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 the revised procedures and copies of notices of graduation for students who graduated at the conclusion of the 2011-2012 school year.

**Finding 13:** The summary of academic achievement and functional performance that was provided to students prior to graduating and/or reaching age 21 did not address all the required components. Specifically, the summary did not include the recommended resources to assist the student in meeting his or her postsecondary goals. Noncompliance was due to a lack of correct district procedures.

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**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 their 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 revise their procedures and 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 the revised procedures and copies of summaries of performance issued to students who graduated at the conclusion of the 2011-2012 school year.

**Finding 14:** The district did not consistently convene IEP team meetings (identification, reevaluation, and annual review) with required participants (full child study team, when required, general education and special education teachers) 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(k)1(i-vii); 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a)

**Required Action:** The district must ensure IEP team meetings (identification, reevaluation, and annual review meetings) are conducted with required participants and documentation of attendance is maintained in student's records. 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 onsite visit to review documentation of participation for identification, reevaluation planning and IEP meetings conducted between July 2012 and November 2012.

**Finding 15:** The district did not consistently document all required considerations and statements in each IEP for students eligible for special education and related services and students eligible for speech-language services.

Specifically, IEPs for students eligible for special education and related services did not consistently include:

- documentation of special considerations;
- goals and objectives;
- method of reporting progress on goals and objectives to parents;
- supports for school personnel;
- a statement of transition from elementary to secondary settings;
- a description of the method of providing speech services (individual vs. small group);
- documentation of the factors considered when determining the need for extended school year (ESY services); and

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- for those students age 14 and above, identification of the liaison for post-secondary services and the interagency linkages

In addition, IEPs for students eligible for speech language services did not consistently include:

- documentation of participation in statewide assessments;
- a description of the method of providing speech services (individual vs. small group); and
- documentation of the factors considered when determining the need for extended school year (ESY 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); N.J.A.C. 6A:14-4.3(c); 20 U.S.C. §1414(d)(3)(A)(B); and 34 CFR §300.324(a)(1)(2).

**Required Action:** The district must ensure each IEP contains all required components. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and speech-language specialists regarding district procedures. To demonstrate the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for the specific students whose IEPs were identified as noncompliant. Additionally, a monitor from the NJDOE will conduct an on-site visit to review the revised IEPs and a random sample of additional IEPs developed at meetings conducted between July 2012 and November 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

**Finding 16:** 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 include:

- the supplementary aids and services considered;
- an explanation of why the supplementary aids and services were rejected;
- a comparison of the benefits of general education and the benefits of special education;
- the potentially beneficial or harmful effects which a placement in general education may have on students with disabilities or other students in the class; and
- for those students placed in separate settings, activities 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); N.J.A.C. 6A:14-4.2(a)4.

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**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 the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for the specific students with IEPs that were identified as noncompliant. Additionally, a monitor from the NJDOE will conduct an on-site visit to review the revised IEPs and a random sample of additional IEPs developed at meetings conducted between July 2012 and November 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the 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 implementation of 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 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 compliance, a monitor from the NJDOE will conduct an onsite visit to review student invitations for transition IEP meetings conducted between July 2012 and November 2012.

**Finding 18:** The district did not consistently conduct a meeting within 20 calendar days of receipt of a written request for a child study team evaluation to determine if an evaluation was warranted. Noncompliance was due to a lack of implementation of district procedures.

**Citation:** N.J.A.C. 6A:14- 3.3(e) and 3.6(b).

**Required Action:** The district must ensure identification meetings are conducted within 20 calendar days of receipt of a written request for evaluation to determine if an evaluation is warranted. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the district's procedures. Additionally, a monitor from the NJDOE will conduct an on-site visit to review documentation of time lines for initial referrals conducted between July 2012 and November 2012.

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**Finding 19:** The district did not consistently complete all required components of the initial evaluation process for students referred for special education and related services and for students referred for speech-language services.

