



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

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Acting Commissioner

July 26, 2011

Mr. Raymond Broach, Interim Superintendent
Trenton Board of Education
108 North Clinton Avenue
Trenton, NJ 08609-1014

Dear Mr. Broach:

The New Jersey Department of Education has completed a review of funds received and disbursed from one or more federal programs by the **Trenton Board of Education**. The funding sources reviewed include titled programs for the American Recovery and Reinvestment Act (ARRA) in particular, and/or No Child Left Behind Act (NCLB), the Individuals with Disabilities Education Act (IDEA) and State Fiscal Stabilization Funds (Education Stabilization Fund and Government Stabilization Fund). The review covered the period July 1, 2009 through March 21, 2011. The resulting report is enclosed. Please provide a copy of the report to each board member. All issued ARRA monitoring reports will be posted on the department's website at <http://www.nj.gov/education/arra/>.

Utilizing the process outlined in the attached "Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process," the Trenton 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 school 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 Anthony Hearn at (609) 633-2492.

Sincerely,

Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

RJC/LDM/tc:Trenton BOE Cover Letter ARRA
Enclosures

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American Recovery & Reinvestment Act 2009
New Jersey K-12 Education

**ARRA MONITORING REPORT
JULY 2011**

District: Trenton Board of Education
County: Mercer
Dates On-Site: March 21, 22, 23 and 24, 2011
Case #: ARRA-011-09

FUNDING SOURCES

Program	Funding Award
State Fiscal Stabilization Fund – Education Stabilization Fund	\$32,518,307
State Fiscal Stabilization Fund – Government Services Fund	1,258,832
ARRA- Title I	5,000,807
ARRA-Title I SIA	280,378
ARRA-IDEA Basic	3,456,373
ARRA-IDEA Preschool	124,141
Total ARRA Funds	\$42,638,838
Title I	\$5,977,324
Title I SIA	344,971
IDEA Basic	3,558,519
IDEA Preschool	82,482
Total Non-ARRA Funds	\$ 9,963,296
Total Funds	\$52,602,134

**TRENTON SCHOOL DISTRICT
ARRA MONITORING REPORT
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BACKGROUND

The *American Recovery and Reinvestment Act of 2009 (ARRA)* and other federal laws require districts/local education agencies (LEAs) to provide programs and services to their schools based on the requirements specified in each of the authorizing statutes (ESEA, IDEA and ARRA). 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 Trenton Board of Education to monitor the district's use of *ARRA* 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: State Fiscal Stabilization Funds (SFSF) including the Education Stabilization Fund (ESF) and Government Services Fund (GSF); ARRA-IDEA Basic; ARRA-IDEA Preschool; ARRA-Title I; ARRA-Title I SIA; Title I; Title I SIA; IDEA; and IDEA Preschool for the period July 1, 2009 through March 21, 2011. The monitoring also included a review of the district's most recent ARRA section 1512 and SFSF cash management quarterly reports to determine whether ARRA expenditures, jobs estimates and related information were reported accurately. In addition, the team reviewed the FY 2010-2011 Title I and IDEA Grants for compliance related issues.

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 and current district policies and procedures. 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 following dollar amounts were reviewed for each program monitored for the period July 1, 2009 through March 21,2011:

- ESF expenditures totaling \$32,518,307 were reviewed;
- GSF expenditures totaling \$1,258,832 were reviewed;
- ARRA-IDEA Basic expenditures totaling \$2,669,310 were reviewed;
- ARRA-IDEA Preschool expenditures totaling \$652 were reviewed;
- ARRA-Title I expenditures totaling \$3,921,450 were reviewed;
- ARRA-Title I SIA expenditures totaling \$49,701 were reviewed;

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- Title I expenditures totaling \$1,828,179 were reviewed;
- Title I SIA expenditures totaling \$579,320 were reviewed;
- IDEA Basic expenditures totaling \$6,902,411 were reviewed; and
- IDEA Preschool expenditures totaling \$317,587 were reviewed.

