



**2016 ESSA Technical Assistance Sessions**  
Frequently Asked Questions (FAQs)

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**Introduction:** This is a companion document to the NJDOE’s ESSA Technical Assistance sessions, which were held in November and December of 2016. The questions below were collected during those sessions. For more information on the answers in this document or if you have additional questions regarding the *Every Student Succeeds Act (ESSA)*, email the [appropriate office](#).

**General**

#	Question	Answer
<b>Impact of Changes at the Federal Level</b>		
1	With the new federal administration, could all of this (ESSA) change?	While the NJDOE cannot comment on what might happen at the federal level, what was presented in the technical assistance sessions is what is established in the law. The NJDOE does not anticipate changes to the law.
<b>Stakeholder Engagement</b>		
2	Weren’t there always stakeholder engagement requirements? Which stakeholder engagement requirements are new?	Yes, school districts were always required to consult stakeholders regarding how to spend federal funds received under <i>ESEA</i> . The NJDOE is emphasizing stakeholder engagement activities as an important and best practice in meeting the needs of students.
3	Do school districts need to engage with stakeholders collectively (i.e. one big meeting) or can they consult separately with different stakeholders?	There is no one-size-fits-all solution to stakeholder engagement as each district has unique needs and relationships. While the NJDOE strongly encourages districts to engage early and often with stakeholders, districts are welcome to engage different stakeholders in different mediums and/or forums.



**General continued**

#	Question	Answer
<b>Electronic Web-Enabled Grant System / Grant Applications</b>		
4	When will school districts be notified of their 2017-18 ESEA allocations?	The NJDOE anticipates notifications will be posted in late June-early July of 2017. This is a little later than usual as these notifications are typically posted between April and May.
5	How do school districts begin the process of transferring funds between Titles?	Districts will have the option to transfer funds from applicable Titles to applicable Titles as part of their annual EWEG application.
6	Can a school district decide to transfer funds from one Title to another during the middle of a grant period? If the answer is yes, is this something the school districts must do by way of an amendment in EWEG?	A school district may transfer funds from one Title to another, as long as the application has not yet been approved. Once an application has been approved, permission to transfer funds from one Title to another will be determined on a case-by-case basis.
7	Are nonpublic schools required to fill out an application in EWEG to become eligible for ESEA funds?	<b>No.</b> After conducting the required consultation with the nonpublic schools and agreeing upon services to be provided, <b>it is the school district's responsibility to appropriately indicate this in its EWEG application.</b> Nonpublic schools do not submit applications for these funds nor can they receive these funds. They receive only the agreed-upon services for their students. For more information, please refer to the <a href="#">U.S. Department of Education's non-regulatory guidance regarding equitable services</a> .
8	Are there going to be changes to the needs assessment in the annual ESEA EWEG application?	There will not be significant changes to that portion of the EWEG application for the 2017-18 school year.
9	If a school district is having trouble engaging the nonpublic schools in the district in collaboration, what should it do?	ESSA requires that, prior to implementation of equitable services, a school district must make every reasonable effort to conduct meaningful and ongoing consultation with its nonpublic schools in order to agree upon the services that will be provided and the methods for providing them. School districts must document all efforts employed to reach out to the nonpublic schools (e.g. phone calls, scheduled meetings/sign-in sheets, emails, USPS registered mail, etc.). For more information please refer to the <a href="#">U.S. Department of Education's non-regulatory guidance regarding equitable services</a> .



