



**Brian Osborne, Ed.D.**

Superintendent

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August 26, 2013

Robert J. Cicchino, Director  
Office of Fiscal Accountability and Compliance  
State of New Jersey  
Department of Education  
PO Box 500  
Trenton, NJ 08625-0500

Dear Mr. Cicchino:

The South Orange & Maplewood Board of Education (“Board”) appeals the following findings of the Consolidated Monitoring Report transmitted to Dr. Brian Osborne, Superintendent of Schools, by letter dated August 7, 2013. A copy of the Board’s resolution approving an appeal of the findings and a request for review is attached. The findings about which review is sought are detailed in this letter.

**CONSOLIDATED MONITORING REPORT  
JULY 1, 2011 THROUGH FEBRUARY 28, 2013  
APPEAL**

The South Orange & Maplewood School District is in receipt of the Consolidated Monitoring Report dated August 2013. The District has prepared a Corrective Action Plan for applicable recommendations contained in the report that includes notations regarding several items that are addressed in this appeal. The findings of the audit, the Corrective Action Plan, and this appeal document were shared with the Board at a public meeting on August 26, 2013, as required. The Corrective Action Plan addresses each recommendation. Items included in this appeal are listed by program and finding as presented in the Consolidated Monitoring Report.

**Title I**

***Finding 1: 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 it must match their funded percentage. This documentation is necessary to verify that funded staff are actually performing allowable grant activities.***

Time and activity sheets were available at the time of the monitoring and were presented as part of the review. The District contends that supporting documentation was available as required by federal law. Sample copies of the documents submitted are attached as evidence of this appeal. The District was advised verbally, during the monitoring discussion, that teacher schedules and the time report used should be merged into one document in the future. The District is prepared to comply with this recommendation.

***Finding 4: The district's use of Title I funds for the academic interventionists to provide in-class support and/or pull-out programs to non-Title I students in both Title I and non-Title I schools supplants state and local funds. As such, Title I students are not receiving additional services.***

The District staffs schools with Academic Interventionists, whose sole purpose it is to provide supplemental instruction to struggling learners in the areas of Reading and Mathematics, which meets the intent and purpose of Title I, Part A. Both Title I and Non-Title I schools are staffed to the level local funds can bear. Title I schools are then provided additional FTEs that exceed the staffing of the Non-Title I schools, enabling the Title I schools to provide supplemental services, above the services offered by their Non-Title I counterparts. The District budget will evidence that the Title I funded FTEs are over and above the locally funded allocation, and provides evidence that these Title I funded FTEs would be eliminated in the absence of Title I funds.

***Finding 5: The district did not provide consistent evidence of convening the annual Title I parent meeting. Evidence was not provided that the Back-to-School nights that occurred fulfilled the legislative requirements. Not conducting an annual meeting to explain the Title I legislation and the district's Title I programs does not allow parents of identified Title I students to be informed and vested in the Title I process.***

The District did hold the required annual Title I meetings and notifications of the meetings did take place. Samples of the invitational flyers that were presented at the time of the monitoring are attached. Although the District contests that the requirements were met, the District will update forms and to provide additional evidence of said meeting(s) for future review.

***Finding 7: The district does not have a parental involvement program that reflects the requirements of Title I. In FY 2012-13, there is no evidence that the district's parental involvement policy was reviewed and board adopted since April 2007, and that school-level parental involvement policies were developed. The annual review and current board adoption plus the school-level policies allow parents and other stakeholders to impact the parental involvement process and identify the unique needs of the Title I school and parents of Title I students.***

The District has a written District parental involvement policy which is evaluated annually as required. The Board policy shared at the time of the audit was originally adopted on April 2007 as stated. However, the policy is reviewed annually and re-adopted each year at the Board's annual organizational meeting. A copy of the organizational resolutions indicating approval of the Board policies is attached. School-level involvement policies also exist and are reviewed annually. The "parent compacts," as the District calls the school-level plans, were shared at the time of the monitoring and a sample is attached.

