

REVISED AS OF 5/13/14

PLEASE NOTE: Revisions are highlighted for your convenience when reviewing the document.



Elementary and Secondary Education Act, (reauthorized as the No Child Left Behind Act of 2001)

New Jersey Consolidated Formula Subgrant

Reference Manual

Project Period: **July 1, 2014 to June 30, 2015**

Covered Programs

The **FY 2015** ESEA-NCLB Consolidated Formula Subgrant includes the following programs:

- Title I, Part A: Improving Basic Programs Operated by Local Education Agencies
- Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk
- Title II, Part A: Teacher and Principal Training and Recruiting Fund
- Title III, Part A: Grants and Subgrants for English Language Acquisition and Language Enhancement
- Title III, Part A: Immigrant
- Title VI, Part B: Rural and Low-Income School Program



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<http://www.state.nj.us/education/index.html>

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Section I

Introduction

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Timelines

Posting of Allocation Notices	Mid May
ESEA-NCLB Applications due	June 30
ESEA-NCLB Final Expenditure Reports due	September 15
ESEA-NCLB Amendment Applications (final date accepted)	May 31

Note: The above timelines are subject to change.

Note: Districts submitting applications after the due date, without being granted an extension, may not be able to charge back costs retroactively to the start of the grant year project period.

The information in this document is taken from the Flexibility Waivers under the Elementary and Secondary Education Act (ESEA), the No Child Left Behind Act of 2001 (NCLB) and other reference material of said Act, to help in the completion of the Consolidated Formula Subgrant Application. Although every effort has been made to present the information accurately, **we recommend accessing the complete text of both legislative documents, located on the [U.S. Department of Education \(USDE\) NCLB Page](#)**. **Please Note:** This manual is subject to change. Certain revisions may be forthcoming pursuant to additional federal guidance and regulations.

Web Site Information

<http://www.nj.gov/njded/grants/entitlement/nclb/>.

The New Jersey Department of Education (NJDOE) Office of Grants Management (OGM) Web site contains the following **ESEA-NCLB information**:

Reference Manual (Microsoft Word; PDF)

Nonpublic School Documentation (Microsoft Word; PDF)

Planning Documents (for internal district use only – will not be submitted)

- Planning Letter
- Process for Submitting the Title I Schoolwide Plan
- Link to Title I, Part A Schoolwide Plan Information
- Link to Title I Parent Involvement Requirements

Title I, Part D, Subpart 1 Plan (State Agencies)

Title I, Part D, Subpart 2 Plan (LEAs)

Graphic on the use of Title II, Part A funds for Teacher/Principal Evaluations

Guidelines for Title III Consortium Memorandum of Understanding or Agreement between Lead Applicant District and Participant Districts

Allocations (Microsoft Word, Excel)

Directions for accessing the Electronic Web Enabled Grant (EWEG) system, which contain the following:

- **ESEA-NCLB Consolidated Subgrant Application**
- Title I Comparability of Services Report
- Title I Performance Report – tentatively available October 2014

Acknowledgements

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Acronyms/Abbreviations

AIR	American Institutes for Research
AMAO	Annual Measurable Achievement Objectives
APA	Alternate Proficiency Assessment
APPE	Adjusted Per Pupil Expenditures
ASSA	Application for School State Aid
ATOD	Alcohol, Tobacco, and Other Drugs
AYP	Adequate Yearly Progress
CCCS	Core Curriculum Content Standards
CIPA	<i>Children's Internet Protection Act</i>
CSR	Class-Size Reduction Program
DINI	District in Need of Improvement
ESPA	Elementary School Proficiency Assessment
EDGAR	Education Department General Administrative Regulations
ESEA	<i>Elementary and Secondary Education Act</i>
EVVRS	Electronic Violence and Vandalism Reporting System
EWEG	Electronic Web-Enabled Grant Application
EWT	Early Warning Test
GAAP	Generally Accepted Accounting Principles
GEPA	<i>General Education Provisions Act</i>
GFSA	<i>Gun-Free School Act</i>
HEA	<i>Higher Education Act</i>
HQT	Highly Qualified Teacher
HSPA	The High School Proficiency Assessment
HSPT	The High School Proficiency Test
IASA	<i>Improving America's Schools Act</i>
IEL	Intensive Early Literacy
IHE	Institution of Higher Education
LAL	Language Arts Literacy
LEA	Local Education Agency

