



State of New Jersey

DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DAVID C. HESPE
Acting Commissioner

September 25, 2014

Mr. Richard Giacomarro, President
Garfield City Board of Education
34 Outwater Lane
Garfield, NJ 07026

Dear Mr. Giacomarro:

Enclosed please find one copy of a report of examination of allegations of improprieties regarding applications for free and reduced priced meals by school district employees the Garfield City Board of Education (board). The examination covered selected National School Lunch Program Free and Reduced Priced Meals Household Applications (family applications) submitted by employees of the board as of October 15, 2013, 2012, 2011 and 2010. The review also covered a subset of family applications for October 15, 2009 and 2008.

The examination verified that there were eight total family applications which contained misrepresentations of income by board employees during the review period which caused these employees to obtain free or reduced lunch benefits inappropriately. Several remaining applications contained errors or misrepresentations of income by board employees, based on review of payroll records. However, after correction of the incomes as applied the National School Lunch Income Eligibility Guidelines criteria, each of these family application was found to be in compliance with the original determination for Free or Reduced Priced Meals.

Upon receipt of this report, your board members are directed to discuss this matter with senior board administrators in closed session at your next regularly scheduled board meeting in order to begin appropriate action as directed in the attached report. Once this discussion has been completed, the report must be publicly discussed as per the directions contained in the following paragraph.

Utilizing the process outlined in the attached "Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process," your 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 findings in dispute. 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 to the attention of Robert Ortle, Manager of the State Aid Audit Unit. 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 board of education website.

Mr. Richard Giacomarro

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Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Cicchino".

Robert J. Cicchino, Director

Office of Fiscal Accountability and Compliance

RJC/rwo/rc/jj garfieldlowincomecoverrwo

Attachment

c: Robert Bumpus
David Corso
Yut'se Thomas
Michael Yaple
Robert W. Ortley
Robert J. Davis
Nicholas Perrapato
Edward Izbicki
Angelo DeSimone
Rose Tricario
Stephen Eells

**STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
STATE AID AUDIT UNIT
P.O. BOX 500
TRENTON, NEW JERSEY 08625-0500**

**REPORT OF EXAMINATION
ALLEGATIONS OF IMPROPRIETIES REGARDING APPLICATIONS FOR FREE
AND REDUCED PRICED MEALS BY SCHOOL DISTRICT EMPLOYEES**

**GARFIELD CITY BOARD OF EDUCATION
BERGEN COUNTY
34 OUTWATER LANE
GARFIELD, NJ 07026**

**GARFIELD CITY BOARD OF EDUCATION
ALLEGATIONS OF IMPROPRIETIES REGARDING APPLICATIONS FOR FREE
AND REDUCED PRICED MEALS BY SCHOOL DISTRICT EMPLOYEES**

AUGUST 2014

EXECUTIVE SUMMARY

In the Fall of 2013, the Office of Fiscal Accountability and Compliance (OFAC) was advised that a preliminary review was conducted by a state appointed monitor assigned to the Garfield City Board of Education (board). This review covered 15 separate Free and Reduced Priced Meals Household Applications (family applications) submitted by employees of the board as of October 15, 2012. The OFAC was advised that based on the preliminary findings, it was likely that all 15 employees had misrepresented their incomes on all applications. Therefore, these employees allegedly obtained free or reduced lunch benefits for their children enrolled in the board's public schools, based on fraudulent information. The preliminary review was extended to include October 14, 2011 and October 15, 2010. The OFAC was advised that the same alleged fraudulent benefits may have been obtained for these children in each of the two earlier school years covered by the preliminary review (2011-2012 and 2010-2011).

The OFAC auditors reviewed all three years' detailed documentation pertaining to the National School Lunch Program. The review focused on how each family application was reviewed for determination of benefits as prescribed by the "New Jersey Department of Agriculture's Guidance for Determining Officials." The OFAC conducted interviews with administrators from the board.

The OFAC auditors verified that, in actuality, there were three family applications which contained misrepresentations of income, which caused board employees to improperly obtain benefits for their children as of October 15, 2012; one family application which contained misrepresentations of income, which caused a board employee to improperly obtain benefits for their children as of October 14, 2011; and four family applications which contained misrepresentations of income, which caused board employees to improperly obtain benefits for their children as of October 15, 2010. In all, there were eight total family applications which contained misrepresentations of income during the three – year period. Several remaining applications contained errors or misrepresentations of income by board employees, based on review of payroll records. However, after the OFAC auditors corrected the incomes and applied the National School Lunch Income Eligibility Guidelines criteria, each family application was found to be in compliance with the original determination for Free or Reduced Priced Meals.

