



State of New Jersey  
DEPARTMENT OF EDUCATION  
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Commissioner

February 7, 2014

Ms. Kelly Convery, School Lead  
BelovED Community Charter School  
508 Grand Street  
Jersey City, NJ 07302

Dear Ms. Convery:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **BelovED Community 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, 2012 through October 31, 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 BelovED Community 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:BelovED Community Charter School Cover Letter/consolidated monitoring  
Enclosures

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

**CONSOLIDATED MONITORING REPORT  
FEBRUARY 2014**

**District:** BelovED Community Charter School  
**County:** Hudson  
**Dates On-Site:** November 13 and 14, 2013  
**Case #:** CM-058-13

**FUNDING SOURCES**

Program	Funding Award
Title I	\$ 400,223
IDEA Basic	60,240
IDEA Preschool	697
Title IIA	689
Title III	14,566
Total Funds	<u>\$ 476,415</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 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 LEAs are using the funds for their intended purpose and achieving the overall objectives of the funding initiatives.

**INTRODUCTION**

The NJDOE visited the BelovED Community Charter School 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), Title III and IDEA Basic and Preschool for the period July 1, 2012 through October 31, 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; Title III and IDEA Basic and Preschool from July 1, 2012 through October 31, 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 salaries and benefits of Title I staff.

**IDEA Projects (Special Education)**

The school utilized all FY 2013-2014 IDEA funds to provide benefits and salaries for two special education teachers.

**DETAILED FINDINGS AND RECOMMENDATIONS**

**Title I**

**Finding 1:**

**Condition:** The school had entrance and exit criteria for Title I student identification, but incorrectly included poverty measures (free lunch or reduced lunch) as one of the entrance criteria. Title I schools must have multiple, educationally related, objective criteria to identify the low-performing students for supplemental services.

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

**Required Action:** The school must remove poverty as one of its entrance criteria for Title I student identification. The school must submit the revised FY 2013-2014 entrance and exit criteria to the NJDOE for review.

**Finding 2:**

**Condition:** The district did not provide evidence of consistently applying multiple, educationally related, objective criteria to determine student eligibility for Title I services. The school could not verify that all students receiving Title I services met the documented academic criteria.

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

**Required Action:** The school must establish a tracking mechanism for proper Title I student identification. This mechanism must include documentation of the use of multiple, educationally related, objective criteria to identify students for eligibility to receive Title I services.

**Finding 3:**

**Condition:** The school's Title I parental notification letter did not include the multiple, educationally related, objective entrance and exit criteria used for Title I student

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identification, the remediation actions the school is using and the option for parents to opt-out of Title I services. This information is necessary for parents 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 Schools*; ESEA §1118(c): *Parental Involvement (Policy Involvement)*.

**Required Action:** The school must revise its Title I participation letter to include the multiple, educationally related, objective criteria used to identify students for Title I services, and the criteria used to exit students from the Title I program. The school must provide a copy of its revised FY 2013-2014 Title I participation letter to the NJDOE for review.

**Finding 4:**

**Condition:** The school did not have a parental involvement program that reflects the requirements of the Title I legislation. For the 2013-2014 school year, there was no evidence of a parental involvement policy that was developed with input from parents of Title I students. The annual policy review and board adoption of the Title I parental involvement policy allows parents and other stakeholders to impact the parental involvement process and identify the unique needs of the parents of Title I students.

**Citation:** ESEA §1118(a)(2): *Parental Involvement (Written Policy)*.

**Required Action:** The school must have a written school parental involvement policy that is evaluated annually. Additionally, the school must engage its stakeholder group, which must include parents, in the development and annual review of the policy. The school must submit a copy of its newly developed and board approved Title I parental involvement policy to the NJDOE for review. The school must also submit evidence of the annual review (meeting agendas, sign in sheets, minutes) and the board adoption (board minutes).

**Finding 5:**

**Condition:** The school did not provide a copy of the school-parent compact, nor did the school provide evidence that the school-parent compact was developed in conjunction with Title I parents. The absence of parent participation in developing the school-parent compact excludes parents from more active participation in their child's educational program.

