



State of New Jersey

DEPARTMENT OF EDUCATION

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*Governor*

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*Lt. Governor*

CHRISTOPHER D. CERF  
*Acting Commissioner*

July 20, 2012

Dr. Victoria Kniewel, Chief School Administrator  
West Windsor-Plainsboro Regional School District  
507 Village Drive West  
West Windsor, NJ 08690

Dear Dr. Kniewel:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **West Windsor-Plainsboro Regional 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 February 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 West Windsor-Plainsboro Regional 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 Daniel Burke at (609) 292-5744.

Sincerely,

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

RJC/DB/dk:West Windsor-Plainsboro Reg. BOE Cover Letter/ Ed Jobs  
Enclosures

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WEST WINDSOR-PLAINSBORO REGIONAL SCHOOL DISTRICT  
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**Education Jobs Fund Program**  
*New Jersey K-12 Education*

EDUCATION JOBS CONSOLIDATED MONITORING REPORT  
JULY 2012

**District:** West Windsor-Plainsboro Regional School District  
**County:** Mercer  
**Dates On-Site:** March 28, 29 and 30, 2012  
**Case #:** Ed Jobs-041-11

**FUNDING SOURCES**

Program	Funding Award
Ed Jobs	\$ 365,401
Title I	186,534
IDEA Basic	1,762,032
IDEA Preschool	54,555
Title IIA	117,141
Title III	50,750
	<hr/>
	\$ 2,536,413

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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 West Windsor-Plainsboro Regional School District to monitor the district's use of *Ed Jobs* funds and the related program plans, where applicable, to determine whether the district's programs are meeting the intended purposes and objectives, as specified in the current year applications and authorizing statutes, and to determine whether the funds were spent in accordance with the program requirements, federal and state laws, and applicable regulations. The on-site visit included staff interviews and documentation reviews related to the requirements of the following programs: Ed Jobs, Title I; Title IIA; Title III; and IDEA for the period July 1, 2010 through February 2012.

The scope of work performed included the review of documentation including grant applications, program plans and needs assessments, grant awards, annual audits, board minutes, payroll records, accounting records, purchase orders, a review of student records, classroom visitations and interviews with instructional staff to verify implementation of Individualized Education Programs (IEP), a review of student class and related service schedules, interviews of child study team members and speech-language specialists and an interview of the program administrator regarding the IDEA grant, as well as current district policies and procedures. The monitoring team members also conducted interviews with district personnel, reviewed the supporting documentation for a sample of expenditures and conducted internal control reviews.

**EXPENDITURES REVIEWED**

The grants that were reviewed included Educational Jobs Act, Title I, Title IIA, Title III, and IDEA from July 1, 2010 through February 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 operates Targeted Assistance programs in five of its funded schools in Plainsboro. The district has identified Closing the Achievement Gap for All Students, Economically Disadvantaged, Racial/Ethnic, LEP, Parents, Disabled Students, Neglected/Delinquent, Homeless, Teachers, Early Childhood, Youth at Risk of Dropping Out, Immigrant, Paraprofessionals, and Gifted and Talented as its priority problems.

**IDEA Projects (Special Education)**

The majority of the FY 2012 IDEA Basic funds are used for tuition costs for students receiving special educational services in other public school districts and approved private schools for students with disabilities. Funds are also used to contract with consultants to provide professional development to child study team members regarding federal and state compliance issues and child find activities. Additional consultants will also conduct bi-lingual child study team assessments and conduct specialized assessments required to determine eligibility for special education. The district intends to use funds to purchase new computers and assessment tools for the child study team. The FY 2012 IDEA Basic grant also funds, on a per diem basis, behavioral and instructional consultants to provide support to regular education teachers working with at-risk students in grades K through 5. These services are provided with funds targeted for Coordinated Early Interventions Services (CEIS) as required by the NJDOE. IDEA Basic funds also are being used to purchase specialized equipment including assistive technology and physical therapy equipment required to implement the educational programs and services identified in student IEPs.

FY 2012 nonpublic funds are used to purchase instructional supplies for one student with disabilities.

