



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

August 15, 2013

Dr. Brad Draeger, Superintendent
Livingston Board of Education
11 Foxcroft Drive
Livingston, NJ 07039

Dear Dr. Draeger:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Livingston 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, 2011 through April 30, 2013. 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 Livingston 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:Livingston BOE Cover Letter/consolidated monitoring
Enclosures

Distribution List

Christopher D. Cerf

David Corso

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Steven Hoffmann

Joseph Zarra

Stephen M. Eells

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

**LIVINGSTON BOARD OF EDUCATION
11 FOXCROFT DRIVE
LIVINGSTON, NJ 07039
PHONE: (973) 535-8000**



New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
AUGUST 2013**

District: Livingston Public Schools
County: Essex
Dates On-Site: June 11, 12 and 13, 2013
Case #: CM-049-12

FUNDING SOURCES

Program	Funding Award
Title I	\$ 139,220
IDEA Basic	1,442,493
IDEA Preschool	55,013
Title IIA	71,165
Title III	20,369
Race To The Top	9,768
Total Funds	<u>\$ 1,738,028</u>

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BACKGROUND

The Elementary & 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, IDEA and Race to the Top). 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 Livingston 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; Title IIA; Title III; IDEA and Race to the Top for the period July 1, 2011 through April 30, 2013.

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, and interview 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 that were reviewed included Title I, Title IIA, Title III, IDEA Basic and Preschool, and Race to the Top from July 1, 2011 through April 30, 2013. 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, IDEA AND RACE TO THE TOP FUNDS

Title I Projects

Title I funds were used to support teacher salaries and benefits and supplies.

IDEA Projects

FY 2012 IDEA Basic funds were used to reduce district tuition expenditures for students receiving special educational services in approved private schools for students with disabilities. The IDEA preschool funds were used for the purchase of instructional supplies for students in the preschool special education program. The nonpublic proportionate share of the grant was used for instructional supplies and equipment, as well as to provide supplemental instruction and related services through a vendor, Essex Regional Educational Services Commission (ERESC) for students with disabilities attending nonpublic schools.

Race to the Top

The district is using Race to the Top funds for professional development related to the transition to the Common Core State Standards (CCSS).

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1:

Condition: The district does not have supporting documents to verify the activity of Title I teachers as required by federal law. The staff is split-funded; therefore, the time and activity reports must be done on a monthly basis instead of a bi-annual basis. This documentation is necessary to verify that funded staff are actually performing allowable grant activities throughout the grant period.

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 revise the timeframe for the time and activity of staff charged to the grant. The district must submit to the NJDOE for review a list of the FY 2013-2014 Title I funded staff, salaries, funding percentages and revised time sheets to show that the time and activity reports will be done on a monthly basis.

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Finding 2:

Condition: The district did not issue Title I eligibility participation letters to parents of students eligible for the Title I program. This letter informs parents of the program's entrance and exit criteria and remediation activities for eligible students. Without this information, parents are unable to understand the reasons for their child being selected to participate in the Title I program, the performance levels required for their child to exit the program, and the strategies the school will use to address their child's academic needs.

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

Required Actions: In its Title I participation letter, the district must include the multiple measures used to identify the students, as well as clearly defined exit criteria. The district must provide a copy of its FY 2013-2014 Title I participation letter to the NJDOE for review.

Finding 3:

Condition: The district does not have a parental involvement program that reflects the requirements of the Title I legislation. In FY 2012-2013, the district did not provide evidence that the school-parent compact was developed in conjunction with Title I parents. The absence of parent participation in developing these required documents excludes parents from more active participation in their child's educational program.

Citation: ESEA §1118: *Parental Involvement*.

Required Action: The district must include the parents of Title I students in the development of the school-parent compact (Home-School compact). The district must submit documentation to the NJDOE of the participation of Title I parents in the development of the FY 2013-2014 school-parent compact.

Finding 4:

Condition: The district did not convene the annual Title I parent meeting for the 2012-2013 school year. Not conducting an annual meeting to explain the Title I legislation and the district's Title I programs in the beginning of the year does not allow parents of identified 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 district must convene its FY 2013-2014 annual Title I meeting for the parents/guardians of its identified Title I students in the beginning of the year, and

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submit evidence of said meeting to the NJDOE for review (e.g., invitational letter/flyer, agenda, meeting minutes, and sign in sheets).

Finding 5:

Condition: The district did not provide evidence that the FY 2012-2013 Parents' Right-to-Know letter was issued to parents of students in the Title I schools. The Parents' Right-to-Know letter informs parents of their right to inquire about the qualifications of their child's teachers.

Citation: ESEA §1111(h)(6): *State Plans: Reports (Parents Right-to-Know)*.