LEP	Limited English Proficient
NAEP	National Assessment of Educational Progress
NCLB	<i>No Child Left Behind Act</i>
NJAC	New Jersey Administrative Code
NJASK	New Jersey Assessment of Skills & Knowledge
NJDOE	New Jersey Department of Education
NJSA	New Jersey Statutes Annotated
OGM	Office of Grants Management
OJJDP	Office of Juvenile Justice and Delinquency Prevention
PPE	Per Pupil Expenditures
RAC	Regional Achievement Center
REAP	Rural Education Achievement Program
SDFSCA	<i>Safe & Drug-Free Schools and Communities Act</i>
SEA	State Education Agency
SIA	School Improvement Award
SINI	School in Need of Improvement
TANF	Temporary Assistance to Needy Families
USDE	United States Department of Education
WSR	Whole School Reform
WWC	What Works Clearinghouse

Introduction

This document contains guidelines that describe policies and establish procedures for the use of funds awarded under the *ESEA-NCLB* entitlement subgrant application. Governing requirements for these awards and further background information on *ESEA-NCLB* also are included in this Reference Manual.

The New Jersey Department of Education (NJDOE), which administers funds under *ESEA-NCLB*, continues to offer the consolidated grant application process to Local Education Agencies (LEAs), which apply for funding allocations covered by the *ESEA-NCLB* Consolidated Formula Subgrant. Section II of this manual includes information on the application content and process. The *ESEA-NCLB* application and directions for completion are available on the NJDOE Web site as indicated in this section of the manual under “Web Site Information.”

ESEA-NCLB Process

Eligible LEAs must submit applications for funds under *ESEA-NCLB* that describe the performance targets and program activities. The process is defined by requirements set forth in federal and state regulations presented in Section III of the manual. Guidance is provided herein on the process for requesting, controlling, and reporting the applicable program activities, funds, and data collection. **Although this manual does not include all the regulatory requirements to which the subgrantees must adhere, applicants must comply with all provisions of the regulations for each individual program included in *ESEA-NCLB*. Under the supervision of the NJDOE, the provisions of this manual apply to all LEAs that participate and receive funding.** The *ESEA-NCLB* citations of each covered program are available on the NJDOE Web site.

The intent of *ESEA-NCLB* is that all children will meet state academic achievement standards to reach their potential through improved programs. [Title I, Part A](#) supports the programs and resources for disadvantaged students to meet this intent. It requires states and LEAs to close the achievement gap by placing a highly qualified teacher in every classroom, improve the qualifications of paraprofessionals who work with disadvantaged students, and use instructional practices that have proven to be effective. [Title I, Part D](#) serves neglected and delinquent youth in institutions, community day programs, and correctional facilities to assure they also attain high academic levels of performance. [Title II, Part A](#) provides the resources for improving teacher and principal quality and increasing the number of highly qualified teachers and principals in classrooms and schools, thereby raising student achievement in the academic subjects. It focuses on preparing, training, and recruiting high-quality teachers and principals and requires states to develop plans with annual measurable objectives that will ensure all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year. [Title III, Part A](#) focuses on the teaching of English to limited English proficient (LEP) children, including immigrant children and youth. [Title VI, Part B](#) addresses the unique needs of rural school districts. [Title IX](#) covers the general provisions applicable to some/all of the programs

including the equitable participation of nonpublic school students and teachers in *ESEA-NCLB* programs.

Waiver Process

Federal Waivers

In accordance with *NCLB* §9401, the United States Department of Education (USDE) is authorized to waive certain federal statutory or regulatory requirements if they impede school improvement efforts. Federal waivers and waiver extensions may be requested by the State Education Agency (SEA) on behalf of the LEA or school, or by the LEA on its own behalf *after* the NJDOE has had an opportunity to review and comment on the waiver request. The following requirements *may not be waived* under the general waiver authorities:

- Allocation or distribution of funds to states, LEAs, or other recipients;
- Maintenance of effort;
- Comparability of services;
- Use of federal funds to supplement, not supplant, nonfederal funds;
- Equitable participation of nonpublic school students and teachers;
- Parental participation and involvement;
- Applicable civil rights requirements;
- Title V, Part B charter schools requirements;
- Prohibitions regarding state aid or use of funds for religious worship or instruction or the general prohibitions of activities described in *NCLB* §9526; and
- Selection of Title I school attendance areas under subsections (a) and (b) of *NCLB* §1113 except to allow for a school attendance area or school to participate in Title I, Part A if the percentage of low-income in the attendance area or the students who attend the school is within ten (10) percentage points of the lowest percentage in the LEA that meets the requirements for subsections (a) and (b) of *NCLB* §1113.

