



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

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Lt. Governor

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Commissioner

March 31, 2015

Mrs. Teresa Segarra, School Lead
Maria L. Varisco-Rogers Charter School
243 Woodside Avenue
Newark, NJ 07104

Dear Mrs. Segarra:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Maria L. Varisco-Rogers Charter School**. The funding sources reviewed include titled programs for the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). The review covered the period July 1, 2013 through October 31, 2014. The resulting report is enclosed. Please provide a copy of the report to each board member. All issued Consolidated Monitoring Reports will be posted on the department's website at <http://www.state.nj.us/education/finance/jobs/monitor/consolidated>.

Utilizing the process outlined in the attached "Procedures for Charter Schools Response, Corrective Action Plan and Appeal Process," the Maria L. Varisco-Rogers Charter School Board of Trustees 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 school'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: Maria L Varisco-Rogers Charter School Cover Letter/consolidated monitoring
Enclosures

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MARIA L. VARISCO-ROGERS CHARTER SCHOOL
243 WOODSIDE AVENUE
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New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
MARCH 2015**

District: Maria L. Varisco-Rogers Charter School
County: Essex
Dates On-Site: November 6 and 7, 2014
Case #: CM-019-14

FUNDING SOURCES

Program	Funding Award
Title I	\$369,816
IDEA Basic	103,642
Title IIA	5,370
Title III	17,426
Total Funds	<u>\$ 496,254</u>

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BACKGROUND

The Elementary and 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 school 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 LEAs are using the funds for their intended purpose and achieving the overall objectives of the funding initiatives.

INTRODUCTION

The NJDOE visited the Maria L. Varisco Charter School to monitor the school's use of federal funds and the related program plans, where applicable, to determine whether the 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; and IDEA Basic for the period July 1, 2013 through October 31, 2014.

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 (IEPs), 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 school policies and procedures. The monitoring team members also conducted interviews with school personnel, reviewed the supporting documentation for a sample of expenditures and conducted internal control reviews.

EXPENDITURES REVIEWED

The grants that were reviewed included Title I, Title II, Title III and IDEA Basic from July 1, 2013 through October 31, 2014. 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

The school used Title I funds to support teacher salaries, professional development, instructional supplies, and parental involvement policies.

IDEA Projects (Special Education)

The IDEA public funds were utilized to offset the salaries and benefits of employees, professional development, and supplies/materials for students with disabilities.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1: The school did not include at least one parent and at least one community representative, who are not affiliated with the school's Board of Trustees, on the Title I Schoolwide Stakeholder Committee.

Citation: ESEA §1114(b)(2)(B)(ii): *Plan Development*.

Required Action: The school must expand its Title I Schoolwide Stakeholder Committee to include at least one parent and one community representative, who are not affiliated with the Board of Trustees. Any changes to the membership of the Schoolwide Stakeholder Committee must be documented in the Committee's meeting minutes and sign in sheets.

Finding 2: The school provided an incomplete list of staff whose salaries are supported with Title I funds. The school did not have the required supporting documents to verify the time and activity of any Title I funded staff as required by federal law. The documentation must reflect what the staff is doing, when and where, and must match their funded percentage.

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 school must identify staff members who are working with students in the Title I program. The school may then charge the salaries of these staff to the grant and verify the time and activity of staff charged to the grant. The school must submit a revised list of the FY 2014-2015 Title I funded staff, salaries, funding percentages and time sheets to date to the NJDOE for review.

Finding 3: The school did not provide evidence of convening an annual Title I parents meeting at the beginning of the year to explain the legislation and the school's Title I programs. Not conducting an annual meeting at the beginning of the year to explain the Title I legislation does

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not allow parents of Title I students to be informed and vested in the Title I process from the start.

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

Required Action: The school must submit the invitational letter/flyer, meeting notes, sign in sheets, and agenda from the FY 2014-2015 meeting to the NJDOE for review.

