

May 28, 2004

TO: Directors, Private Schools for the Disabled

FROM: Richard Rosenberg, Assistant Commissioner
Division of Finance

SUBJECT: Annual Information - Fiscal Year 2004-2005 - Private Schools for the Disabled - Related Party Transactions

In accordance with N.J.A.C. 6A:23-4.5(a)47, a related party transaction is defined as a transaction between parties in which one party to the transaction is able to control or substantially influence the actions of the other. Such transactions are defined by the relationship of the parties and include, but are not limited to, those between divisions of an institution; institutions or organizations under common control through common officers, directors, or members; and an institution and a director, trustee, officer, or key employee of the institution or his or her immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest. In accordance with N.J.A.C. 6A:23-4.5(a)47, a cost which is not allowable in the calculation of the certified actual cost per student includes rental costs for buildings and equipment in excess of the actual allocated costs of ownership incurred by the related property owner including a 2.5 percent return calculated on the actual costs of ownership incurred by the related party.

Attached please find a copy of the Department of Education's prescribed cost of ownership format for related party transactions (real and personal property) involving private schools for the disabled. If a private school for the disabled is involved in a related party transaction (real and/or personal property), this form must be prepared by the lessor, attached to the lease agreement with copies of both forwarded to the Department of Education by the private school for every year a related party transaction exists.

The attached form must be completed by the lessor and must include the anticipated costs of ownership, which pertain to the real or personal property leased by the private school for the disabled. Until the lessor provides a final year-end accounting of the actual costs of ownership, the private school's accounting records may only reflect an allowable lease expense of an amount less than or equal to the "Total Lease Amount" shown in column (2) "Allocated to Private School Lease," on page 3 of this format. The lease expense, which may be included in the certified actual cost per pupil, is limited to the final year-end actual costs of ownership incurred by the related party plus a 2.5 percent return on the actual costs of ownership. The related party must provide this information to the private school for the disabled.

In addition to the form being signed by the property owner, notarized and made part of the lease, a completed copy of the notarized form along with a copy of the lease must be forwarded to the address below:

Ms. Elise Sadler-Williams, Education Planner
New Jersey State Department of Education
Division of Finance
Office of Fiscal Policy and Planning
P.O. Box 500
Trenton, NJ 08625-0500

Please forward this completed form for the 2004-2005 school year to the above address by July 14, 2004. If a private school for the disabled enters into a related party transaction during the school year, a completed form must be filed within 60 days of the transaction.

Please forward this information to the appropriate personnel in the school's administrative offices including the school business manager.

If you have any questions concerning this form, please contact Jim Verner at (609) 984-4229 or email Jim.Verner@doe.state.nj.us or Elise Sadler-Williams at (609) 777-4483 or Elise.Sadler-Williams@doe.state.nj.us.

RR/JV/elise/annual info/2004-2005 related party memo.doc
Attachment

c: Dwight Pfennig
J. Michael Rush
Gloria Hancock
Isaac R. Bryant
Albert A. Monillas
Judith Weiss
Katie Attwood
Barbara Gantwerk
Raymond Montgomery
Cecelia Downey
Anthony Hearn
County Superintendents
County School Business Administrators
County Supervisors of Child Study
Judy Vazquez
Jim Verner
Elise Sadler-Williams