



State of New Jersey
DEPARTMENT OF EDUCATION
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Commissioner

November 18, 2013

Ms. Anne Eidelman
Senior Director of Finance and Human Resources
Uncommon Schools
826 Broadway, 9th Floor
New York, NY 10003

Dear Ms. Eidelman:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **North Star Academy Charter Schools of Newark**. 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 June 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 Charter Schools Response, Corrective Action Plan and Appeal Process," the North Star Academy Charter Schools of Newark 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. Cicchino, Director
Office of Fiscal Accountability and Compliance

RJC/SH/dk:North Star Academy Charter Schools of Newark Cover Letter/consolidated monitoring
Enclosures

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**STATE OF NEW JERSEY
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New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
NOVEMBER 2013**

District: North Star Academy Charter Schools of Newark
County: Essex
Dates On-Site: July 8 and 9, 2013
Case #: CM-054-12

FUNDING SOURCES

Program	Funding Award
Title I	\$ 1,341,769
IDEA Basic	387,969
Title IIA	20,856
Total Funds	<u>\$ 1,750,594</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 school 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 school for their intended purpose and achieving the overall objectives of the funding initiatives.

INTRODUCTION

The NJDOE visited the North Star Academy Charter Schools of Newark to monitor the school's use of federal funds and the related program plans, where applicable, to determine whether the 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) and IDEA Basic for the period July 1, 2011 through June 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, a review of student records, classroom visitations and interviews with instructional staff to verify implementation of Individualized Education Programs (IEPs), 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 school 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 grants that were reviewed included Title I, Title IIA; and IDEA Basic from July 1, 2011 through June 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 AND IDEA FUNDS

Title I Projects

Title I funds were used to fund a supplemental education program, whereby students receive additional classroom support at the elementary level, and additional instructional time in mathematics and English at the middle and high school levels.

IDEA Projects (Special Education)

Both FY 2011-2012 and FY 2012-2013 IDEA Basic funds supported instructional staff benefits and salaries. In addition, a portion of both grants were used to provide supplemental services to students with disabilities.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1:

Condition: The school did not provide evidence that the Stakeholder/Schoolwide Committee was involved in the needs assessment, plan development, and evaluation processes, as indicated in the Schoolwide Plan. The Schoolwide Plan indicates that there was a planning meeting on May 21, 2012, but the school was unable to provide the corresponding agenda, sign in sheet, and minutes. The development of a Schoolwide Plan in consultation with a stakeholder committee is a legislative requirement.

Citation: ESEA §1114(b)(2)(B)(ii): *Schoolwide Programs (Components of a Schoolwide Program: Plan Development)*.

Required Action: For the 2013-2014 school year, the school must engage the Stakeholder/Schoolwide Committee and document its actions pertaining to the needs assessment, plan development, and evaluation processes. In addition, the school must add teachers and parent representatives to the Stakeholder/Schoolwide Committee, who are independent of the Board of Trustees. The school must document all stakeholder meetings with agendas, sign in sheets and minutes and provide copies to the NJDOE for review.

Finding 2:

Condition: The school was operating a schoolwide program; however, the Title I expenditures did not correspond to activities articulated in the Schoolwide Plan. The school was using Title I funds for a contracted management fee, textbooks, copier leasing, classroom supplies and photocopier supplies that were not articulated in the Schoolwide Plan. The school must maintain a plan that reflects how the Schoolwide Program is implementing interventions and strategies to meet the intents and purposes of

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the Title I legislation. In a schoolwide program, Title I expenditures must be necessary and reasonable to achieve the programmatic objectives.

Citation: ESEA §1114: *Schoolwide Program*.

Required Action: For the 2013-2014 school year, the school must ensure the Schoolwide Plan entails all activities supported by Title I funding. After completing its review of the school's 2013-2014 Schoolwide Plan, the Office of Title I will contact the school with revisions that are needed for the Plan to meet the legislative intents and purposes. For the 2012-2013 school year, the school's use of Title I funds for activities that do not support program objectives is being referred to the department's Office of Fiscal Accountability and Compliance for review.

Finding 3:

Condition: The school does not have supporting documents to verify the activity of Title I teachers as required by federal law. The documentation must reflect what the staff is doing and where and when (time slots) the staff is doing assigned tasks and must also match their funded percentage. This documentation is necessary to verify that funded staff members are actually performing allowable grant activities.

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 school must revise its activity reports to include the aforementioned information to verify the time and activity of staff charged to the grant. The school must submit a list of FY 2013-2014 Title I funded staff, salaries, and funding percentages and revised activity reports to the NJDOE for review.

