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New Jersey K-12 Education

CONSOLIDATED MONITORING REPORT
MAY 2014

District: Fairview Public Schools
County: Bergen
Dates On-Site: December 10, 11 and 12, 2013
Case #: CM-005-13

FUNDING SOURCES

Program	Funding Award
Title I	\$ 889,606
IDEA Basic	411,182
IDEA Preschool	8,837
Title II A	53,144
Title III	33,984
Title III Immigrant	14,985
Total Funds	<hr/> <u>\$ 1,411,738</u>

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BACKGROUND

The Elementary & Secondary Education Act (ESEA) and the Individuals with Disabilities Act (IDEA) 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 and IDEA). 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 Fairview Public Schools to monitor the district's use of federal 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: Title I, Part A (Title I); Title II, Part A (Title II); Title III; Title III Immigrant and IDEA Basic and Preschool for the period July 1, 2012 through November 30, 2013.

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 reviewed included Title I, Title II, Title III; Title III Immigrant and IDEA Basic and Preschool from July 1, 2012 through November 30, 2013. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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GENERAL DISTRICT OVERVIEW OF USES OF TITLE I AND IDEA FUNDS

Title I Projects

Title I funds were expended to support teacher salaries and benefits. In addition, Title I funds were used for an after school program and supplies.

IDEA Projects

The district utilized the FY 2012-2013 and FY 2013-2014 IDEA Basic and Preschool funds for tuition for students in private special education placements, consultants to work directly with students, and instructional supplies and materials for use within the classroom. In addition, the district utilized IDEA funds for child study team case management and professional development for staff.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1: The district could not provide documentation to substantiate the date of last review and board adoption for its parental involvement policy. The hard copy of the parental involvement policy reflected August 2006 as the date of last review and board adoption. However, the board minutes indicated that adoption occurred in FY 2013-2014. The annual review and current board adoption allows parents and other stakeholders to impact the parental involvement process and identify the unique needs of the Title I schools and parents of Title I students.

Citation: ESEA §1118(a)(2): *Parental Involvement (Written Policy)*; ESEA §1118(b): *Parental Involvement (School Parental Involvement Policy)*.

Required Action: The district must have written district and school-level parental involvement policies which are reviewed annually and clearly marked as such, and distributed to Title I parents and stakeholders each year. Copies of the revised board approved district parental involvement policy and school-level policies must be submitted to the NJDOE for review. Evidence of the annual district-level review must appear at the bottom of the document and appear in the board minutes. The evidence of district and school-level annual reviews must be documented with meeting agenda, sign in sheets and minutes.

Finding 2: The Parents' Right-to-Know/Highly Qualified Teacher (HQT) letter provided did not include the three components that constitute a HQT: (1) a four-year college degree, (2) a regular teaching certificate/license, and (3) proof of his/her knowledge in the subject they teach. The Parents' Right-to-Know HQT letter informs all parents of their right to ask about the qualifications of their child's teachers and the definition of highly qualified staff.

Citation: ESEA §1111(h)(6): *State Plans: Reports (Parents' Right-to-Know)*.

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Required Action: The Parents' Right-to-Know HQT letter must be revised and reissued to the parents of all students who attend district schools. A template of the letter is located at: <http://www.state.nj.us/education/title1/hqs/rtk.htm>.

Finding 3: The district's website contained Title I information, such as the parent involvement policy and Parents' Right-to-Know HQT letter that was incomplete and/or outdated.

Citation: ESEA §1111(h)(2)(E): *Public Dissemination*.

Required Action: The district must review and update the website to reflect the current and complete versions of the parental involvement policy and the revised Parents' Right-to-Know HQT letter.

Finding 4: The timesheets for the staff providing nonpublic equitable services for the after school program did not clearly identify that staff were providing services outside the nonpublic school hours. The documentation must reflect what the staff is doing, when and the location to ensure that funded staff are actually performing allowable grant activities.

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 revise the time and activity information for staff to clearly reflect when the equitable services to nonpublic students charged to the grant are occurring.

Finding 5: The Title I parental notification letters did not explicitly state the entrance and exit criteria for the students in the Title I program. Additionally, the vague entrance and exit criteria in the notification letters were not aligned to the entrance and exit criteria and supporting data the district used to identify Title I students.

Citation: ESEA §1115: *Targeted Assistance Schools*.

Required Action: The district must revise the Title I parental notification letters to include the specific entrance and exit criteria and remove the following language "not one or more" on the push-in program letter.

Finding 6: The district's Nonpublic School Participation Refusal form did not include the amount of Title I funds generated to provide equitable services to eligible resident nonpublic school students.

Citation: ESEA §1120: *Participation of Children Enrolled In Private School*.

Required Action: For FY 2014-2015, the district's Nonpublic School Participation Refusal form must indicate the amount of Title I funds generated for equitable services to eligible resident nonpublic school students.

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Title II

A review of the expenditures charged to the Title II grant yielded no findings.

Title III

A review of the expenditures charged to the Title III grant yielded no findings.

Title III Immigrant

A review of the expenditures charged to the Title III Immigrant grant yielded no findings.

IDEA (Special Education)

Finding 7: In the 2012-2013 school year, individuals charged to the IDEA grant were not approved by board resolution.

