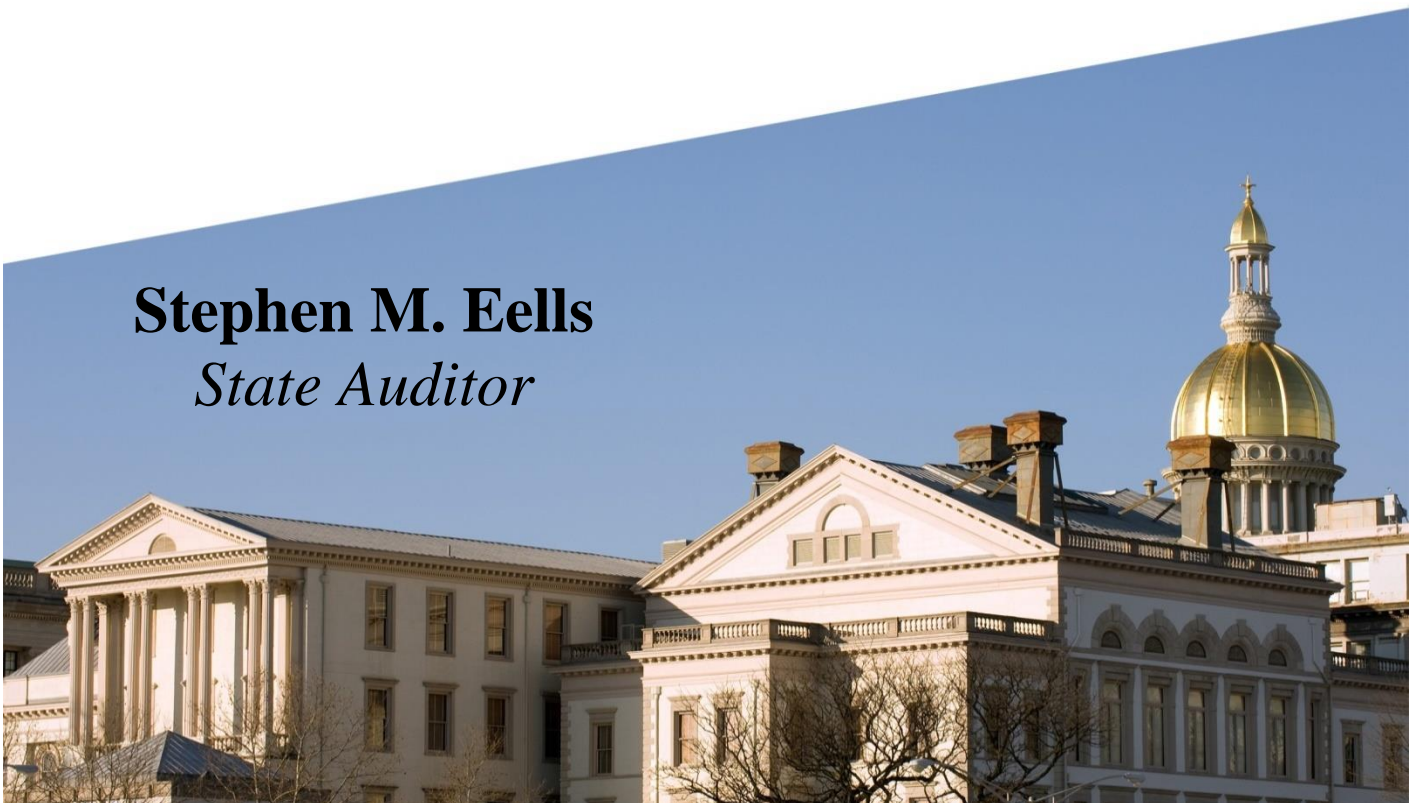


New Jersey Legislature
★ *Office of* LEGISLATIVE SERVICES ★
OFFICE OF THE STATE AUDITOR

Department of Education
County Offices of Education

July 1, 2015 to February 28, 2018

Stephen M. Eells
State Auditor



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The Honorable Craig J. Coughlin
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Enclosed is our report on the audit of the Department of Education, County Offices of Education for the period of July 1, 2015 to February 28, 2018. If you would like a personal briefing, please call me at (609) 847-3470.