Required Action: For FY 2013-2014, the district must issue the Highly Qualified Teacher (HQT) letter to the parents of all students who attend Title I schools, and post the letter on its web page to meet the ESEA requirement for broader dissemination. A template of the HQT letter can be found at: <http://www.state.nj.us/education/title1/hqs/rtk.htm>. The district must submit a copy of the FY 2013-2014 letter to the NJDOE for review.

Finding 6:

Condition: The district's Parent Resource: NCLB Information web page does not contain documents for the current school year. The documents on the page are from prior years. Documents that are included and need to be updated are the parental involvement policy and the student-parent-compact.

Citation: ESEA §1111(h)(2)(E): *Public Dissemination*.

Required Action: The district must review and update its Parent Resource: NCLB Information web page containing required annual notifications and documents to meet the broader ESEA dissemination requirement. The district must send the link to its updated web page to the NJDOE for review.

Finding 7:

Condition: The district did not consult with nonpublic schools outside of the district's attendance area; therefore, the district did not include nonpublic poverty numbers on the FY 2012-2013 ESEA Application in Step One of the Title I, Part A eligibility tab. Due to the lack of documentation to substantiate zero low-income nonpublic students and the exclusion of nonpublic schools outside the district, the monitors could not verify that eligible resident nonpublic students were afforded the opportunity to participate in the Title I program.

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

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Required Action: For the FY 2013-2014 ESEA Consolidated Application, the district must include both the number of resident nonpublic school students and the number of low-income resident nonpublic school students for both students, who attend nonpublic schools inside and outside the district's attendance area. The district must immediately contact all nonpublic schools that enroll resident students to inform the schools of their opportunity to participate in the district's Title I program. The district must then begin the consultation process with the nonpublic schools to identify eligible students and develop a service delivery plan, if applicable. The district must send documentation of the consultation process (e.g., invitational letters, agendas, meeting notes, sign in sheets) to the NJDOE for review.

Title IIA

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

Title III

Finding 8:

Condition: The district provided professional development using Title III funds. However, during the monitoring visit, the district did not provide the documentation necessary to verify the implementation of these funded professional development activities. Items that should have been provided included a summary of the scope of the services rendered and the description of the professional development, agendas, sign in sheets, and staff rosters. These items should be specific and consistent to the purpose of Title III to improve the English language proficiency and academic language of Limited English Proficiency students.

Citations: NCLB §3115(c); and NCLB §3115.

Required Action: For FY 2011-2012 and FY 2012-2013, the district must provide to the NJDOE for review, the supporting documents for professional development activities using Title III funds. The district must also ensure the documentation verifies the district expenditures for Title III professional development activities are consistent with the purposes of the law under Title III activities, and the district's approved plan.

IDEA Special Education

Finding 9:

Condition: The district did not consistently provide notice of a meeting to parents of students referred for special education and related services and/or eligible for speech-language services. In addition, notices of meetings did not contain all required components.

Citation: N.J.A.C. 6A:14-2.3(k); 20 U.S.C. §1414(d)(1)(b)(i); and 34 CFR §300.322.

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Required Action: The district must ensure parents are provided notice of a meeting that contains all required components, early enough to ensure the parent has 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 notices of meetings that occurred between September 2013 and January 2014, and review the oversight procedures.

Finding 10:

Condition: The district did not consistently provide parents with written notice which contained all the required components following eligibility and reevaluation meetings.

Citation: N.J.A.C. 6A:14-2.3(f), (g), and (h); 20 U.S.C. §1415(b)(3) and(4); 34 CFR §300.503.

Required Action: The district must ensure parents are provided notice of a meeting that contains all required components, early enough to ensure the parents 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff and review copies of notices of Individualized Education Program (IEP) meetings conducted between September 2013 and January 2014, and review the oversight procedures.

Finding 11:

Condition: The district did not consistently provide copies of evaluation reports to parents at least 10 days prior to meetings to determine eligibility.

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 district must ensure parents are provided copies of evaluation reports not less than 10 days prior to eligibility meeting. 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 evidence of provision of evaluation reports to parents prior to meetings held between September 2013 and January 2014, and review the oversight procedures.

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Finding 12:

Condition: The district did not provide a summary of academic achievement and functional performance prior to graduation to students eligible for special education and related services.

Citation: N.J.A.C. 6A:14-4.11(b)4; 20 U.S.C. §1414(c)(5)(B)(ii); and 34 CFR §300.305(e)(3).

Required Action: The district must ensure parents or adult students are provided with their summary of academic achievement and functional performance and written notice prior to graduation. 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 and review summary of academic achievement and functional performance provided to eligible students at the conclusion of the 2013-2014 school year, and the oversight procedures.

Finding 13:

Condition: The district did not consistently convene IEP team meetings with required participants.