The OFAC auditors expanded this examination beyond the scope identified by the state monitor to include October 15, 2013 ASSA data. The OFAC auditors used the new ASSA supporting workpaper #17, developed for the subject year, which is designed to identify those employees in a school district who are parents or guardians of students enrolled in the district. There were 21 possible family applications associated with board employees. The SAAU verified that there were seven family applications which contained misrepresentations of income, which caused board employees to improperly obtain benefits for their children as of October 15, 2013.

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were seven family applications which contained misrepresentations of income, which caused board employees to improperly obtain benefits for their children as of October 15, 2013.

The remainder of this report contains investigative summary, detailed results, a conclusion and a recommendation for further corrective action.

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INVESTIGATIVE SUMMARY

Preliminary Investigation

- In August 2013, an email to Robert J. Cicchino, Director of the OFAC from Glenn Forney, Director of State Monitors in the Office of School Finance, stated that as a result of the concerns of low income application fraud in other school districts, Les Richens, the former state monitor assigned to the Garfield City Board of Education requested and received a listing of 15 employees of the board who had applied for and received free or reduced price school lunches improperly over a three year period. Mr. Forney was concerned that errors on all 15 applications led to fraudulent benefits for the children of the employees of the board.
- The OFAC auditors initiated a meeting with the district's School Business Administrator, Dr. Edward Izbicki and the current State Monitor Angelo DeSimone on February 27, 2014. Dr. Izbicki referred the OFAC auditors to Food Service Coordinator, Ms. Heather Leuzi. She produced copies of all documents used by her office to determine eligibility for meal benefits. Documents included family applications and the official Master Eligibility List (MEL) indicating all students serviced under the school nutrition program.
- A follow-up meeting was arranged to review the documentation. The OFAC auditors conducted fieldwork in March 2014. As part of the supervisory review process, additional information was requested from the district and reviewed in July 2014.

Primary OFAC Investigation

The OFAC investigation determined the following eligibility status for each application identified by the state monitor:

October 15, 2012

Application Number	MASTER ELIGIBILITY LIST STATUS	ORIGINAL APPLICATION INCOME	EMPLOYEE PAYROLL DATA	OFAC Determination
13-1094	Free	\$7,200.00	\$17,280.00	Free-no change#
13-0273	Reduced	@ \$32,734.00	\$17,950.00	Reduced-no change
13-0039	Free	\$17,280.00	\$27,376.00	Free-no change#
13-0007	Free	Direct Certification	\$52,973.00	Direct Certification
13-1611	Free	\$62,000.00	\$67,065.00	Denied *
13-0616	Reduced	@\$41,600.00	\$19,692.00	Reduced-no change#
13-0759	Reduced	@\$45,600.00	\$19,692.00	Reduced-no change#
13-1498	Free	**\$10,400.00	\$67,065.00	Denied *

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13-1072	Free	\$18,278.00	\$18,278.00	Free-no change
13-0168	Free	\$15,600.00	\$26,263.00	Reduced ##
13-1734	Free	\$5,200.00	\$3,600.00	Free-no change<
13-0707	Free	\$18,200.00	\$17,280.00	Free-no change<
13-0917	Free	\$19,200.00	\$17,280.00	Free-no change<
13-1297	Free	\$24,371.00	\$17,410.00	Free-no change<
13-0837	Reduced	@\$48,000.00	\$19,692.00	Reduced-no change<

Footnotes:

**Income misstated; inappropriate benefits obtained based on corrected income*

***Only Income of spouse provided; employee omitted from family application leading to inappropriate benefits*

Income misstated; no change to eligibility

Income misstated; inappropriate free benefits obtained; should be reduced; not an ASSA exception

@ Total family income includes spouse who is not a board employee

< Employee overstated income on application

Based on the findings noted above, three applications in bold print resulted in improperly obtained free lunch benefits for children as a direct result of incorrectly stated incomes by board employees. Based on these findings, two of the application errors resulted in incorrect reporting of Low Income Enrollment for two eligible students reported on the ASSA as of October 15, 2012. A third student who was in preschool did not have an impact on ASSA data reporting.