In addition, the team reviewed the district's plans for spending the balance of the funding.

GENERAL DISTRICT OVERVIEW OF USES OF ARRA FUNDS

ARRA-Title I Projects

The district has also been designated as a District in Need of Improvement (DINI). The district received \$6,068,990 in Title I, Part A funds and an additional \$5,000,807 in ARRA-Title I, Part A funds. The district operates schoolwide programs in 19 of its 21 schools and opted not to serve the Trenton Central High School for FY 2009-2010. Fifteen of the district funded schools have been designated as Schools in Need of Improvement (SINI).

The district's Comprehensive Needs Assessment has identified the following areas as its priority problems:

- Closing the Achievement Gap- for all students
- Language Arts Literacy- for all students
- Mathematics - for all students

The district developed a comprehensive plan under the former administration that included direct services to students, professional development and parent activities. When staffing changed in the district, plans were not updated accordingly and items like Student Information and Data Analysis System, System 44, Read 180, Success Maker, Waterford and I Observations were not found within the grant. The Electronic Web Enabled Grant (EWEG) Plans for the ARRA funds need to be updated for items that were actually purchased.

The district's FY 2010-2011 NCLB application has yet to be approved as of the date of the NJDOE's review.

ARRA-IDEA Projects

The district has pending amendments to both the ARRA-IDEA and the IDEA FY 2010 grant applications. At the time of the monitoring, the expenditures reviewed in the ARRA-IDEA Basic grant included salaries for instructional staff, including staff for the Coordinated Early Intervening Services, which uses the Reading Recovery Program as an intervention tool; salary for a related service provider; fees for staff training in Reading Recovery and staff stipends to attend the training; and fees for independent consultants supporting students. To date, expenditures in the ARRA-IDEA Preschool grant supported the purchase of professional services from the Middlesex Regional Educational Services Commission. The district reported that the preschool ARRA grant will be amended to allocate funds for instructional technology, professional development and instructional supplies.

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Expenditures for the IDEA FY 2010 basic grant reviewed included: instructional salaries, tuition for students placed in receiving schools for students with disabilities, support salaries, professional technical services, Coordinated Early Intervention Services CEIS costs for Reading Recovery and service from Trenton Behavioral Health for students exhibiting behavioral and emotional issues. The IDEA FY 2010 IDEA Preschool expenditures included consultant services and instructional and non-instructional supplies.

DETAILED FINDINGS

SFSF Funds

There were no findings for the expenditure of SFSF funds.

Title I:

Finding 1: The district's expenditures for Title I were not supported by the Title I Unified Plans. The district was unable to fully articulate or systematically provide consistent evidence of how it spent its ARRA-Title I, Part A funds. All evidence of expenditures were discovered through the review of purchase orders.

Citation: *The American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5); NCLB §1114, Schoolwide Programs; 34 CFR 200.26.*

Required Action: The district must update the Unified Plan for its intent and for funds spent or remove all expenditures that are charged to the grant that are not in the Unified Plan. The updated Unified Plans and accompanying budgets of all of its ARRA-Title I expenditures must be sent to the NJDOE for review.

Finding 2: The district could not provide documented evidence that it distributed its written parental involvement policy to parents/guardians of district students.

Citation: NCLB §1118(a): *Parental Involvement (Local Education Agency Policy).*

Required Action: The district must provide documented evidence as to how it distributed its written parent involvement policy to its parents/guardians.

Finding 3: The district could not provide the required supporting documentation from its scheduled Title I parent meetings (August 19 and 24, 2010; September 14 and 28, 2010; October 5, 13 and 28, 2010; November 5, 9 and 15, 2010; February 3, 2011, and March 17, 2011).

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

Required Action: The district must submit the required meeting minutes/notes, sign in sheets, and the agendas from these parent meetings to the NJDOE for review.