A handwritten signature in black ink, appearing to read "Stephen M. Eells".

Stephen M. Eells
State Auditor
June 6, 2018

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Scope

We have completed an audit of the Department of Education (department), County Offices of Education for the period July 1, 2015 through February 28, 2018. Our audit included a review of the operations of the county offices, including all regulations and procedures defining the Executive County Superintendent's responsibilities and the department's coordination with and oversight of the Executive County Superintendents, as well as any other areas of significant risk identified.

A County Office of Education, led by an Executive County Superintendent (ECS), is maintained at a suitable location within each county, is open to the public, and supplied, furnished and equipped by the board of chosen freeholders. The primary responsibilities of the ECS are to serve as a compliance officer for the department and as a resource person for the school districts within the county. The department's coordination with and oversight of the ECSs is through the department's central County Offices of Education. The state-funded portion of each county office includes its state employees' salaries, while the county-funded portion includes its county employees' salaries and overall office expenses. The state appropriated an average of \$5.5 million annually for all offices, and the counties' combined budgets averaged \$5 million annually for fiscal years 2016 and 2017. Receipts collected by the county offices for substitute teacher credential fees averaged \$1.6 million annually for fiscal years 2016 and 2017 and were deposited in the state's general fund.

Objectives

The objectives of our audit were to determine whether financial transactions were related to the county offices, were reasonable, and were recorded properly in the accounting systems. A further objective was to determine whether the operation of the county offices in administering the ECS's responsibilities and the department's coordination with and oversight of the ECSs were adequate.

This audit was conducted pursuant to the State Auditor's responsibilities as set forth in Article VII, Section I, Paragraph 6 of the State Constitution and Title 52 of the New Jersey Statutes.

Methodology

Our audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In preparation for our testing, we studied legislation, the administrative code, circulars promulgated by the Department of the Treasury, and policies of the department. Provisions we considered significant were documented and compliance with those requirements was verified

by interview, observation, and through our testing. We also read the budget messages, reviewed financial trends, and interviewed department and county personnel to obtain an understanding of the programs and the internal controls.

A nonstatistical sampling approach was used. Our samples were designed to provide conclusions on our audit objectives as well as internal controls and compliance. Sample populations were sorted and transactions were judgmentally selected for testing.

Conclusions

We found that financial transactions were related to the county offices, were reasonable, and were recorded properly in the accounting systems; however, we noted several areas concerning the operation of the county offices in administering the ECS's responsibilities and the department's coordination with and oversight of the ECSs that warrant management's attention.

County Offices of Education Responsibilities

Procedures maintained in compliance with the statutory duties of the Executive County Superintendent do not provide for the timely and independent assessment of a school district's facilities and academic and fiscal conditions.

The statutes enumerate the general powers and duties of the Executive County Superintendent (ECS). These duties cover a very diverse array of responsibilities. The ECS is to periodically visit and examine all schools within the county, keeping informed of the condition of the district's real and personal property in respect to construction, heating, ventilation, and lighting to ensure compliance with health and safety codes. Additional duties include, but are not limited to, advise and counsel the boards of education in relation to the performance of their duties, promote administrative and operational efficiencies and cost savings, eliminate districts located in the county that are not operating schools, promote coordination and regionalization of pupil transportation, review and approve specific employment contracts within the districts, review and approve all school budgets, and conduct regional planning to identify district special education program needs and facilitate shared special education services.

The wide array of responsibilities inhibits the completion of these duties in an effective and efficient manner. We visited five county offices throughout the state and reviewed selected aspects of the ECSs' responsibilities and found that certain areas rely on self-reporting by the districts. These include the health and safety of school facilities, budget transfers, kindergarten enrollment, and administrative hiring.

