



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

May 28, 2013

Mr. Misha Simmonds, Executive Director
University Heights Charter School
74 Hartford Street
Newark, NJ 07103

Dear Mr. Simmonds:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **University Heights Charter School**. 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 October 31, 2012. 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 University Heights 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. Cicchino, Director
Office of Fiscal Accountability and Compliance

RJC/SH/dk:University Heights Charter School Cover Letter/consolidated monitoring
Enclosures

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**STATE OF NEW JERSEY
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PO BOX 500
TRENTON, NJ 08625-0500**

**UNIVERSITY HEIGHTS CHARTER SCHOOL
74 HARTFORD STREET
NEWARK, NJ 07103
PHONE: (973) 623-1965**



New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
MAY 2013**

District: University Heights Charter School
County: Essex
Dates On-Site: November 19 and 20, 2012
Case #: CM-055-12

FUNDING SOURCES

Program	Funding Award
Title I	\$ 289,763
IDEA Basic	67,719
Title IIA	891
Total Funds	<u><u>\$ 358,373</u></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 and IDEA). The laws further require that state education agencies such as the New Jersey Department of Education (NJDOE) monitor the implementation of federal programs by sub recipients and determine whether the funds are being used by the district for their intended purpose and achieving the overall objectives of the funding initiatives.

INTRODUCTION

The NJDOE visited the University Heights Charter School 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 and IDEA Basic for the period July 1, 2011 through October 31, 2012.

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 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 grants that were reviewed included Title I, Title IIA and IDEA Basic from July 1, 2011 through October 31, 2012. 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 expended to support teacher assistant salaries and benefits. In addition, Title I funds were used for Saturday and summer programs and after school tutoring.

IDEA Projects (Special Education)

The FY 2010-2011 and FY 2011-2012 awards in IDEA Part-B Basic Funding were used to support the salary and benefits of a third special education teacher. This was the same use of IDEA Part-B funds in FY-2010-2011.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1:

Condition: The school provided an incomplete list of staff paid for with Title I funds. For all Title I staff, the district did not have the required supporting documents to verify the activity of the Title I staff as required by federal law. The documentation must reflect what the staff is doing, when and where and it must match their funded percentage.

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 identify staff members who are working exclusively with students in the Title I program. The school may then charge the salaries of these staff to the grant and verify the time and activity of staff charged to the grant. The school must submit a revised list of the FY 2012-2013 Title I funded staff, salaries, funding percentages and time sheets to date to the NJDOE for review.

Finding 2:

Condition: The salary and benefits for the Title I teacher assistants, as indicated in the school's NCLB Consolidated Application, did not accurately reflect the percentage of staff time devoted to the Title I grant related responsibilities.

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 the salary and benefits of the Title I teacher assistants charged to Title I to only reflect the portion of Title I grant related activities and not state mandated responsibilities.

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Finding 3:

Condition: The school did have Title I program selection criteria and the course of action for remediation, but did not have clearly defined program exit criteria. All of these elements must also be included in the notification letter to parents about their child's participation in the Title I program.

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

Required Actions: The school must include in its parental notification letter the multiple measures used to identify the students, as well as clearly defined exit criteria. The school must provide a copy of its revised parental notification letter to the NJDOE for review.

Finding 4:

Condition: The school did not provide evidence of convening the annual Title I meeting for parents to inform them of the school's participation in Title I and the Title I parental involvement requirements and rights.

Citation: ESEA §1118(c)(1) (2): *Parental Involvement (Policy Involvement)*.

Required Action: The school must submit the invitational letter/flyer, meeting notes, sign in sheets, and the agenda from the FY 2012-2013 meeting to the NJDOE for review.

Finding 5:

Condition: The district has one Title I paid teacher that does not meet the highly qualified requirements. The staff member only maintains a provisional teacher's certification.

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

Required Action: The district must submit evidence that the teacher is reassigned to a position that does not have instructional responsibilities until the teacher becomes certified or that the certification is no longer provisional.

Finding 6:

Condition: The district has teachers who do meet the highly qualified requirements; however, the Parents' Right-to-Know follow-up letter was not sent by November 1, 2012. The district is required to send this letter to the parents of any child who is taught by a teacher who has not yet met the highly qualified requirements.

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

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Required Action: The school must develop the Highly Qualified Teacher (HQT) follow-up letter and send a copy to the NJDOE for review. A template of the HQT follow-up letter can be found at: <http://www.state.nj.us/education/grants/entitlement/nclb/nclbrefman11.pdf>. Upon review from NJDOE, the school must issue the HQT follow-up letter to the parents of any child taught by unqualified staff for four consecutive weeks.

Finding 7:

Condition: The school's board of education did not conduct its annual review and adoption of the parental involvement policy.

Citation: ESEA §1118(a)(2): *Parental Involvement (Local Educational Agency Policy)*.

Required Action: The school's parental involvement policy was adopted in January 1, 2010. The district must have a written parental involvement policy, developed in collaboration with parents of Title I students evaluated annually. The policy must be distributed to parents of Title I students in an understandable and uniform format, and to the extent practicable, in a language the parent understands. A template of a parental involvement policy can be found at: <http://www.state.nj.us/education/title1/program/parent/>. A copy of the board adopted parental involvement policy must be submitted to the NJDOE for review.

Finding 8:

Condition: For the 2012-2013 school year, there is no evidence that the school's school-parent compact was developed in conjunction with and distributed to parents.

Citation: ESEA §1118(d): *Parental Involvement (Shared Responsibilities for High Student Academic Achievement)*.