**DETAILED FINDINGS AND RECOMMENDATIONS**

**Ed Jobs Act**

There are no findings in Ed Jobs.

**Title I**

**Finding 1:** The district's Title I program is not supplemental to its other locally funded basic skills program. There is no evidence of Title I students receiving additional services to those offered to non-Title I students.

**Citation:** ESEA §1115(c): *Targeted Assistance Programs (Components of a Targeted Assistance Program).*

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**Required Action:** To avoid violating the “supplement not supplant” provision of the Title I legislation, the district must revamp its Title I program (after school program) to ensure it provides supplemental instruction for its identified Title I students. The district must provide a copy of its revised Title I program in narrative form to the NJDOE for review.

**Finding 2:** The district does not have clear and distinguishable identification criteria for its Title I students.

**Citation:** ESEA §1115(B): *Targeted Assistance Programs (Eligible Children from Eligible Population)*.

**Required Action:** The district must establish clear and distinguishable identification criteria based upon multiple educationally related criteria for its Title I students served in all five of its Title I funded schools. The district must submit its revised criteria to the NJDOE for review.

**Finding 3:** The notification letters sent to the parents/guardians of identified Title I students did not include entrance and exit criteria.

**Citation:** : ESEA §1115(B): *Targeted Assistance Programs (Eligible Children from Eligible Population)*.

**Required Action:** The district must include in its parental notification letter the multiple measures used to identify students, as well as clearly defined exit criteria. The district must provide a copy of its revised parental notification letter to the NJDOE for review.

**Finding 4:** The district could not provide documented evidence of its Title I written parental involvement policy.

**Citation:** NCLB §1118(b): Parental Involvement ( School Parental Involvement Policy).

**Required Action:** For FY 2012-2013, the district must ensure that all of its Title I funded schools distribute a written parental involvement policy to parents/guardians of the identified Title I students along with sending a copy to the NJDOE for review.

**Finding 5:** The district could not provide evidence of convening its annual Title I parent meeting.

**Citation:** NCLB §1118(c)(1): *Parental Involvement (Policy Involvement)*.

**Required Action:** The district must convene its FY 2012-2013 annual Title I meeting for the parents/guardians of its identified Title I students and submit evidence of said meeting to the NJDOE for review (invitational letter/flyer, agenda, meeting minutes, and sign in sheets must be obtained).

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**Title IIA**

There are no findings in Title IIA.

**Title III**

**Finding 6:** The district had a parental notification letter but the letter did not outline all of the Title III parental notification requirements. The missing items include:

1. The parental notification letter did not identify why the child was identified as Limited English Proficient (LEP) and why the child needs to be placed in a language instructional educational program that will assist the child to develop and attain English proficiency and meet state standards.
2. Parents were not informed about the child's level of English proficiency, how such level was assessed, and the child's academic level.
3. Parents were not informed about the method of instruction that will be used to serve the LEP child, including a description of other methods of instruction available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable are communicated to parents.
4. Parents were not notified of how the program will meet the specific needs of the child in attaining English and meeting state standards.
5. Parents of participating LEP children were not informed about the program's exit requirements, the expected rate of transition into a classroom not tailored for LEP students and in the case of high school students, the expected rate of graduation.
6. The school(s) informs parents of participating LEP children of how the instructional program will meet the objectives of an individualized education program of a child with a disability.

**Citation:** NCLB §3302: *Parental Notification.*

**Required Action:** The district's Title III parental notification letter needs to outline the specific requirements for Title III. An example of this can be found at: <http://www.state.nj.us/education/bilingual/title3/accountability/notification/title3par.htm>.

The district must submit a revised copy of the parental notification letter to the NJDOE for review.

**Finding 7:** The district was using federal funds to fund an English as a Second Language (ESL) teacher that was required under the state's requirement for ESL populations.