Finding 4:

Condition: The school provided insufficient information to ascertain and verify the highly qualified status of Title I staff. The information provided did not include staff responsibilities and classroom assignments with the associated content areas. In addition, the school did not provide access to or copies of teacher certificates and/or transcripts to verify the highly qualified status for a sample of Title I staff.

Citation: ESEA §1119: *Qualifications for Teachers and Paraprofessionals*.

Required Action: The school must submit a list of the FY 2013 and FY 2014 staff and indicate the responsibilities and classroom assignments with the associated content areas. In addition, the school must submit copies of certificates and transcripts for a sample of staff to the NJDOE for review.

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Finding 5:

Condition: The school does not have a parental involvement program that reflects the requirements of Title I. The school could not provide evidence that the school-parent compact and the parental involvement policy were developed in collaboration with parents and that the parental involvement policy was annually reviewed and board adopted. The lack of parental involvement in the process does not allow parents to voice their perspective.

Citation: ESEA §1118: *Parental Involvement*.

Required Action: The school must provide copies of the written parental involvement policy, along with evidence that stakeholders participated in the development of the policy and the school-parent compact, to the NJDOE for review.

Finding 6:

Condition: The school's "Info for Families: Policies and Information" web link does not contain the Title I parental involvement policy and school parent-compact. The Parents' Right-to-Know information is included, but not as a dated signed letter.

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

Required Action: The school must review and update its "Info for Families: Policies and Information" web link to contain the required annual parental notifications and documents to meet the broader ESEA dissemination requirement. Once revised, the school must send the link to the NJDOE for review.

Title II

Finding 7:

Condition: Although the school's professional development activities are consistent with the professional development plan, the school could not provide adequate evidence that verified the participation of attendees, or provide post workshop attendee evaluations.

Citation: NCLB Statue: §2122, and ESEAS Title II, Part A Section 2113(c) (7.) *Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in students academic achievement or increases in teacher mastery of the academic subject the teachers teach.*

Required Action: The school must provide attendee sign in sheets and evaluation of workshops to the NJDOE for review.

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IDEA (Special Education)

Finding 8:

Condition: In the 2011-2012 and 2012-2013 grant years, the contract with Therapy Service did not include the per-service or hourly rate and a not-to-exceed amount.

Citation: IDEA Regulations 34CFR §300.130-300.144.

Required Action: The school must enter into a contract with any agencies or independent consultants providing services. Contracts must include a per-service or hourly rate and a not-to-exceed amount. All contracts must be presented before the board for approval.

Finding 9:

Condition: The school misclassified the expenditures for contracted vendors in (100-300) when it should have been classified in (200-300) for Support Services in their accounting system.

Citation: EDGAR, PART 80—*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems.

Required Action: The school must update its applications and corresponding accounting records to classify items purchased according to their correct object code.

Finding 10:

Condition: The school did not consistently provide parents of students referred and/or eligible for speech-language services and students referred and/or eligible for special education and related services notice of a meeting containing all required components.

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 school 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 school 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 notices of meetings conducted between October 2013 and January 2014, and review the oversight procedures.

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Finding 11:

Condition: The school did not consistently provide parents written notice that contains all required components within 15 calendar days following a meeting for students referred and/or eligible for speech-language services and students referred and/or eligible for special education and related services. Specifically, the notices did not include a description of any other options discussed and/or other relevant factors and reasons why rejected.

Citation: 20 U.S.C. §1414(b)(1)(c)(4)(A); 34 CFR §300.304(a)(4); and 34 CFR §300.305(a) and N.J.A.C. 6A:14-2.3(f) and 2.3(g)1-7.

Required Action: The school must ensure 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 school 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 copies of written notice provided following meetings conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 12:

Condition: The school did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of initial eligibility or determination of continued eligibility for students evaluated for special education and related services and for students evaluated for speech-language services.

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 school must ensure parents are provided copies of evaluation reports not less than 10 days prior to the determination of eligibility. 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 of provision of evaluation reports to parents for students evaluated for special education and related services and speech-language services between October 2013 and January 2014, and review the oversight procedures.

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Finding 13:

Condition: The school did not consistently convene IEP team meetings with required participants for students eligible for special education and related services and for students eligible for speech-language services.

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

Required Action: The school must ensure meetings are conducted with required participants and that documentation of attendance and, if a member is excused, written parental consent is obtained prior to the meeting and is maintained in student's records. In order to demonstrate correction of noncompliance, the school 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 the signed participation for meetings conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 14:

Condition: The school did not consistently document 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 in general education, and an explanation of why they were rejected.

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

Required Action: The school 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. 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. 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. Additionally, at the next IEP meeting for each student removed from general education for more than 20 percent of the day, the school must ensure the procedures are implemented. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs, review the IEPs for students whose annual review meetings were conducted between October 2013 and January 2014, and review the oversight procedures. The names of the students with IEPs that were identified as noncompliant will be provided to the school by the monitor.