Finding 4: The school did not have a parental involvement program that reflected the requirements of Title I. There is no evidence the school's Title I parental involvement policy was reviewed and board adopted since October 19, 2011. The annual review and current board adoption allow parents and other stakeholders to impact the parental involvement process and identify the unique needs of the parents at the school. For FY 2014-2015, parents and associated stakeholders must be included in the development process.

Citation: ESEA §1118(a)(2): *Parental Involvement (Local Educational Agency Policy)*.

Required Action: The school must have a written district-level parental involvement policy evaluated annually with current board adoption. Copies of a recent board approved school parental involvement policy must be submitted to the NJDOE for review. Evidence of parental input into the development of the Title I parental involvement policies must be documented with meeting agenda, sign in sheets and minutes.

Finding 5: For the FY 2014-2015 school year, there was no evidence the school's school-parent-student compact was developed in conjunction with parents.

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

Required Action: The school must include the associated stakeholder groups in the development of the school-parent-student compact and must submit evidence that the school-parent-student compact was developed in collaboration with parents for the FY 2014-2015 to the NJDOE for review.

Finding 6: The school budgeted \$5,000 of auditing fees as Title I administrative costs in Administrative Reserve on the Title I Eligibility - Step 4 of the school's FY 2014-2015 NCLB Consolidated Application which could not be substantiated through any supporting documentation. The school was unable to provide an itemization that the \$5,000 auditing fees were supplemental and attributable to auditing Title I only.

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

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Required Action: The school must reverse the \$5,000 auditing fees charged as Title I administrative costs and allocate state/local funds, rather than Title I funds, to support this expenditure. The school must provide evidence of the journal entry to reverse the expenditures to the NJDOE for review.

Finding 7: For FY 2013-2014, the costs associated with the Zumba and Nutrition Title I parental involvement activities were not necessary and reasonable for proper and efficient performance and administration of the school's Title I program. As a result, these expenditures are unallowable.

Citation: ESEA §1118: *Parental Involvement*; OMB Circular A-87, Attachment B, Section 14: *Cost Principles for State, Local and Indian Tribal Governments (Entertainment costs)*.

Required Action: The school must allocate state/local funds rather than using Title I funds to support these expenditures. The school must provide evidence of the adjusting accounting entry for the expenditures to the NJDOE for review.

Title II

Finding 8: A review of FY 2013-2014 expenditures showed that the school did not specifically conduct professional development activities. Expenditures reviewed revealed unallowable costs charged to Title II, specifically instructional supplies. These costs included cases and stands for iPads, iPad 2 with Wi-Fi, science flip charts, plants bulletin board set, butterfly poster and a multifunction timer.

Expenses for classroom materials and supplies that are for students use, or material and supplies not connected to professional development are unallowable costs under Title II. The use of Title II funds for these expenditures supplants state/local funds. Materials related to supplemental, professional development activities are allowable expenditures.

Citations: NCLB §1112, §1119, §2123: Supplement Not Supplant, ESEA §1120A (b): Fiscal Requirements (Federal Funds to Supplement: Not Supplant. Non – Federal Funds). EDGAR, PART 80---*Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments*, Section 20 Standards for financial management systems.

Required Action: The school must allocate state/local funds rather than using Title II funds to support these expenditures. The school must provide evidence to the adjusting accounting entry for the expenditures to the NJDOE for review.

Title III

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

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IDEA

Finding 9: Contracts with service providers for FY 2013-2014 did not contain a not to exceed amount.

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 school must ensure all contracts with consultants, agencies, and physicians include a not to exceed amount.

IDEA (Special Education)

Finding 10: The school did not consistently provide parents of students referred and/or eligible for special education and related services and students referred and/or eligible for speech-language services notice of a meeting for identification, eligibility, reevaluation planning and IEP team meetings.

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 school must provide parents notice of a meeting in writing early enough to ensure they have an opportunity to attend. In order to demonstrate correction of noncompliance, the school 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of provision of notice of a meeting for meetings conducted between June 2015 and October 2015, and to review the oversight procedures.