**Title I, Part A – Improving Basic Educational Programs**

#	Question	Answer
10	Do Title I, Part A funds need to be used to provide programs and/or services directly related to standardized test scores?	Title I, Part A funds may be used for a wide variety of activities, programs, and services to improve student achievement. Some of these may not seem directly related to standardized test scores. For instance, Title I, Part A funds may be used to reduce chronic absenteeism; implement a tiered system of support and intervention to meet student needs; support health and mental health services; and also may be used for many other programs and activities.
11	Is there a list of what can be taken off the top at the district-level before allocating Title I, Part A funds down to the school-level?	See the NJDOE’s <a href="#">ESEA Spending Guide</a> . The EWEG application school districts complete each year provides all of the options for districts to take allowable funds off the top before allocating to the school-level.
12	After money is taken off the top (i.e. district-level set-asides), are leftover funds shared with nonpublic schools?	<b>No</b> , according to U.S. Department of Education guidance, school districts “ <b>must determine the amount of funds available for providing equitable services to nonpublic school students, teachers and personnel prior to any expenditures or transfers of funds</b> ” (i.e. before any district-level set-asides). See <a href="#">pg. 32 here</a> for more information.
13	Historically, expenditures such as purchasing technology for a technology lab was discouraged for schools running targeted assistance programs because the technology in the lab was only accessible to Title I-eligible children, not all students. Is this practice still discouraged for schools operating targeted assistance programs?	If the school district determines that a technology lab is a viable solution to a specific, identified student need, the school district operating a targeted assistance program should consider applying for a waiver to operate a schoolwide program. ESSA allows the state to grant waivers for schools under the 40% poverty threshold to operate a schoolwide program. Specific guidelines on when such waivers may be granted are forthcoming.
14	<b>Scenario:</b> A school district operating a targeted assistance program purchased equipment (for instance, iPads) with Title I funds. Historically, guidance has been that this equipment may only be used by Title I-eligible students. However, there are times during and after the school day when these iPads do not get used. Are school districts still discouraged from allowing non-participating students from using this equipment, even when it is not being utilized by participating students?	<b>Yes.</b> In general, equipment purchased to carry out a targeted assistance program should be used exclusively by and for participating students.  If the school district would like to use its equipment with the general student body, it may consider applying for a waiver to run a schoolwide program (see <a href="#">#13 above</a> ).



**Title I, Part A – Improving Basic Educational Programs *continued***

#	Question	Answer
15	Are mentoring services funded under Title I, Part A specific to students? Or can the funds be used to provide mentoring to parents and families?	In general, Title I, Part A funds at the school level for mentoring services should be used exclusively for mentoring for students. To provide mentoring services for parents and families, schools may use funds from the district’s parent involvement set-aside (this reserve is required for districts that receive a Title I allocation greater than \$500,000).
16	How can Title I, Part A funds be used in a school with a targeted assistance program for Advanced Placement (AP), International Baccalaureate (IB), or concurrent enrollment classes (i.e. high school courses for college credit)?	Title I, Part A funds may be used to provide a variety of services to Title I-eligible students in this regard. For instance, if participating students need additional training prior to entering such courses, the school could use its Title I funds to provide AP/IB preparation activities, such as tutoring. In addition, the school could use its Title I, Part A funds to pay AP/IB test fees for participating Title I students.
17	What is the difference between allowable uses of Title I funds for schoolwide versus targeted assistance programs?	The <b>allowable uses of funds are the same</b> for schoolwide and targeted assistance programs. The <b>difference is in who is eligible to be served</b> (in a schoolwide, all students may be served, in a targeted assistance program, only Title I-eligible students may be served).
18	The NJDOE must now reserve 7% of Title I funds for school improvement activities (was 4% under <i>NCLB</i> ). This increase amounts to about \$10 million more being reserved at the state level. What is the state doing with that \$10 million?	The NJDOE must allocate nearly all of the money it reserves for school improvement, including the additional \$10 million, to schools identified for comprehensive support and improvement (similar to what were formerly called “priority schools”) or schools identified for targeted support and improvement (similar to what were formerly called “focus schools”).
19	Does a school district still need to reserve a specific amount of Title I, Part A funds (30%) for its focus and/or priority schools?	If a district has a school(s) designated as in need of improvement in accordance with the state’s school-accountability system, <b>it may, but is not required to</b> , reserve up to 30% of its Title I, Part A funds for school improvement activities.
20	Does the elimination of the requirement for educators to be “highly qualified” (HQT) mean that paraprofessionals working in Title I, Part A-funded programs paid for with Title I, Part A funds no longer need to meet minimum requirements established in <i>NCLB</i> ?	<b>No.</b> Paraprofessionals working in Title I, Part A programs funded with Title I, Part A funds must still meet minimum requirements to work in such programs/positions. See NJDOE’s <a href="#">July broadcast</a> and the U.S. Department of Education’s <a href="#">Transition FAQs</a> for more information (see C-7a on page 21). For a full list of a how a paraprofessional may meet these requirements and frequently asked questions, see the <a href="#">NJDOE’s guidance here</a> .
21	Must all paraprofessionals in the school meet the minimum requirements established in law if the school is operating a schoolwide program?	All paraprofessionals in the school with instructional responsibilities must meet the minimum requirements established in law if the school is operating a schoolwide program. This would exclude a paraprofessional who is a full-time personal aide to a student with special needs.