All other statutory or regulatory requirements of *ESEA-NCLB* may be waived based on a compelling request by a waiver applicant. Supporting documentation for the waiver request would contribute to a strong defense for granting the waiver request. The following specific requirements must be satisfied in a federal waiver application:

- Identification of the federal programs affected;
- Description of the requirements to be waived;
- Description of how waivers would increase quality of instruction or improve academic performance;
- If applicable, description of which similar state and local requirements would be waived, and how waivers would help achieve stated objectives;
- Description of specific, measurable annual educational improvement goals and expected outcomes for all affected students;
- Description of methods to be used to measure progress in meeting goals and outcomes;

- Description of how schools would continue to provide assistance to the same populations served by programs for which waivers are requested;
- Explanation of how the waiver will assist in reaching the educational goals;
- For LEAs or schools seeking waivers, the SEA must have had an opportunity to review the request. Any SEA comments must be included in the waiver request; and
- The waiver request must be provided to the public using the customary public notification process and documentation included with the submission.

Although LEAs may submit requests at a later date, implementation of the waiver may not begin until approval is received. Thus, LEAs are strongly encouraged to engage in the process of deciding what waivers to seek early in the planning process. During the period of time new waiver requests are under review, a waiver applicant must continue to comply with the requirement that is the subject of the waiver request. LEAs considering requesting federal waivers may contact the USDE waiver assistance line at (202) 260-1922. Information is also available at <http://www.ed.gov/nclb/freedom/local/flexibility/index.html>.

All federal waiver requests by the LEA must be submitted to the NJDOE county office and to the responsible program office at the NJDOE for review and comment prior to submission to the USDE.

Although the NJDOE does not have the authority to grant approval of waivers for federal statutes or regulations, it is required to review all requests for appropriateness and determine instances when comparable state statutes cannot be waived. The NJDOE will respond to federal waiver requests of LEAs within a 45-day period. The LEA, in turn, will submit the waiver request with the NJDOE's comments to:

Assistant Secretary for Elementary and Secondary Education
United States Department of Education
Attention: Waiver Staff
400 Maryland Avenue SW
Washington, DC 20202

Approved federal waivers are in effect for a period not to exceed four (4) years. The USDE may extend the waiver if it has proven to be effective, improved student achievement, and is in the public interest. At the end of the second year of the waiver and in each subsequent year, the LEA must submit a report to the NJDOE describing the uses of the waiver, how assistance is provided to the populations served by the waiver, and the evaluation of the progress made toward improving the quality of instruction or academic improvement. The USDE is responsible for submitting an annual report of the waivers to Congress.

For Title I school eligibility purposes, the LEA may request a one-year waiver for schools under a state- or court-ordered desegregation plan. The waiver may be extended on an annual basis.

State Waivers

The NJDOE will continue to allow more regulatory flexibility by granting waivers to specific requirements of the rules contained in the *New Jersey Administrative Code*,

Title 6, under the authority of *N.J.A.C. 6:5*. A **federal waiver** request approval does not permit the LEA to disregard state administrative code. A **state waiver** must be requested separately. State waivers may be granted on a case-by-case basis when the intent of the law or regulation is served, the provision of a thorough and efficient education is not jeopardized, and there is no adverse impact on the health, safety, or civil rights of students. Although the state waiver process is separate, a description of the state requirement to be waived, along with the state waiver application, should be included in any waiver application for a similar federal requirement.

Please refer to individual Title sections below for further information.

- Title I, Part A
- Title I, Part D
- Title II, Part A
- Title III, Part A
- Title VI

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Section II

Consolidated

Application Process

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Laying the Foundation

Prior to completing the *ESEA-NCLB* application, all LEAs, including those that are required to submit school-based budgets, must complete a comprehensive needs assessment for the LEA as a whole and for its individual schools annually. This assessment lays the foundation for the LEA's program plan. The program plan must address the areas of academic and other deficiencies to help all students attain the state's proficiency standards through increased learning and achievement. The program plan is based on the LEAs/school(s)' needs assessments, and must address how the *ESEA-NCLB* funds will be utilized to provide supplemental services.

