



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DAVID C. HESPE
Commissioner

August 8, 2016

TO: Directors, Private Schools for Students with Disabilities

FROM: Michael Mindlin, CPA *Michael Mindlin*
Director Office of Fiscal Policy & Planning

SUBJECT: *Annual Information for 2016-2017 - Updated*

This letter is an update to the first revision letter dated July 26, 2016 and includes information not previously available upon release of the original letter dated April 2, 2016. Specifically, this letter announces the release of the 2016-17 Maximum Salaries Schedule and the 2016-17 Recognized Position Titles Schedule.

Approved private schools for students with disabilities may access the annual information documents on the Department's website at: www.state.nj.us/education. Each document/form is labeled and contains a link to a .pdf, Excel, or MS Word file. The directions for completion of any form that requires submission to OSF are contained in the same document as the form. Please be aware that although the information requests are posted under 2016-2017 Annual Information, several of the requests relate to the 2015-2016 school year.

Please ensure that appropriate personnel in the school's administrative office receive a copy of this memo and the applicable forms. If there are any questions relative to the content of this notice, please contact OSF at doe.pssd@doe.state.nj.us.

Annual Information Documents

(1) 2015-2016 School Summary Register Form

In accordance with N.J.A.C. 6A:23A-18.8(b), each approved private school for students with disabilities shall submit the *school summary register information* annually to the Commissioner by September 1st, to verify the average daily enrollment *for the previous school year*. For the 2015-2016 school year, the form must reflect enrollment for both the extended school year and ten (10) month school year. Please complete and submit the school summary register form, for the

July 1, 2015 through June 30, 2016 school year, by September 1, 2016, via email to doe.pssd@doe.nj.state.us.

The form can be found at <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>.

(2) Related Party Transactions

In accordance with N.J.A.C. 6A:23A-18.5(a)(47), a related party transaction is defined as a transaction between parties in which one party to the transaction is able to control or substantially influence the actions of the other. Such transactions are defined by the relationship of the parties and include, but are not limited to, those between divisions of an institution; institutions or organizations under common control through common officers, directors, or members; and an institution and a director, trustee, officer, or key employee of the institution or his or her immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest. In accordance with N.J.A.C. 6A:23A-18.5(a)(47), a cost which is not allowable in the calculation of the certified actual cost per student includes *rental costs for buildings and equipment or other services or goods* in excess of the actual allocated costs of ownership incurred by the related property owner including a 2.5 percent return calculated on the actual costs of ownership incurred by the related party.

The form can be found at http://www.state.nj.us/education/finance/fp/psd/1617/party_transactions.pdf

(3) Employee Time Record

In accordance with N.J.A.C. 6A:23A-18.4(a)10, an approved private school for students with disabilities shall prepare a payroll that is supported by an accurate employee time record in a format prescribed or approved by the Commissioner, signed by the employee and supervisor, prepared in the time period in which the work was done and completed at minimum on a semi-monthly basis.

An employee time record shall be prepared for all employees of the private school for students with disabilities including all administrative employees. The Department of Education has two prescribed formats for maintenance of employee time records: one for an individual employee and one for multiple employees. The forms are in excel format within separate tabs within the same excel file.

If a private school chooses not to use one of the attached formats, the school must receive Commissioner's approval of its form prior to implementing its use. When requesting approval of an alternative format, please provide a copy of the proposed format. The form can be found at <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>.

(4) Prescribed Financial Report – Quarterly (2016-2017)

In accordance with N.J.A.C. 6A:23A-18.4(a)(11), an instruction manual and an Excel template of the 2016-2017 Prescribed Financial Report are available on the DOE website at: <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>.. To facilitate completion, the template may be downloaded for use by the approved private school for students with disabilities.

(5) Prescribed Mileage Format

In accordance with N.J.A.C. 6A:23A-18.4(a)18, a mileage record shall be maintained for each school-owned vehicle, leased vehicle or vehicle contained in a related party transaction involving the purchase of transportation services in a format prescribed by the Commissioner. The format is available online with the Related Party Transaction form. The mileage record shall be maintained on a trip-by-trip basis and include any personal use including to/from work commutation. At the end of the fiscal year, the percentage determined by the total personal miles to total miles shall be applied to all costs associated with the vehicle(s) and those costs shall be excluded from the actual allowable costs. Vehicle costs may include, but not be limited to, the following: depreciation, lease costs, gas, oil, repairs and maintenance and insurance.

The mileage record must include the following: vehicle make, model, color, year and license number and include the following information for each trip:

1. Date of trip;
2. Purpose of trip;
3. Business or personal usage;
4. Destination;
5. Beginning and ending odometer reading; and
6. Driver of vehicle.

