



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

June 8, 2012

Dr. Jo Ann Magistro, Superintendent
East Brunswick Public Schools
760 Route 18
East Brunswick, NJ 08816

Dear Dr. Magistro:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **East Brunswick 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 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 East Brunswick 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 John Delaney at (609) 633-8741.

Sincerely,

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

RJC/JD/dk:East Brunswick BOE Cover Letter/ Ed Jobs
Enclosures

Distribution List

Christopher D. Cerf
Bari Erlichson
David Corso
Barbara Gantwerk
Justin Barra
Marie Barry
Karen Campbell
Peggy McDonald
Anthony Hearn
Samuel Stewart
Stephen M. Eells

**STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500**

EAST BRUNSWICK SCHOOL DISTRICT
760 ROUTE 18
EAST BRUNSWICK, NJ 08816
PHONE: (732) 613-6700



Education Jobs Fund Program
New Jersey K-12 Education

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

District: East Brunswick Public Schools
County: Middlesex
Dates On-Site: March 26 through 28, 2012
Case #: Ed Jobs- 042-11

FUNDING SOURCES

Program	Funding Award
Ed Jobs	\$ 698,986
Title I	321,681
IDEA Basic	1,897,959
Title IIA	168,446
Title III	47,720
Total Funds	<u><u>\$3,134,792</u></u>

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

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 East Brunswick 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 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 Educational Jobs Act, Title I, Title IIA, Title III, 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.

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

GENERAL DISTRICT OVERVIEW OF USES OF TITLE I AND IDEA FUNDS

Title I Projects

The district operates Targeted Assistance programs in four of its funded elementary schools. The district has identified Language Arts Literacy for all students and disabled students as its priority problems.

IDEA Projects (Special Education)

The district is using FY 2011-2012 IDEA Basic funds to reduce district tuition expenditures for students receiving special educational services in other public school districts and approved private schools for students with disabilities. In addition, a portion of the FY 2011-2012 IDEA funds are being used for professional technical service, which includes professional development. Occupational therapy and physical therapy, supplies and equipment for special education classrooms, as well as field trips for special education students are also paid through the IDEA grant. The nonpublic proportionate share of the grant is being used to provide in-class resource instruction/support and related services through the vendor, Middlesex Regional Educational Services Commission (MRESC), for students with disabilities attending nonpublic schools in the district. Finally, the remaining funds are used to fund a clerical staff position for the person who manages the IDEA funds.

DETAILED FINDINGS AND RECOMMENDATIONS

Ed Jobs Act

There were no findings for Ed Jobs.

Title I

Finding 1: 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 four of its Title I funded schools. Additionally, the district must avoid using the catch-all phrase “at-risk” when referring to Title I students as the identification criteria are to be clear, distinct, and distinguishable based upon the aforementioned criteria.

Finding 2: The district’s Title I program is not clear and distinguishable from its district-run basic skills program.

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

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

Required Action: To avoid violating the “supplement not supplant” provision of the Title I legislation, the district must revamp its Title I program (Summer 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: 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 parent 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 parent notification letter to the NJDOE for review.

Finding 4: The district could not provide evidence as to when it’s Title I written parent involvement policy was distributed.

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

Required Action: The district must ensure that the distribution date of its written parent involvement policy matches the date entered on the Electronic Web Enabled Grant system (EWEG). The district must submit how the policy was distributed to the NJDOE for review and post a copy on its website.

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/flier, agenda, meeting minutes, and sign in sheets must be obtained).

Finding 6: The district could not provide evidence that it held consultation meetings with all nonpublic schools that enroll resident students.

Citation: NCLB §1120 (b): *Participation of Children Enrolled in Private Schools.*

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

Required Action: The district must retain certified/signed receipts of its correspondence to nonpublic schools. The district needs copies of Affirmation of Consultation signed by all parties. The district must provide copies of signed refusal forms from all nonpublic schools that do not want to participate in the Title I program. The district must submit all verification of the above notices to the NJDOE for review.

Title IIA

There were no findings for Title IIA.

Title III

There were no findings for Title III.

IDEA (Special Education)

Finding 7: The invoices for services provided by the vendor, MRESC do not provide the specific students' initials with the frequency and duration of service for which payment is requested. In addition, the vendor did not supply sign in sheets to document the provision of services for in-class support, supplemental instruction, pull-out resource, related services, and support by an instructional aide. As a result the service plans could not be matched to the vendor bills.