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Finding 15:

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

- 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);
- consideration of extended school year (ESY) and a description of the program when ESY will be provided; and
- for students age 14 and above, post-school transition components.

Citation: N.J.A.C. 6A:14-3.7(c)1-11, (e) 1- 17, and (f); 20 U.S.C. §1414(d)(3)(A)(B); and 34 CFR §300.324(a)(1)(2); N.J.A.C. 6A:14-4.10(a)1; 20 U.S.C. §1414(d)(1)(A)(i)(VI)(aa); and 34 CFR §300.320(a)(6)(i); N.J.A.C. 6A:14-4.10(a); N.J.A.C. 6A:14-3.7(e)11.

Required Action: The school must ensure each IEP contains the required considerations and statements. 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 citation listed above. To demonstrate the school has corrected the individual instances of noncompliance, the school must conduct annual review meetings and revise IEPs for specific students who IEPs were identified as noncompliant. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs, review the IEPs for students whose annual review meetings were conducted between October 2013 and January 2014, and review the oversight procedures. For assistance with correction of noncompliance, the school is referred to the state IEP sample form which is located at: www.state.nj.us/education/specialed/form. The names of the students whose IEPs were identified as noncompliant will be provided to the school by the monitor.

Finding 16:

Condition: The school did not 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) team.

Citation: N.J.A.C. 6A:14-3.3(b); 20 U.S.C. §1413(f)(2); and 34 CFR §300.226(b).

Required Action: The school must ensure that I&RS documentation includes the description, frequency, duration and effectiveness of the interventions provided in the general education setting. In order to demonstrate correction of noncompliance, the school must conduct training for administrators and members of the I&RS team 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

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interview staff, review documentation for students who were provided interventions in general education between October 2013 and January 2014, and review the oversight procedures.

Finding 17:

Condition: The school did not consistently conduct a meeting within 20 calendar days of receipt of a written request for evaluation for special education and related services and for students referred for speech-language services, to determine if an evaluation was warranted.

Citation: N.J.A.C. 6A:14-2.5(b)6; 3.3(e) and 3.6(b).

Required Action: The school 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 school 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 identification meetings conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 18:

Condition: The school 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 school 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 school 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 October 2013 and January 2014, and review the oversight procedures. The school is referred to the sample report form for speech-language evaluations which is located at: www.state.nj.us/education/speced/form.

Finding 19:

Condition: The school did not consistently conduct all required sections of the functional assessment as a component of initial evaluations for students referred for special

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education and related services and for students referred for speech-language services. Specifically, evaluation reports did not include:

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

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 school must ensure all components of the functional assessment are conducted as part of all initial evaluations. In order to demonstrate correction of noncompliance, the school 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 review evaluations reports for students referred for evaluation between October 2013 and January 2014, and review the oversight procedures.

Finding 20:

Condition: The school did not provide a summary of academic achievement and functional performance prior to graduating and/or exiting 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); and 34 CFR §300.305(e)(3).

Required Action: The school 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 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 the written notice of graduation and the summary of academic and functional performance for students who graduated or exited the school at the conclusion of the 2013-2014 school year, and review the oversight procedures.

Finding 21:

Condition: The school did not provide a copy of its policy for the provision of students with disabilities participating in the school assessments.

Citation: 34 CFR §300.160.

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Required Action: The school must revise its policies and procedures to ensure students with disabilities participate in schoolwide 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 schoolwide assessment, the school must also report with the same frequency and in the same detail as it reports on the assessment of non-disabled children. A monitor from the NJDOE will conduct an on-site visit to review this policy revision to ensure inclusion of the components in the citation above.

Administrative

Finding 22:

Condition: On several occasions the school failed to issue a purchase order prior to goods being purchased or services being rendered (confirming order). School 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.

Finding 23:

Condition: The school failed to use the general ledger account numbers as required by the Uniform Minimum Chart of Accounts for New Jersey Public Schools.

Citation: The Uniform Minimum Chart of Accounts for New Jersey Public Schools.

Required Action: The school must adopt the required general ledger account numbers.

Finding 24:

Condition: The school indicated that it does not maintain sign in sheets of staff attending grant funded professional development activities. Because the professional development activities are mandatory, the school does not require staff to document their attendance. However, proper documentation of grant funded activities is necessary to ensure program requirements are being fulfilled.

Citation: 34 CFR 28.20: *Standards for Financial Management*.

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Required Action: The school must require that staff sign in to document their attendance at grant funded professional development, and maintain such documentation for monitoring and auditing purposes.

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.