School Facilities

Knowledge of the condition of a district's real and personal property, particularly with respect to the construction, heating, ventilation, and lighting of school buildings is the responsibility of the ECS. The department has established a "Health and Safety Evaluation of School Building Checklist" which is a self-assessment each district is to complete annually for each school building and keep on file for inspection. When the county office performs the Quality Single Accountability Continuum for a district, the checklist is to be forwarded to the ECS for review. During our review, 9 of 38 districts we selected did not provide completed checklists to us when requested, and 3 were only completed at the time of our request. The lack of proper oversight of the condition of all school districts' buildings increases the health and safety risks to the students.

Budget Transfers

Specific transfers require ECS approval to ensure the district has implemented all potential efficiencies and circumstances warrant the transfer. Our review found that the county offices rely on the CPA firm's post-audit of the district to determine whether all required transfers have been approved. Each district is required to maintain, and make readily available, a report of current month and year-to-date transfers between advertised general fund appropriation

accounts. Without appropriate review by the ECS, the department does not have timely knowledge of a district's emerging financial issues and that actual spending is not consistent with and may exceed the district's advertised budget.

Kindergarten Enrollment

In accordance with N.J.A.C. 6A:32-8.3, the maximum enrollment for a kindergarten class in most districts is 25 students per teacher. Exceeding the 25 student limit requires an additional full-time staff and ECS approval. Our review found the five counties we visited relied on self-reporting by the districts, and none had received a district request for approval of a kindergarten class exceeding 25 students. All students are tracked within the NJ Standards Measurement and Resource for Teaching system maintained by the department. Compliance with this regulation could be monitored by the department through the utilization of the system. Kindergarten class sizes exceeding the established ratio could limit the ability of the district to provide students with adequate instruction and oversight.

Administrative Employment Contracts

Review and approval of administrative employment contracts for compliance with laws and regulations by the ECS is required prior to a district's hiring. Our review of a sample of district superintendent and business administrators' contracts found that some contracts were approved by the ECS after the start date of the contract or were signed by the district and the individual employee prior to the ECS's approval. In addition, we found that one of the five counties we visited did not obtain the final signed contract to ensure the approved contract was utilized. Without the ECS's review of these contracts, individuals hired could receive unallowable salary allotments, leave allowances, or benefits.

Reliance on self-reporting by the districts fails to provide timely and independent identification of matters affecting their facilities' conditions, and academic and fiscal operations when various department offices have the resources and ability to strengthen oversight.

Recommendation

We recommend the department consider procedural changes to enhance the department's effectiveness in accomplishing the intended objectives of the ECS's duties.



County Offices of Education Staffing

The Department's commitment to the success of the county offices is questionable.

The department has not established a clearly defined mission for the County Offices of Education. In accordance with N.J.S.A. 18A:7.1, the Governor, upon the recommendation of

the Commissioner of Education (commissioner) and with the advice and consent of the Senate, shall appoint in each county an Executive County Superintendent (ECS). As a full-time officer “each executive county superintendent shall devote his entire time to the duties of his office, and he shall have general supervision of all of the public schools of the districts of the county.” The commissioner may designate an individual such as an assistant commissioner as a temporary replacement due to illness, death, or resignation to exercise the powers and perform the ECS’s responsibilities without additional compensation.

The statutes also state that the performance of the ECS shall be assessed based on their ability to monitor and promote administrative and operational efficiencies and cost savings within the school districts located in their county, while enhancing the effectiveness of the districts in providing a thorough and efficient system of education. In addition, an Executive County Business Official (ECBO) shall serve to assist the ECS in the performance of his/her duties.

The county offices are comprised of both state and county-funded positions. In addition to an ECS, statutes require a state-funded ECBO appointed by the commissioner and county-funded clerical assistants.