In accordance with N.J.A.C. 6A:23A-18.5(a)40 and 42, any cost associated with travel to and from the officer's or employee's home and the school or agency and the personal use of a school-owned or leased vehicle, which includes to/from work commutation as determined in accordance with N.J.A.C. 6A:23A-18.4(a)18 must be considered a non-allowable cost. If a mileage log is not maintained, the costs associated with a school-owned or leased vehicle or vehicle contained in a related party transaction involving the purchase of transportation services must be considered non-allowable costs in accordance with N.J.A.C. 6A:23A-18.5(a)43.

(6) Allowable Reimbursement for the Cost of Meals and Hotel Accommodations

In accordance with N.J.A.C. 6A:23A-18.5(a)35, the cost of meals and hotel accommodations associated with daily or overnight travel, in excess of those contained in New Jersey Office of Management and Budget (OMB) Circular Letter 16-11-OMB (effective March 1, 2016 and supersedes all previous travel regulations) is not an allowable cost included in the calculation of the certified actual cost per student. Circular Letter 16-11-OMB refers to the Federal Per Diem Rates Schedule, which provides a listing of all states and major cities, along with the amounts

allowed to be expended per day for the major categories of lodging and meals/incidentals at each location.

The per diem rates reflected under the column heading "M&IE" for meals and incidental expenses include all taxes and gratuities. The per diem rates reflected under the column heading "Lodging Rate" do not include any type of taxes (all taxes are reimbursed in addition to the amount indicated).

The following restrictions apply to the allowable per diem reimbursements:

1. No overnight travel is permitted within the State unless the Commissioner has approved a waiver of the prohibition on overnight travel requested by the sponsoring organization;
2. For all official business travel, allowable per diem reimbursement for lodging and meals will be actual reasonable costs, not to exceed the federal per diem rates as established in the Federal Register for the current year;
3. If an employee's destination is somewhere other than the locations listed in the Federal Register, then the maximum per diem reimbursement allowable is \$51 for meal/incidental expenses and \$89 for lodging;
4. No allowance for meals is permitted for in-State travel except in limited circumstances authorized in Circular Letter 16-11-OMB;
5. The following expenses are not allowable:
 - o Charges for alcoholic beverages;
 - o Charges for laundry, valet service, entertainment;
 - o Reverse telephone charges or third party calls;
 - o Charges for telephone calls applying for or inquiring about leaves of absence or extensions thereof, inquiring as to payment of salary or expense vouchers, or calls concerning any matter of purely a personal nature; and
 - o Recall of any employee to duty during a period of leave of absence shall be avoided, except in cases of extreme emergency.

The listing of the per diem rates will be posted on the Department's Web site at the private schools for students with disabilities page at <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>. Subsequent updates or revision to the Federal Per Diem rates are available at: <http://www.gsa.gov/portal/content/104877>.

(7) Administrative Code

A .pdf version of the current administrative code governing private schools for students with disabilities is available on the Department of Education's website at: <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>.

(8) Tuition Contracts

The private school for students with disabilities mandated tuition contracts are now available on the Department of Education's website at <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>. Instructions are also available at this link. Use of the mandated tuition contract is required. The format and content of mandated tuition contracts is not subject to modification.

The contracts provide the private schools/school districts the ability to execute only one contract for each pupil which would include all the available services, if applicable (ten month school year, extended school year and extraordinary services). There is no need to execute separate contracts for a pupil for each time period and/or service. OSF recommends that the parties (private schools/school districts) execute only one contract per pupil for the entire July through June school year.

(9) Department of Treasury Affirmative Action Regulations - Private Schools for Students with Disabilities Mandated Tuition Contracts for the 2016-2017 School Year

The Department of Treasury's Affirmative Action regulations require specific language in contracts with public agencies. The private schools for students with disabilities mandated tuition contract for 2016-2017 contains this language in sections #14 and #16 of the form contracts.

In accordance with N.J.A.C. 17:27-4.3 promulgated by the Department of Treasury pursuant to N.J.S.A. 10:5-31 et seq., all contractors (i.e., private schools for students with disabilities) entering into a valid service contract with a public agency (i.e., board of education) are required to submit to the public agency one of the following forms of evidence:

- i. Letter of Federal Affirmative Action Plan Approval, that the contractor is operating under an existing federally approved or sanctioned affirmative action program; or
- ii. A Certificate of Employee Information Report; or
- iii. An Employee Information Report Form (AA302) provided by the public agency (i.e., board of education) and completed by the contractor.

Please be advised, the appropriate evidence must be submitted to the public agency (i.e., board of education) after notification of award of the contract but prior to signing a goods and services contract, whichever is earlier. To obtain a copy of the Employee Information Report Form (AA302), please request a copy from one of the boards of education which sends pupils to your school. Prior to completing the report, please read and follow the instructions for completing the form. The links to the forms above are from the Department of Treasury and may not be obtained from the Department of Education. Please be advised, this form must not be filed with the Department of Education. The necessary forms can be found at: http://www.state.nj.us/treasury/contract_compliance/forms.shtml and http://www.state.nj.us/treasury/contract_compliance/contact.shtml, OR on the link under the tuition contracts.