LEAs are required to assess their needs annually and refine, improve, strengthen, discontinue, or replace programs and strategies. **During a given *ESEA-NCLB* application process, LEAs/schools are required to report on how progress will be evaluated on the implementation of programs, services, and/or activities funded with that grant year's *ESEA-NCLB* monies.**

The following is a list of steps to consider during the planning process:

- Identify participants and convene the LEA application development committee;
- Assess the progress made toward obtaining the goals of prior year programs, services, and/or activities, especially if these same programs, services, and/or activities will be considered for funding in the current grant year;
- Assemble data and related information to conduct the LEAs/school(s)' needs assessments;
- Conduct the needs assessment, which includes a thorough analysis of the objective data and other information to identify needs of the LEA;
- Identify the professional development needs of staff;
- Consult with nonpublic school representatives;
- Identify data sources that will be utilized to measure the success of the funded program(s);
- Identify research-based strategies and activities that can be utilized to address the LEAs/school(s)' funded needs;
- Ensure compliance with the requirements of the covered programs; and
- Prepare the *ESEA-NCLB* application and budget.

Needs Assessment

As stage one of the planning process LEAs are required to begin with a comprehensive needs assessment. It should include a thorough review of school-level improvement plans and an assessment of students' progress in meeting academic achievement and behavior performance standards (Common Core State Standards and Core Curriculum Content Standards), a review of LEA and school progress in closing the achievement gap, and the determination of LEA progress in ensuring that all teachers are highly qualified. This includes professional development and technical assistance needs as they apply to the LEA's plans. Professional development needs should identify barriers

that hinder teachers from being able to teach the standards. LEAs should assess the level of parental involvement and identify areas for increased opportunities.

Once LEA and school needs have been identified and prioritized, grant resources should be targeted, as appropriate, to meet these needs and priorities.

The needs assessment must include nonpublic school students and teachers served through the funding sources included in the current year *ESEA-NCLB* application. Each LEA participating in a consortium should conduct an assessment of its needs, the results of which are incorporated into the planning process of the consortium applicant.

As a part of the planning process, LEAs are encouraged to coordinate federal, state, and local programs, funds, and services with the goal of improving instruction and student achievement and supporting educational reform. Evaluations must provide data to guide in the determination of the progress made through the implementation of the funded programs, services, and/or activities. If the same prior-year programs, services, and/or activities are funded in the current year project period, evaluation results must be included in the program plan to demonstrate progress toward the previous year's goals. Current year grant funds should target the needs identified in the LEA's *ESEA-NCLB* Needs Assessment, School Improvement Plan (SIP), and/or Title I Schoolwide Plan (SWP), and be budgeted for applicable activities, based on the reevaluation process.

LEA Program Plan Development

Comprehensive program plan information is required for each *ESEA-NCLB* funded grant program. Program plans for the *ESEA-NCLB* grant year are a logical subset of the LEA's overall district and/or school(s) plan. Specifically, the *ESEA-NCLB* aspects of the plan must cover the areas outlined by each title listed below. For Title I districts with Title I schools operating approved Title I schoolwide programs (SW), these activities reflect the Title I Schoolwide Plan.

Please refer to individual title sections below for further information.

- [Title I, Part A](#)
- [Title I, Part D](#)
- [Title II, Part A](#)
- [Title III, Part A](#)
- [Title VI, Part B](#)

Professional Development

Professional development activities are allowable expenses for many programs, and required elements for some.

Please refer to individual title sections below for further information.

- [Title I, Part A](#)
- [Title II, Part A](#)
- [Title III, Part A](#)

Parental Involvement

All funded parental involvement activities must be supported in the comprehensive needs assessment and selected as a Funded Need to be addressed using federal funds. The parental activities must be listed in the program plan with data sources identified in the context of student learning and achievement outcomes. Funded programs and activities must be scientifically research based.

Please refer to individual title sections below for further information.

- [Title I, Part A](#)
- [Title II, Part A](#)
- [Title III, Part A](#)

Application Overview

The *ESEA-NCLB* project period will encompass the time period from July 1 to June 30 of each given grant year.

