



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  
*Acting Commissioner*

July 9, 2012

Dr. Leigh Byron, School Administrator  
The Village Charter School  
101 Sullivan Way  
Trenton, NJ 08638

Dear Dr. Byron:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by **The Village Charter School**. The funding sources reviewed include titled programs for the Education Jobs Act of 2010 (Ed Jobs) in particular, and/or Elementary and Secondary Education (ESEA) and the Individuals with Disabilities Education Act (IDEA). The review covered the period July 1, 2010 through February 29, 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 Village Charter School Board of Trustees 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 Jeff Delaney at (609) 633-2492.

Sincerely,

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

RJC/JD/dk:The Village Charter School BOE Cover Letter/ Ed Jobs  
Enclosures

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

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT  
JULY 2012**

**District:** The Village Charter School  
**County:** Mercer  
**Dates On-Site:** April 18, 19 and 20  
**Case #:** Ed Jobs-040-11

**FUNDING SOURCES**

|             | Funding Award     |
|-------------|-------------------|
| Program     |                   |
| Title I     | \$ 256,727        |
| IDEA Basic  | 82,862            |
| Title IIA   | 22,792            |
| Total Funds | <u>\$ 362,381</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, Carl D. Perkins 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 Village Charter School to monitor the school's use of *Ed Jobs* funds and the related program plans, where applicable, to determine whether the school'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: Title I; Title IIA; Title III; and IDEA for the period July 1, 2010 through February 29, 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 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 Title I, Title IIA, and IDEA from July 1, 2010 through February 29, 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 school operates a Title I Schoolwide program for kindergarten through eighth grade. The school has identified Language Arts Literacy and Mathematics as its priority problems.

**Title IIA Projects:** Title IIA funding was used to provide Language Arts Literacy and Mathematics professional development to teachers.

**IDEA Projects (Special Education):** The FY 2012 IDEA Basic funds were used to support the salaries for two special education teachers who will provide instruction to students with disabilities.

**DETAILED FINDINGS AND RECOMMENDATIONS**

**Title I:**

**Finding 1:** The school has wrongfully established criteria for identifying Title I students in a schoolwide Title I program.

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

**Required Action:** The school 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.

**Title IIA**

There are no findings for Title II.

**Special Education (IDEA):**

**Finding 2:** The school did not consistently provide parents of students eligible for speech-language services notice of identification, eligibility, and IEP meetings. Additionally, the school's notices of meetings did not consistently inform the parent of all intended purposes of the meeting when a meeting was conducted for more than one purpose. Noncompliance was due to a lack of consistent implementation of school 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 school must ensure that parents of students eligible for speech-language services are provided notice of a meeting that contains all required components early enough to ensure that the parent has an opportunity to attend. In order to demonstrate correction of noncompliance, the school must conduct training for speech-language specialists regarding the procedures for implementing the requirements in the

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citation listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to review copies of notices of identification, eligibility, and IEP meetings that occurred between May 2012 and October 2012.

**Finding 3:** The school did not consistently provide parents written notice that contained all required components within 15 calendar days following identification, initial eligibility, initial IEP, and eligibility/IEP, meetings for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of school 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 school must ensure that parents are provided written notice of a meeting that contains all required components within 15 calendar days of the meeting. In order to demonstrate correction of noncompliance, the school must provide training for 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 copies of written notice following identification, initial eligibility, initial IEP, and eligibility/IEP meetings, for students eligible for speech-language services, that were conducted between May 2012 and October 2012.

**Finding 4:** The school did not consistently obtain written parental consent or document efforts to obtain written parental consent to conduct initial assessments for students eligible for speech-language services. In addition, the school did not consistently obtain written parental consent to implement the initial IEP for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of school procedures.

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

**Required Action:** The school must ensure that informed parental consent to conduct initial evaluations and implement the initial IEP is obtained and maintained in student files. The school must maintain documentation of attempts to obtain written parental consent when the parent does not attend the initial evaluation planning or initial IEP meeting. In order to demonstrate correction of noncompliance, the school must conduct training for 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 parental consent to conduct initial evaluations and implement the initial IEP, for students eligible for speech-language services, that was obtained between May 2012 and October 2012.

