



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

July 24, 2012

Dr. Donnie Evans
State District Superintendent
Paterson Public Schools
90 Delaware Avenue
Paterson, NJ 07503

Dear Dr. Evans:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Paterson Public Schools**. 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 March 31, 2011. 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 Paterson Public Schools is required, pursuant to N.J.A.C. 6A:23A-5.6, to publicly review and discuss the findings in this report at a public board meeting no later than 30 days after receipt of the report. Within 30 days of the public meeting, the board must adopt a resolution certifying that the findings were discussed in a public meeting and approving a corrective action plan which addresses the issues raised in the undisputed findings and/or an appeal of any **monetary** findings in dispute (emphasis added). A copy of the resolution and the approved corrective action plan and/or appeal must be sent to this office within 10 days of adoption by the board. Direct your response to my attention.

Also, pursuant to N.J.A.C. 6A:23A-5.6(c), you must post the findings of the report and the board's corrective action plan on your district's website.

By copy of this report, your auditor is requested to comment on all areas of noncompliance and recommendations in the next certified audit submitted to the New Jersey Department of Education. If you have any questions, please contact Steven Hoffmann at (973) 621-2750.

Sincerely,

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

RJC/SH/dk:Paterson Public Schools 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: Paterson Public Schools
County: Passaic
Dates On-Site: April 30, May 1 and 2, 2012
Case #: Ed Jobs-058-11

FUNDING SOURCES

Program	Funding Award
Ed Jobs	\$12,895,333
Carl D. Perkins	183,281
Total Funds	<u>\$13,078,614</u>

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BACKGROUND

The *Education Jobs Act of 2010 (Ed Jobs)* and other federal laws require local education agencies (LEAs) to provide programs and services to their districts based on the requirements specified in each of the authorizing statutes. The laws further require that state education agencies such as the New Jersey Department of Education (NJDOE) monitor the implementation of federal programs by sub recipients and determine whether the funds are being used by the district for their intended purpose and achieving the overall objectives of the funding initiatives.

INTRODUCTION

The NJDOE visited the Paterson Public Schools to monitor the district's use of *Ed Jobs* funds and the related program plans, where applicable, to determine whether the district's programs are meeting the intended purposes and objectives, as specified in the current year applications and authorizing statutes, and to determine whether the funds were spent in accordance with the program requirements, federal and state laws, and applicable regulations. The on-site visit included staff interviews and documentation reviews related to the requirements of the following programs: Ed Jobs, Special Education, and the Carl D. Perkins Grant for the period July 1, 2010 through March 31, 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). The visit also included a review of student class and related service schedules, interviews of the child study team members and speech-language specialists, and an interview of the program administrator regarding current district policies and procedures. The monitoring team members also conducted interviews with district personnel, reviewed the supporting documentation for a sample of expenditures and conducted internal control reviews.

EXPENDITURES REVIEWED

The Ed Jobs and Carl D. Perkins grants were reviewed from July 1, 2010 through March 31, 2012. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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DETAILED FINDINGS AND RECOMMENDATIONS

Ed Jobs Act

Finding 1:

Condition: The district's reporting of jobs created and jobs retained for Education Jobs funding was not calculated using the proper federal methodology. Jobs created and jobs retained were overstated.

Citation: *American Recovery and Reinvestment Act (ARRA) section 1512.*

Required Action: The jobs created and jobs retained reported on future 1512 reports must be calculated using the appropriate federal methodology.

Special Education

Finding 2:

Condition: The district did not consistently inform parents regarding all meetings through provision of notice of a meeting for students referred and/or eligible for speech-language services. In addition, notices for students referred and/or eligible for special education and related services did not consistently indicate, for students 14 and older, whether a meeting would include transition. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-2.3(k)3,5; 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).

Required Action: The district must ensure that parents 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 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 notices of reevaluation planning and IEP meetings that occurred between June 2012 and September 2012.

Finding 3:

Condition: The district did not consistently inform parents of proposed actions through provision of written notice for students referred and/or eligible for special education and related services and speech-language services. When notice was provided, it did not contain all required components. Noncompliance was due to a lack of implementation of district 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.

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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, a monitor from the NJDOE will conduct an on-site visit to review notices of eligibility and reevaluation planning meetings that were conducted between June 2012 and September 2012.