Our review of the county offices found appointments of statutorily required state positions have not been made resulting in the individual county offices not being appropriately staffed. We found that there were only 14 ECSs covering the state’s 21 counties; 6 were full-time and 8 were per diem. Six of the ECSs covered 2 counties. Our review of the ECBO position found that there were 11 ECBOs covering the 21 counties; 7 were full-time and 4 were per diem. One county, which did not have an individual ECBO, was being covered by 4 ECBOs working together. Individuals hired in these positions as per diem employees are intended to serve as a temporary replacement and, according to the department, are not subject to the positions’ performance evaluation process or certification requirements.

N.J.S.A. 18A:17.1 also requires the appointed person to hold an appropriate certificate issued pursuant to this title, which the department has determined to be the school administrator certification. Our review of the department’s online Teachers Certification Information System, as of February 2018, found that 7 of the 14 ECS’s had obtained the school administrator certification and 7 did not. Further review of the 7 without school administrator certification noted that 5 did not have any certifications issued by the department at all.

These statutes also require an ECS, as a full-time officer, to devote their entire time to the duties of the office. Our review of employment agreements disclosed that three per diem ECSs were not in compliance with this requirement. One ECS worked three days per week in their county and was also the State Monitor for a district in a different county. Another ECS worked only four days per week while covering two counties. In addition, a third ECS also acted as their county’s ECBO.

In addition, the statutes establish limits on post-employment for ECSs. The statute states an ECS shall not accept employment in any district under their supervision for a period of two years commencing on the date of their termination. We found that one ECS resigned and

immediately obtained employment with a district within their county.

The allocation of staffing of statutorily required state positions noted during our review and the utilization of per diem temporary employees that are not required to have performance evaluations or appropriate certifications, limits the effective and efficient operation of the county offices.

Recommendation

We recommend the department evaluate the mission of the county offices and consider organizational changes to enhance the operational effectiveness of these offices.



Substitute Teacher Credentials

Improvements restricting access to applicant data, correcting inaccuracy of credentials, and eliminating untimely deposits are necessary.

Regulations have established specific documentation, including an application, that candidates for substitute teacher credentials are required to submit to the ECS along with the \$125 fee. The substitute teacher credential is valid for five years from the date of issuance.

Each county office maintains a spreadsheet to record the issuance of substitute teacher credentials. The initial spreadsheets were created in 2008 by the department's Office of Certifications and Inductions and are now maintained by the county staff at the county offices. The department utilizes the spreadsheets for the tracking of substitute teacher credentials within the specific county. The spreadsheets contain an applicant's personally identifiable information (PII), and the issuance and expiration date of the credentials. Our review of the application process and the spreadsheet utilized for tracking found the following:

- Spreadsheets utilized for substitute teacher credential tracking are not in compliance with state and department information technology policies regarding access to PII. The controls to be maintained include access restrictions and password/access protection. Our review found the individual county spreadsheets containing the PII were accessible to everyone within the department and to the county offices that had access to a shared folder on a department network server. In addition, we found that there was no password or access protection for the specific spreadsheets. The lack of access controls increases the risk of improper use of the information and the potential for fraud. The department was made aware of this weakness and took immediate action.
- Validity time period (five years from the date of issuance) for substitute teacher credentials have not been established. Our review found the credential time period was not based on a calculation of five years from issuance date, but was manually entered into the spreadsheet.

Time periods noted ranged from four to six years with most ending in January or July. In addition, our review of the spreadsheets noted duplicate and inaccurate entries. The spreadsheets contained data from inception which includes expired credentials, thus not maintaining an active substitute teacher database. Inexact and noncurrent data could lead to the incorrect determination of an individual credential's validity.

- Checks are not deposited on the day received in compliance with Treasury Circular 12-02-OMB. During our review of four county offices, we found three had 108 checks of \$125 totaling \$13,500, which had been on hand ranging from 1 to 54 days. Our review also found two of three county offices did not restrictively endorse the checks upon receipt. In addition, deposits were not reconciled with credentials issued to ensure accuracy. Untimely deposit of checks and the lack of reconciliations could result in lost or stolen checks and could allow credentials to be issued without proper payment.

Recommendation

The application and fee payment for substitute teacher credentials should be included in the department's online Teachers Certification Information System. This would restrict access to PII, ensure the accuracy of these credentials, and eliminate the processing of the checks by the county offices.



