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DEPARTMENT OF EDUCATION
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Lt. Governor

KIMBERLEY HARRINGTON
Acting Commissioner

February 16, 2017

Ms. Shanon Chambers, School Principal
Paulo Freire Charter School
28 Burnet Street
Newark, NJ 07102

Dear Ms. Chambers:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the Paulo Freire Charter School Charter School. The funding source reviewed was the Individuals with Disabilities Education Act. The review covered the period July 1, 2015 through November 30, 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 Charter School Response, Corrective Action Plan and Appeal Process," the Paulo Freire 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. Cicchini, Director
Office of Fiscal Accountability and Compliance

RJC/SII/dk: Paulo Freire Charter School CM Cover Letter
Enclosures

www.nj.gov/education

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New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
FEBRUARY 2017**

District: Paulo Freire Charter School
County: Essex
Dates On-Site: December 9 and 12, 2016
Case #: CM-021-16

FUNDING SOURCES

IDEA Basic		\$56,343
	Total Funds	<u>\$56,343</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 that districts provide programs and services based on the requirements specified in each of the authorizing statutes (i.e., ESEA, IDEA, and Carl D. Perkins). 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. Due to the impending implementation of new Every Student Succeeds Act regulations, only IDEA and Special Education will be reviewed during consolidated monitoring.

INTRODUCTION

The NJDOE visited the Paulo Freire Charter School to monitor the school's use of federal funds and the related program plans, where applicable, to determine whether the school'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 IDEA Basic grant for the period July 1, 2015 through November 30, 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 school personnel, reviewed the supporting documentation for a sample of expenditures and conducted internal control reviews.

EXPENDITURES REVIEWED

The IDEA Basic grant was reviewed from July 1, 2015 through November 30, 2016. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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GENERAL OVERVIEW OF USES OF IDEA FUNDS

IDEA Projects

The school utilizes IDEA Basic funds for a resource teacher and IEP software.

DETAILED FINDINGS AND RECOMMENDATIONS

IDEA (Special Education)

Finding 1: The school did not consistently implement IEPs in accordance with students' IEP program pages. In addition, IEP program pages do not accurately document students' current program. For example, students' IEPs indicated the following:

- Students were to receive “support instruction on alternate days” when in actuality students are receiving services two times per month;
- Six students' IEPs indicate a self-contained program; however, the students are in the general education setting for the entire day;
- Students have IEPs that span two academic years; however, the IEP only indicates the academic program until the end of the current school year;
- Students have IEPs with related services; however, documentation and verification of delivery of the related services could not be determined; and
- Students are being removed from their core academic courses (English and Mathematics) and are then provided with academic support for those classes.

Citation: N.J.A.C. 6A: 14-3.7(e)4

Required Action: The school must ensure that IEP program pages accurately reflect the program the student is receiving and that IEPs are implemented as written. In addition, the school must ensure the IEP spans one calendar year. 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 NJDOE will conduct an on-site visit to interview staff, review documentation from IEP meetings conducted between January 2017 and June 2017, and to review the oversight procedures.

Finding 2: The school does not offer a full-continuum of placement options for students determined eligible for special education and related services.

Citation: 20 USC 1412(a)(5)(A); 34 CFR § 300.114(a), N.J.A.C. 6A:14-4.2

Required Action: The school must ensure that all students who are eligible for special education and related services have the opportunity to participate in programs and services based on their individual needs in the least restrictive environment (LRE). The school must

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also ensure that decisions regarding program placement are made on an individual basis. The school must develop a procedure to ensure placement in the LRE and individual decision making regarding program placement and provide training to child study team members and administrative staff on the newly developed procedures. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the developed procedures, evidence of required training, and documentation of program placement decisions.

Finding 3: The school did not consistently implement the existing IEP or develop a new IEP for students that transferred to the school from another district within New Jersey and the school could not implement the program as written.

Citation: N.J.A.C. 6A: 14-4.1(g)1.

Required Action: The school must ensure, when the parents and the school disagree, that it conducts all necessary assessments and within 30 days from when the student enrolls, the school implements a new IEP for the student. 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 NJDOE will conduct an on-site visit to interview staff, review documentation from meetings conducted as a result of a transfer between January 2017 and June 2017, and to review the oversight procedures.