Citation: IDEA Regulations 34 CFR 300.130-300.144.

Recommended Action: The district must meet with the vendor MRSEC to ensure that all bills reflect the Service Plans to include the details of service: student initials, frequency, total minutes per session and total minutes per week for each service being provided through the IDEA grant.

Finding 8: The district does not have 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 district must verify the time and activity of staff charged to the grant. The district 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).

Finding 9: The district did not consistently include the required components in notice of eligibility, reevaluation and IEP meetings conducted for students eligible for special education and related services and eligible for speech-language services. Specifically, the purpose of the meeting was not consistently included in the notice. Noncompliance was due to a lack of consistent implementation of district procedures.

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

Citation: *Provision and Content of Notice of a Meeting* 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 that parents are provided notice of a meeting in writing that 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 the procedures for implementing the requirements in the citation listed above. Additionally, the district must submit to the NJDOE copies of notices of eligibility, reevaluation planning and IEP meetings conducted between May 2012 and September 2012 for students eligible for special education and related services and students eligible for speech-language services.

Finding 10: The district did not consistently provide parents written notice that contains all required components (options considered and rejected and provision of N.J.A.C. 1:6A for identification meetings), within 15 calendar days following identification, eligibility, IEP, and reevaluation planning meetings for students eligible for special education and related services and eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *Provision and Content of Written Notice following a meeting* 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 district 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 district must provide training for child study team members and speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. In addition, the district must submit copies of notices of identification, eligibility, IEP and reevaluation planning meetings that were conducted between May 2012 and September 2012 to the NJDOE for review.

Finding 11: The district did not consistently provide copies of evaluation report(s) to parents at least 10 days prior to the determination of initial eligibility or redetermination of eligibility for students eligible for speech-language services. Noncompliance was due to a lack of consistent 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 it provides copies of evaluation report(s) to parents not less than 10 days prior to the determination of eligibility for students eligible for speech-language services. In order to demonstrate correction of noncompliance, the district must provide training for speech-language specialists regarding the procedures for

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

implementing the requirements in the citation listed above. To demonstrate implementation of the procedures, the district must submit the documentation of provision of evaluation report(s) to parents for students evaluated for speech-language services between May 2012 and September 2012 to the NJDOE for review.

Finding 12: The district did not consistently ensure that general education teachers were in attendance at identification, annual review and reevaluation planning meetings for students eligible for speech-language services. Noncompliance was due to a lack of consistent implementation of district procedures.

Citation: *IEP Team Participants* 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 that IEP team meetings are conducted with required participants and that documentation of attendance is maintained in the students' files. In order to demonstrate correction of noncompliance, the district must conduct training for speech-language specialists regarding the procedures. To demonstrate implementation of the procedures, the district must submit the IEP participants signature page from initial, annual review, and reevaluation meetings for students eligible for speech-language services whose IEP team meetings were conducted between May 2012 and September 2012 to the NJDOE for review.

Finding 13: The district did not consistently document in the IEPs of students removed from the general education setting for more than 20% of the day, including students placed in separate settings, consideration of placement in the least restrictive environment (LRE). 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 provided in the regular class and the benefits provided in the special education class; and
- the potentially beneficial or harmful effects which a placement (general education) may have on the student with disabilities or the other students in the class.

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

Citation: *LRE* N.J.A.C. 6A:14-4.2 (a)8(i),(ii) and (iii).

Required Action: The district must ensure that the LRE is considered and that the decision making process is documented in the IEP for each student removed from general education for more than 20% of the school day. 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, to correct individual findings of noncompliance, the district must conduct annual review meetings and revise IEPs for the specific students whose IEPs were

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

identified as noncompliant during monitoring and submit to the NJDOE for review, along with IEPs for three additional students removed from the general education setting for more than 20% of the day whose annual review meetings were conducted between May 2012 and September 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the school by the special education monitor.

Finding 14: 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 May 2012 and September 2012 to the NJDOE for review.

Administrative

Recommendation 1: The district does not have internal control policies and procedures to prevent contracting with disbarred vendors. The district should update internal control policies to prevent potential errors from occurring.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 36, Procurement.

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.

**EAST BRUNSWICK SCHOOL DISTRICT
EDUCATION JOBS CONSOLIDATED MONITORING REPORT
JUNE 2012**

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 John Delaney via phone at (609) 633-8741 or via email at john.delaney@doe.state.nj.us.