Consolidating federal program funds in one application, as provided under *ESEA-NCLB* Title IX, Part C encourages program coordination and collaboration, shared decision-making, and comprehensive planning to advance local systemic improvement. The consolidation process also is administratively efficient from the perspective of fund distribution and state application approval and oversight.

The programs included in **the FY 2015 *ESEA-NCLB* Consolidated Subgrant Application** include the following:

- [Title I, Part A](#): *Improving Basic Programs Operated by Local Education Agencies; School Improvement*
- [Title I, Part D](#): *Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk*
- [Title II, Part A](#): *Teacher and Principal Training and Recruiting Fund*
- [Title III, Part A](#): *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- [Title III – Immigrant](#):
- [Title VI, Part B](#): *Rural and Low-Income School Program*

LEAs/agencies access the *ESEA-NCLB* Consolidated Formula Subgrant Application through the Electronic Web-Enabled Grant (EWEG) system via the New Jersey Homeroom Page at: <http://homerom.state.nj.us/>.

Once the applicant user selects the link labeled “NCLB” from the Application screen, the “District Select” screen will open. It is from this screen that the LEA/agency creates the application by clicking the “Create Application” button.

Applicant users open an application by clicking the radio button to the left of the listing for that application. The screen will refresh, updating the selection buttons located

above the application line. **Please note:** Buttons that **are available** will display text that is clearly visible, while buttons that **are unavailable** will display blurred text. The possible choices on the *NCLB* screen are listed below:

- Create Application
- Open Application
- Create Amendment
- Delete Application/Amendment
- Review Summary
- Payments

Applicant users will click the “**Open Application**” button to access the *ESEA-NCLB* application. The application will open by first displaying the “**Overview**” tab in the consolidated section. Navigation within each section of the application is accomplished using the tabs located across the top of each application screen. When using the tabs, the preferred completion sequence is left to right; top to bottom. Navigation among grant programs is accomplished by utilizing the navigation drop-down list located in the upper right hand corner of the screen.

The **Consolidated Section** of the application contains tabs for the portions of the application that relate to the application as a whole. Information regarding the LEA/agency staff members who are responsible for the application is entered under the “**LEA Central Contact link.**” The EWEG system pre-populates this contact information in the “**Contact Information**” tab in the application. The “**Allocation**” tab in this section opens a screen that displays the total public and nonpublic school amounts for each title’s allocation. In addition, the applicant user may use this screen to transfer funds from one title to another using the *ESEA-NCLB* flexibility provisions. Applicant users wishing to refuse funds under individual titles must complete information under the “**Refusal of Funds**” tab. If funds under a given title have been refused, the applicant user will be unable to budget funds in that title. If a nonpublic school chooses not to participate, a copy of the Nonpublic School Participation Refusal form (provided on the NJDOE Office of Grants Management Web site) **must be uploaded in the *ESEA-NCLB Consolidated Subgrant Application***. The “**Assurances**” tab lists the areas of compliance that the LEA/agency **must accept** before funds are issued. Prior to submitting the application via the “**Submit**” tab, the LEA/agency must accept the assurances. The “**Submit**” tab provides access to a subtab for board approval information and another subtab to access the “**Consistency Check**” and the “**Submit**” buttons.

The **Needs Assessment** information is a separate section within the *ESEA-NCLB Consolidated Subgrant Application*, and must be completed **prior** to finishing the application sections for each individual title. **Please note:** Although performance reporting information will continue to be required, this information now is entered under the “**Program Specific – Program Plan**” tab sequence, per title.

Each individual title has its own application section, which is accessed through the navigation drop-down list located in the upper right hand corner of the screen. Each individual title section has its own “**Allocation Detail Nonpublic**” tab, with the exception of Title I, Part A and Title I, Part D. The “**Allocation Detail Nonpublic**” tab for every title, other than Title I, Part A and Title I, Part D lists each nonpublic school and the allocation amount (for Title II, Part A this is listed as a percentage) for that specific title with a check box that can be checked if the nonpublic school official is refusing services under that title. A check placed in a “**Services Refused**” check box will subtract that school’s allocation from the total allocation. This screen also will display the status of the “Affirmation of Consultation Form” for all schools accepting services. Finally, each title section has a “**Budget**” tab, as well as “**Budget Detail**” subtabs that will collect information specific for that title. In order to enter budget information for a specific title, the applicant user must access the “**Budget Detail**” subtabs for that title.

