



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

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*Lt. Governor*

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*Commissioner*

November 5, 2012

Dr. Gary McCartney, Superintendent  
South Brunswick School District  
PO Box 181  
Monmouth Junction, NJ 08852

Dear Dr. McCartney:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **South 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 August 17, 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 South 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 Anthony Hearn at (609) 633-2492.

Sincerely,

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

RJC/AH/dk:South Brunswick BOE Cover Letter/ Ed Jobs  
Enclosures

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**STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION  
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**SOUTH BRUNSWICK SCHOOL DISTRICT**  
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**Education Jobs Fund Program**  
*New Jersey K-12 Education*

**EDUCATION JOBS CONSOLIDATED MONITORING REPORT  
NOVEMBER 2012**

**District:** South Brunswick School District  
**County:** Middlesex  
**Dates On-Site:** August 16 and 17, 2012  
**Case #:** Ed Jobs-047-11

**FUNDING SOURCES**

Program	Funding Award
Ed Jobs	\$ 863,075
Title I	254,266
IDEA Basic	1,818,936
IDEA Preschool	69,100
Title IIA	227,272
Title III	54,964
Title III Immigrant	43,139
Carl D. Perkins	31,195
Total Funds	<u>\$ 3,361,947</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 South 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; Carl D. Perkins (Perkins) and IDEA for the period July 1, 2010 through August 17, 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 Education Jobs Act, Title I, Title IIA, Title III, Carl D. Perkins and IDEA from July 1, 2010 through August 17, 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, CARL D. PERKINS AND IDEA FUNDS**

**Title I Projects**

The district is using its FY 2011-2012 Title I, Part A funds to implement targeted assistance programs in the district. Primarily, the district provides in-class support and support coaches with the Schools In Need of Improvement funds.

**Carl D. Perkins**

The district's FY 2011-2012 Perkins Grant supports one Career and Technical Education (CTE) program, Business Administration/Management, CIP Code #520201. The funds provide support to the program in the form of stipends for tutoring services, school store manager, program coordinator, professional development, field trip coordinator, curriculum writing, supplies and the Career and Technical Student Organizations activities. This is a program of study with articulation agreements with Middlesex County College and Kean University in which students have the opportunity to earn dual credit for six courses within this program.

**IDEA Projects (Special Education)**

The majority of the FY 2011-2012 IDEA Basic funds are being used to reduce district tuition expenditures for students receiving special educational services in other public school districts and approved private schools for the disabled. FY 2012 IDEA funds are also being used to fund a job coach position at the high school. 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.

**DETAILED FINDINGS AND RECOMMENDATIONS**

**Ed Jobs Act**

**Finding 1:** The district's Cash Management Report does not match the records of the district. The district drew down funds at the end of the project period and not when spent.

**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 accurately reflect cash drawn down versus cash expended.

**Finding 2:** The district did not maintain copies of the 1512 Jobs Created and Jobs Retained reports it submitted to the NJDOE.

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**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 maintain copies of all 1512 reports.

**Title I**

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

**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 for FY 2011-2012 must be submitted to the NJDOE for review.

**Finding 4:** The district does not have a mechanism to track mandatory reserves, such as Schools in Need of Improvement and Districts in Need of Improvement professional development, parental involvement and administrative costs 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 for FY 2011-2012. 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.

**Finding 5:** The district violated the requirement for Title I funds to supplement and not supplant state/local expenditures. The district used Title I, Part A funds for various items at schools that were not supplemental to items purchased for its non-Title I schools. The purchases included Apple computers, mathematics and language arts coaches, and assessment tools. These expenditures supplant state/local funds.

**Citation:** ESEA §1120A(b): *Fiscal Requirements (Federal Funds to Supplement, Not Supplant, Non-Federal Funds)*.

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**Required Action:** The district must reverse the charges and provide a list of the charges that were reversed for FY 2011-2012 to the NJDOE for review.

**Finding 6:** The district does not have a comprehensive equipment inventory that includes the acquisition date and costs for items purchased with Title I, Title IIA and Title III funds.

**Citation:** EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 32, Equipment.

**Required Action:** The district must develop a system to track equipment purchased with federal grants. Although the state threshold for reporting equipment is \$2,000 in the Electronic Web Enabled Grant (EWEG) system, the district may have its own lower threshold. The district must track any amount that is less expensive to track than it is to replace. All inventoried items should include tag number, cost, location, purchase date, grant-funded source and item description. The district must submit a comprehensive inventory of all equipment purchased to the NJDOE for review.

**Finding 7:** The district does not have supporting documents to verify the activity of Title I staff as required by federal law. The documentation should include the signatures of staff, their schedules, funded activity and percentage of federal funds supporting the salary.

**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 2012 Title I funded staff, salaries, funding percentages and time sheets that match funding percentage to the NJDOE for review (including administrative staffing).