**Citation:** NCLB §3115(g): *Subgrants to Eligible Entities, Supplement not Supplant.* NCLB §2123(b): *Fiscal Requirements (Federal Funds to Supplement, Not Supplant, Non-Federal Funds).*

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**Required Action:** The district must reverse expenditures for this program back to August 2011 and fund only supplemental expenditures for the program. Also, the district must submit a revised application to the NJDOE for review.

**IDEA (Special Education)**

**Finding 8:** The district purchased instructional equipment and supplies for a nonpublic school student with disabilities that were not reflected in the student's current service plan.

**Citation:** IDEA Regulation 34 CFR 300.144 (*Property, Equipment, and Supplies*).

**Required Action:** At the next regularly occurring annual review meeting, the district must list instructional materials purchased for a student with disabilities in the nonpublic school in the student's service plan.

**Finding 9:** The district did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of eligibility for students referred for speech-language services. Noncompliance was due to a lack of implementation of district procedures.

**Citation:** *Provision of Evaluation Reports to Parents* 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 that 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 speech-language specialists regarding procedures for implementing the requirements in the citation listed above. Additionally, the district must submit documentation of provision of evaluation report(s) to parents from meetings conducted between June 2012 and October 2012 to the NJDOE for review.

**Finding 10:** The district did not include required considerations and statements in each IEP for students eligible for speech-language services. Specifically, IEPs did not document the need for special considerations as part of the present level of academic achievement and functional performance. Noncompliance was due to a lack of implementation of district procedures.

**Citation:** *IEP Components* 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 that each IEP contains the required considerations and statements. 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. In addition, the district must conduct annual review meetings and revise IEPs for the specific students whose IEPs were identified as noncompliant during monitoring and submit the information to the NJDOE for review, along with IEPs for students eligible for speech-language services



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whose annual review meetings were conducted between April 2012 and June 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the school 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:** The district did not consistently conduct multidisciplinary initial evaluations for students referred for speech-language services by obtaining an educational impact statement from the classroom teacher. Noncompliance was due to a lack of consistent implementation of district procedures.

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

**Required Action:** The district 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. 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 submit initial evaluation reports for students referred for speech-language services whose eligibility meetings were held between June 2012 and October 2012 to the NJDOE for review.

**Finding 12:** The district did not demonstrate that it met the standards of Maintenance of Effort and must provide the necessary financial information in the Electronic Web Enabled Grant (EWEG) system to show it met the requirement and that substantiates the figures as shown in the IDEA grant.

**Citation:** 34 CFR §300.203 (a-b): *Maintenance of Effort - Funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.*

**Required Action:** The district must enter all the information into the EWEG system and provide all supporting information to the NJDOE for review.

### **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.

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**Recommendation 2:** The district does not have formal written policies for requesting reimbursement from the EWEG system; however, the district's practice for requesting reimbursement was verified through questions concerning the district's internal controls.

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

**Recommended Action:** The district must have a formal board policy concerning the reimbursement of grant funds and should submit this to the NJDOE for review.

**Recommendation 3:** Under the New Jersey's Public School Contracts Law (PSCL), districts are not required to advertise for bids or competitively contract the provision of goods and services by vendors on the state contract list. In accordance with the PSCL [N.J.S.A. 18A:18A:10(a)], a board of education may place its order with a vendor offering the lowest price, including delivery charges, that best meets the requirements of the board of education. However, for all federal funds, districts need to review 34 CFR Part 80.36 on procurement requirements. The federal procurement regulations under this section do not include all the exemptions allowed under the PSCL and therefore, it is our understanding these federal regulations require districts to competitively contract or bid all goods and services over the bid threshold, whether exempt under PSCL or not. The federal rules do include provisions for procurement by "noncompetitive proposals," but only under certain circumstances.

The NJDOE has requested clarification from the federal government regarding vendors on the state contract list and we are still waiting for a definitive response. It is the department's position and recommendation to the federal government that such contracts do not need any additional documentation beyond the statutory requirement under N.J.S.A. 18A:18A:10(c) that prior to 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.

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If you have any questions, please contact Daniel Burke at (609) 292-5744 or via email at [daniel.burke@doe.state.nj.us](mailto:daniel.burke@doe.state.nj.us).