Finding 11: The school did not consistently conduct identification meetings within 20 calendar days of receipt of a written request for evaluation for special education and related services and/or speech-language services to determine if an evaluation was warranted.

Citation: N.J.A.C. 6A:14-2.5(b)6; 3.3(e) and 3.6(b).

Required Action: The school must ensure identification meetings are conducted within 20 calendar days of receipt of a written request for evaluation. In order to demonstrate correction of noncompliance, the school 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation from meetings conducted between June 2015 and October 2015, and to review the oversight procedures.

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Finding 12: The school did not consistently conduct multidisciplinary initial evaluations for students referred for speech-language services by obtaining an educational impact statement from the classroom teacher.

Citation: N.J.A.C. 6A:14-2.5(b)6 and 3.6(b).

Required Action: The school must ensure a multidisciplinary evaluation is conducted for students referred for speech-language services by obtaining a written 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 school must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review initial evaluation reports for students referred for speech-language services between June 2015 and October 2015, and to review the oversight procedures.

Finding 13: The school 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. Initial evaluation reports did not contain observations in a non-testing setting, parent interview, teacher interview, a review of prior interventions documented by the teacher(s) or others who work with the student, and other informal measures.

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 school must ensure all components of the functional assessment are conducted as part of all initial evaluations. In order to demonstrate correction of noncompliance, the school 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. Monitors from the NJDOE will conduct an on-site visit to interview staff, review initial evaluation reports for students evaluated between June 2015 and October 2015, and to review the oversight procedures.

Finding 14: The school did not consistently provide to students beginning at age 14, written invitations to meetings where post-school transition was being discussed.

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 school 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. In order to demonstrate correction of noncompliance, the school must conduct training for child study team members and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. A monitor from the

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NJDOE will conduct an on-site visit to interview staff, review copies of invitations to IEP meetings to students age 14 and above for meetings conducted between June 2015 and October 2015, and to review the oversight procedures.

Finding 15: The school did not consistently document all required considerations and statements in the IEPs of students eligible for special education and related services and/or speech-language services. IEPs for students eligible for special education and related services did not consistently include:

- for students 14 and older, documentation of the student's strengths, interests and preferences;
- participation in district wide assessments; and
- approved accommodations and modifications on district wide assessments.

In addition, IEPs of students eligible for speech-language services did not consistently include:

- results of most recent evaluation;
- students status in speech-language performance, including how the student's disability affects involvement and progress in general education; and
- other academic and functional needs that result from the student's disability.

Citation: N.J.A.C. 6A:14-3.7(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 school must ensure each IEP contains the required considerations and statements. In order to demonstrate correction of noncompliance, the school 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 that the school has corrected the individual instances of noncompliance, the school 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 visit to interview staff, review the revised IEPs, along with a sample of IEPs for students whose annual review meetings were conducted between June 2015 and October 2015, and to review the oversight procedures. For assistance with correction of noncompliance, the school is referred to the state IEP sample forms which are located at: www.statenj.us/education/specialed/forms.

Finding 16: The school 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.

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Citation: N.J.A.C. 6A:14-2.3(k)1(i-vii), 2(i-x); 3.3(e); 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a).

Required Action: The school must ensure all meetings are conducted with required participants and that documentation of participation is maintained in students' records. In order to demonstrate correction of noncompliance, the school 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review meeting documentation, including the sign in sheets, for meetings conducted between June 2015 and October 2015, and to review the oversight procedures.

Finding 17: The school 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 and for students referred and/or eligible for speech-language 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 school must ensure parents are provided copies of evaluation reports not less than 10 days prior to the meeting to determine eligibility. In order to demonstrate correction of noncompliance, the school 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. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of the provision of copies of evaluation reports provided to parents 10 days prior to eligibility meetings conducted between June 2015 and October 2015, and to review the oversight procedures.

Finding 18: The school did not consistently 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), for students eligible for special education and related services.