Certified Mobility Assistance Vehicle Technician

The department should ensure individuals assisting in the transportation of students with medical needs have received criminal history background checks.

In accordance with legislation established in January 2016, each year prior to transporting a student with medical needs, a certified mobility assistance vehicle technician (CMAVT) shall furnish to the ECS a criminal history background check and evidence of verification for the technician's record of alcohol and drug-related motor vehicle violations. A "student with medical needs" is a school-aged child who suffers from a life-threatening medical condition requiring more individualized and continuous care.

We were unable to determine how many technicians within the state this applied to during our review. We found that the ECSs were unaware of the legislation, and therefore no CMAVTs had been approved by the ECSs we visited. In addition, we found one county utilized a vendor that transported students with medical needs but provided no documentation for having any CMAVT. Further review of the department's procedures found that CMAVTs were not included in the department's school transportation contracts procedures. We were subsequently informed that the department's December 2017 revision of these procedures now included the CMAVT requirements. In addition, the CMAVT was not a title within the department's criminal history review unit's database and did not appear to be part of the department's

background check process.

Recommendation

We recommend the department ensure that all individuals transporting students with medical needs have the required criminal history background check and evidence of verification for alcohol and drug-related motor vehicle violations as required by the legislation. We further recommend the ECSs obtain the assistance of the department's criminal history review unit in verifying and monitoring the CMAVT's criminal history background and motor vehicle violation records.





State of New Jersey

DEPARTMENT OF EDUCATION

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TRENTON, NJ 08625-0500

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

LAMONT O. REPOLLET, ED.D.
Acting Commissioner

May 31, 2018

Mr. Stephen M. Eells, State Auditor
Office of Legislative Services
Office of the State Auditor
125 South Warren Street
P.O. Box 067
Trenton, NJ 08625-0067

Dear Mr. Eells:

SUBJECT: Response to OLS Audit Report of the Department of Education, County Offices of Education

The New Jersey Department of Education (Department) has received and reviewed the Office of Legislative Services (OLS) Audit Report of the Department of Education, County Offices of Education for the period July 1, 2015 to February 28, 2018. The auditors' findings and recommendations, along with our responses are as follows:

Finding Number 1

County Offices of Education Responsibilities – Procedures maintained in compliance with the statutory duties of the Executive County Superintendent (ECS) do not provide for the timely and independent assessment of a school district's facilities and academic and fiscal conditions.

Recommendation

We recommend the Department consider procedural changes to enhance the Department's effectiveness in accomplishing the intended objectives of the ECS's duties.

NJDOE Response

School Facilities

The audit finding states that the Department did not properly oversee the condition of all school districts' buildings. Department oversight of the health and safety of all school districts'

buildings occurs through the “Health and Safety Evaluation of School Building Checklist.” School districts are annually responsible to accurately complete this check list and maintain it on file at the district. To ensure that this is occurring, the Department will require the following steps to be taken annually:

1. Annually, by December 30, every school district will need to complete the checklist.
2. Annually, by January 30, the superintendent of every school district must submit to the county office of education an assurance that the checklists have been completed for every school building.
3. The county office of education will upload the assurance to a shared folder where a staff member of the county office administrative unit will maintain a log of every school district to ensure accountability no later than February 15, annually.
4. The Department will issue a “Broadcast Memo” to all school district superintendents informing them of the revised process regarding “Health and Safety Evaluation of School Building Checklist.”

Budget Transfers

In accordance with N.J.A.C. 6A:23A-13.3, it is the school district’s responsibility to request approval from the ECS prior to budget transfers. The audit finding states that the ECS should review district reports of current month and year-to-date transfers between advertised general fund appropriation accounts. The Department has determined this type of review is beyond the scope of responsibility of the ECS. The ECS has proper oversight by verifying compliance with this requirement by annually reviewing post-audit findings and through the Quality Single Accountability Continuum (QSAC) process. Additionally, as stated in the administrative code, it is the school district’s responsibility to request approval from the ECS for budget transfers. To ensure that this is occurring, the Department will require the following steps to be taken annually:

1. Quarterly, the ECSs and Executive County Business Officials (ECBOs) will verbally remind superintendents regarding their responsibilities around budget transfers.
2. Additionally, the ECSs and ECBOs will also verbally remind superintendents during the mid-year budget reviews and the budget development timeframe.

