



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

July 17, 2015

Mr. Richard Spirito, Chief School Administrator
Hawthorne Public Schools
445 Lafayette Avenue
Hawthorne, NJ 07506

Dear Mr. Spirito:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Hawthorne Board of Education**. 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 April 30, 2015. 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 LEA/Agency Response, Corrective Action Plan and Appeal Process," the Hawthorne Board of Education 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:Hawthorne BOE CM Cover Letter
Enclosures

Distribution List

David C. Hesse
Robert Bumpus
Susan Martz
Michael Yapple
Karen Campbell
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Kimberly Murray
Steven Hoffmann
Robert Davis
Stephen M. Eells

**STATE OF NEW JERSEY
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PO BOX 500
TRENTON, NJ 08625-0500**

HAWTHORNE BOARD OF EDUCATION
445 LAFAYETTE AVENUE
HAWTHORNE, NJ 07506
PHONE: (973) 427-1300



New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
JULY 2015**

District: Hawthorne Public Schools
County: Passaic
Dates On-Site: May 26, 27 and 28, 2015
Case #: CM-033-14

FUNDING SOURCES

Program	Funding Award
Title I, Part A	\$ 333,946
IDEA Basic	671,886
IDEA Preschool	31,008
Title II, Part A	47,938
Title III	12,791
Total Funds	<u>\$ 1,097,569</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 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 Hawthorne 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; and IDEA Basic and Preschool for the period July 1, 2013 through April 30, 2015.

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, and IDEA Basic and Preschool from July 1, 2013 through April 30, 2015. 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 are used to supplement existing educational programs. The district used Title I funds for teacher salaries and benefits, instructional supplies and professional development.

IDEA Projects

The district utilized the FY 2013-2014 and FY 2014-2015 IDEA Basic and Preschool funds to reduce district tuition costs for students receiving special educational services in other public school districts and approved private schools for students with disabilities.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1: The district incorrectly indicated Washington Elementary School's allocation (\$128,269) was blended on the 520-930 Schoolwide Blended tab in the FY 2014-2015 ESEA-NCLB Consolidated Subgrant Application. Since the district is not a former Abbott district and Washington Elementary School was not approved for a school based budget, the Title I funding for Washington Elementary School cannot be blended and must be budgeted in Fund 20.

Citation: ESEA §1112: *Local Educational Agency Plans.*

Required Action: The district must amend the FY 2014-2015 ESEA-NCLB Consolidated Subgrant Application because the 520-930 Schoolwide Blended tab needs to be revised to reflect that the school allocation is not blended (Fund 20). The school-level allocation of \$128,269 will have to be itemized and budgeted in Fund 20. The district needs to contact the Office of Project and Grants Management as soon as possible to amend the application prior to the deadline for submission of amendments. The district must provide evidence of the revised budget pages to the NJDOE for review.

Finding 2: The Title I Schoolwide Stakeholder Engagement Committee representation for Washington Elementary School did not include at least one community member representative not affiliated with the district's board of education.

Citation: ESEA §1114(b): *Schoolwide Programs (Components of a Schoolwide Program).*

Required Action: Washington Elementary School's Title I Schoolwide Stakeholder Engagement Committee must expand to include at least one community member representative not affiliated with the district's board of education.

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Finding 3: For FY 2014-2015, the Title I participation letter informing parents of Title I students about the targeted assistance program at Lincoln Middle School did not identify specific multiple entrance criteria used to identify students, the exit criteria and the opt-out option for parents. Without this information, parents are unable to understand the reasons for their child being selected to participate in the Title I program and what is needed for their child to exit the program.

Citation: ESEA §1115: *Targeted Assistance Program*; ESEA §1118(c): *Parental Involvement (Policy Involvement)*.

Required Actions: In its Title I participation letter, Lincoln Middle School must include the specific entrance and exit criteria used for Title I student identification and exit from the program. Additionally, the participation letter must include an opt-out option for parents. The district must provide a copy of the school's FY 2015-2016 Title I participation letter to the NJDOE for review.

Finding 4: The Parents' Right-to-Know Highly Qualified Teacher (HQT) letters distributed and posted on the district's web page did not meet all of the regulatory requirements. The letters were missing the requirement that the teachers must demonstrate content knowledge.

Citation: ESEA §1111(h)(6): *State Plans (Reports)*.

Required Action: The district must provide guidance to the schools to ensure that the Parents' Right-to-Know HQT letters distributed by the schools meet all regulatory requirements, including teacher demonstration of content knowledge. For FY 2015-2016, the Parents' Right-to-Know HQT letter must be revised to include the aforementioned information.

Finding 5: The district utilized a teacher that did not meet the HQT requirements to cover the Title I responsibilities of a teacher on leave from January to March 2015. As such, the district was required to issue a letter notifying parents that their child was assigned or taught for four or more consecutive weeks by a teacher who did not meet the HQT requirements. The district did not develop and distribute the required HQT letter.

