



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 29, 2016

Ms. Clara Brito Herrera, Superintendent
West New York School District
6028 Broadway Avenue
West New York, NJ 07093-2808

Dear Ms. Herrera:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the West New York School District. 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, 2014 through May 31, 2016. 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/compliance/monitor/>.

Utilizing the process outlined in the attached "Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process," the West New York School District 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:West New York School District CM Cover Letter
Enclosures

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DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500**

**WEST NEW YORK SCHOOL DISTRICT
6028 BROADWAY AVENUE
WEST NEW YORK, NJ 07093
PHONE: (201) 553-4000**



New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
JULY 2016**

District: West New York School District
County: Hudson County
Dates On-Site: June 6, 7 and 8, 2016
Case #: CM-023-15

FUNDING SOURCES

Program	Funding Award
IDEA Basic	\$ 2,001,333
IDEA Preschool	61,717
Carl D. Perkins	83,140
Total Funds	<u>\$ 2,146,190</u>

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JULY 2016**

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 West New York School District 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: IDEA Basic, IDEA Preschool and Carl D. Perkins for the period July 1, 2014 through May 31, 2016.

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 IDEA Basic, IDEA Preschool and Carl D. Perkins from July 1, 2014 through May 31, 2016. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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GENERAL DISTRICT OVERVIEW OF USES OF IDEA AND CARL D. PERKINS FUNDS

IDEA Projects

The majority of the FY 2016 IDEA Basic funds were used to reduce district tuition costs for students receiving special educational services in other public school districts and approved private schools for students with disabilities. IDEA funds were also used to purchase supplies.

Carl D. Perkins Funds

Findings related to the Carl D. Perkins Grant were not available at the time this report was issued.

DETAILED FINDINGS AND RECOMMENDATIONS

IDEA (Special Education)

Finding 1: The district did not consistently provide parents of students referred for special education and related services and for students referred for speech-language services notice of a meeting for initial, eligibility, 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 district 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 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. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of the provision of notice of a meeting for meetings conducted between November 2016 and January 2017, and to review the oversight procedures.

Finding 2: The district did not consistently conduct reevaluations within three years of the previous classification date for students eligible for special education and related services and for students eligible for speech-language services.

Citation: N.J.A.C. 6A: 14-3.8(a) and 20 U.S.C. §1414(a)(2).

Required Action: The district must ensure reevaluations are conducted within required time lines with required participants in attendance. 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. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of eligibility meetings

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held as part of the reevaluation process between November 2016 and January 2017, and to review the oversight procedures.

Finding 3: The district did not consistently conduct annual review meetings within required time lines for students eligible for special education and related services and for students eligible for speech-language services.

Citation: N.J.A.C. 6A:14-3.7(i); 20 U.S.C. §1414(d)(4)(A)(i); and 34 CFR §300.324(a)(1)(2).

Required Action: The district must ensure IEP meetings are conducted annually or more often if necessary, to review and revise the IEP. 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. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation from annual review meetings conducted between November 2016 and January 2017, and to review the oversight procedures.

Finding 4: The district did not ensure child study team participation at the planning conference of students transitioning from an early intervention program to preschool.

Citation: N.J.A.C. 6A:14-3.3(e)1; 20 U.S.C. §1412(a)(9); and 34 CFR §300.124(c).

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 citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation demonstrating participation of a child study team member in the transition planning conferences conducted between November 2016 and January 2017, and to review the oversight procedures.

Finding 5: The district did not consistently document the attendance of required participants at identification, initial eligibility, IEP, and reevaluation meetings 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:14-2.3(k); 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 that documentation of attendance and/or written parental consent to excuse a member of the team is maintained in students' records. In order to demonstrate correction of noncompliance, the district must conduct training for child study team

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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 participants at meetings conducted between November 2016 and January 2017, and to review the oversight procedures.

Finding 6: The district did not consistently document required transition components in the IEPs of students eligible for special education and related services ages 16 or above. IEPs did not consistently include evidence that students' measurable postsecondary goal(s) were based on an age appropriate transition assessment.

Citation: N.J.A.C. 6A:14-3.7(e)12.

Required Action: The district must ensure the IEPs for students age 16 or above include all required transition components. 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 IEPs for specific students whose 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 sample of IEPs of students age 16 and over developed at meetings conducted between November 2016 and January 2017, 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 7: The district did not consistently provide to students eligible for special education and related services written notice of graduation and the summary of academic achievement and functional performance prior to graduating or exiting.

Citation: N.J.A.C. 6A:14-4.11(b)1.4; 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 and a summary of academic achievement and functional performance are 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 citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the summary of academic achievement and functional performance provided to eligible students at the conclusion of the current school year, and to review the oversight procedures.

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Finding 8: The district did not consistently document all required considerations and statements in the IEPs of students eligible for special education and related services and for students eligible for speech-language services. IEPs did not consistently include:

- participation in district wide assessments; and
- approved accommodations and modification on school and statewide assessments.

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 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 that the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for specific students whose 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 sample of IEPs for students whose annual review meetings were conducted between November 2016 and January 2017, and to review the oversight procedures. For assistance with correction of noncompliance, the district is referred to the state IEP sample forms which are located at: www.state.nj.us/education/specialed/forms. The names of the students whose IEPs were identified as noncompliant will be provided to the district by the monitor.

Finding 9: 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:14-2.5(b)6 and 3.6(b).

Required Action: The district 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 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 between November 2016 and January 2017, and to review the oversight procedures.

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Administrative

Finding 10: 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: Uniform Grant Guidance 2 C.F.R. 200.302; 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.

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.