Kindergarten Enrollment

The audit finding states that school districts were not submitting requests to exceed maximum enrollment for a kindergarten class and that the county offices of education were relying on self-reporting of school districts. Additionally, the finding suggested that all students are tracked within New Jersey Standards Measurement and Resource for Teaching (NJSMART) system and compliance with N.J.A.C. 6A:32-8.3 should be monitored using this system. As an initial matter, N.J.A.C. 6A:32-8.3(c)(3) simply provides that ECSs “may give permission to increase the number of students” in a non-Abbott kindergarten classroom. Accordingly, the plain language of the code does not require ECSs to monitor whether school districts are complying

with the classroom size requirements. As for the recommendation that NJSMART be used to monitor kindergarten classroom size, NJSMART is snapshot of data provided by the school district annually on October 15th. While a school district may update the NJSMART data periodically throughout the year, they are not required to do so. Therefore, the Department could not rely on NJSMART data in this capacity. Alternatively, the Department will ensure that school districts are aware of this requirement under N.J.A.C. 6A:32-8.3 to report and request approval of an increase in kindergarten class size to the ECS. The Department will do the following:

1. Disseminate a statewide "Broadcast Memo" reminder regarding school districts' kindergarten enrollment reporting responsibilities.
2. The ECSs will verbally remind superintendents regarding their responsibilities around kindergarten enrollment three times per year at the county roundtable meeting. Additionally, the ECSs will also verbally remind superintendents during the budget development timeframe.
3. Attempt to work with school district student management system vendors to put a "flag" in the system which will not allow enrollment in a kindergarten class beyond 25 students.
4. The office of early childhood education, which communicates regularly with principals of kindergarten classes and attends annual principal academies, will also ensure the messaging of this requirement.

Administrative Employment Contracts

The audit finding states that ECSs are required to approve administrative employment contracts prior to a district's hiring of the individual; however, some of the sample contracts reviewed by the auditor were signed after the employee's start date and signed by the district and individual before the ECS's approval of the contract. The Department has a procedure for review and approval of contracts and will revise the current procedure to enhance the Department's consistency of review. The revised procedures will include a template letter that the ECSs will send to districts that submit a signed contract prior to ECS approval, which will alert districts to their violation of the related NJQSAC Governance Indicator for doing so. The revised procedures will also ensure that districts are apprised of their responsibility to gain approval from the ECS prior to hiring a superintendent, assistant superintendent, deputy superintendent and district business administrator in accordance with N.J.A.C. 6A:23A-3.1, et seq. Lastly, the revised procedures will state that the county office of education is required to maintain a copy of the executed contract.

Further, the Department will update and gain approval for the Department's administrative contract review FAQ document. This document is used by districts and county offices of education and posted on the Department website.

School districts may also be penalized through the NJQSAC Governance Indicators for failure to comply with this administrative code.

Finding Number 2

County Offices of Education Staffing – The Department has not established a clearly defined mission for the County Offices of Education.

In accordance with N.J.S.A. 18A:7-1, the Governor, upon the recommendation of the Commissioner of Education (Commissioner) and with the advice and consent of the Senate, shall appoint in each county an Executive County Superintendent (ECS). As a full-time officer “each executive county superintendent shall devote his entire time to the duties of his office, and he/she shall have general supervision of all of the public schools of the districts of the county.” In addition, an Executive County Business Official (ECBO) shall serve to assist the ECS in the performance of his/her duties.

Recommendation

We recommend the Department evaluate the mission of the county offices and consider organizational changes to enhance the operational effectiveness of these offices.