**Title I, Part A – Improving Basic Educational Programs *continued***

#	Question	Answer
22	If a school district submits the Intent to Operate a Schoolwide Program form, must the district follow through with applying for and operating a schoolwide program?	<b>No</b> , the district may change its mind after submitting the Intent to Operate form and decide to run a targeted assistance program instead.
23	Can a school include students identified for special education services in its targeted assistance program?	<b>Yes</b> , however, being identified for special education services by itself does not qualify a student as eligible to receive services under Title I, Part A in a targeted assistance program. Such a student must also meet the multiple entrance criteria established for general education students participating in the Title I program. See the <a href="#">Title I technical assistance webinar</a> for more information.
24	If a school is currently approved to operate a schoolwide program, does the school district need to reapply in order to continue operating a schoolwide program?	<b>No.</b>
25	<b>Scenario:</b> A school district has been operating a schoolwide program in a combined high school and middle school. The schools are now separating, so the middle school will be separate from the high school. Does the district need to reapply to run schoolwide programs in these newly structured schools?	<b>Yes.</b>
26	If a school falls below the 40% poverty threshold to run a schoolwide program, but would like to apply for a waiver to run a schoolwide program, when is the earliest the school will be able to apply for that waiver?	The NJDOE expects the waiver application process to begin in the summer of the year prior to the year in which the school would begin operating a schoolwide program (i.e. the application for a waiver must be submitted in summer of 2017 to start operating a schoolwide program in 2018-19).
27	In trying to determine whether a school district meets the 40% poverty threshold to run a schoolwide program, may the school count its nonpublic school students?	No. The poverty threshold is determined based on the percentage children <b>enrolled</b> in the school from families living below the poverty level, not the percentage of children from such families <b>residing</b> in the attendance area.



**Title I, Part A – Improving Basic Educational Programs *continued***

#	Question	Answer
28	In a targeted assistance program, if a teacher is paid from Title I, can he or she only engage in Title I working duties?	<b>Yes</b> , however the teacher may be required to fulfill other duties assigned to all teachers (such as lunch and hall supervision). Note: if a district splits the cost of the teacher (i.e. part of salary paid from state or local funds and part paid from Title I, Part A) the teacher may be able to work with all students for a portion of the day.
29	How can a school district quantify the impact of mental health/psychological interventions, such as using Title I, Part A funds to hire a counselor, on student success?	The NJDOE leaves that decision to school districts and their stakeholders. A few things to consider are student climate surveys to gauge whether students feel safer/more comfortable in school; attendance data suggesting better engagement; and/or counselor observations.
30	<b>Scenario:</b> Currently, a district operates half-day kindergarten districtwide. May the district use Title I funds to pay for full-day kindergarten in both Title I and non-Title I schools?	A school district may not use Title I funds to provide full-day kindergarten in a non-Title I school. In a Title I schoolwide program, the district may use Title I funds to support the kindergarten program. In a Title I targeted assistance program, a Title I-supported kindergarten may benefit only those students who have been identified as “at-risk” based on developmentally appropriate criteria. Email <a href="mailto:titleone@doe.state.nj.us">titleone@doe.state.nj.us</a> for more information.  <b>Note:</b> all activities paid for with federal funds should be aligned with meeting one or more of the school district’s identified needs.



