



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

KIMBERLEY HARRINGTON
Acting Commissioner

April 12, 2017

Mr. Mario Cardinale, Interim Superintendent
Butler Public Schools
38 Bartholdi Avenue, HS Annex
Butler, NJ 07405

Dear Mr. Cardinale:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Butler Public Schools**. The funding source reviewed was the Individuals with Disabilities Education Act. The review covered the period July 1, 2015 through February 28, 2017. 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 Butler Public Schools 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:Butler Public Schools CM cover letter .doc
Enclosures

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New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
APRIL 2017**

District: Butler Public Schools
County: Morris
Dates On-Site: March 29, and 30, 2017
Case #: CM-040-16

FUNDING SOURCES

IDEA Basic		\$256,761
IDEA Preschool		8,464
	Total Funds	<u>\$265,225</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 (ESSA) regulations, only IDEA and Special Education will be reviewed during consolidated monitoring.

INTRODUCTION

The NJDOE visited the Butler 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: IDEA Basic and Preschool for the period July 1, 2015, through February 28, 2017.

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 and Preschool from July 1, 2015, through February 28, 2017. A sampling of purchase orders and/or salaries was taken from each program reviewed.

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GENERAL OVERVIEW OF USE OF IDEA FUNDS

IDEA Projects

The majority of the FY 2017 and 2016 IDEA Basic funds are being used to reduce district tuition costs for students receiving special educational services in approved private schools for students with disabilities. IDEA Preschool funds are being used for consultants, supplies, and therapists.

DETAILED FINDINGS AND RECOMMENDATIONS

IDEA Program

Finding 1: The district did not conduct meetings within 20 calendar days of receipt of a written request for a child study evaluation or a speech-language evaluation to determine if an evaluation was warranted.

Citation: N.J.A.C. 6A:14-3.3(e), 3.4(j).

Required Action: The district must ensure that identification meetings are conducted within 20 calendar days of receipt of a written request for evaluation and that required participants are 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation from meetings conducted between May 2017 and September 2017, and to review the oversight procedures.

Finding 2: The district did not consistently ensure the required participants were in attendance at identification, eligibility, reevaluation planning, and IEP 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(b)(4)); and 34 CFR §300.321(a).

Required Action: The district 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 district must provide 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 meeting documentation, including the sign in sheets, for meetings conducted between May 2017 and September 2017, and to review the oversight procedures.

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Finding 3: The district did not consistently conduct all required sections of the functional assessment as a component of initial evaluations for students referred for speech-language services. Specifically, evaluation reports did not contain a review of prior interventions.

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 district must ensure all components of the functional assessment are conducted as part of all initial evaluations. 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 citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review initial evaluation reports for students whose eligibility meetings were held between May 2017 and September 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. §1414(d)(1)(D); and 34 CFR §300.321(f)

Required Action: The district must ensure that 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 May 2017 and September 2017 for students transitioning from early intervention to preschool, and to review the oversight procedures.

Finding 5: 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, 3.4(g)3 and d 3.6(b).

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 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

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eligibility meetings were held between May 2017 and September 2017, and to review the oversight procedures.

Finding 6: The district did not consistently ensure that students found eligible for special education and related services met the eligibility criteria when determining eligibility under the categories of a preschool child with a disability and specific learning disability.

Citation: N.J.A.C. 6A:14-3.5(c) 10(i-ii), 12(i-iv) and U.S.C. §1414(b)(4) and (5); 34 CFR 300.306.

Required Action: The district must ensure that the criteria set forth in N.J.A.C. 6A:14-3.5(c) 10(i-ii) and 12 (i-iv) are used to determine eligibility for special education and related services. 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 eligibility meetings conducted between May 2017 and September 2017, and to review the oversight procedures.

Finding 7: The district did not consistently complete transition planning for students ages 16 and above and document decisions in the IEP. Specifically, files and IEPs did not contain:

- appropriate postsecondary measurable goal or goals that covers education or training, or employment, and, as needed, independent living;
- postsecondary goal(s) updated annually;
- evidence that the measurable postsecondary goal(s) were based on age appropriate transition assessment;
- transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goal(s);
- annual IEP goal(s) related to the student's transition service needs; and
- evidence that the student was invited to the IEP team meeting when transition services were discussed.

Citation: N.J.A.C. 6A:14-2.3(k)2(x), 5(2), 3.7(e)13, 3.7(e)11 and (h); 20 U.S.C. §1414 (d)(1)(A)(i)(1)(VIII); and 34 CFR §300.322.b(2).

Required Action: The district must ensure that transition is discussed at each IEP meeting for students age 16 or above, and that decisions are documented in the 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 citations 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 IEPs developed between May 2017 and September

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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 8: 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:

- the supplementary aids and services considered and an explanation of why the supplementary aids and services were rejected;
- comparison of the benefits provided in the regular class and the benefits provided in the special education class;
- the potentially beneficial or harmful effects which a placement in general education may have on the students with disabilities or other students in the 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) 4., N.J.A.C. 6A:14-4.2 (a) 8(i), (ii) and (iii).

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 citations 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 May 2017 and September 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 9: The district did not consistently provide to students eligible for special education and related services written notice of graduation containing all required components within required timelines.

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

Required Action: The district must ensure that parents or adult students are provided with written notice of graduation prior to graduation. In order to demonstrate correction of noncompliance, the district must conduct training for child study team members and

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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.

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.