**Finding 5:** The school did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of initial eligibility for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of school procedures.

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**Citation:** N.J.A.C. 6A:14-3.6(c); 20 U.S.C. §1414(b)(4); and 34 CFR §300.306(a).

**Required Action:** The school must ensure the provision of copies of evaluation report to parents not less than 10 days prior to the determination of eligibility for speech-language services. To demonstrate implementation of the procedures, a monitor from the NJDOE will conduct an on-site visit to review documentation of provision of evaluation report to parents for students evaluated for speech-language services between May 2012 and October 2012.

**Finding 6:** The school did not consistently conduct an identification meeting within 20 calendar days of receipt of a written request for a speech-language evaluation to determine if an evaluation was warranted. Additionally, when meetings did occur, all required participants did not attend. Noncompliance was due to a lack of consistent implementation of school procedures.

**Citation:** N.J.A.C. 6A:14-2.5(b)6; 3.4(g) and 3.6(c).

**Required Action:** The school must ensure that identification meetings are conducted within 20 calendar days of receipt of a written request for evaluation and that the required participants are in attendance. In order to demonstrate correction of noncompliance, the school must conduct training for speech-language specialists regarding the procedures. To demonstrate implementation of the procedures, a monitor from the NJDOE will conduct an on-site visit to review copies of the dated initial request for evaluation for students referred for speech-language services and documentation of identification meetings conducted between May 2012 and October 2012.

**Finding 7:** The school did not consistently conduct multidisciplinary initial evaluations for students referred for speech-language services by obtaining a statement from the classroom teacher documenting the impact of the speech problem in the classroom. In addition, the school did not consistently conduct all required sections of the functional assessment as a component of initial evaluations for students referred for speech-language services by conducting an observation of the student in a setting other than a testing session. Noncompliance was due to a lack of consistent implementation of school procedures.

**Citation:** N.J.A.C. 6A:14-2.5(b)6, 3.4(f)4(i-vi) and 3.6(b); 20 U.S.C. §1414(b)(4) and (5); and 34 CFR §300.306(c)(i).

**Required Action:** The school must ensure that a multidisciplinary evaluation is conducted for students referred for speech-language services by obtaining a statement from the general education teacher that details the educational impact of the speech problem on the student's progress in general education. Additionally, the school must ensure that all components of the functional assessment are conducted as part of the initial evaluations process for students referred for speech-language services. In order to demonstrate correction of noncompliance, the school 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

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visit to review initial evaluation reports for students referred for speech-language services whose eligibility meetings were held between May 2012 and October 2012. For assistance with correction of noncompliance, the charter school 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).

**Finding 8:** The school did not consistently ensure the required participants were in attendance at eligibility and IEP meetings for students eligible for speech-language services. Noncompliance was due to a lack of implementation of charter school 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 school must ensure that eligibility and IEP meetings are conducted with required participants and that documentation of attendance or 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 school must conduct training for 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 files for students determined eligible for speech-language services whose initial eligibility determination/IEP meetings were conducted between May 2012 and October 2012.

**Finding 9:** The time and activity records for the staff funded with IDEA funds are inadequate. The school does not maintain the required supporting documents to verify the activity of IDEA funded staff as required by federal law.

**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 school must verify the time and activity of staff charged to the grant. The school must submit a list of FY 2011-2012 IDEA funded staff, salaries, funding percentages and time sheets to date to the NJDOE for review (including administrative staffing).

### **Administrative**

**Recommendation 1:** The school 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 school should update internal control policies to prevent potential errors from occurring.



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**Recommendation 2:** 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 school should review 34 CFR Part 80.36 and use open and competitive procedures where at all possible. The school should also analyze and include documentation in its files that demonstrates the school 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 Jeff Delaney via phone at (609) 633-2492 or via email at [john.delaney@doe.state.nj.us](mailto:john.delaney@doe.state.nj.us).