**Title I, Part A – Improving Basic Educational Programs *continued***

#	Question	Answer
<b>Supplement Not Supplant</b>		
31	Does the change to Title I, Part A supplement, not supplant, which will now require school districts to prove that <i>funding, not programs or activities</i> , is supplemental, require districts to equalize spending on staff among schools in the district? There is a concern that this requirement might require districts to move staff in order to equalize spending.	At this time, the NJDOE is waiting for federal guidance regarding which methodologies school districts will be allowed to use to determine whether their Title I schools are receiving all of the state and local funds they are eligible for. Therefore, at this time, the NJDOE is uncertain of whether staff compensation must be included in those calculations. <b>When final federal guidance is received, the NJDOE will communicate it to school districts.</b>
32	Does the new application of supplement, not supplant under Title I, Part A apply to just schoolwide programs or to schools operating targeted assistance programs, as well?	The rule applies to all schools receiving Title I, Part A funds, regardless of whether the school operates a schoolwide or targeted assistance program.
33	Have the comparability rules in Title I, Part A changed?	No, the comparability of services requirements have not changed.
34	<b>Scenario:</b> Given the change to how supplement, not supplant will be enforced would the following scenario be allowable? A school district operates with Title I funds a specific reading program, such as Read 180, in a Title I school, but the district wants to operate the same program in a non-Title I school. If it does so, can the district still use Title I funds to operate the reading program in the Title I school?	<b>Yes</b> , under the new rules a district can use its Title I, Part A funds to fund for Title I students in a targeted assistance program or for a Title I school in a schoolwide program the same services or programs it funds with state or local funds to non-Title I students or non-Title I schools. The only condition is that the Title I school will still receive all of the state and local funds it is eligible for (i.e., an LEA may not reduce state or local funding to the school because it receives Title I, Part A funds).
35	Does the new application of supplement, not supplant for Title I, Part A apply to Titles II-IV?	<b>No.</b> Supplement, not supplant rules for other federal funding sources, including Titles II-IV of the <i>ESEA</i> , have not changed. The new application for supplement, not supplant is unique to Title I, Part A.



**Title II, Part A – Supporting Effective Educators**

#	Question	Answer
36	May Title II, Part A funds be used for training and/or coursework and other costs to get a subject teacher certified to work with English language learners?	<p><b>Yes.</b></p> <p><b>Note:</b> all activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.</p>
37	Can a school district use Title II, Part A funds for class-size reduction to focus on struggling students? For instance, could funds be used to pay for an additional Algebra I teacher to provide additional support to struggling students?	<p><b>Yes.</b> All class-size requirements in law, code and regulations must be met before a supplemental teacher can be hired with Title II, Part A funds. In addition, the need to hire the additional teacher must be evidence-based, and the teacher must already be identified as an “effective” teacher.</p> <p><b>Note:</b> all activities paid for with federal funds must be aligned with meeting one or more of the school district’s identified needs.</p>
38	If a school district uses its Title II, Part A funds for class size reduction one year, for instance, hiring a teacher to reduce class size in 2 <sup>nd</sup> grade in an elementary school, can the district use its Title II, Part A funds the next year to fund the same teacher in the same grade?	The answer to this question is very specific to the identified needs of the district. A school district must have justification for why it needs to reduce class size in second grade in one year for a specific set of students and why it needs to do so again in the same grade, but for a different set of students in the next year. The use of funds must be evidence-based and requires an identified “effective” teacher.
39	Can a school district use its Title II, Part A funds for stipends for educators completing work or attending supplemental training after contract hours?	<p>As long as the work being paid for is beyond contract hours and outside the normal scope of job responsibilities, the district may offer stipends. Just a few examples include:</p> <ul style="list-style-type: none"> <li>• If a school district has an initiative to improve data-driven instruction and wants to offer ongoing training outside of contract hours to all of its educators, this would be an allowable use of stipends as incentives for teachers to attend the training.</li> <li>• If a teacher leader or school leader is attending training or coursework outside of contract hours and will turn-key that training in the school or district, this may also be an allowable use of a stipend.</li> </ul>