LEAs receiving Title I funding must complete the Title I eligibility process, which is accessed through the Title I “**Eligibility**” tab. The four-step eligibility process calculates the distribution of Title I funds to eligible schools. Funds the LEAs are required to “reserve” are listed in Step 4 of the process.

Title I, Part A LEAs must complete the ‘**Parent Involvement and Notification**’ tab. Dates specific to the required parent letters must be entered on this screen. All required parent information must be distributed to parents in a timely fashion.

For Title I Schools Approved for Schoolwide Programs: Title I Schoolwide Plans, for Title I LEAs with Title I schools operating approved Title I schoolwide programs that are not designated as Priority or Focus Schools will continue to upload their Schoolwide Plans to the *ESEA-NCLB* Application through the EWEG system. These Schoolwide Plans must be aligned with the information contained in the application. All elements in the Title I Schoolwide Plan must be addressed, as appropriate. The Title I Schoolwide Plan must be developed/updated annually using measurable targets.

Please note: LEAs with schools designated as Priority or Focus schools that are served with Title I, Part A funds must upload their approved, School Improvement Plans (SIPs) to the application, as well.

For any LEA/agency receiving Title I, Part D (Neglected and Delinquent) funds, the Title I, Part D, Subpart 1 Plan or Subpart 2 Plan must be submitted electronically as an attachment to the *ESEA-NCLB* application. The links for both template plans are found on the NJDOE Web site at: www.nj.gov/education/grants/entitlement/nclb/.

Please note: *Prior to submission of the ESEA-NCLB application, the LEA must consult with nonpublic school officials and complete the Affirmation of Consultation form. The LEA must maintain a copy of the Affirmation of Consultation form in its records and provide a copy to the NJDOE upon request. At the time of submission of the ESEA-NCLB application, the LEA must upload the signed Nonpublic School Participation Refusal forms in the application.*

LEAs will establish consortium information directly through the EWEG system, rather than submit consortium designation forms to the Office of Grants Management (OGM).

For each grant year, LEAs'/agencies' *ESEA-NCLB* allocations are posted in the LEAs'/agencies' directories under the *ESEA-NCLB* link on the New Jersey Homeroom at: <http://homeroom.state.nj.us/>. These allocations are posted directly in the corresponding grant year applications through the EWEG system.

Board Approval

Prior to submitting the current year grant application to the NJDOE, the LEA must obtain approval from its Board of Education. A copy of the Board Resolution or extract of the certified Board minutes must be submitted **only** if the Board approval occurs **after** submission of the application. In that case, a copy of the Board Resolution or extract of the Board minutes must be uploaded to the current year grant application upon its return for changes. **Please note:** the Grant Acceptance Certification (GAC) process is **no longer required** upon the approval of the application. Consequently, the LEA goes before its Board of Education to obtain approval for submission of the application, as well as the acceptance of the grant funds upon the subsequent approval of the application (see "Application Review and Approval Process" later in this section of the reference manual).

Equitable Access

In accordance with §427 of the *General Education Provisions Act (GEPA)*, each LEA must include in its application a description of the steps the LEA proposes to take to ensure equitable access to, and participation in, its federally assisted programs by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome the identified barriers to equitable participation. The statute highlights six (6) types of barriers that can impede equitable access or participation that may be addressed: gender, race, national origin, color, disability, or age. The LEA makes the determination as to whether these or other barriers may prevent students, teachers, or others from such access to, or participation in, federally funded projects or activities. Further information may be found at <http://www.ed.gov/fund/grant/apply/appforms/gepa427.pdf>.

Coordination Requirements

In accordance with *NCLB* §1112, each LEA plan submitted under the *ESEA-NCLB* covered programs must be integrated with each other and coordinated with other programs funded under *ESEA-NCLB*, including other educational programs such as Title I Schoolwide Programs, Comprehensive School Reform, Migrant Education, Homeless Education, Limited English Proficient, and Neglected and Delinquent. Coordination requirements are clearly defined under each title including the following:

- [Title I, Part A](#) serves all eligible students, including LEP students and students

with disabilities, assuring that they will meet Annual Progress Targets. To meet these targets, services under Title I must be coordinated with other programs.