Citation: ESEA §1111(h)(6): *State Plans (Reports)*.

Required Action: In the future, the district must hire and utilize teachers that meet the HQT requirements. If a circumstance occurs that the teacher does not meet the HQT requirements, the parents of those students being taught for four or more consecutive weeks by this individual must be sent the aforementioned HQT letter informing them of such.

Finding 6: The district did not identify Science and Social Studies on the Needs Assessment tab in the FY 2014-2015 ESEA-NCLB Consolidated Application to align with the district's

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implementation of Title I services and funds specifically for the Effective and Dynamic Co-Teaching Continuance. Therefore, the use of Title I funds for this program is unallowable.

Citation: ESEA §1112: *Local Educational Agency Plans*.

Required Action: The district must amend the FY 2014-2015 ESEA-NCLB Consolidated Application to revise the Needs Assessment to accurately reflect and align with the needs of the district students, staff and Title I funding and program implementation. If the application is not amended, the Effective and Dynamic Co-Teaching Continuance activity is unallowable, and the district must back out the Title I funds and pay for the expense with state/local funds. The district must send documentation of its revised application or the adjusting journal entry to reverse the expenditure of Title I funds for Effective and Dynamic Co-Teaching Continuance to the NJDOE for review.

Finding 7: For the Title I funded teachers, the district did not consistently have the required supporting documents to verify the time and activity of the staff as required by federal law. The documentation must reflect on one form what the staff is doing, when and where plus must match their funded percentage and be signed by the staff member and supervisor.

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 verify the time and activity of staff charged to the grant to reflect the actual time allotted to Title I activities with staff and supervisor signatures. The district must submit a list of FY 2014-2015 Title I funded staff, salaries, funding percentages and appropriate time sheets to the NJDOE for review.

Finding 8: The district did not have a parental involvement program that reflected the requirements of Title I. There was no evidence the district's Title I parental involvement policy was reviewed and board adopted since August 20, 2013, and that the district's Title I parental involvement policy was developed in conjunction with Title I parents/guardians. Inclusion of parents/guardians and other stakeholders in the policy development, review and current board adoption processes allows stakeholders to impact the Title I parental involvement.

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

Required Action: The district must provide evidence of inclusion of the parents/guardians in the development and annual review process. The district must have a written district parental involvement policy evaluated annually with current board adoption. Copies of a recent board approved district parental involvement policy must be submitted to the NJDOE for review. Evidence of parental input into the development of the Title I parental involvement policy must also be documented with meeting agendas, sign in sheets and minutes.

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Finding 9: For FY 2014-2015, the district provided evidence of school-level parental involvement policies, but did not provide evidence that the policies were developed in conjunction with Title I parents and distributed to Title I parents. The absence of parental participation in developing these required documents excluded parents from more active participation in their child's educational program.

Citation: ESEA §1118(b): *Parental Involvement (School Parental Involvement Policy)*.

Required Action: The district must include parental and associated stakeholder groups in the school-level parental involvement policy development process for FY 2015-2016. For FY 2015-2016, the district must document with meeting agendas, minutes, sign in sheets that Title I parents were involved in the development process and policies were distributed.

Finding 10: For FY 2014-2015, the district provided evidence of convening an annual Title I parent meeting at Lincoln Middle School that occurred on February 9, 2015, which is late in the project period. Not conducting an annual meeting at the beginning of the year to explain the Title I legislation did not allow parents of identified Title I students at Lincoln Middle School 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 district must convene and sufficiently document its FY 2015-2016 annual Title I school meetings for the parents/guardians of its identified Title I students no later than mid October 2015. The district must submit documentation of the meetings (e.g., invitational letter/flyer, agenda, meeting minutes, and sign in sheets) to the NJDOE for review.

Finding 11: The district did not provide copies of the initial outreach letters to the nonpublic schools both within and outside of the attendance areas and any corresponding nonpublic school refusal forms. The district did not conduct consultation for nonpublic schools outside of the district's boundaries that enroll district resident students, despite transportation reports that indicate district students attend nonpublic schools outside the attendance area. Additionally, the district did not provide sufficient oversight of the nonpublic program and communicate with the nonpublic school on a timely and ongoing basis to ensure that the delivery of services continued to meet the intentions of the statute.

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

Required Action: For FY 2015-2016, the district must document the outreach to nonpublic schools both within and outside the attendance area. In its nonpublic consultation process, the district must include the nonpublic schools outside the attendance area that enroll district students to identify eligible Title I students and develop a service delivery plan. The district must send documentation of the consultation process (e.g., invitational letters, agendas, meeting notes, sign in sheets) and evidence of

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ongoing communication with the nonpublic schools throughout the FY 2015-2016 project period to the NJDOE for review.