***Finding 9: For FY 2012-2013, the South Orange Middle School was skipped; therefore, it is not designated as a Title I served school. As such, the associated salary and professional development (\$7,615) budgeted for this school cannot be paid for with Title I, Part A funds and must be paid for with state/local funds.***

At the time of the monitoring, the 2012-2013 application had still not been approved due to an outstanding question at the state level regarding South Orange Middle School and its funding given its Focus School status. This was shared with the monitors and explained that the decision to skip South Orange Middle despite the Focus School status had just been confirmed and therefore the application would be resubmitted without budgeting for South Orange Middle School. Subsequently, no funding for the 2012-2013 school year was incurred for South Orange Middle School and ultimately was not included in the FY 2012-2013 Title I budget as stated.

### **Special Education Programs**

***Finding 14: The district did not consistently provide copies of evaluation reports to parents at least 10 days prior to the eligibility meeting.***

The District does consistently provide copies of evaluation reports to parents at least 10 days prior to the eligibility meeting. There have been isolated cases where copies have not been provided, typically because the parent wants to expedite the meeting schedule and waives the right to the 10-day provision. The District contends that it does consistently meet the 10-day time frame but does, however, agree to conduct training for child study team members and speech-language specialists and to develop an oversight mechanism for additional assurance that the District remains compliant with the requirements as suggested in the actions.

***Finding 15: The district did not consistently provide to students eligible for special education and related services a summary of academic achievement and functional performance prior to graduation.***

The District does consistently provide a summary of academic achievement and functional performance prior to graduation to students eligible for special education and related services and this information is placed in student files. Files that were reviewed at the time of the monitoring included students who had not yet reached graduation and the summary had not been placed in their file yet as of that date. The District contends that it does consistently provide such summary to students prior to graduation, but nevertheless, agrees to conduct training for child study team members and develop an oversight mechanism for additional assurance that the District remains compliant with the requirements as suggested in the actions.

***Finding 16: The district did not consistently convene IEP team meetings: Identification, initial eligibility/IEP, re-evaluation and re-determination of eligibility meetings with required participants for students referred and/or eligible for special education and related services and for students referred and/or eligible for speech-language services.***

The District does consistently convene IEP team meetings with the required participants. The District contends that we do consistently convene the IEP team meetings as required, but nevertheless, agrees to conduct training for child study team members and speech-language

specialists and develop an oversight mechanism for additional assurance that the District remains compliant with the requirements as suggested in the actions.

***Finding 17: 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 setting:***

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

The District does consistently document the listed items in the IEPs of students removed from the general education setting for more than 20 percent of the day. The District is not aware of specific issues referenced. The required action suggests that the District should demonstrate correction to individual instances of non-compliance and to revise IEPs for specific students identified as non-compliant. This monitoring was completed in March 2013. The District did not receive identification of any non-compliant IEPs at the time of the monitoring nor has it received any such identification in the interim 5 months since the monitoring was completed. The District does agree, however, to conduct training for child study team members and develop an oversight mechanism for additional assurance that the District is compliant with the requirements as suggested in the actions.

***Finding 24: The district did not ensure child study team participation at the planning conference of students transitioning from an early intervention program to preschool.***

The District contests that a child team member, typically a social worker, participated in each planning conference for students transitioning from an early intervention program to preschool. The District does agree, however, to conduct training for child study team members and develop an oversight mechanism for additional assurance that the District remains compliant with the requirements as suggested in the actions.

***Finding 25: The district does not have a policy for the provision of accommodations and modifications or, when appropriate, an alternate assessment for students with disabilities participating in district-wide assessments.***

Board policy 2460 addresses the provision of accommodation and modifications for students with disabilities participating in district-wide assessments. Item 15 of the policy states that “Pupils with disabilities are included in state-wide and district-wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A: 14-2.1 et seq including appointment of a surrogate parent, when appropriate. The District will also disseminate a copy of the procedural safeguards statement to parent training and information centers, protection and advocacy agencies and other appropriate agencies to ensure that compliant procedures are widely disseminated to parents and other individuals.” A copy of this policy is attached.

The South Orange & Maplewood School District has developed a corrective action plan for the remaining findings which were presented to the Board of Education and posted on the district's website. Further, the district will follow the suggestions for all items listed in the required actions.

Please contact me should you require any additional information regarding this communication. Thank you for your assistance regarding these matters.

Sincerely,

A handwritten signature in cursive script that reads "Brian Osborne".

Brian Osborne Ed.D.  
Superintendent of Schools