Required Action: The school must include the associated stakeholder groups in the development of the school-parent compact. The school-parent compact should outline parents, staff, and students responsibilities for building and developing partnerships for the goal of improved student achievement. A template of a parental involvement policy can be found at <http://www.state.nj.us/education/title1/program/parent/>. The school must send a copy of the school-parent compacts and evidence of development in collaboration with parents of the Title I students for the 2012-2013 school year to the NJDOE for review.

Finding 9:

Condition: The school's use of Title I, Part A funds to pay for the STEP program supplants state and local funds. This program includes the assessment of all students and it is not limited to Title I student assessment.

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Citation: ESEA §1120A(b): *Fiscal Requirements (Federal Funds to Supplement, Not Supplant, Non-Federal Funds)*.

Required Action: The school must reverse the charge for this unallowable activity and allocate state/local funds, rather than Title I funds, to support this expenditure. The district must provide for review evidence that state/local funding is supporting this expenditure.

Title IIA

There were no findings related to the Title IIA grant.

IDEA (Special Education)

There were no findings related to the IDEA grant.

Special Education Programs

Finding 10:

Condition: The school did not consistently convene identification, eligibility/IEP, reevaluation planning, and eligibility/IEP meetings for students referred and/or eligible for special education and related services and referred and/or eligible for speech language services with the required participants. Noncompliance was due to a lack of implementation of school procedures.

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 identification, eligibility, reevaluation planning and IEP meetings are conducted with required participants and documentation of attendance and/or written parental consent to excuse a member of the team is maintained in the student record. 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. A monitor from the NJDOE will conduct an on-site visit to interview staff and review meeting documentation, including the sign in sheets, for meetings conducted between February 2013 and May 2013.

Finding 11:

Condition: The school did not conduct meetings within 20 calendar days of receipt of a written request for evaluation for students referred for special education and related services or speech-language services to determine if an evaluation was warranted. Noncompliance was due to a lack of implementation of school procedures.

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

Required Action: The school must ensure that 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 regarding the procedures for implementing the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to review the dated initial request for evaluation for students referred for special education and related services and for students referred for speech-language services and the participant signatures from the resulting meetings conducted between February 2013 and April 2013.

Finding 12:

Condition: The school did not consistently inform parents regarding initial identification, eligibility, IEP meetings, reevaluation planning, reevaluation eligibility and IEP meetings through provision of notice of a meeting for students referred and/or eligible for special education and related services and for students referred and/or eligible for speech-language services. Additionally, when notice of a meeting was provided, it did not include all required components. Noncompliance was due to a lack of implementation of school procedures.

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 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 speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff and review meeting documentation, including the sign in sheets, for meetings conducted between February 2013 and May 2013.

Finding 13:

Condition: The school did not consistently inform parents of proposed actions through provision of written notice containing all required components for students referred and/or eligible for speech-language services. Noncompliance was due to a lack of implementation of school procedures.

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 provide training for

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speech-language specialists 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 copies of written notices sent to parents following meetings conducted between February 2013 and April 2013.

Finding 14:

Condition: The school did not maintain documentation of the frequency, duration and effectiveness of the interventions provided in the general education setting through the Intervention and Referral Service (I&RS). Noncompliance was due to a lack of implementation of school procedures.

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

Required Action: The school must ensure when the I&RS team identifies interventions to meet the needs of a struggling learner that the I&RS team identifies and maintains documentation of the nature, description, frequency, and duration of the interventions and measures the effectiveness. In order to demonstrate correction of noncompliance, the school must conduct training for administrators and I&RS team staff regarding the procedures for implementing the requirements in the citation listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to review documentation for students who were provided interventions in general education between February 2013 and April 2013.

Finding 15:

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 education and related services and for students referred for speech-language services. Specifically, the school did not include the review of prior interventions and teacher interviews. Noncompliance was due to a lack of implementation of school procedures.

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 regarding the school's procedures for implementing the requirements in the citation listed above. The school is referred to the sample report form for speech-language evaluations which can be found at: www.state.nj.us/education/speced/forms. Additionally, a monitor from the NJDOE will conduct an on-site visit to review initial evaluation reports for students evaluated between February 2013 and April 2013.

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Finding 16:

Condition: The school did not conduct reevaluations within three years of the previous classification date for students currently eligible for special education and related services. Noncompliance was due to a lack of implementation of school procedures.

Citation: N.J.A.C. 6A: 14-3.7(i) and 14-3.8(a) and 20 U.S.C. §1414(a)(2)(B)(ii) and (d); and 34 CFR §300.324(b)1.

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 child study team members regarding the procedures for implementing the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff and review meeting documentation, including the sign in sheets, for meetings conducted between February 2013 and May 2013.

Finding 17:

Condition: The school did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of eligibility following initial evaluations and reevaluations when assessments were conducted. Noncompliance was due to a lack of implementation of school procedures.

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 speech-language specialists regarding procedures for implementing the requirements in the citation listed above. A monitor from the NJDOE will conduct an on-site visit to review documentation of provision of evaluation report(s) to parents for students evaluated for special education and related services and speech-language services between February 2013 and April 2013.

Finding 18:

Condition: The school did not include required considerations and statements in the IEPs for students eligible for special education and related services and for students eligible for speech-language services. IEPs did not include the Present Levels of Academic Achievement and Functional Performance. In addition, IEPs of students eligible for speech-language services did not include documentation of consideration of Extended School Year (ESY) and a description when ESY was provided. Noncompliance was due to a lack of implementation of school procedures.

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

Required Action: The school must ensure each IEP contains all required considerations and statements. In order to demonstrate correction of noncompliance, the school must conduct training for child study team members and speech-language specialists regarding the procedures for implementing the requirements in the citation listed above. 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/forms. A monitor from the NJDOE will conduct an on-site visit to review IEPs developed between February 2013 and April 2013.

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.