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Finding 4: The district could not provide documented evidence of how it engaged its current third-party provider for services rendered to nonpublic schools, nor could it produce the contract with its third-party provider.

Citation: NCLB §1120 (d) (2): *Participation of Children Enrolled in Private Schools (Provision of Service)*.

Required Action: The district must provide a copy of its contract with the third party provider for services rendered to nonpublic schools. The district is required to submit documented evidence of the bid process for service, as well as the awarded contract, to the NJDOE for review.

Finding 5: The district could not provide documented evidence of how students attending nonpublic schools were selected/identified to receive Title I services.

Citation: NCLB §1120 (a) (1): *Participation of Children Enrolled in Private Schools (General Requirement)*.

Required Action: The district must provide multiple educationally related criteria used to identify its nonpublic students for Title I services and consultation documents to the NJDOE for review.

Finding 6: The district used ARRA-Title I funds to support a summer credit recovery program at the middle school, which is unallowable.

Citation: NCLB §1120A (b) (1): *Fiscal Requirements (Federal Funds to Supplement, Not Supplant, Non-Federal Funds)*.

Required Action: The district must reverse these expenditures of Title I funds by using state/local funds to absorb the cost of the summer credit recovery program.

Finding 7: The district used ARRA-Title I funds to subsidize *Summer Reading Take Home Bags* and a *Minding Our Business* program in conjunction with Rider University. The district was unable to provide evidence of how it evaluated any of these interventions to determine their effectiveness relative to improving student achievement.

Citation: *The American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5)*.

Required Action: The district must implement a mechanism to measure and track the results of programs/services it implements. This will enable the district to modify or eliminate such programs/strategies that are not evidenced based; thereby, improving student achievement.

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Finding 8: The district utilized ARRA-Title I funds to convene a *Summer Planning Institute* for select staff, hosted at P.J. Hill, Mott, Kilmer, and Columbus Schools during July of 2009. The district could not provide documented evidence of attendance, purpose, goals, activities or material developed during the training, linking the program to the Unified Plan and how the program was funded (district level reserve or school reserve).

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 provide detailed agendas, notes, sign in sheets, information on content areas discussed or reverse the charges for this undocumented activity and allocate state/local funds, rather than Title 1 funds, to support this expenditure.

Finding 9: A review of the personnel files of 50 paraprofessionals indicates that one instructional aide did not meet the requirements for Title I paraprofessionals.

Citation: NCLB §1119: *Qualifications for Teachers and Paraprofessionals*;
34CFR §200.58: *Qualifications of paraprofessionals*.

Required Action: The district must provide evidence that the one paraprofessional in question has met the requirements for instructional paraprofessionals in Title I schoolwide program. If this documentation is not available, the district must immediately reassign the employee to a full-time non-instructional position or terminate his or her employment with the district.

Finding 10: The district did not begin their Supplemental Education Services (SES) Program in a timely manner, lacked completed contracts for vendors and overpaid vendors. The district must begin federally mandated programs in a timely manner and implement internal controls to prevent vendors from being overpaid and must have contracts in place prior to the vendor providing services.

Citation: NCLB §1116 (b)(6): *Academic Assessment and Local Educational Agency and School Improvement*. EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 20, Standards for financial management systems.

Required Actions: The district must implement procedures to start the SES program by November 1, 2011 for the FY 2011-2012 school year. Also, the district must review vendor contracts to compare billable rates to approved rates by the NJDOE to prevent overpayment to vendors.

Finding 11: The district charged expenses to the Title I grant for non-allowable items such as Sheltered Instruction Observation Protocol (SIOP) at NCS Pearson and testing material for the

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Access for English Language Learners tests that are Title III expenses, as well as entertainment expenses for Lavelle's Party Jump. Expenditures for Homefront and Martin House were coded in requisitions as going to McKinney Homeless grant, but were charged to the Title I program code.

Citation: OMB Circular A-87, Attachment B, *Cost Principles for State, Local and Indian Tribal Governments*, NCLB Section 1120A(b) *Fiscal Requirements, Federal Funds To Supplement, Not Supplant, Non-federal Funds*.