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.

IDEA (Special Education)

Finding 12: The district did not consistently convene meetings with required participants for students referred and/or eligible for special education and related services.

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

Required Action: The district must ensure meetings are conducted with required participants and documentation of participation is maintained in students' records. 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 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 September 2015 and December 2015, and to review the oversight procedures.

Finding 13: The district did not consistently provide notice of a meeting to parents of students referred and/or eligible for special education and related services.

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

Required Action: The district must provide parents notice of a meeting in writing that contains all required components, early enough to ensure they have an opportunity to attend. 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation for meetings conducted between September 2015 and December 2015, and to review the oversight procedures.

Finding 14: The district did not consistently provide written notice of a meeting to parents of students referred and/or eligible for special education and related services.

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Citation: N.J.A.C. 6A:14-2.3(f)(g) &(h) and 5; 20 U.S.C. §1414(b)(1); and 34 CFR §300.304(a).

Required Action: The district must ensure that parents are provided written notice following 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 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 sent to parents following meetings conducted between September 2015 and December 2015, and to review the oversight procedures.

Finding 15: 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 students placed in separate settings, consideration of placement in the least restrictive environment. Specifically, IEPs did not consistently include:

- comparison of the benefits provided in the regular class and the benefits provided in the special education class; and
- for those students placed in separate settings, activities to transition the student to a less restrictive environment.

Citation: N.J.A.C. 6A:14-4.2 (a)8,(ii) and 3.7(k).

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. The district must also ensure that for students placed in separate settings, the IEP team identifies activities to transition the student to a less restrictive environment and document them in each IEP. 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 citation listed above. 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. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs along with a random sample of additional IEPs developed at meetings conducted between September 2015 and December 2015, 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 16: The district did not consistently include required considerations and required 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:

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- special considerations such as Braille, assistive technology, communication needs, and behavior (ESERS);
- results of most recent evaluations (ESLS);
- measurable annual goals (ESERS); and
- accommodations for statewide and district wide assessments (ESLS).

Citation: N.J.A.C. 6A:14-3.7(c)1-9 & e(2), (3), & (7); 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 required 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 citation listed above. To demonstrate the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise the IEPs for specific students 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 random sample of IEPs developed between September 2015 and December 2015, 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 17: The district did not consistently provide to students eligible for special education and related service, written notice of graduation prior to graduating or exiting.

Citation: N.J.A.C. 6A:14-4.(b)1; and 20 U.S.C. §1414(c)(5)(B); and 34 CFR §300.305(e)(3).

Required Action: The district must ensure written notice of graduation is provided to parents or adult students prior to graduating or exiting. 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review copies of the notice of graduation provided to students graduating or exiting at the conclusion of the school year, and to review the oversight procedures.

Finding 18: The district 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)5(iii).

Required Action: The district 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 district must conduct training for child study team members and develop an oversight mechanism to ensure

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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 invitations to IEP meetings to students age 14 and above for meetings conducted between September 2015 and December 2015, and to review the oversight procedures.

Finding 19: The district did not consistently ensure that students were found eligible for special education and related services in accordance with the criteria set forth for each disability category as required in N.J.A.C. 6A:14.

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

Required Action: The district must ensure that students found eligible for special education and related services meet the criteria for one or more of the disability categories as defined in N.J.A.C. 6A:14-3.5(c). 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 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 September 2015 and December 2015, and to review the oversight procedures.

Finding 20: The district did not ensure child study team participation at the planning conferences of students transitioning from an early intervention program to preschool.

Citation: N.J.A.C. 6A:14-2.3(k)2(ix); 20 U.S.C. §1414(d)(1)(D); and 34 CFR §300.321(f).

Required Action: The district must ensure a member of the child study team participates in the planning conferences for each student transitioning from early intervention to preschool. 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of child study team participation at the planning conferences of students transitioning from an early intervention program to preschool conducted between September 2015 and December 2015, and to review the oversight procedures.

Finding 21: The district 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:14-3.4(g)3.

Required Action: The district must ensure that a multidisciplinary evaluation is conducted for students referred for speech-language services by obtaining a 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

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correction of noncompliance, the district 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 whose eligibility meetings were held between September 2015 and December 2015, and to review the oversight procedures.

Finding 22: 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 and each IEP contains a statement of any individual modifications to be provided to the student in the administration of 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. 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. A monitor from the NJDOE will conduct an on-site visit to review the policy.

Administrative

Finding 23: 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: The district must issue purchase orders to all vendors prior to goods or services being provided.

Finding 24: For employees charged to federal grants, the board minutes contained some, but not all of the required information such as funding grant, account number, position, annual/funded salary and percentage charged. Specifically, salaries per the board minutes did not always agree with the amount charged against the grant.

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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 should update its internal controls to ensure that the board minutes contain accurate and complete information.

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.