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

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 obtained prior to the meeting and is maintained in students' records. 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 the signed participation for meetings conducted between September 2013 and January 2014, and review the oversight procedures.

Finding 14:

Condition: The district did not consistently document the following in the IEPs of students removed from the general education setting for more than 20 percent of the day, including students placed in separate settings:

- the supplementary aids and services considered, and/or an explanation of why they were rejected;

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- a 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, 3.7(k); 20 U.S.C. §1412(a)(5); 34 CFR §300.114.

Required Action: The district must ensure when determining the educational placement of a child with a disability, the IEP team considers the general education class first and 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 for students placed in separate settings, the IEP team identifies activities to transition the student to a less restrictive environment and documents 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. The district must also convene an IEP meeting for each student whose IEP was identified as noncompliant and revise the IEP to include documentation of all required decisions regarding placement. Additionally, at the next IEP meeting for each student, the district must ensure placement decisions are made in accordance with the requirements listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review revised IEPs, review the IEPs for students whose annual review meetings were conducted between September 2013 and January 2014, and review the oversight procedures.

Finding 15:

Condition: The district did not consistently include required considerations and statements in each IEP for students eligible for speech-language services. Specifically, IEPs did not consistently include:

- statement of how the student's disability affects his or her involvement and progress in general curriculum;
- strengths of the student (in area of communication);
- results of initial or most recent evaluations;
- transfer of rights/age of majority;
- participation in district wide assessments; and
- approved accommodations and modifications.

Citation: N.J.A.C. 6A:14-3.7(c), (e), 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 that each IEP contains the required considerations and statements. 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. The

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district must conduct IEP meetings for each student whose IEP was identified as noncompliant and ensure all required components are included. At the next IEP meeting for each student receiving speech-language services, the IEP team must ensure that IEPs are developed in accordance with the requirements listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review revised IEPs, review IEPs for students whose meetings were conducted between September 2013 and January 2014, and review the oversight procedures. For assistance with correction of noncompliance, the district is referred to the state IEP sample form which is located at: <http://www.state.nj.us/education/specialed/form/>.

Finding 16:

Condition: The district did not consistently document a statement describing the consideration of extended school year (ESY) with a description of the program when ESY will be provided in student IEPs..

Citation: N.J.A.C. 6A:14-4.3(c); 20 U.S.C. §1412(a)(1); 34 CFR §106.

Required Action: The district must ensure IEP documentation indicates a statement describing the consideration of ESY with a description of the program when ESY is required. 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 IEPs for students whose annual review meetings were conducted between September 2013 and January 2014, and review the oversight procedures.

Finding 17:

Condition: The district 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).

Citation: N.J.A.C. 6A:14-3.3(c).

Required Action: The district must ensure interventions are provided in the general education setting for students exhibiting academic and/or behavioral difficulties prior to referring the student for an evaluation. In addition, the district must ensure 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, frequency, and duration of the interventions and measures the effectiveness of the intervention(s). 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. Additionally, a monitor from the NJDOE will

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conduct an on-site visit to interview I&RS team members and teachers, review documentation for students who were provided interventions in general education between September 2013 and January 2014, and review the oversight procedures.

Finding 18:

Condition: The district did not conduct an identification meeting within 20 calendar days of receipt of a written request for an evaluation.

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

Required Action: The district must ensure a meeting is conducted within 20 calendar days of receipt of a written request for evaluation to determine if an evaluation is warranted. 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 of meetings conducted between September 2013 and January 2014, and review the oversight procedures.

Finding 19:

Condition: 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 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 review initial evaluation reports for students referred for speech-language services whose eligibility meetings were held between September 2013 and January 2014, and to review the oversight procedures.

Finding 20:

Condition: The district did not consistently ensure that students found eligible for speech-language services met the eligibility criteria.

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

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Required Action: The district must ensure the criteria set forth in N.J.A.C. 6A:14-3.6(b) are used to determine eligibility for speech-language services. 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 and review documentation of eligibility for eligibility meetings conducted between September 2013 and January 2014, and to review the oversight procedures.

Finding 21:

Condition: The district 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. Specifically, the district did not include:

- an observation of the student in other than a testing setting;
- a review of prior interventions; and
- a teacher interview.

Citation: N.J.A.C. 6A:14-3.4(f)4; 20 U.S.C. §1414(b)(1)-(3); and 34 CFR §300.304.

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 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 evaluations of students whose initial meetings were conducted between September 2013 and January 2014, and review the oversight procedures.

Finding 22:

Condition: 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 citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff and review

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documentation of participation of a child study team member in the transition planning conferences conducted between September 2013 and January 2014 for students transitioning from early intervention to preschool, and the oversight procedures.

Race to the Top

A review of the expenditures charged to the Race to the Top grant yielded no findings.

Administrative

Finding 23:

Condition: 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: 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.