



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

October 7, 2013

Dr. Margaret Dolan, Superintendent
Westfield Board of Education
302 Elm Street
Westfield, NJ 07090

Dear Dr. Dolan:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Westfield 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 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 LEA/Agency Response, Corrective Action Plan and Appeal Process," the Westfield 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:Westfield BOE Cover Letter/consolidated monitoring
Enclosures

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PO BOX 500
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WESTFIELD BOARD OF EDUCATION
302 ELM STREET
WESTFIELD, NJ 07090
PHONE: (908) 789-4180



New Jersey K-12 Education

**CONSOLIDATED MONITORING REPORT
NOVEMBER 2013**

District: Westfield Public Schools
County: Union
Dates On-Site: July 22, 23 and 24, 2013
Case #: CM-065-12

FUNDING SOURCES

Program	Funding Award
Title I	\$ 172,101
IDEA Basic	1,725,331
IDEA Preschool	29,088
Title IIA	157,913
Title III	25,335
Title III Immigrant	15,551
Race To The Top	13,096
Total Funds	<u>\$ 2,138,415</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 Westfield 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, Part A (Title I); Title II, Part A (Title II); Title III; Title III Immigrant; IDEA; and Race to the Top 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 (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 Title I, Title II, Title III, Title III Immigrant; IDEA Basic and Preschool, and Race to the Top 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, IDEA AND RACE TO THE TOP FUNDS

Title I Projects

Title I funds were expended to support teacher salaries and instructional supplies.

IDEA Projects

The district utilized the FY 2011-2012 and FY 2012-2013 IDEA Basic funds for tuition for students in private special education placements, consultants to work directly with students, instructional supplies for use within the classroom, and technology such as whiteboards, specialized software, and laptops for student use. In addition, the district utilized IDEA funds for child study team case management, professional development for staff, and reference materials for staff use. IDEA Preschool funds for FY 2011-2012 and FY 2012-2013 were utilized for tuition.

Race to the Top

The district used Race to the Top funds for transition to the Common Core State Standards.

DETAILED FINDINGS AND RECOMMENDATIONS

Title I

Finding 1:

Condition: The district did not provide evidence it consistently applied multiple measures to determine student eligibility for Title I services in all Title I served schools. The monitors were unable to verify if the schools are actually serving their lowest performing students and all students receiving services actually met the eligibility criteria.

Citation: ESEA §1115: *Targeted Assistance Schools*.

Required Action: The district must ensure its schools establish a tracking mechanism for proper identification of Title I students. This mechanism must include documentation of which criteria were applied and how the student either met or did not meet the criteria. The district must submit a copy of its schools' revised student eligibility criteria to the NJDOE for review.

Finding 2:

Condition: The FY 2012-2013 Title I participation letters to parents of identified students did not clearly state the multiple measures, including both entrance and exit

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criteria, used to identify Title I eligible students. Without this information, parents are unable to understand the reasons their child was selected to participate in the Title I program, and what is needed for their child to exit the program.

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

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

Finding 3:

Condition: The district 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, when and where and must match their funded percentage. This documentation is necessary to verify funded staff 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 district must verify the time and activity of staff charged to the grant. The district must submit a list of FY 2013-2014 Title I funded staff, salaries, funding percentages and time sheets to the NJDOE for review.

Finding 4:

Condition: The district does not have a parental involvement program that reflects the requirements of Title I. The district was unable to provide evidence of school-level parental involvement policies for its Title I served schools. In addition, the district could not provide evidence the district parental involvement policy was developed in collaboration with parents. The lack of parental involvement in the process does not allow parents to have input in the parental involvement program and identify the unique needs of the Title I schools and parents of Title I students.

Citation: ESEA §1118: *Parental Involvement*.

Required Action: The district must provide copies to NJDOE for review of the written school-level parental involvement policies, along with evidence that at both the district level and the school-level stakeholders participated in the development of the policies. A template of a school-level parental involvement form can be found at: <http://www.state.nj.us/education/title1/program/parent/>.

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Finding 5:

Condition: 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 parental 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 ensure its schools include the parents of Title I students in the development of the school-parent 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 compacts.

Finding 6:

Condition: The district's Title I web page does not contain the school level parental involvement policies. Documents are included, however, the links for the Parents' Right-to-Know Letter and the Title I participation letter do not contain accurate document descriptions.