**Citation:** ESEA §1118: *Parental Involvement*.

**Required Action:** The school must include the parents of Title I students in the development of the school-parent compact. A template of the school-parent compact can

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be found at: <http://www.state.nj.us/education/title1/program/parent/>. The school must submit documentation to the NJDOE of the participation of Title I parents in the development of the FY 2013-2014 school-parent compact (meeting notes, sign in sheets, agendas).

**Finding 6:**

**Condition:** The school's Parents' Right-to-Know Highly Qualified Teacher (HQT) letter included additional information relevant to only Title I parents instead of all parents. The Parents' Right-to-Know HQT letter informs all parents of their right to ask about the qualifications of their child's teachers.

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

**Required Action:** The school must revise its Parents' Right-to-Know HQT letter and redistribute it to the parents of all students who attend the school. A template of the Parents' Right-to-Know HQT letter can be found at: <http://www.state.nj.us/education/title1/hqs/rtk.htm>.

**Finding 7:**

**Condition:** The school failed to provide information needed to verify the HQT status for two teachers paid with Title I funds.

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

**Required Action:** The school must submit evidence (class schedule, teacher certificates, etc.) to verify the HQT status of those two aforementioned teachers. If the aforementioned teachers do not meet the HQT requirements, the teachers must be reassigned to positions for which they meet the HQT requirements.

**Finding 8:**

**Condition:** The school may have teachers who do not meet the HQT requirements and as such, the school would have been required to send out the Parents' Right-to-Know HQT follow-up letter by November 1, 2013. The school is required to send this letter to the parents of any child who is taught for four or more consecutive weeks by a teacher who has not met the HQT requirements.

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

**Required Action:** The school must develop the 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/title1/hqs/rtk.htm>. Upon review by the NJDOE, the

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school may need to issue the HQT follow-up letter to the parents of any child taught by unqualified staff for four or more consecutive weeks.

**Finding 9:**

**Condition:** The school's Title I webpage was password protected thus limiting parent and public access to all required notifications. The school failed to meet the broader dissemination requirement set forth by ESEA.

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

**Required Action:** The school must make their ESEA webpage more user friendly with easy public access to required documentation and notifications. The school needs to update the Title I information to include the parental involvement policy, school-parent compact and the Parents' Right-to-Know HQT letter(s).

**Finding 10:**

**Condition:** The school did 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 they are working, and it must match their funded percentage. This documentation is necessary to verify that 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 school must 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, funding percentages and appropriate time sheets to date to the NJDOE for review.

**Finding 11:**

**Condition:** The school's use of Title I, Part A funds to pay for the guidance counselor supplants state and local funds. The guidance counselor works with all students to provide counseling services and these services are not limited to only Title I students in a targeted assistance program.

**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 school must provide documentation of the adjusting journal entry to the NJDOE for review.



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**Title II**

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

**Title III**

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

**IDEA (Special Education)**

**Finding 12:**

**Condition:** The school did not consistently provide copies of evaluation reports to parents at least 10 days prior to the determination of eligibility for students evaluated for special education and related 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. Additionally, a monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation demonstrating provision of evaluation reports to parents for students evaluated for special education and related services between March 2014 and May 2014, and to review the oversight procedures.

**Finding 13:**

**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. 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 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. The school is referred to the sample report form for speech-language evaluations which is located at: [www.state.nj.us/education/speced/forms](http://www.state.nj.us/education/speced/forms). Monitors from the NJDOE will conduct an on-site

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visit to interview staff, review initial evaluation reports for students evaluated between January 2014 and May 2014, and to review the oversight procedures.

**Finding 14:**

**Condition:** The school did not consistently include required statements in the IEPs of students referred for special education and related services and for students referred for speech-language services.

**Citation:** N.J.A.C. 6A:14-3.7 (e)4.

**Required Action:** The school must ensure each IEP contains the required 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 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 March 2014 and May 2014, and to review the oversight procedures.