**Finding 8:** The district did not inform parents of the Title I program selection criteria, why the child met the selection criteria and the course of action the Title I school has determined to remediate the child. All of these elements must be included in the notification letter to parents about their child's participation in the Title I program.

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

**Required Action:** The district must include in its parental notification letters the multiple measures used to identify the students and the reason for identification, as well as clearly defined exit criteria. The district notification letters must be updated for FY 2012-2013 to include more specificity regarding entrance and exit criteria. The letter must first be submitted to the NJDOE for review.

**Finding 9:** The district could not provide documentation of the mechanism used to distribute its written parental involvement policy to parents of Title I students.

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**Citation:** NCLB §1118 (a)(2) and (b)(1): *Parental Involvement (Local Educational Agency Policy)*.

**Required Action:** The district's parental involvement policy, developed in collaboration with parents of participating Title I students and evaluated annually, must be distributed to parents of participating Title I children in an understandable and uniform format and, to the extent practicable, in a language the parents understand. A copy of the district parental involvement policy must be submitted to the NJDOE for review. The distribution date and board adoption date of the parental involvement policy must be consistent with the dates reflected in the NCLB Application on the EWEG system.

**Finding 10:** The district could not provide evidence of convening the annual Title I parent meeting.

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

**Required Action:** For each of its Title I funded schools, the district must convene the FY 2012-2013 annual Title I meeting for the parents/guardians of identified Title I students. Following the meetings, the district must submit evidence of these meetings to the NJDOE for review (e.g., invitational letter/flyer, agenda, meeting minutes, and sign in sheets).

**Finding 11:** For the 2011-2012 school year, there is no evidence school specific Title I parent compacts were distributed to the parents/guardians of identified Title I students.

**Citation:** NCLB §1118(d): *Parental Involvement (Shared Responsibilities for High Student Academic Achievement)*.

**Required Action:** The administration of each school must work with its stakeholder group to develop a school-level parent compact for each of its Title I schools. The school must distribute the compact to parents/guardians of each Title I student and submit a copy of the school-parent compact to the NJDOE for review.

## **Title IIA**

**Finding 12:** The district used Title IIA funds to purchase Apple computers that were used for instructional, not professional development purposes. The use of the funds for professional development to train the teachers would be acceptable, but not the purchase of the computer itself.

**Citation:** ESEA §2123, *Local Use of Funds*; ESEA §2123(b): *Fiscal Requirements (Federal Funds to Supplement, Not Supplant, Non-Federal Funds)*.

**Required Action:** The district must reverse the charges for the computers and allocate state/local funds, rather than Title IIA funds, to support these expenditures.



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**Title III**

**Finding 13:** The district had a parental notification letter, but the letter did not outline all of the Title III parental notification requirements. Although the district had a parental notification letter for students identified for English as a Second Language, there is no letter for parents that specifically outlines the requirements for Title III. The missing elements included: students' level of English proficiency, how the level was assessed, the exit requirements for the program, and how the program will meet the objectives of an IEP 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. Parental notification letter guidance can be found at: <http://www.state.nj.us/education/bilingual/title3/accountability/notification/title3par.htm>.

Evidence of a revised letter is required to be developed and submitted to the NJDOE for review.

**Carl D. Perkins**

**Finding 14:** The district did not consult with the appropriate Workforce Investment Board(s) (WIB) and forward a copy of the completed one year funding application for review and comment.

**Citation:** *Perkins Act §134(b)(5) and Perkins One-Year Grant Application Guidelines, July 1, 2011 – June 20, 2012, page 18.*

**Required Action:** The district must provide the WIB a copy of the FY 2013 Perkins grant application and all subsequent year's Perkins applications for review and comment.

**Finding 15:** Stipends were provided to teachers for English and Mathematics tutoring for all students through the school-wide Homework Help Room. Perkins funds are only to be used to strengthen the academic and career and technical skills of students participating in CTE education programs.

**Citation:** *Perkins §135(b)1.*

**Required Action:** Beginning in the 2013 school year, the district must develop a mechanism to ensure academic support services provided with Perkins funding are delivered to students enrolled in CTE programs, primarily, and any participation by non-CTE students is incidental and does not detract from the primary objective of serving students enrolled in CTE programs.

**Finding 16:** The district did not provide evidence of course scheduling practices that will allow students to complete a CTE program or program of study.

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**Citation:** NJSA 18A:26-2; NJSA 18A:54-1 et.seq.; NJAC 6A:19-1 et seq.; NJAC 6A:8-2.2,,23,3.2.

**Required Action:** All CTE programs must be, at a minimum, a sequence of three courses. The district must organize the course selection process to allow students the opportunity to complete the CTE program or program of study. The district's Five-Year Plan must be amended to reflect the current program offerings. The course selection book prepared by the district should reflect the appropriate three course sequence with prerequisites noted. In the future, all CTE programs must follow the established new program or program reapproval process.