Required Action: The district must reverse the expenditures for unallowable costs and those charged to the wrong programs and identify state/local funds to support these expenditures.

Finding 12: The district's allocation of ARRA-Title I funds to its schools did not agree with the Title I school allocations on the FY 2009-2010 NCLB Consolidated Application for Title I funds (Eligibility Page, Step 4). Without school codes in Fund 20, the allocation to the schools was not possible.

Citation: NCLB §9306(a)(5): *Other General Assurances (Assurances) and 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 reconcile its budget to correspond to the Title I school-level allocations reflected in the 2009-2010 ARRA-Title I Funding (Eligibility Page, Step 4). The revised budget must be submitted to the NJDOE for review.

Finding 13: The district does not have a mechanism to track mandatory reserves (including school-level reserves and SES per pupil costs) in its accounting system to ensure the accuracy of the final 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 district must track its restricted reserves to ensure and verify spending of restricted amounts. The district must submit a list of account numbers being used for this purpose, along with a description of the accounts, to the NJDOE for review.

IDEA

Finding 14: The district's ARRA spending plan in the EWEG system was incomplete. The plan did not describe the intended use of funds for services to special education students.

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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.

Required Action: The district must compare its local spending plan to the ARRA spending plan in EWEG and, if necessary, amend the application to assure concurrence between the grant application and the program expenditures.

Finding 15: The district miscoded purchase orders to the incorrect function and object code for instructional services versus support services (100 versus 200 function code).

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 improve internal controls and communication between the grant's office and the program office when developing a budget and the establishing of the accounts in the accounting system to be sure they are correctly describing the activities in the grant.

Finding 16: The district expended funds for non-allowable furniture and miscellaneous general supplies for a nonpublic school although there was no nonpublic school allocation for FY 2010. The district certified that there were no parentally placed students with disabilities to be served in nonpublic settings during either the FY 2010 or ARRA grant periods.

Despite the certification in the EWEG grant application that there were no nonpublic students with disabilities, the district did not maintain appropriate documentation of their child find efforts or consultation with the school.

Citation: IDEA Regulation 34 CFR 300 and 301 (*Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities*).

Required Action: The district must reverse the charges to the grant and reallocate state and local funds for the costs attributed to the nonpublic school. The district must maintain documentation of the child find activities and annual consultation with any non public schools located within the district's boundaries.

Finding 17: The district used IDEA funds for CEIS, but did not have evidence of the required criteria to identify general education students for CEIS. Additionally, the district is not consistently tracking the progress of the students receiving each type of service for the required reporting period.

Citation: IDEA Regulation 34 CFR 300.226 (*Early Intervening Services*).

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Required Action: The district must develop criteria for identifying at-risk students and referring them for early intervening services. The district must also develop a mechanism to track their progress when services are provided. The district must submit a copy of the criteria and logs to the NJDOE for review.

Finding 18: The district did not maintain the required supporting documents to verify the activity of ARRA-IDEA funded staff as required by federal law. The district did not have sufficient documentation to demonstrate why the salaries for two summer attendance officers and one security officer were appropriately charged to the IDEA grant as an allowable cost. Staff that are serving the total population may not be funded with IDEA funds.

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 submit to the NJDOE for review and approval a rationale/justification statement and supporting documents to support these salary expenditures or back these costs out of the grant in the amendment and reallocate the funds for a permitted expenditure.

Finding 19: During the course of this review, several non-allowable expenditures were identified including entertainment (tickets for two circuses), character education, after school program for middle school, general education, girls curriculum materials, text books for the alternative school and PEI Kids program for bullying prevention.

Citation: OMB Circular No. A-87: *Cost Principles for State, Local and Indian Tribal Governments*, Section 14, Entertainment.