**Title II, Part A – Supporting Effective Educators *continued***

#	Question	Answer
40	<p><b>Scenario:</b> The nonpublic school in a district would like to access a consultant for professional development. Can the district use the nonpublic dedicated Title II, Part A funds to pay for that consultant?</p>	<p><b>Yes</b>, as long as the district consulted with the nonpublic school and this expense was in the district’s <i>ESEA</i> application. The public school must follow federal, state and its own procurement processes such as bidding and contracting for services. The nonpublic school cannot demand that a certain consultant be used.</p>
41	<p>Can a school district use its Title II, Part A funds to pay for a new position that is an instructional coach/supervisor who also does official evaluations?</p>	<p><b>No.</b> Official educator evaluations are required by state law and regulation and must be conducted by appropriately certified personnel employed by the school district. However, Title II, Part A funds may be used to hire an instructional coach, as long as his or her duties are above and beyond what is required by state law or regulation. This can include informal observations and coaching.</p> <p><b>Note:</b> All activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.</p>
42	<p>Can Title II, Part A funds be used to support paraprofessionals?</p>	<p>Paraprofessionals can attend training alongside teachers, and a school district may use its Title II, Part A funds to help a paraprofessional get an advanced degree to become a certified teacher.</p> <p><b>Note:</b> All activities paid for with federal funds must be aligned with meeting one or more of the school district’s identified needs.</p>
43	<p><b>Scenario:</b> A school district is considering implementing an SAT program for disadvantaged/homeless students. Can the district use Title I, Part A funds to pay for books and Title II, Part A funds to pay for the instructors?</p>	<p>Title II, Part A funds cannot pay for direct instruction in test-taking skills or for student books. <b>Title II funds can be transferred to Title I for this purpose.</b> If funds are transferred, the activities must meet the requirements of Title I because the funds lose the identity of Title II.</p>
44	<p>Can Title II, Part A funds be used to pay for substitutes while teachers are out receiving PD?</p>	<p><b>Yes.</b> If the professional development is paid for with Title II, Part A funds.</p>
45	<p><b>Scenario:</b> If a professional development series costs \$30,000, can a district use \$15,000 from Title II, Part A and \$15,000 from general state or local funds?</p>	<p>This has not been permitted under <i>NCLB</i> <u>unless</u> there is a distinction between sessions. For example, six sessions are paid for with Title II, Part A funds and seven sessions are paid for with general funds.</p> <p><b>Note:</b> All activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.</p>



**Title II, Part A – Supporting Effective Educators *continued***

#	Question	Answer
46	May Title II, Part A funds be used to offer incentives to teachers?	<p><b>Yes.</b> There are many ways in which Title II, Part A funds may be used to provide incentives to educators. <b>Just a few examples</b> include:</p> <ul style="list-style-type: none"> <li>• Title II, Part A funds may be used to provide stipends to teacher leaders who develop and deliver professional development.</li> <li>• These funds may also be used to provide differential pay to attract educators to hard-to-staff schools with high turnover. This guidance should not be misconstrued to override any collective bargaining agreements.</li> </ul> <p><b>Note:</b> All activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.</p>
47	Can Title II, Part A funds be used to purchase gift cards, which can be used as incentives for educators?	<b>No.</b>
48	Can curriculum specialists participate in Title II, Part A-funded activities?	<b>Yes.</b> Title II, Part A in <i>ESSA</i> is intended for principals, teachers, and other school leaders.
49	Under what criteria will effective class size reduction and effective professional development be measured?	NJDOE will require LEAs to complete narratives in their EWEG application, where they will be asked to provide evidence to support how they choose to use their Title II, Part A funds.
50	Can Title II, Part A funds be used to provide training to teachers, principals and other school leaders on the observation tool used for the teacher evaluation system in the school?	Any training provided to teachers or observers on the components of the evaluation system must be above and beyond the regulatory requirements at <i>N.J.A.C. 6A:10-2.2</i> . In other words, Title II, Part A funds may not be used to meet the district’s regulatory requirement to provide annual training on the evaluation components, but may be used to supplement or expand that training.
51	Are there specific grades or grade spans for which a school district may not use Title II, Part A funds for class-size reduction? Or may a school district use Title II, Part A funds for class-size reduction for any grades, as needed?	<p>Under <i>ESSA</i>, <b>there are no limitations</b> on which grades a school district may use Title II, Part A funds for class-size reduction.</p> <p><b>Note:</b> All activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.</p>



Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement

#	Question	Answer
<b>Funds and Requirements to Support English Language Learners</b>		
52	Can a school district transfer funds out of Title III, Part A?	<b>No.</b>
53	Can a school district blend funds from Title III and Title I? If allowed, do the spending rules for Title III funds still apply if funds are blended?	Funds may be blended in schoolwide programs only. While the funds lose their identity when consolidated in a schoolwide program, the school district must ensure the purpose of the funds being consolidated are still met (see <a href="#">U.S. Department of Education guidance</a> , page10). What that means is that school districts that consolidate Title III funds with Title I, Part A and other funds must ensure that English language learners are receiving appropriate supports above and beyond statutory requirements. For more information on consolidated use of funds in schoolwide programs email <a href="mailto:schoolwide@doe.state.nj.us">schoolwide@doe.state.nj.us</a> .
54	Can a school district use Title III, Part A funds to pay for translators?	A school district may only use Title III, Part A funds for translators if what is being translated is directly related to Title III, Part A programming or activities. For instance, if there is a meeting sponsored with Title III, Part A funds for the parents and families of English language learners, a translated letter about the event can be paid for with Title III funds. However, Title III, Part A funds may not be used for routine translation required by federal and/or state civil rights laws.
55	<b>Scenario:</b> A school district has a high need for dual-certified teachers in ESL/Bilingual and special education. Can the district use Title III funds to pay for certification and professional development for teachers to attain these certifications?  What about an ESL/Bilingual teacher getting certified in special education. In this case it is not an ESL/Bilingual certification being paid for. Can Title II or Title III pay for it?	This is allowable only if the district is already fulfilling New Jersey state code requirements to provide ESL/Bilingual and special education program services and wants to improve those services beyond what is required by the New Jersey state code.  <b>Note:</b> All activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.
56	If a school district falls below the \$10,000 threshold to accept Title III funds, can the district transfer funds into Title III to reach \$10,000?	<b>Yes.</b>



**Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement *continued***

#	Question	Answer
<b>Funds and Requirements to Support English Language Learners <i>continued</i></b>		
57	Will the ACCESS for ELLs 2.0 exam continue to be used for accountability purposes to determine whether English language learners are making progress toward attaining English language proficiency?	<b>Yes</b> , the ACCESS exam will remain the measure used to determine whether students are making progress toward attaining English language proficiency.
58	For the school-based accountability system under <i>ESSA</i> , will measures of performance and growth on statewide tests for English language learners include PARCC or an English language proficiency assessment, or both?	Performance on both assessments will be included in the state’s accountability system: <ul style="list-style-type: none"> <li>• Law requires the NJDOE to include English language learners’ performance and growth on statewide academic assessments in its accountability systems.</li> <li>• Law also requires the NJDOE to include growth on an English Language Proficiency assessment in its accountability system.</li> </ul>
59	Can an English language learner access Title I services?	<b>Yes</b> . An English language learner may access language services and services provided under Title I, Part A at the same time, as long as the student meets the district’s criteria for eligibility for Title I services.
60	If a school district has only 10 English language learners, is it still eligible for Title III funds?	<b>Yes</b> . However, the district’s allocation may fall below the \$10,000 minimum to accept an award, and the district may have to join a consortium in order to accept the award.
61	How is ‘English Language Learner’ defined in <i>ESSA</i> ? Are there criteria around where they were born or have lived?	There is no set criteria around a student’s place of birth or where the student may have lived. See <a href="#">Section 8101(20) of ESEA as amended by ESSA</a> (pg. 393) for a full definition of English Language Learner as it applies to Title III.
62	What age range of students are eligible for services provided with Title III funds?	Title III funds may be used to provide services to students aged 3-21.
63	Is funding for immigrant students separate from funding for English language learners in Title III?	<b>Yes</b> . They are two separate allocations.



Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement *continued*

#	Question	Answer
<b>Funds and Requirements to Support English Language Learners <i>continued</i></b>		
64	Can a school district’s English language learner and immigrant student be the same?	<b>Yes.</b> A student may be an English language learner and an immigrant student. However, a student need not be an English language learner to be an immigrant student (for instance, a student from Great Britain in his or her first three years in American schools is an immigrant student). Alternatively, a student need not be an immigrant student to be an English language learner.
65	Have the guidelines changed regarding when a recently-arrived English language learner (i.e. a student who has been enrolled in American schools for less than one year) must be tested on academic assessments?	<b>No,</b> these guidelines have not changed. In accordance with <i>N.J.A.C. 6A:8-4.1(d)(1)(ii)</i> , a recently-arrived English language learner who has been enrolled in American schools for less than one year may be allowed to sit out one administration of the statewide English Language Arts assessment.
66	<b>Scenario:</b> A student has been in an ESL program for more than three years and has yet to make progress toward English proficiency due to an evident learning disability. At what point does he or she stop receiving ESL services and receive special education services?	If a student has not yet attained English proficiency and met other exit criteria to be removed from the English language learner subgroup, the student must continue to receive language services. If such a student has also been identified as a special education student, he or she must receive both language and special education services at the same time.
67	Is the cut-off score to determine whether an English language learner has attained English language proficiency on the ACCESS for ELLs 2.0 going to change?	No, the cut score will remain a 4.5. However, districts must use multiple criteria to determine whether an English language learner is prepared to exit language services.



**Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement *continued***

#	Question	Answer
<b>Funds and Requirements to Support Immigrant Children</b>		
68	Are students born on a U.S. army base in another country considered immigrants? If yes, are such students eligible for services provided with Title III-Immigrant funds?	<b>Yes</b> , such students are considered immigrants for their first three years of enrollment in schools on U.S. soil and are eligible for services provided with Title III-Immigrant funds.
69	Has there ever been any consideration regarding how to support and engage students who were born in the United States, but whose parents were not? For example, if the student returns to the home country after birth and comes back at school age, may that student participate in services provided with Title III-Immigrant funds?	<b>No</b> , that student may not participate in services provided with Title III-Immigrant funds because the definition of “immigrant” in the law does not allow it. However, if the student is classified as an English language learner upon returning to the United States to attend school, he or she may participate in programs and services provided with Title III, Part A funds.
70	When a school district receives a quick influx of immigrant students, are there any funding options? Due to how Title III-Immigrant allocations are calculated, school districts often have to wait a year or more to receive Title III-Immigrant funding to support these students.	<i>ESSA</i> made changes to how Title III-Immigrant allocations are determined by allowing more recent data to be used when calculating these allocations. As such, it is possible that school districts will receive funds to support immigrant students in a more timely fashion.
71	Must a student be enrolled in U.S. schools for three consecutive years or three cumulative years to be eligible to receive services from Title III-Immigrant funds?	<b>Three cumulative years.</b>