**Finding 15:**

**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 school day, including those placed in separate settings, consideration of placement in the least restrictive environment. Specifically, IEPs did not consistently include:

- the supplementary aids and services considered and explanation of why the supplementary aids and services were rejected;
- comparison of the benefits provided in the regular class and the benefits provided in the special education class; and
- for students in separate settings, activities to move the student to a less restrictive environment.

**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 regarding the school's procedures 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

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with IEPs that were identified as noncompliant. If the IEP team determines that a change in placement is warranted, the school must immediately place the student in the new placement with necessary supplementary aids and services. The school must implement an oversight mechanism to ensure the IEP team regularly reviews IEPs for consistent inclusion of the documentation of the decision making process regarding general education setting. A monitor from the NJDOE will conduct an on-site visit to review the revised IEPs and placements, along with the IEPs for students whose annual review meetings were conducted between March 2014 and May 2014. The names of the students with IEPs that were identified as noncompliant will be provided to the district by the monitor.

**Finding 16:**

**Condition:** The school did not consistently maintain documentation of the description, frequency, duration and effectiveness of the interventions provided in the general education setting through the Intervention and Referral Service (I&RS).

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

**Required Action:** The school must ensure interventions are provided in the general education setting for students exhibiting academic and/or behavioral difficulties prior to referring the student for an evaluation. In addition, the school must ensure when the I&RS team identifies interventions to meet the needs of a struggling learner, the team identifies and maintains documentation of the nature, description, frequency, and duration of the interventions and measuring the effectiveness. In order to demonstrate correction of noncompliance, the school must conduct training for administrators and I&RS staff and develop an oversight mechanism to ensure compliance with the requirements in the citation listed above. Additionally, a monitor from the NJDOE will conduct an on-site visit to interview I&RS team members and teachers, review documentation for students who were provided interventions in general education as per I&RS between March 2014 and May 2014, and to review the oversight procedures.

**Finding 17:**

**Condition:** The school did not consistently conduct an annual IEP team meeting for students eligible for speech-language services.

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

**Required Action:** The school must ensure IEP team meetings are conducted annually or more often if necessary, to review and revise the IEPs and determine the programs and placement of each eligible student. In order to demonstrate correction of noncompliance, the school must conduct training for speech-language specialists regarding the procedures 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

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noncompliance, the school must conduct annual review meetings and revise the IEPs for specific students with IEPs that were identified as noncompliant. A monitor from the NJDOE will conduct an on-site visit to interview staff, review the revised IEPs, review a random sample of additional IEPs developed at meetings conducted between March 2014 and May 2014, and to review the oversight procedures. The names of the students whose IEPs were identified as noncompliant will be provided to the school by the monitor.

**Finding 18:**

**Condition:** The school did not consistently ensure the required participants were in attendance at identification, initial eligibility, and IEP meetings 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); 20 U.S.C. §1414(d)(1)(B); and 34 CFR §300.321(a).

**Required Action:** The school 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 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 citations listed above. A monitor from the NJDOE will conduct an on-site visit to interview staff, review documentation of meetings, including sign-in sheets, conducted between March 2014 and May 2014, and to review the oversight procedures.

**Finding 19:**

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

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

**Required Action:** The school must ensure each IEP includes a statement describing the consideration of ESY with a description of the program when ESY is required. In order to demonstrate correction of noncompliance, the 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 IEPs for students whose IEPs were determined noncompliant and IEPs of students whose annual review meetings were conducted between March 2014 and May 2014 and to review the oversight procedures.

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**Administrative**

**Finding 20:**

**Condition:** The school failed to formally appoint all individuals charged to the federal programs by board resolution.

**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:** All staff charged to federal grants should be reappointed annually by board resolution.

**Finding 21:**

**Condition:** The school does not comply with required timekeeping standards for federally funded grants. Employees with 100 percent of their salary paid with Title I funds must complete a semi-annual certification attesting to their performance of Title I related duties, and employees with less than 100 percent of their salary paid with Title I funds must complete monthly personal activity reports.

**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 ensure that employees submit personal activity reports that have been verified by supervisors, as required.

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](mailto:steven.hoffmann@doe.state.nj.us).