Finding 4: 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 34 CFR §300.322(a)(2).

Required Action: The school must ensure that 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 citations 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 January 2017 and June 2017, and to review the oversight procedures.

Finding 5: The school did not consistently complete transition planning for students ages 14 and above and document decisions in the IEP.

Citation: N.J.A.C. 6A:14-3.7(e)11.

Required Action: The school must ensure that transition is discussed at each IEP meeting for students age 14 or above, and that decisions are documented in the IEP. 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

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requirements in the citation 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 random sample of IEPs developed between January 2017 and June 2017, and to review the oversight procedures. The names of the students whose IEPs were identified as noncompliant will be provided to the school by the monitor.

Finding 6: The school did not consistently provide parents of students eligible for special education and related services notice of a meeting.

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 school 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 school 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 from meetings conducted between January 2017 and June 2017, and to review the oversight procedures.

Finding 7: The school did not consistently ensure the required participants were in attendance at IEP meetings for students eligible for special education and related services.

Citation: N.J.A.C. 6A:14-2.3(k); 20 U.S.C. §1414(b)(4); and 34 CFR §300.321(a).

Required Action: The school must ensure that 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' files. In order to demonstrate correction of noncompliance, the school must provide 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 meeting documentation, including the sign in sheets, for meetings conducted between January 2017 and June 2017, and to review the oversight procedures.

Finding 8: The school did not consistently document all required considerations and statements in each IEP for students eligible for special education and related services. Specifically, IEPs did not contain the results of the most recent evaluations.

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

Required Action: The school must ensure that 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 develop an oversight

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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 random sample of IEPs conducted between January 2017 and June 2017, and review the oversight procedures. The names of the students whose IEPs were identified as noncompliant will be provided to the school by the monitor.

Finding 9: The school did not maintain documentation of attempts to obtain parental consent when planning to conduct reevaluation assessments.

Citation: N.J.A.C. 6A:14-2.3(a)3; 20 U.S.C. §1414(a)(1)(D); and 34 CFR §300.300(a).

Required Action: The school must ensure that records of informed parental consent to conduct assessments are maintained in students' files. If the parent fails to respond to request for consent to conduct reevaluation assessments, the school must maintain documentation of attempts to obtain consent in students' files. 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 citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review student files for documentation of consent to evaluate as a result of reevaluation planning meetings conducted between January 2017 and June 2017, and to review the oversight procedures.

Finding 10: The school did not consistently conduct reevaluations within three years of the previous classification date 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 school must ensure reevaluations are conducted within required time lines with required participants in attendance. 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, review documentation of eligibility meetings held as part of the reevaluation process between January 2017 and June 2017, and to review the oversight procedures.

Finding 11: The school did not consistently provide to students eligible for special education and related services written notice of graduation and a summary of academic achievement and functional performance, containing all required components, prior to graduating and/or aging out.

Citation: N.J.A.C. 6A:14-4.11(b).

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Required Action: The school must ensure that parents or adult students are provided with written notice of graduation and a summary of academic achievement and functional performance containing all required components prior to graduation. 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 NJDOE will conduct an on-site visit to interview staff, review written notice of graduation for students with disabilities who will graduate at the conclusion of the 2016-2017 school year, and to review the oversight procedures.

Finding 12: The school 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 §300.158-300.161.

Required Action: The school must revise its 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 school reports publicly on the district wide assessment, the school must also report with the same frequency and in the same detail as it reports on the assessment of nondisabled children. In order to demonstrate correction of noncompliance, the school must conduct training for child study team members regarding the procedures for implementing the requirements in the citation listed above. In addition, a monitor from the NJDOE will conduct an on-site visit to review the policy.

Finding 13: The school does not employ child study team members who are employees of a local education agency. Primary child study team services are provided by contracted independent consultants or by agencies.

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 or contracts with child study team members in accordance with the citation listed above. 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.

Administrative

Finding 14: The school failed, on several occasions, to issue a purchase order prior to goods being purchased or services being rendered (confirming order). School policy and state regulations

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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 CFR §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.