NJDOE Response

The audit finding states that the Department has not established a clearly defined mission for the county offices of education. The Department is in the process of developing strategic plans for each division, including field services. As an element of that planning, the Department will establish a mission of the county offices of education that aligns to the goals and objectives of the Governor’s vision and Commissioner’s mission to bring equity, fairness and support to school districts and schools in each county.

The audit finding states that the statutorily required appointments of state positions have not been made, resulting in underemployment in the coverage of the county education offices; therefore, the Department will continue to temporarily fill these positions.

The audit finding states that *N.J.S.A.* 18A:7-1 requires the appointed person to hold appropriate certification for an ECS. In accordance with *N.J.S.A.* 18A:7-2, the Commissioner may designate any one of his assistant commissioners or designate a suitable person to exercise the powers and perform the duties of ECS. The Commissioner has designated suitable individuals to fulfill the ECS responsibilities in as many counties as possible. The Department is making a concerted effort to temporarily fill these positions until they are statutorily appointed.

Further, the audit states that the ECSs must devote their entire time to the position. Once the Department employs an ECS for all 21 counties, those individuals will devote all their time to the position of the ECS.

The audit finding also states that there are statutory limits on post-employment for ECSs and that there was an ECS who was employed inappropriately and the Department did not notify the

school district. Upon receipt of information related to an inappropriate post-employment of an ECS, the Commissioner will immediately notify the school district.

Lastly, the audit finding states that per diem employees are not required to have performance evaluations or appropriate certifications, which limits the effective and efficient operation of the county office of education. Per Diem employees are “at will” employees of the Department and therefore are subject to dismissal upon discovery of ineffective, inefficient operation of the county office of education.

Finding Number 3

Substitute Teacher Credentials – Improvements restricting access to applicant data, correcting inaccuracy of credentials, and eliminating untimely deposits are necessary.

Recommendation

The application and fee payment for substitute teacher credentials should be included in the Department’s online Teachers Certification Information System (TCIS). This would restrict access to personally identifiable information (PII), ensure the accuracy of these credentials, and eliminate the processing of the checks by the county offices.

NJDOE Response

The audit finding states that the maintenance of spreadsheets to maintain substitute credentials by the county offices of education do not have restricted access. Upon knowledge of this finding, prior to this report being issued, the Department immediately made these spreadsheets accessible to only the county staff member responsible for substitute certification and the office of licensure.

The audit finding states that the validity time period (five years from the date of issuance) for substitute teacher credentials have not been established and the spreadsheet for maintaining credentials had duplicate and inaccurate entries. In accordance with N.J.A.C. 6A:9B-7.3(b), substitute credential shall be valid for five years from the date of issuance. A candidate may renew his or her substitute credential within six months of its expiration if he or she meets the criteria in N.J.A.C. 6A:9B-7.3(a). The Department has a plan, outlined below, to better account for and track the substitute credentials on the spreadsheet, which is maintained by the county offices of education. Additionally, there will be a weekly log, as defined below, which is sent to the Department’s Office of Accounting and the county staff will use to ensure accuracy of the main log.

The audit finding states that checks for substitute credentials are not deposited on the day received. Additionally, some county offices of education did not restrictively endorse the checks upon receipt. Lastly, the deposits were not reconciled with credentials. Immediately following the discovery of these findings, the Department put a process in place as a measure to improve

these procedures until the credentialing for substitute certification can be automated through the TCIS.

During the creation of these processes, the Department discovered the main reason for holding on to the checks in the county offices of education was because the substitute applications were incomplete or ineligible for some reason. As a result, the county office staff would hold the application and check until it was complete or eligible. Below is a list of steps provided to the county offices of education to follow when processing substitute certifications:

1. Verify applicant eligibility and application completeness.
2. If the application is ineligible, return packet with check not endorsed to the school district, charter school, Approved Private School for Students with Disabilities, or non-public school. Notify the school district that a new check must be submitted with the corrected application.
3. If the application is eligible, endorse personal check, money order or cashier's check immediately. Remember the endorsement must be in the correct place on the check.
4. County certification clerk enters information on the attached Excel spread sheet for tracking the checks received at the county office of education. The Excel spreadsheet is a weekly log and, therefore, every week starting Monday, create a new log and date it appropriately, and also make sure the county name is on the log. The following information will be maintained in the log by each county office of education:
 - a. Check number
 - b. Amount on check
 - c. Date received in county
 - d. Name or bank name on personal check, money order or cashier's check
 - e. Name of applicant
5. Every Friday, the county office of education will email the log to the Department
6. Every Friday, the county office of education will mail the properly endorsed check with the log and a copy of the check with the complete application packet and send to:

New Jersey Department of Education
P.O. Box 500
Attn: Accounting
100 Riverview Plaza
Trenton, NJ 08625

Finding Number 4

Certified Mobility Assistance Vehicle Technician (CMAVT) – The Department should ensure individuals assisting in the transportation of students with medical needs have received criminal history background checks.

In accordance with legislation established in January 2016, each year prior to transporting a student with medical needs, a CMAVT shall furnish to the ECS a criminal history background

check and evidence of verification for the technician's record of alcohol and drug-related motor vehicle violations.

Recommendation

We recommend the Department ensure that all individuals transporting students with medical needs have the required criminal history background check and evidence of verification for alcohol and drug-related motor vehicle violations as required by the legislation. We further recommend the ECSs obtain the assistance of the Department's criminal history review unit in verifying and monitoring the CMAVT's criminal history background and motor vehicle violation records.

NJDOE Response

The audit finding states that the Department should ensure that individuals assisting in the transportation of students with medical needs have received criminal history background checks. As an initial point of clarification, the legislation (enacted through *N.J.S.A. 18A:39-20.1(b)*) provides that boards of education *may* authorize a person certified as a CMAVT to transport a student with medical needs. Accordingly, boards of education are not required to utilize CMAVTs; students with medical needs may be transported by regular bus drivers. Therefore, the vendor transporting students with medical needs that the auditor identified may not have utilized CMAVTs. This finding appears to be based on the absence of evidence that may not exist because most districts are not hiring CMAVTs.

To our knowledge, one county office of education became aware of a school district's contract with a CMAVT from the Department's student transportation unit. By way of further explanation, the Motor Vehicle Commission ("MVC") learned that a district employed a driver who did not have a Commercial Driver License (this license is not required for CMAVTs). MVC contacted the student transportation unit, who then directed the county office of education to investigate and, if this driver was a CMVAT, to seek the information required by the statute. There was no way the county office of education could have known about this situation except through a third-party report; the CMAVT company did not fulfill its obligations under *N.J.S.A. 18A:39-20.1*.

Further, although the legislation requires CMAVTs to "furnish to the executive county superintendent a criminal history background check and evidence of a check for the technician's record of alcohol and drug-related motor vehicle violations," the legislation is silent regarding the role of the ECS. The plain language of the legislation does not require any specific actions on the part of the ECSs.

However, to assist in the verification of CMAVTs' criminal history backgrounds and motor vehicle violation records, the Department's student transportation unit will revise its forms for student transportation providers to require that it specify when they are contracting with a CMAVT. Then, when the student transportation providers send their driver rosters to the county offices, the county offices will know which drivers, if any, are CMVATs and will look for the

Mr. Stephen M. Eells, State Auditor
May 31, 2018
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required motor vehicle records. As part of the review, a representative from the county office will review provided information regarding criminal history review or may also log into the criminal history review unit's section of the Department's website (<https://homeroom5.doe.state.nj.us/chrs18/?app=emp-history>) and confirm that the CMVATs had criminal history background checks. We will also ask the criminal history review unit to add, "CMVAT," as a title within the Department's criminal history database.

We trust that our responses satisfy the concerns raised in the audit report.

Sincerely,



Kellie LeDet
Assistant Commissioner / Chief of Staff
Division of Executive Services

KLD/SF/doe response- County Offices of Education 2018

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