(10) Tentative Tuition Rate Charged

Please complete the applicable form which is a request for your school's 2016-2017 tentative tuition rates to be charged and various administrative information. Directions on completion are contained on the first page of the form. The form can be found at <http://www.nj.gov/education/finance/fp/psd/1617/annual.shtml>.

(11) Maximum Salary

Please find the 2016-2017 maximum salaries for private schools for students with disabilities which are calculated and published pursuant to N.J.A.C. 6A:23A-18.2(o) and (p). The maximum salaries are based on employment for 12 months from July 1, 2016 through June 30, 2017 and the maximum salary of a private school staff member shall be prorated for an individual employed for less than 12 months. Please pass this information on to the appropriate internal staff in your organization. The 2016-2017 maximum salaries may also be retrieved electronically from the approved private school for students with disabilities' website at: <http://www.state.nj.us/education/finance/fp/psd/1617/annual.shtml>

(12) Recognized Position Titles

In accordance with N.J.A.C. 6A:23A-18.4(j), private schools for students with disabilities shall use the job titles that are in use in the public schools in accordance with N.J.A.C. 6A:9 and the list published each year by the Commissioner, or those approved in accordance with N.J.A.C. 6A:9-5.5. In accordance with N.J.A.C. 6A:23A-18.2(r), a list of the recognized job titles pursuant to N.J.A.C. 6A:9 that require certification, and N.J.A.C. 6A:23A-18.1 that require a bachelor's degree, shall be published by the Commissioner. Private schools for students with disabilities shall only hire staff or consultants in job titles that require certification or a bachelor's degree if such titles are included on this list, or if such titles are unrecognized job titles for instruction that are approved in accordance with N.J.A.C. 6A:9-5.5.

The 2016-2017 listing of the recognized job titles for private schools for students with disabilities is available at: <http://www.state.nj.us/education/finance/fp/psd/1617/annual.shtml>. The following position codes/position titles were added for the 2016-2017 year: 0329 Supervisor of Early Childhood, 0527 Director of Early Childhood, and 3137 Orientation and Mobility Specialist. Private schools should use the titles from the listing, but may apply for approval of an unrecognized title through the executive county superintendent's office in the county the private school is located.

In accordance with N.J.A.C. 6A:23A-18.4(c), an approved private school for students with disabilities shall execute an employment contract annually with each school employee whose position requires a certificate, license or a bachelor's degree. The employment contract shall contain the following information: name of employee; dates of employment; work hours; certification(s) and/or degree(s) held; job description; job title; and salary. An employee's contract may only reflect a recognized job title from the attached list or an unrecognized job title approved by the executive county superintendent in accordance with N.J.A.C. 6A:9-5.5. In addition, the job title listed on an employee's employment contract must be the same job title reflected on the 2016-2017 Fiscal and Program Information forms filed by the school and reported on the school's 2016-2017 audited financial statements.

The executive county superintendent reviews proposed unrecognized job titles and job descriptions to determine the following: if the duties outlined in the proposed job description require certification and if a similar recognized job title currently exists. If the duties outlined in the proposed job description do not require certification, the request for approval of an unrecognized job title will be denied on the basis that it does not require certification. If the duties outlined in the proposed job description may be fulfilled under an existing job title, the executive county superintendent will recommend that the school use the existing recognized job title. If the duties outlined in the proposed job description require certification and cannot be performed under an existing recognized job title, the executive county superintendent will make a determination of the appropriate unrecognized job title and school certification for the job. However, whether the duties outlined in the proposed job description may be fulfilled under an existing job title or the executive county superintendent approves an unrecognized job title and school certification for the job, the individual in the job must hold the proper New Jersey school certification.

Additionally, the executive county superintendent will annually review a previously approved unrecognized job title and determine whether such title shall be continued for the next school year upon request from the private school. Therefore, the private school for students with disabilities must annually reapply for such approval. In accordance with N.J.A.C. 6A:23A-18.5(a)57, the costs of salaries and fringe benefits of unrecognized job titles which are not properly approved in accordance with N.J.A.C. 6A:9-5.5 are considered non-allowable costs. Retroactive approvals of unrecognized job titles will not be granted for the 2016-2017 school year.

MM\ESWG\Annual Information\2016-2017\General Memo.docx

C: Auditor, Private Schools for Students with Disabilities
William Haldeman
Kevin J. Dehmer
Yut'se O. Thomas
Elaine Lerner
Lisa McCormick
Elise Sadler-Williams
Kimberly Gatti