Finding 4:

Condition: The district did not consistently provide copies of evaluation report(s) to parents at least 10 days prior to the determination of initial eligibility. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.5(a); 20 U.S.C. §1414(b)(4); and 34 CFR §300.306(a).

Required Action: The district must ensure 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 child study team members and 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 for students initially evaluated for special education and related services and speech-language services between June 2012 and September 2012 to the NJDOE for review.

Finding 5:

Condition: The district did not consistently convene meetings with required participants for students referred and/or eligible for special education and related services and for students referred and/or eligible for speech-language services. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-2.3(k)1(i-vii); 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a).

Required Action: The district must ensure that IEP team meetings are conducted with required participants and that 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 IEP participants signature page from initial, annual review, and reevaluation meetings for students eligible for speech and language services and students eligible for special education and related services whose IEP team meetings were conducted between June 2012 and September 2012.

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Finding 6:

Condition: The district did not consistently document all required considerations and statements in each IEP for students eligible for special education and related services and speech-language services. Specifically, IEPs did not consistently include:

- statement of transition from an elementary to secondary setting;
- supports for school personnel;
- participation in district-wide assessments;
- accommodations and modifications for district-wide assessments; and
- a statement of the Present Level of Academic Achievement and Functional Performance.

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

Citation: 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 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 district procedures. To demonstrate that the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for specific students whose IEPs were identified as noncompliant. A monitor from the NJDOE will conduct an on-site visit to review the revised IEPs, along with the IEPs for students whose annual review meetings were conducted between June 2012 and September 2012. Names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

Finding 7:

Condition: The district did not consistently document in the IEPs of students removed from the general education setting for more than 20 percent of the school day, including those 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; and
- the potentially beneficial or harmful effects which a placement in general education may have on the students with disabilities or other students in the class.

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).

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Required Action: The district must ensure that when determining the educational placement of a child with a disability, the IEP team considers the general education class first and that 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. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members regarding the district's procedures. To demonstrate that 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. If the IEP team determines that a change in placement is warranted, the district must immediately place the student in the new placement with necessary supplementary aids and services. A monitor from the NJDOE will conduct an on-site visit to review the revised IEPs and placements, along with the IEPs for students whose annual review meetings were conducted between June 2012 and September 2012. Names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

Finding 8:

Condition: The district did not provide, to the maximum extent appropriate, opportunities for students with disabilities to be educated with children who are not disabled. The Dr. Martin Luther King, Jr. Elementary School consists of self-contained classrooms for elementary students with autism. Students placed at the Dr. Martin Luther King, Jr. Elementary School do not have access to general education classes or the opportunity to interact with their non-disabled peers. Additionally, students attending the Dr. Martin Luther King, Jr. Elementary School do not attend non-academic activities such as assemblies offered during the school day.

Citation: 20 USC 1412(a)(5)(A); 34 CFR §300.114(a). N.J.A.C. 6A:4.2(a-b).

Required Action: The district must ensure that students attending the Dr. Martin Luther King, Jr. Elementary School have the opportunity to participate in programs and services based on their individual needs. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and district administrators regarding the procedures for implementing the requirements in the citation listed above. The district must develop a procedure to ensure that all students attending the Dr. Martin Luther King, Jr. Elementary School and other schools that have self-contained programs, have access to academic and nonacademic activities and programs and services based on their individual needs and abilities. At the next annual review meeting, the IEP team must ensure that general education is considered first, that placements decisions are made based on the individual needs of the student and consider the need for compensatory services. A monitor from the NJDOE will conduct an on-site visit to review IEPs and documents of students placed at the Dr. Martin Luther King, Jr. Elementary School, the procedures developed by the district and documentation demonstrating provision of training to child study team members.

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Finding 9:

Condition: The district did not provide interventions in general education setting(s) to students exhibiting academic difficulties prior to referring the student for an evaluation. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.3(b); 20 U.S.C. §1413(f)(2); and 34 CFR §300.226(b).

Required Action: The district must ensure that interventions are provided in the general education setting for students exhibiting academic difficulties, prior to referring the student for an evaluation. In order to demonstrate correction of noncompliance, the district must conduct training for administrators and staff regarding the procedures for implementing the requirements in the citation listed above. Additionally, a monitor from NJDOE will conduct an onsite visit to review documentation for students who were provided interventions in general education between June 2012 and September 2012.