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 ensure all individuals charged to the IDEA grant are approved by board resolution.

Finding 8: In the 2012-2013 grant year, the district did not enter into contracts with all agencies or independent consultants that provide services directly to students. In addition, when the district did enter into a contract with an agency or consultant, the contract did not include all required components.

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 enter into a contract with all agencies or consultants where services are being provided. Contracts must include a per-service or hourly rate and a not to exceed amount. All contracts must be presented before the board for approval.

Finding 9: In the 2012-2013 school year, the district contracted with Bergen County Special Services School District (BCSSSD) for services to students with disabilities in nonpublic settings. BCSSSD billed the district in four equal monthly payments rather than for delivery of service. In addition, BCSSSD did not bill in accordance with the terms of the contract; BCSSSD billed the district without invoices to support the services that were provided.

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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 require detailed invoices from the BCSSSD that includes specific dates of service and type of service provided. The district must ensure that payment is based on delivery of service.

Finding 10: The district did not consistently include required considerations and statements in each IEP for students eligible for special education and related services (ESERS) and for students eligible for speech-language services (ESLS). Specifically, IEPs did not contain:

- Language and communication needs (ESERS);
- Blind/visually impaired (ESERS);
- Deaf/hard of hearing (ESLS);
- Supports for school personnel (ESLS); and
- Statement of how progress towards annual goals will be measured (ESLS)

Citation: N.J.A.C. 6A:14-3.7(e) 1&7, and 4.3(e); and 20 U.S.C. §1414(d)(3)(A)(B); and 34 CFR §300.324(a)(1)(2).

Required Action: The district must ensure each IEP contains the required considerations and statements. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. To demonstrate the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for specific students who IEPs were identified as noncompliant. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs, along with a random sample of IEPs developed between May 2014 and September 2014, and to review the oversight procedures. The names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

Finding 11: The district did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of initial eligibility or continued eligibility for students referred and/or eligible for special education and related services.

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 parents are provided copies of evaluation reports 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 develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct an

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on-site visit to interview staff, review documentation demonstrating the provision of copies of evaluation reports provided 10 days prior to eligibility meetings conducted between May 2014 and September 2014, and to review the oversight procedures.

Finding 12: The district does not have a policy for the provision of accommodations and modifications or, when appropriate, an alternate assessment for students with disabilities participating in district wide assessments.

Citation: 34 CFR §300.160.

Required Action: The district must revise policies and procedures to ensure 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 nondisabled children. A monitor from the NJDOE will conduct an on-site visit to review the policy.

Administrative

Finding 13: The district failed to formally appoint all individuals charged to the federal programs by board resolution.

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: All staff charged to federal grants should be reappointed annually by board resolution.

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.

State of New Jersey
Department of Education
Office of Fiscal Accountability and Compliance

PROCEDURES FOR LEA/AGENCY RESPONSE
CORRECTIVE ACTION PLAN AND APPEAL PROCESS

Resolution:

Pursuant to N.J.A.C. 6A:23A-5.6, within 30 days of receipt of the report, the board of education must discuss the findings of the report at a public meeting of the board. Within 30 days of the public meeting, the board must adopt a resolution certifying that the findings were discussed in a public board meeting and approving a corrective action plan to address issues raised in the undisputed findings and/or appeal of any findings in dispute. Within 10 days of adoption of the resolution by the board, such resolution together with the approved corrective action plan and/or appeal must be submitted to the Office of Fiscal Accountability and Compliance. The findings of the Office of Fiscal Accountability and Compliance's report and the board of education's corrective action plan must be posted on the district's website.

Corrective Action Plan:

The corrective action plan is to be used when the LEA/Agency is in agreement with any of the findings. To contest a finding the appeal process must be used. After the appeal is settled a corrective action plan must be filed for any finding upheld during the appeal process.

The corrective action plan must be prepared by completing the attached form. The LEA/Agency must submit the following information:

- Recommendation number
- Corrective action (approved by the board)
- Method of implementation
- Person responsible for implementation
- Completion date of implementation

If the corrective action plan is acceptable, a letter will be sent to the LEA/Agency indicating that it has been accepted.

If the corrective action plan is not acceptable, a letter will be sent to the LEA/Agency indicating whether further clarification is required or further action is necessary.

Appeal Process:

The appeal process is used to contest findings.

Within 10 days of the board's adoption of the resolution approving an appeal of the findings of the report, a written request by the LEA/Agency to review the "aggrieved" findings, recommendations or questioned costs must be submitted to the director, Office of Fiscal Accountability and Compliance. The notice of appeal must indicate the findings to be appealed.

The appeal itself may be written or a hearing may be scheduled so that the LEA/Agency can present its case. In either instance, documentation must be presented supporting the appeal. The director, Office of Fiscal Accountability and Compliance will issue a written decision.

If the decision is unsatisfactory to the LEA/Agency, the LEA/Agency may, within 10 calendar days, file a notice of appeal to the Chief of Staff.

If the final determination made by the Chief of Staff, is still unsatisfactory to the LEA/Agency, the LEA/Agency may access the formal appeal process described in N.J.A.C. 6A:3-1.3.