**Title IV, Part A – Student Support and Academic Enrichment**

#	Question	Answer
72	If a school district transfers Title IV, Part A funds to Title III, does the school district still have to use the funds under Title IV, Part A requirements?	<b>No.</b> Any funds transferred to another Title take on the identity of the Title they were transferred to. For example, if a school district transfers all of its Title IV, Part A funds to Title III, the funds are now considered Title III funds and must be used in accordance with the law under Title III.
73	School districts have not received Title IV funding in a long time. Should districts expect to receive this funding again now?	<b>Yes.</b> School districts that received Title I, Part A funds in the 2016-17 school year will be eligible for Title IV, Part A funds starting in the 2017-18 school year. Note, Title IV, Part A in <i>ESSA</i> is not the same as Title IV, Part A in <i>NCLB</i> , which has not been funded in several years. Title IV, Part A in <i>ESSA</i> has amended purposes and may be used in far more ways than Title IV, Part A under <i>NCLB</i> . See <a href="#">U.S. Department of Education guidance</a> for details.
74	Do the requirements to spend a specific percentage of Title IV, Part A funds for different purposes (i.e. at least 20% to support well-rounded education, at least 20% to support safe and healthy schools, and at least some portion on technology and/or digital literacy) apply to small school districts?	The requirement to allocate a specific percentage of Title IV, Part A funds to different purposes only applies to school districts that receive \$30,000 or more in Title IV, Part A funds. Districts receiving \$10,000-\$29,999 may spend the funds on any Title IV, Part A activities.
75	If a school district transfers funds from Title IV, Part A to Title II, Part A, does a portion of those funds need to be used to provide equitable services to nonpublic school students, teachers, and personnel.	<b>Yes.</b> In accordance with <a href="#">U.S. Department of Education guidance</a> (see page 44), the amount used to provide equitable services to nonpublic school students and personnel must be determined based on the total amount of funding available after the transfer of any funds.
76	Can a school district use Title IV, Part A funds for parenting classes/activities?	<b>Yes,</b> a school district may use Title IV, Part A funds independently or in collaboration with other organizations to provide such programming and services.  <b>Note:</b> all activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.
77	Can Title IV, Part A funds be used to address trauma with immigrant students?	<b>Yes.</b> There are a variety of health and mental health services that may be provided with Title IV, Part A funds.  <b>Note:</b> all activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.



**Title IV, Part A – Student Support and Academic Enrichment *continued***

#	Question	Answer
78	Can school districts use Title IV, Part A funds to bring in a provider to administer mental health services to students who have experienced trauma?	<b>Yes.</b>  <b>Note:</b> All activities paid for with federal funds must be aligned to meeting one or more of the school district’s identified needs.
79	If a school district is set to receive less than \$10,000, the minimum amount to accept an award, can the district simply transfer its funds to another Title? For instance, if a school district is set to receive \$8,000, can it just transfer that \$8,000 to Title I?	In accordance with U.S. Department of Education guidance, if a state has sufficient funds to allocate at least \$10,000 in Title IV, Part A funds to each school district, it must do so. Given current budget projections, NJDOE expects all NJ school districts that currently receive Title I, Part A funds to receive at least \$10,000 in Title IV, Part A funds.
80	If a school district joins a Title IV, Part A consortium and the total consortium allocation is above \$30,000, do the spending rules and restrictions regarding allocations of that amount pertain to the consortium?	<b>Yes</b> , the same rules apply. The rules are contingent upon the allocation amount only, regardless of whether received by an individual school district or consortium.
81	If there is one fiscal agent that applies for money on behalf of a consortium, does that fiscal agent or applying district then distribute the money to other districts?	The lead agency (fiscal agent) of the consortium applies for the funds on behalf of the consortium. The lead agency provides the services to the consortium participants and <b>does not</b> distribute any funds to the consortium members. Every consortium must have a Memorandum of Understanding (MOU) that includes a list of all consortium members with signatures of the superintendents of the LEAs in the consortium and lists the responsibilities of the lead agency (fiscal agent) and participating agencies.
82	Does a school district need to provide equitable services to nonpublic schools with Title IV, Part A funds?	<b>Yes</b> , Title IV, Part A is very similar to Title II, Part A in this regard.
83	<b>Scenario:</b> a school district transfers all of its Title IV, Part A funds into Title I, Part A. This creates a new Title I, Part A total. Does the amount of Title I, Part A funds reserved for nonpublic schools get calculated using the new total after the transfer of funds?	<b>Yes.</b> In accordance with <a href="#">U.S. Department of Education guidance</a> (see page 44), the amount used to provide equitable services to nonpublic school students and personnel must be determined based on the total amount of funding available after the transfer of any funds.