Finding 10:

Condition: The district did not maintain documentation of the description, frequency, duration and effectiveness of the interventions provided in the general education setting through the Intervention and Referral Service (I&RS). Noncompliance was due to a lack of implementation of district procedures.

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

Required Action: The district must ensure that I&RS documentation includes the description, frequency, duration and effectiveness of the interventions provided in the general education setting. In order to demonstrate correction of noncompliance, the district must conduct training to administrators and general education and special education staff regarding the procedures for implementing the requirements in the citation listed above. Additionally, a monitor from NJDOE will conduct an on-site visit to review documentation for students who were provided interventions in general education between June 2012 and September 2012.

Finding 11:

Condition: The district did not conduct a meeting within 20 calendar days of receipt of a written request for evaluation for special education and related services or for speech-language services, to determine if an evaluation was warranted. Noncompliance was due to a lack of implementation 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 and that required participants are in attendance. In order to demonstrate correction of noncompliance, the district must conduct training for speech-language specialists and child study team

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members regarding the district's procedures. To demonstrate implementation of the procedures, a monitor from 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 for students referred for speech-language services and the signed participation pages from the resulting meetings conducted between June 2012 and September 2012.

Finding 12:

Condition: The district did not conduct vision/hearing screenings and health/medical summaries for every student referred to the child study team for evaluation. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A:14-3.4(j).

Corrective Action: The district must ensure that a vision and audiometric screening is conducted for every student referred to the child study team with a copy of the results maintained in students' files, along with available health/medical summaries. 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 NJDOE will conduct an on-site visit to review dated copies of vision and audiometric screenings and health/medical summaries provided to case managers for students referred to the child study team between June 2012 and September 2012.

Finding 13:

Condition: The district did not consistently conduct all required sections of the functional assessment as a component of initial evaluations for students referred for special education and related services and for students referred for speech-language services. Noncompliance was due to a lack of implementation of district procedures.

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

Required Action: The district must ensure that all components of the functional assessment are conducted as part of the initial evaluations process. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and speech-language specialists regarding the district's procedures for implementing the requirements in the citation listed above. In addition, a monitor from NJDOE will conduct an on-site visit to review evaluation reports developed between June 2012 and September 2012 for students referred for special education and related services and speech-language services. For assistance with correction of noncompliance, the district is referred to the sample report form for speech-

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language evaluations which can be located at:
www.state.nj.us/education/speced/forms.

Finding 14:

Condition: The district did not consistently conduct reevaluations within three years of the previous classification date for students currently eligible for special education and related services and speech-language services. Noncompliance was due to a lack of implementation of district procedures.

Citation: N.J.A.C. 6A: 14-3.7(i) and 14-3.8(a) and 20 U.S.C. §1414(a)(2)(B)(ii) and (d); and 34 CFR §300.324(b)1.

Required Action: The district must ensure that reevaluations are conducted within required timelines. 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 NJDOE will conduct an on-site visit to review evidence of determination of continued eligibility for students identified during monitoring, as well as evidence of reevaluations conducted between June 2012 and September 2012 that includes the date of the prior determination of eligibility and documentation of the current date of eligibility for special education and related services and speech-language services.

Finding 15:

Condition: The district does not have a policy for the provision of students with disabilities participating in district wide assessments.

Citation: 34 CFR §300.160.

Required Action: The district must revise its policies and procedures to ensure that students with disabilities participate in district wide assessments. The policy must include the provision of accommodations and modifications and the provision of alternate assessments for those children who cannot participate in the regular assessment. If the district reports publicly on the district wide assessment, the district must also report with the same frequency and in the same detail as it reports on the assessment of non-disabled children. A monitor from NJDOE will conduct an on-site visit to review this policy revision which includes all of the required components in the citation above.

Carl D. Perkins

There were no findings for the Carl D. Perkins Grant.

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Administrative

Finding 16:

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

Citation: EDGAR, PART 80-*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems. N.J.S.A 18A:18A(2)(v) *Public School Contracts Law*.

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

The NJDOE thanks you for your time and cooperation during the monitoring visit and looks forward to a successful resolution of all findings and implementation of all recommendations contained in this report.

If you have any questions, please contact Steven Hoffmann via phone at (973) 621-2750 or via email at steven.hoffmann@doe.state.nj.us.