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

Required Action: The district must review and update its Title I web page containing the 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 reported zero for nonpublic student enrollment and nonpublic low-income numbers on the FY 2012-2013 ESEA Consolidated Application in Step One of the Title I, Part A eligibility tab despite documentation that reflects the attendance of resident students at nonpublic schools. Due to the lack of consistent documentation to substantiate zero low-income nonpublic students, 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*.

Required Action: For the FY 2013-2014 ESEA Consolidated Application, the district must include both the number of resident nonpublic school students and if applicable, the number of low-income resident nonpublic school students for both students, who attend nonpublic schools inside and outside the district's attendance area. For FY 2013-2014, the district must contact all nonpublic schools that enroll resident students to inform the

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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 II

Finding 8:

Condition: The district provided professional development using Title II funds. However, the documentation necessary to verify the approved implementation of these funded professional development activities, such as board approved contracts with all consultants, were not provided.

Citation: ESEA §2122: *Local Applications and Needs Assessment*.

Required Action: The district must provide documentation of approved contracts with all consultants for implementation of professional development activities for FY 2012 and FY 2013 using Title II funds to the NJDOE for review.

Title III

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

Title III-Immigrant

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

IDEA (Special Education)

Finding 9:

Condition: Contracts for the 2011-2012 and 2012-2013 grant years with service providers such as consultants, agencies and physicians do not contain a not-to-exceed amount.

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 district must ensure all contracts with consultants, agencies, and physicians include a not-to-exceed amount.

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Finding 10:

Condition: In the 2011-2012 and 2012-2013 school years, the district entered into contracts with the Union County Educational Services Commission (UCESC) for services to students with disabilities in nonpublic settings. The contract utilized for this service is inclusive of the entire nonpublic allocation for IDEA, rather than on a per-service basis. In addition, although the contract stipulates the types of services to be provided, the contract does not stipulate a per session/service rate.

Citation: IDEA Regulations 34CFR §300.130-300.144.

Required Action: The district must revise the contract to ensure it is based on type and delivery of service. In addition, the district must request detailed invoices from the UCESC that includes specific dates of service and type of service provided.

Finding 11:

Condition: The Service Plans (SP) for students with disabilities in nonpublic settings did not indicate specific levels of service provided for in-class support (subject area, time teacher is present in class and provider of service). In addition, the delivery of IDEA services could not be verified through a review of student and provider schedules.

Citation: IDEA Regulations 34 CFR §300.130-300.144; Chapter 192 & 193 Programs for Nonpublic School Students 2011-2012.

Required Action: All SPs must be revised to reflect the correct amount of service being provided in the nonpublic school. The district must request detailed schedules from the nonpublic school which documents the provision of services indicated in each student's SP. In addition, the district must conduct oversight to ensure the delivery of service reflects the level of service indicated in SPs.

Finding 12:

Condition: In the 2011-2012 and 2012-2013 grant years, the district misclassified all expenditures for professional development opportunities (inclusive of presenters and attendees) in their accounting classification as Other Purchased Services (200-500) and Other Objects (100-800) when it should have been listed as Purchased Professional – Educational Services (200-320).

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 district must update its applications and corresponding accounting records to classify items purchased according to their correct function.

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Finding 13:

Condition: In the 2011-2012 and 2012-2013 grant years, the district misclassified all expenditures for equipment in their accounting classification as Instructional Supplies (100-600 and 100-610) when these expenditures should have been listed as Instructional or Non-Instructional Equipment (400-731 or 400-732).

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 district must update its applications and corresponding accounting records to classify items purchased according to their correct function.

Finding 14:

Condition: In the 2011-2012 and 2012-2013 grant years, the district misclassified all expenditures for the provision of related services in their accounting classification as Instructional Purchased Professional Services (100-320) when these expenditures should have been listed as Support Services Purchased Professional Services (200-320).

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 district must update its applications and corresponding accounting records to classify items purchased according to their correct function.

Finding 15:

Condition: In the 2011-2012 grant year, the district misclassified the expenditures for carpeting in a support staff work room as Support Services Supplies (200-600) when it should have been classified as Equipment – non-instructional (400-732). Additionally, this expenditure was not in the plan and the plan was not amended to reflect the activity.

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 district must update its applications and corresponding accounting records to classify items purchased according to their correct function. Additionally, the district must amend the plan as necessary.

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Finding 16:

Condition: The district did not consistently provide parents written notice that contains all required components.

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).

Required Action: The district must ensure parents are provided written notice following a meeting that contains all required components. 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 documentation of the provision and content of written notice for meetings conducted between October 2013 and January 2014, and the oversight procedures.

