



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

December 5, 2012

Mr. Stanley Sanger, Superintendent
Union City Board of Education
3912 Bergen Turnpike
Union City, NJ 07087

Dear Mr. Sanger:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Union City 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 April 30, 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 Union City 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:Union City BOE Cover Letter/ Ed Jobs
Enclosures

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Education Jobs Fund Program
New Jersey K-12 Education

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT
DECEMBER 2012**

District: Union City Public Schools
County: Hudson
Dates On-Site: June 11, 12 and 13, 2012
Case #: Ed Jobs-037-11

FUNDING SOURCES

<u>Program</u>	<u>Funding Award</u>
Ed Jobs	\$5,146,363
Carl D. Perkins	145,927
Total Funds	<u><u>\$5,292,290</u></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. 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 Union City 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 April 30, 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 April 30, 2012. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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 funding application.

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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 and benefits; however, a schedule of total Ed Jobs expenditures by employee was not available for FY 2011 and 2012. Districts are required to maintain records that will facilitate an effective audit and demonstrate 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 2012. The schedule should include the employee's name, position, location, total compensation and amount of 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.

Special Education Programs

Finding 2:

Condition: The district did not consistently provide parents of students eligible for special education and related services meeting notices for the following:

- Eligibility meetings
- IEP team 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 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 eligibility and IEP meetings that occurred between October 2012 and November 2012.

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Finding 3:

Condition: The district did not consistently provide copies of the evaluation report(s) to parents at least 10 days prior to the determination of initial eligibility 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:14-3.5(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 evidence demonstrating provision of the evaluation report(s) to parents for students initially evaluated for special education and related services between October 2012 and December 2012.

Finding 4:

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 develop procedures and conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above and forward a copy of procedures and evidence of training to the NJDOE for review. Additionally, a monitor from the NJDOE will conduct an on-site visit to review the summary of academic achievement and functional performance for students who are graduating at the conclusion of the 2012-2013 school year.

Finding 5:

Condition: The district did not consistently convene identification, determination, IEP, and reevaluation planning meetings with the required participants 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:14-2.3(k)1(i-vii); 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a).

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Required Action: The district must ensure all 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 on-site visit to review documentation for students whose identification, initial eligibility determination, initial eligibility/IEP, reevaluation, and re-determination of eligibility meetings were conducted between October 2012 and December 2012.

Finding 6:

Condition: The district did not consistently document activities to move the student to a less restrictive environment in the IEPs of students placed in separate settings. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-4.2 (a)4.

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 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. The names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

Finding 7:

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 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

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listed above. 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 8:

Condition: The district does not have a policy for the provision of accommodations and modifications or, when appropriate, an alternate assessment for students with disabilities participating in district wide assessments (NJPASS for grades 1, 2, 9 and 10 and quarterly assessments). In addition, the district does not consistently document the IEPs of those students that were eligible for special education and related services how they will participate in district wide assessment and the individual modifications to be provided in the administration of the district wide assessment. Noncompliance was due to a lack of implementation of district procedures.

Citation: 34 CFR §300.160.

Required Action: The district must develop policies and procedures addressing the participation of students with disabilities in district wide assessments. The policy must address the provision of accommodations and modifications and an alternate assessment for those children who cannot participate in the regular assessment. In addition, the district must ensure documentation of participation and provision of individual modifications during test administration is included in the IEP. The district must provide training on the new procedures to child study team members. A monitor from the NJDOE will conduct an on-site visit to review the new policy, the documentation of provision of training to staff and IEPs of students who will be taking the district wide assessments.

Finding 9:

Condition: The district did not maintain evidence of the determination 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 implementation of district procedures.

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

Required Action: The district must ensure when the I&RS team identifies interventions to meet the needs of a struggling learner they identify and maintain documentation of the nature, description, frequency, and duration of the interventions and measure the effectiveness. In order to demonstrate correction of noncompliance, the district must conduct training for administrators and staff 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 students who were provided interventions in general education between October 2012 and December 2012.

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Carl D. Perkins

Finding 10:

Condition: Advisory boards were developed for approved CTE programs and sign in sheets and meeting minutes were available for review. Although the faculty at the school district completed out-reach activities to representatives from business and industry who could not attend advisory board meetings for CISCO and Pre-Engineering, in reviewing the sign in sheets it was evident not all major stakeholders participated in advisory board meetings. Each approved CTE program at the school district must have an advisory board consisting of all major stakeholders.

For example: Pre-Engineering and CISCO advisory board membership include administrators, teachers and a parent; however, a counselor, representatives from business and industry and labor organizations, a representative for special populations, a representative from a postsecondary institution, and a student(s) were not present.

In the future it would also be helpful if the district included the names of advisory board members, their titles, and their affiliations on all sign in sheets.

Citation: Perkins Act 134(b)(4).

“(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 117 of Public Law 105–220 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study.”

NJ Administrative Code: 6A:19-3.1(a)(2) Program requirements.

A career and technical education program advisory committee that includes parents, students, teachers, school counseling staff, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals representing the appropriate programs.

Required Action: The district must submit a Corrective Action Plan that specifically states how they will address the finding identified as a result of the on-site consolidated monitor review.

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Administrative

Finding 11:

Condition: On several occasions, the district failed to issue a purchase order prior to goods being purchased or services being rendered (confirming order). District policy and state regulations require that a properly executed purchase order be issued prior to the purchase of goods or the rendering of services.

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(2)(v) *Public School Contracts Law*.

Required Action: Purchase orders should be issued to all vendors prior to goods or services being provided.

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.hoffman@doe.state.nj.us.