October 14, 2011

Application Number	MASTER ELIGIBILITY LIST STATUS	ORIGINAL APPLICATION INCOME	PAYROLL DATA	OFAC Determination
12-0657	Free	\$10,400.00	\$0.00	Free-no change
11-0015	Reduced	@\$33,566.00	\$17,904.00	Reduced-no change<
12-0261	Free	\$20,800.00	\$25,103.00	Free-no change<
12-0867	Reduced	@44,460.00	\$17,680.00	Reduced-no change#
12-0234	Reduced	@\$45,600.00	\$17,680.00	Denied *
12-0964	Free	\$15,860.00	\$15,120.00	Free-no change<
12-1497	Denied	@\$43,200.00	\$16,970.00	N/A
12-1226	Free	\$5,200.00	\$3,620.00	Free-no change<
12-0749	Denied	@\$78,000.00	\$15,120.00	N/A
12-1045	Free	\$20,756.00	\$15,956.00	Free-no change
12-0944	Reduced	@\$48,000.00	\$17,904.00	Reduced-no change<

Footnotes:

** Income misstated; inappropriate benefits obtained based on corrected income*

Income misstated; no change to eligibility

@ Total family income includes spouse who is not a board employee

< Employee overstated income on application

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Based on the findings noted above, one application in bold print resulted in improperly obtained free lunch benefits for children as a direct result of incorrectly stated incomes by a board employee. Based on these findings, the application error resulted in incorrect reporting of Low Income Enrollment for three eligible students reported on the ASSA as of October 14, 2011.

October 15, 2010

Application Number	MASTER ELIGIBILITY LIST STATUS	ORIGINAL APPLICATION INCOME	PAYROLL DATA	OFAC Determination
11-1665	Reduced	@\$31,392.00	\$17,166.00	Reduced-no change#
11-1834	Free	\$19,200.00	\$36,400.00	Free-no change#
11-0548	Reduced	@\$46,800.00	\$16,934.00	Denied *
11-0540	Reduced	@\$45,600.00	\$16,934.00	Denied *
11-1571	Free	\$15,860.00	\$15,120.00	Free-no change<
11-0210	Reduced	@\$28,800.00	\$16,247.00	Reduced-no change<
11-0888	Free	@\$34,892.00	\$15,120.00	Reduced ##
11-0333	Reduced	@\$48,000.00	\$17,166.00	Denied *

Footnotes:

- * *Income misstated; inappropriate benefits obtained based on corrected income*
- # *Income misstated; no change to eligibility*
- ## *Income misstated; inappropriate free benefits obtained; should be reduced; not an ASSA exception*
- @ *Total family income includes spouse who is not a board employee*
- < *Employee overstated income on application*

Based on the findings noted above, four applications in bold print resulted in improperly obtained free lunch benefits for children as a direct result of incorrectly stated incomes by board employees. Based on these findings, three of the application errors resulted in incorrect reporting of Low Income Enrollment for four eligible students reported on the ASSA as of October 15, 2010.

OFAC Expanded Review - October 15, 2013

Application Number	BENEFIT INFORMATION DETERMINATION STATUS	APPLICATION INCOME	PAYROLL DATA	OFAC Determination
14-1099	Free	\$18,200.00	\$17,280.00	Free-no change<
14-0319	Free	\$26,220.00	\$27,376.00	Free-no change#
14-0609	Reduced	@@\$52,260.00	\$52,973.00	Denied *
14-0882	Free	@\$18,200.00	\$19,692.00	Free-no change#
14-0511	Free	\$14,400.00	\$24,316.00	Reduced ##
14-0277	Free	\$17,000.00	\$26,263.00	Reduced ##

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14-1542	Free	\$10,400.00	\$17,280.00	Free-no change#
14-1440	Free	\$26,000.00	\$17,280.00	Reduced ##
14-0138	Free	\$16,000.00	\$17,280.00	Free-no change#
14-0303	Free	\$28,104.00	\$17,410.00	Free-no change<
14-0685	Reduced	@\$48,568.00	\$19,692.00	Reduced-no change<
14-1455	Free	\$18,200.00	\$17,280.00	Free-no change<
14-0880	Free	FOSTER	FOSTER	Free-no change
14-1105	Reduced	\$42,000.00	\$42,305.00	Reduced-no change#
14-1277	Free	\$20,500.00	\$16,510.00	Reduced ##
14-0280	Free	\$16,080.00	\$17,280.00	Free-no change#
14-0813	Free	\$29,510.00	\$3,600.00	Free-no change#
14-1454	Free	@@@ \$15,600.00	\$67,065.00	Denied *
14-0635	Reduced	@\$41,384.00	\$18,151.00	Reduced-no change<
14-0889	Free	\$0.00	\$3,600.00	Free-no change#
14-1283	Free	@@@ \$12,000.00	\$60,055.00	Denied*

Footnotes:

**Income misstated; inappropriate benefits obtained based on corrected income*

Income misstated; no change to eligibility

Income misstated; inappropriate free benefits obtained; should be reduced; not an ASSA exception

@ Total family income includes spouse who is not a board employee

@@ Family Application omitted spouse's income

@@@ Family Application omitted spouse income of board employee

< Employee overstated income on application

The OFAC auditors used the new ASSA supporting workpaper #17, developed for the subject year, which is designed to identify those employees in a school district who are parents or guardians of students enrolled in the district. Based on the findings noted above, seven applications in bold print resulted in improperly obtained free lunch benefits for children as a direct result of incorrectly stated incomes by board employees. Based on these findings, three of the application errors resulted in incorrect reporting of Low Income Enrollment for four eligible students reported on the ASSA as of October 15, 2013. Several remaining applications contained errors or misrepresentations of income by board employees, based on review of payroll records. However, after the SAAU corrected the incomes and applied the National School Lunch Income Eligibility Guidelines criteria, each family application was found to be in compliance with the original determination for Free or Reduced Priced Meals.

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Follow Up and Referrals

For all family application errors identified, the following was noted for the three-year period of review identified by the former state monitor:

Employee #1

A.E. There was an error resulting in improperly obtained free lunch benefits as of October 15, 2012, however, this employee did not file an application for October 14, 2011 or October 15, 2010.

Employee #2

H.H. (aka H.I.) This employee's current position is secretary to the superintendent of schools. Prior to this position, this employee was the coordinator of the district's food service review of all lunch applications. The OFAC auditors have specific concerns regarding a pattern of errors noted on these family applications. The applications contained misrepresentations of income data as well as omissions of spouse information in specific years. Inappropriate benefits may have been obtained by this employee dating back to October 2008. An application for October 15, 2008 (#09-34) reflected her annual income as \$23,400. This application was dated September 8, 2008. However, the income of her husband (V.I.), who shared the same address, was omitted from the application, although his two children were reported. According to board records, she divorced V.I. on September 29, 2008. A second application was filed under the #09-34. This application was undated. The application continued to include the children of V.I. She married another individual on November 7, 2008 who had been included on the first application. He was also included on the second application. On the second application, H.H. reported her income as \$29,000. At the exit conference for this examination, it was learned that the second spouse (S.H.) was also a board employee, however, no income was reported. According to board records, no family applications were available for review for October 15, 2009, October 15, 2010 or October 14, 2011 for the children of V.I. or H.H. An application for October 15, 2012 (#13-1498) which included the children of V.I. and H.H. omitted her as a member of the household and her income of \$67,065. The application included only her first (and former) spouse, who shared the same address, and his income of \$10,400. The second spouse (S.H.) was omitted from the application. Her mother and father were added as members of the household, also with no reported income. An application for October 15, 2013, (#14-1454) filed for one of her former spouse's children omitted her as a member of the household and her income of \$67,065. The application only included her former spouse, who shared the same address, and his income of \$15,600. The application did not include her second spouse who she divorced in July or August of 2014.

Employee #3

J.P. There was an error resulting in improperly obtained free lunch benefits as of October 15, 2012, however, this employee's application filed for October 14, 2011 was denied as eligible for

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free or reduced benefits by the district. The October 15, 2010 application was approved for free meals and this was also verified by the OFAC.

Employee #4

K.H. There was an error resulting in improperly obtained free lunch benefits as of October 14, 2011 and October 15, 2010, however, this employee's application filed for October 15, 2012 was approved for reduced price meals and this was also verified by the OFAC.

Employee #5

F.F. There was an error resulting in improperly obtained free lunch benefits as of October 15, 2010, however, this employee's applications filed for October 14, 2011 and October 15, 2012 were approved for reduced price meals and these were also verified by the OFAC.

Employee #6

B.R. There was an error resulting in improperly obtained free lunch benefits as of October 15, 2010. This employee's application filed for October 14, 2011 was denied as eligible for free or reduced benefits by the district because her spouse submitted a high annual salary. The October 15, 2012 application was approved for free meals and this was also verified by the OFAC.

Employee #7

W.B. There was an error resulting in improperly obtained free lunch benefits as of October 15, 2010. This employee's applications filed for October 14, 2011 and October 15, 2012 were approved for reduced price meals and this was also verified by the OFAC.

Board Verification of Income For Cause-ASSA workpapers

During the OFAC investigation, the district issued letters requesting income verification to the employees listed on workpaper #17 for October 15, 2013 family applications. These letters were issued based on the procedures issued by the USDA on February 10, 2012 covering the subject of "Verification for Cause in the School Meals Programs." Of the total requests for verification, only two employees responded with income verification documentation. All children of all other employees who declined to respond have been discontinued from receiving free or reduced benefits.