Finding 17:

Condition: The district did not consistently provide parents with copies of special education rules (N.J.A.C. 6A:14), and due process hearing rules (N.J.A.C. 1:6A) when a determination was made to conduct or not to conduct an initial evaluation for students referred for special education and related services and for students referred for speech-language services.

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(i).

Required Action: The district must ensure parents are provided with copies of special education rules and due process hearing rules when a determination is made to conduct or not to conduct an initial evaluation. 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. This oversight mechanism must ensure each child study team member and speech-language specialist is providing N.J.A.C. 6A:14 and N.J.A.C. 1:6A. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of the provision of the citations listed above at identification meetings conducted between October 2013 and January 2014, and the oversight procedures.

Finding 18:

Condition: The district did not consistently ensure the required participants were in attendance at identification, initial eligibility, and IEP meetings for students eligible for

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special education and related services and for students eligible for speech-language services.

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

Required Action: The district must ensure identification, eligibility and IEP 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 student's 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 documentation of participants at meetings conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 19:

Condition: The district did not include required considerations and statements in each IEP for students eligible for special education and related services and for students eligible for speech-language services. The following considerations and required statements were missing or noncompliant in IEPs:

- A statement of the student's present level of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum;
- Participation in district wide assessments and any accommodations and modifications to be provided; and
- For students eligible for speech-language services, consideration of Extended School Year and an explanation of the program when it will be provided.

Citation: N.J.A.C. 6A:14-3.7(e) and 4.3(c); and 20 U.S.C. §1414(d)(3)(A)(B); and 34 CFR §300.324(a)(1)(2).

Required Action: The district must ensure each IEP contains the required considerations and statements. 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. To demonstrate the district has corrected the individual instances of noncompliance, the district must conduct annual review meetings and revise IEPs for specific students whose IEPs were identified as noncompliant. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs, review 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 whose IEPs were identified as noncompliant will be provided to the district by the monitor.

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Finding 20:

Condition: The district did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of initial eligibility or continued eligibility 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:14-3.5(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 the meeting to determine eligibility. 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 documentation of the provision of copies of evaluation reports provided to parents 10 days prior to eligibility meetings conducted between October 2013 and January 2014, and 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. Initial evaluation reports did not contain observation in a non-testing setting and a review of interventions documented by the teacher(s) or others who work with the student.

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 child study team members and speech-language specialists and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. The district is referred to the sample report form for speech-language evaluations which is located at: www.state.nj.us/education/speced/forms. Monitors from the NJDOE will conduct an on-site visit to interview staff, review initial evaluation reports for students evaluated between October 2013 and January 2014, and review the oversight procedures.

Finding 22:

Condition: The district did not consistently obtain written parental consent or document efforts to obtain written parental consent to conduct assessments for students referred for

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speech-language services. Speech-language therapists are conducting screenings of individual students prior to referral.

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

Required Action: The district must ensure informed parental consent is obtained and maintained in student files prior to conducting any assessment. 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 documentation of written parental consent to conduct assessments for initial evaluations conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 23:

Condition: The district did not consistently ensure students were found eligible for speech-language services at a properly configured eligibility meeting. Review of student records demonstrated that determination of eligibility is included in the speech-language evaluation rather than being determined at the eligibility meeting.

Citation: N.J.A.C. 6A:14-2.3(k)1, 3.7(c); and 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a).

Required Action: The district must ensure required participants are in attendance at eligibility meetings and 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, review documentation of eligibility at meetings conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 24:

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. §1414(d)(1)(D); and 34 CFR §300.321(f).

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

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monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of participants at planning conferences of students transitioning from an early intervention program to preschool conducted between October 2013 and January 2014, and review the oversight procedures.

Finding 25:

Condition: The provision of the related services of speech therapy, occupational therapy, physical therapy, and counseling as required by the IEPs of students with disabilities could not be verified through document review.

Citation: N.J.A.C. 6A:14-3.7(a)1-4; 20 USC 1412(a)(5); 34 CFR §300.119.

Required Action: The district must ensure delivery of all related services is documented in service providers' schedules and attendance logs. In order to demonstrate correction of noncompliance, the district must conduct training for related service providers 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 the provision of related services to students between October 2013 and January 2014, and review the oversight procedures.

Race to the Top

Finding 26:

Condition: The district is charging Race to the Top expenditures to the incorrect program code in the general ledger. Expenditures are being charged to program code 461 when a program code between 290 and 299 should be used.

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

Required Action: The district must establish accounts using the appropriate program codes in the general ledger.

Administrative

Finding 27:

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.

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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.