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 school must ensure that when the I&RS team identifies interventions to meet the needs of a struggling learner that the team identifies and maintains documentation of the nature, description, frequency, and duration of the interventions and measures the effectiveness. In order to demonstrate correction of noncompliance, the school must conduct training for administrators and I&RS staff and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview I&RS team members and teachers, review documentation for students who

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were provided interventions in general education between June 2015 and October 2015, and to review the oversight procedures.

Finding 19: The school did not consistently obtain written parental consent to conduct assessments as part of the initial evaluation for students referred for speech-language services.

Citation: N.J.A.C. 6A:14-3.4 (a)3(b).

Required Action: The school must ensure that informed parental consent is obtained and maintained in student files. In order to demonstrate correction of noncompliance, the school must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff and to review documentation of written parent consent obtained to conduct initial assessments between June 2015 and October 2015.

Finding 20: The child study team providing services are not employees of the school. The school employs a social worker while the services of a learning disabilities teacher consultant and school psychologist are provided by contracted independent consultants.

Citation: N.J.A.C. 6A:14-3.1(b) and 5.1(a)1, 2 and 3.

Required Action: The school must ensure that it employs child study members in accordance with N.J.A.C. 6A:14-3.1(b). In addition, all contracted services must be provided in accordance with N.J.A.C. 6A:14-5.1(a)1, 2 and 3. A monitor from the NJDOE will conduct an on-site visit to interview staff and review documentation that demonstrates inclusion of a learning disabilities teacher consultant and a school psychologist on the child study team.

Finding 21: The school did not consistently provide written notice of a meeting to parents of students referred and/or eligible for speech-language services.

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

Required Action: The school 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 school must conduct training for speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review copies of written notice provided to parents following meetings conducted between May 2015 and October 2015, and to review the oversight procedures.

Finding 22: The school did not consistently ensure that students were found eligible for special education and related services or speech-language services in accordance with the criteria set forth for each disability category found in N.J.A.C. 6A:14. Specifically, the school did not

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document in either the initial IEP or in eligibility documentation, the criteria used to determine eligibility for the categories of preschool disabled, specific learning disability, or speech-language services.

Citation: N.J.A.C. 6A:14-3.5(a-c) and 3.6(a-c).

Required Action: The school must ensure students found eligible for special education and related services or speech-language services meet the criteria for one or more of the disability categories as defined in N.J.A.C. 6A:14-3.5(c) and 3.6(a-b) and that the criteria used to determine eligibility is maintained in the initial IEP or eligibility documentation. In order to demonstrate correction of noncompliance, the school 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of eligibility from meetings conducted between June 2015 and October 2015, and to review the oversight procedures.

Administrative

Finding 23: The school 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.

Finding 24: The school does not comply with required timekeeping standards for federally funded grants. Employees with 100 percent of their salary paid with grant funds must complete a semi-annual certification attesting to their performance of grant related duties, and employees with less than 100 percent of their salary paid with grant funds must complete monthly personal activity 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 school must ensure that employees submit personal activity reports that have been verified by supervisors, as required.

Finding 25: On several occasions, the school failed to issue a purchase order prior to goods being purchased or services being rendered (confirming order). School policy and state

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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.

Finding 26: The school could provide no evidence that certain professional development services in excess of the New Jersey Public School Contracts Law (PSCL) bid threshold were procured through a competitive process. PSCL requires that professional development services in excess of the bid threshold be procured through a competitive contracting process as defined by N.J.S.A. 18A:18A-4.1.

Citation: N.J.S.A. 18A:18A-4.1.

Required Action: Goods and services must be procured in accordance with PSCL. Professional development services above the bid threshold must be obtained through a competitive contracting process. The school should discontinue the use of their current professional development provider until services are appropriately procured in accordance with PSCL.

Finding 27: Monitors noted that the school did not always have executed contracts with vendors providing services. In addition, when contracts were issued they did not always have sufficient detail.

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-40.

Required Action: Contracts should be executed with all service providers. Contracts should include detail such as a detailed description of service to be provided, beginning and ending service dates, unit cost, daily or hourly rate, and a not to exceed amount.

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.