**IDEA (Special Education)**

**Finding 17:** The district did not consistently provide parents of students eligible for special education and related services and students eligible for speech-language services notice of a meeting for the following:

- Identification meetings;
- Reevaluation planning meetings;
- Eligibility meetings; and
- IEP team meetings.

Additionally, the district's notices of meetings did not consistently inform the parent of participants of the meeting, or 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 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. 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 notices of identification meetings, reevaluation planning meetings, eligibility meetings and IEP meetings that occurred between December 2012 and February 2013.

**Finding 18:** The district did not provide copies of evaluation report(s) to parents at least 10 days prior to the determination of initial eligibility or determination of continued eligibility. Noncompliance was due to 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).

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**Required Action:** The district must ensure the provision of copies of evaluation report(s) to parents not less than 10 days prior to the determination of eligibility. 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(s) to parents for students evaluated for special education and related services between December 2012 and February 2013.

**Finding 19:** The district did not consistently conduct an annual IEP team meeting for each student eligible for special education and related services. Noncompliance was due to a lack of implementation of district procedures.

**Citation:** N.J.A.C. 6A:14-3.7(i); 20 U.S.C. §1414(d); and 34 CFR §300.324(b)(1).

**Required Action:** The district must ensure IEP team meetings are conducted annually, or more often if necessary to review, revise and determine the programs and placement of each classified student. The district must conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. In order to demonstrate correction of noncompliance, a monitor from the NJDOE will conduct an on-site visit to review evidence of compliance with annual review time lines for students eligible for special education and related services.

**Finding 20:** The district did not consistently document consideration of placement in the least restrictive environment in the IEPs of students removed from the general education setting for more than 20 percent of the school day, including students placed in separate settings. Specifically, IEPs did not consistently include:

- Supplementary aids and services considered; 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.

**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 the 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

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visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between February 2013 and May 2013. Names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

**Finding 21:** The district did not consistently document in the IEPs of students eligible for special education and related services the relevant factors considered determining whether a student requires an extended school year program (ESY) with a description of the program when ESY will be provided. Noncompliance was due to a lack of consistent implementation of the district procedures.

**Citation** N.J.A.C. 6A:14-4.10(a).

**Required Action:** The district must ensure consideration of ESY and description of ESY, when provided, is documented in the IEP. 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, the district must conduct IEP meetings to review/revise IEPs for the specific students whose IEPs were identified as noncompliant during monitoring. 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 February 2013 and May 2013. Names of the students whose IEPs were identified as noncompliant for ESY will be provided to the district by the monitor.

**Finding 22:** 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 consistent implementation of the 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 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. Additionally, a monitor from the NJDOE will conduct an on-site visit to review invitations to IEP meetings to students age 14 and above for meetings conducted between May 2013 and July 2013.

**Finding 23:** The district did not conduct identification meetings within 20 calendar days of receipt of a written request for a child study 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:14-2.5(b)6; 3.3(e) and 3.6(b).

**Required Action:** The district must ensure that identification meetings are conducted within 20 calendar days of receipt of a written request for evaluation. In order to

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demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the district's procedures. To demonstrate implementation of the procedures, a monitor from the NJDOE will conduct an on-site visit to review the dated initial request for evaluation for students referred for special education and related services and evidence of participation at the resulting meetings conducted between December 2012 and February 2013.

**Finding 24:** 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:** N.J.A.C. 6A:14-2.5(b)6 and 3.6(b).

**Required Action:** The district must ensure 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, a monitor from the NJDOE will conduct an on-site visit to review initial evaluation reports for students referred for speech-language services whose eligibility meetings were held between May 2013 and July 2013.

**Finding 25:** The district did not consistently ensure that the required participants were in attendance at the following meetings for students eligible for special education and related services and for students eligible for speech and language services:

- Identification meetings;
- Annual review meetings;
- Reevaluation planning meetings;
- Eligibility meetings; and
- IEP meetings.

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 meetings are conducted with required participants and documentation of attendance is maintained in students' files. In order to demonstrate correction of noncompliance, the district must conduct training for speech-language specialists and child study team members regarding the procedures. To demonstrate implementation of the procedures, a monitor from the NJDOE will conduct an on-site visit to review the participants' signature page from identification, annual

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review, reevaluation planning, eligibility and IEP meetings for students eligible for speech and language services and students eligible for special education and related services whose meetings were conducted between May 2013 and July 2013.

**Finding 26:** The district did not ensure a member of the child study team participated at the planning conference of students transitioning from an early intervention program to preschool. Noncompliance was due to a lack of implementation of district procedures.

**Citation:** N.J.A.C. 6A:14-3.3(e)1; 20 U.S.C. §1414(d)(1)(D); and 34 CFR §300.321(f).

**Required Action:** The district must allocate staff time to ensure a member of the child study team participates in the planning conferences for each student transitioning from early intervention to preschool. 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 evidence of participation of a child study team member in the transition planning conferences conducted between December 2012 and February 2013 for three students transitioning from early intervention to preschool.

**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.

**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

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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).