Required Action: The district must conduct an internal review of purchase orders charged to the IDEA FY 2009-2010 grant and ARRA-IDEA grant to ensure that only allowable expenditures are charged to the grant. The district must submit to the NJDOE a list of the non-allowable expenses and journal entries to support the removal from the grant.

Finding 20: The district did not have third party contracts with all of its vendors. In addition, the contracts that were executed did not specify the service or the cost for those services.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 36, Procurement (b)(2).

Required Action: The district must strengthen its internal controls and communication between the grant's office and the program office when entering into third party contracts with vendors and specify services covered in the contract.

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Finding 21: Based on a representative document review, customized supplies purchased through the ARRA-IDEA grant are not reflected in current student IEPs. Also, the district did not demonstrate a link between the instructional supplies purchased and the delivery of services to students with disabilities in either segregated programs or included in the general education classes. The district must maintain appropriate documentation that purchases are consistent with the grant requirements in order to show that they are not supplanting federal funds by purchasing materials intended for schoolwide, general curriculum use.

Citation: IDEA Regulation 34 CFR 300.208 (*Permissive Use of Funds*).

Required Action: At the next regularly occurring annual review meetings, the district must list specialized materials and devices purchased to support instructional programs for students with disabilities in their IEPs.

Finding 22: The district paid invoices to Bayada Nurses, home care specialists, for services to a charter school, not the district.

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 recover the funds from the vendor for services billed and not provided and must develop internal control procedures to prevent this from occurring again.

Administrative

Recommendation 1: The district needs to attend NJDOE sponsored training for districts on topics such as EWEG training, Fiscal Training, Title I Directors' Training, Nonpublic Training, etc. in order to stay current on legislative requirements and purchasing procedures to maintain strong internal controls.

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

Recommended Action: The district should arrange to attend the training sessions offered and keep a log of the attendees.

Recommendation 2: Although the district does not have formal written policies for requesting reimbursement from the EWEG system, the district's practices for requesting reimbursement were verified through questions concerning the district's internal controls.

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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.

Recommended Action: The district must have a formal board policy concerning the reimbursement of grant funds and should submit this to the NJDOE for review.

Recommendation 3: The district's internal control manual should address the issue of contracting with disbarred vendors (even though this did not happen, there were no administrative controls in place to prevent it from occurring).

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 36, Procurement.

Recommended Action: The district should update internal control policies to prevent possible errors from occurring.

Recommendation 4: Under the New Jersey's Public School Contracts Law (PSCL), districts are not required to advertise for bids or competitively contract the provision of goods and services by vendors on the state contract list. In accordance with the PSCL (N.J.S.A. 18A:18A:10(a)), a board of education may place its order with a vendor offering the lowest price, including delivery charges, that best meets the requirements of the board of education. However, for ARRA and all federal funds, districts need to review 34 CFR Part 80.36 on procurement requirements. The federal procurement regulations under this section do not include all the exemptions allowed under the PSCL and therefore, it is our understanding these federal regulations require districts to competitively contract or bid all goods and services over the bid threshold, whether exempt under PSCL or not. The federal rules do include provisions for procurement by "noncompetitive proposals," but only under certain circumstances.

The NJDOE has requested clarification from the federal government regarding vendors on the state contract list and we are still waiting for a definitive response. It is the department's position and recommendation to the federal government that such contracts do not need any additional documentation beyond the statutory requirement under N.J.S.A. 18A:18A:10(c) that prior to placing orders, the board of education shall document with specificity that the goods and services selected best meet the requirements of the board of education. See LFN 2010-3 issued January 15, 2010 for more information on competitive contracting for school districts and professional development services.

Citation: EDGAR, PART 80--*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Section 36, Procurement.

Recommended Action: The district should review 34 CFR Part 80.36 and use open and competitive procedures where at all possible. The district should also analyze and include documentation in its files that demonstrates the district ensured the costs were reasonable.

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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 Anthony Hearn via phone at (609) 633-2492 or via email at anthony.hearn@doe.state.nj.us.