Specifically, initial evaluations of students referred for special education and related services did not include:

- evidence of vision/hearing screenings and health/medical summaries for every student referred; and
- all required sections of the functional assessment.

In addition, the district did not consistently conduct multidisciplinary initial evaluations (minimum of two assessments by two team members) for students referred for speech-language services.

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

**Citation:** N.J.A.C. 6A:14-3.4(f)4(i-vi), (j), 14-2.5(b)6 and 3.6(b), 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 a vision and audiometric screening is conducted for every student referred to the child study team, including parent referrals, with a copy of the results maintained in students' files, along with available health/medical summaries. The district must also ensure all components of the functional assessment are conducted as part of all initial evaluations. For those students referred for a speech-language evaluation, the district must ensure a multidisciplinary evaluation is conducted (minimum of two assessments by two team members) for students referred for speech-language services by obtaining a statement from the general education teacher that indicates the educational impact of the speech problem on the student's progress in general education. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and 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 vision/hearing screenings and health summaries, components of the functional assessment and multidisciplinary evaluations for initial referrals conducted between July 2012 and November 2012.

**Finding 20:** 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.

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**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 for 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 for eligibility meetings conducted between July 2012 and November 2012.

**Finding 21:** The district did not consistently conduct reevaluations when speech-language services were discontinued. 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 for students eligible for speech-language services are conducted prior to discontinuing services. 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 reevaluations for speech-language students dismissed from services between July 2012 and November 2012.

**Finding 22:** The district did not provide, to the maximum extent appropriate, opportunities for students with disabilities to be educated with children who are not disabled. Review of the data demonstrated that the 32.6% of students with disabilities were removed from general education for more than 21% of the day which is below the New Jersey Annual Performance Review target of 44%. In addition, 33.3% of students with disabilities were removed from general education for more than 60% of the day which is significantly above the state APR target of 19%. Information obtained through interviews and observations indicate there are a large number of students in self-contained settings. Students with disabilities do not have the full range of program options, including in-class support and resource, due to staffing issues. In addition, students in self-contained programs do not have access to non-academic subjects (physical education, art, music, etc.) in the general education setting, when appropriate, due to staffing and scheduling constraints.

**Citation:** 20 USC 1412(a)(5)(A); 34 CFR §300.114(a). N.J.A.C. 6A:4.2(a-b).

**Required Action:** The district must ensure students with disabilities have the opportunity to participate in programs and services based on their individual needs. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and district administrators regarding the procedures for implementing the requirements in the citation listed above. The district must develop a procedure to ensure all students have access to academic and nonacademic activities

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and programs and services based on their individual needs and abilities. The district must ensure support is available to meet the needs of students. At the next annual review meeting, the IEP team must ensure placement in general education is considered first and placement decisions are made based on the individual needs of the students. A monitor from NJDOE will conduct an on-site visit to review IEPs, the procedures developed by the district and documentation demonstrating provision of training to child study team members and administration.

**Finding 23:** The district does not ensure IEPs for preschool students with disabilities are developed based on their individual needs. Students whose IEPs required an inclusion in general education receive a full-day program, while the only option available to preschool students with disabilities whose IEP requires a self-contained classroom is a half-day program.

**Citation:** 20 USC 1412(a)(5); 34 CFR §300.115 and N.J.A.C. 6A:14-4.1(c).

**Required Action:** The district must ensure preschool age students who are eligible for special education and related services have the opportunity to participate in programs and services based on their individual needs and not be limited by the preschool programs offered by the district. The district must ensure decisions regarding program placement are made on an individual basis. The district must develop a procedure to ensure that placement decisions, including the length of the school day, for preschool students with disabilities are based on student need. The district must conduct training for child team members and administrative staff. A monitor from the NJDOE will conduct an on-site visit to review procedures and documentation of preschool program placement decisions to ensure compliance.

**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.

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**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 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](mailto:anthony.hearn@doe.state.nj.us).