Referrals Made by the OFAC

The OFAC consulted with officials from the New Jersey Department of Agriculture (NJDOA), Division of Food and Nutrition. At a meeting held on April 15, 2014, the OFAC shared concerns and specific application errors with the NJDOA who confirmed the OFAC conclusions regarding the erroneous applications were accurate and reasonable. The director of the OFAC will refer this matter to the New Jersey State Police Official Corruption North Unit for their information and further action as they deem appropriate.

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Follow Up Needed

The OFAC will follow up on disciplinary actions taken by the district against the employees who received inappropriate benefits, including the possible reimbursement by the employees for the value of free or reduced meals obtained over the four-year period of review. The OFAC will also calculate the amount of state aid obtained inappropriately by the board for students not eligible to be reported on the October 15, 2010, 2011, 2012 and 2013 ASSA reports.

CONCLUSION

The allegations made by the former state monitor have been clarified based on the detailed OFAC review. During the three-year period the OFAC determined there were three family applications for Free and Reduced Meal Benefits which contained errors or misrepresentations of income, which caused board employees to improperly obtain benefits for their children for 2012-2013. In relation to this, an aggregate total of two children were incorrectly reported as Low Income Eligible on the October 15, 2012 ASSA. There was an aggregate total over the three-year period of eight family applications for Free and Reduced Meal Benefits reviewed by the OFAC which were reclassified by the OFAC as a result of erroneous submissions of income by board employees. There was an aggregate total over the three-year period of 26 family applications for Free and Reduced Meal Benefits reviewed by the OFAC where the free or reduced eligibility remained unchanged despite erroneous submissions of income by board employees.

RECOMMENDATION

The OFAC recommends that the board enhances procedures to ensure that employees of the school district submit accurate income data each year on family applications, utilizing the procedures issued by the USDA on February 10, 2012 covering the subject of "Verification for Cause in the School Meals Programs."

Submitted by:



Robert W. Ortley, Manager
State Aid Audit Unit

**State of New Jersey
Department of Education
Office of Fiscal Accountability and Compliance**

PROCEDURES FOR LEA/AGENCY RESPONSE
CORRECTIVE ACTION PLAN AND APPEAL PROCESS

Resolution:

Pursuant to N.J.A.C. 6A:23A-5.6, within 30 days of receipt of the report, the board of education must discuss the findings of the report at a public meeting of the board. Within 30 days of the public meeting, the board must adopt a resolution certifying that the findings were discussed in a public board meeting and approving a corrective action plan to address issues raised in the undisputed findings and/or appeal of any findings in dispute. Within 10 days of adoption of the resolution by the board, such resolution together with the approved corrective action plan and/or appeal must be submitted to the Office of Fiscal Accountability and Compliance. The findings of the Office of Fiscal Accountability and Compliance's report and the board of education's corrective action plan must be posted on the district's website.

Corrective Action Plan:

The corrective action plan is to be used when the LEA/Agency is in agreement with any of the findings. To contest a finding the appeal process must be used. After the appeal is settled a - corrective action plan must be filed for any finding upheld during the appeal process.

The corrective action plan must be prepared by completing the attached form. The LEA/Agency must submit the following information:

- Recommendation number
- Corrective action (approved by the board)
- Method of implementation
- Person responsible for implementation
- Completion date of implementation

If the corrective-action plan is acceptable, a letter will be sent to the LEA/Agency indicating that it has-been accepted.

If the corrective action plan is not acceptable, a letter will be sent to the LEA/Agency indicating whether further clarification is required or further action is necessary.

Appeal Process:

The appeal process is used to contest findings.

Within 10 days of the board's adoption of the resolution approving an appeal of the findings of the report, a written request by the LEA/Agency to review the "aggrieved" findings, recommendations or questioned costs must be submitted to the director, Office of Fiscal Accountability and Compliance. The notice of appeal must indicate the findings to be appealed.

The appeal itself may be written or a hearing may be scheduled so that the LEA/Agency can present its case. In either instance, documentation must be presented supporting the appeal. The director, Office of Fiscal Accountability and Compliance will issue a written decision.

If the decision is unsatisfactory to the LEA/Agency, the LEA/Agency may, within 10 calendar days, file a notice of appeal to the Chief of Staff.

If the final determination made by the Chief of Staff, is still unsatisfactory to the LEA/Agency, the LEA/Agency may access the formal appeal process described in N.J.A.C. 6A:3-1.3.