



## State of New Jersey

DEPARTMENT OF EDUCATION

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Acting Commissioner

November 9, 2020

To: Directors, Private Schools for Students with Disabilities

From: Elise Sadler-Williams, Office of School Finance – Fiscal Policy & Planning

**Subject: *Annual Information for 2021-2022***

I am writing to advise approved private schools for students with disabilities of the availability of annual information documents published on the Department's [School Finance website](#). 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 the Department are contained in the same document as the form.

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 or the new regulations, please contact the Department at [doe.pssd@doe.nj.gov](mailto:doe.pssd@doe.nj.gov).

### Annual Information Documents

(1) [Related Party Transactions](#)

In accordance with *N.J.A.C.* 6A:23A-18.6(a)44, 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, members or owners; 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-18.6(a)44, a cost which is not allowable in the calculation of the certified actual cost per student includes *rental costs for buildings and equipment, or the cost of acquisition of services or goods* in excess of the actual allocated costs of providing the purchased goods and/or services incurred by the related property owner including a 2.5 percent return calculated on the actual costs of ownership of the building or equipment, or the cost of providing the purchased goods and/or services incurred by the related party. Related Party Transactions forms are due on October 1, 2021.

(2) [Employee Time Record](#)

In accordance with *N.J.A.C.* 6A:23A-18.5(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, or his or her designee, 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.

(3) Prescribed Financial Report – Quarterly (2021-2022)

In accordance with *N.J.A.C.* 6A:23A-18.5(a)11, an [Instruction Manual](#) and an Excel template of the [2020-2021 Prescribed Financial Report](#) are available on the DOE website. To facilitate completion, the template may be downloaded for use by the approved private school for students with disabilities.

(4) Prescribed Mileage Format

In accordance with *N.J.A.C.* 6A:23A-18.5(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, or his or designee. 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-18.6(a)37 and 39, 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-18.5(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-18.6(a)40.

(5) 2021-2022 Tuition Contracts

The private school for students with disabilities [Mandated Tuition Contracts](#) and [Instructions](#) are now available on the Department of Education's website. 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. The Department recommends that the parties (private schools/school districts) execute only one contract per pupil for the entire July through June school year.

(6) [Department of Treasury Affirmative Action Regulations](#) - Private Schools for Students with Disabilities Mandated Tuition Contracts for the 2021-2022 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 2021-2022 contains this language in sections #14 and #17 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. For additional information, APSSDs should [contact the Department of Treasury](#).

(7) [Maximum Allowable Salary](#)

Maximum allowable salaries pursuant to amended *N.J.A.C. 6A:23A-18.3(o)* are published on the Department's website.

(8) [2021-2022 Recognized Position Titles](#)

In accordance with *N.J.A.C. 6A:23A-18.5(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:9B* and the list published each year by the Commissioner, or those approved in accordance with *N.J.A.C. 6A:9B-5.5*. In accordance with *N.J.A.C. 6A:23A-18.3(q)*, 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-18.2* that require a bachelor's or master'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 or master'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:9B-5.5*.

The job code for Transition Teacher was changed from 496 to 3136. 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-18.5(c)*, an approved private school for students with disabilities shall execute an employment contract annually with each school employee. The employment contract shall contain the following information: the employee's name; dates of employment; work hours/duration term of employment; certification(s) and/or degree(s) held; certification(s) required for the job title; job description; job title; all fringe benefits; 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:9B-5.5*. In addition, the job title listed on an employee's employment contract must be the same job title reflected on the 2021-2022 Budget System data filed by the school and reported on the school's 2021-2022 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-18.6(a)*<sup>54</sup>, the costs of salaries and fringe benefits of unrecognized job titles which are not properly approved in accordance with *N.J.A.C. 6A:9B-5.5* are considered non-allowable costs.

Retroactive approvals of unrecognized job titles will not be granted for the 2020-2021 school year.

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