- [Title II, Part A](#) requires the coordination of professional development activities supported by this grant with professional development activities provided through other federal, state, and local programs.

Collaboration

During both the development of the *ESEA-NCLB* application and the implementation of programs, annual consultation with a wide range of interested constituents is essential and required by statute. Collaboration and consultation must be ongoing throughout the entire project period. LEAs must identify those involved in the process on the 'Consultation and Collaboration' section of the *ESEA-NCLB* application.

All titles require consultation with teachers (including vocational teachers), pupil services personnel, parents of children in schools served, administrators, officials from nonpublic schools, and other groups involved in the implementation of these programs (e.g., librarians) as may be considered appropriate by the LEA. Since the programs are being combined into a single application, LEAs may create a single advisory council or establish another method of consulting with these groups regarding the application in its entirety. The LEA must schedule annual meetings and invite all interested constituents. Additionally, the public must be afforded a reasonable opportunity to provide comment.

[Title I, Part A](#) schools that conduct a schoolwide program must have a schoolwide stakeholder committee. For continuity, some of the School *ESEA-NCLB* Committee members also should serve on the schoolwide stakeholder committee.

[Title II, Part A](#) requires a description in the application of how the LEA, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of Title II, Part A-funded activities and in the preparation of the application. **Please note:** A hold harmless clause identifies minimum funds required for nonpublic school professional development. The LEA allocation notice and the *ESEA-NCLB* application directions provide detail.

Consortia

LEAs may choose to offer services as a consortium. The lead LEA submits an application as the applicant and confirms each participant (i.e., joining LEAs). The applicant LEA is responsible for the use of all funds awarded (payment of teachers hired, vendors, etc.) and must submit all required records and reports on behalf of the consortium's participant LEAs. The applicant LEA **cannot** reimburse funds back to participant LEAs. The applicant LEA is responsible also for coordinating services for its nonpublic schools and those of the participating agencies.

With the exception of Title I Part A, participant LEAs may contribute funds from one or more of the titles to a consortium, and may contribute funds to more than one consortium. If the participant LEA contributes funds to a consortium, the participant LEA must contribute the total award under each contributed title to the consortium. A participant LEA must contact all eligible nonpublic schools within their district to determine if these schools wish to participate. If a nonpublic school refuses to participate, it is the participant LEA's obligation to obtain the nonpublic school's signed refusal form and forward it to the applicant LEA. The consortium applicant is responsible for consulting with the participating nonpublic schools.

Notes:

1. LEAs may **not** form a consortium with Title I funds.
2. LEAs may not receive a Title III, Part A award if the award amount is less than \$10,000. They may, however, form a consortium to qualify; the Title III funds of all consortium participants must equal or exceed \$10,000. LEAs also may apply in collaboration with a college or community-based organization.

All LEAs will have access to a **"Consortium Administration"** link found in the **"Administrative"** section on the EWEG system. The Consortium Administration screen displays a set of four (4) tabs – **Consortium List**, **Applicant Consortium**, **Participant Consortium**, and **OGM Consortium Setup**. The Consortium List tab will display information regarding any consortiums already set up for the LEA. The **"Applicant LEA"** will use the Applicant Consortium tab to set up the consortium. After selecting a grant and a year on the Applicant Consortium tab, the EWEG system will display a list of all LEAs with allocations for the title selected with County/District code, district name, and allocation amount. The **"Applicant LEA"** selects each "participant LEA" from the list, allows the EWEG screen to refresh after each selection, and then clicks on the "Add" button. Selected participant LEAs will be highlighted in blue and appear under the participant LEA's list.

After all participant LEAs are listed in the "Participants" list, the **"Applicant LEA"** should click the "Save" button at the bottom of the EWEG screen. **Please note: do not click the Submit button** until all participant LEAs have confirmed their participation. LEAs can be removed from the "Participants" list using the "Remove" button, if necessary. Once this information is entered and saved, the total consortium amount (Applicant + Participants) will display in the "Total Allocation" cell.

Once the **"Applicant LEA"** saves all information for the participant LEAs, each participant LEA must confirm their participation in the consortium. This is accomplished by clicking the "Participant Consortium" tab, and placing a check in the "Confirm" check box, then saving the data entry. The participant LEA may elect not to participate in the consortium. In order to remove information from the "Participant Consortium" tab, the participant LEA must check the "Delete" check box, then save the data entry.

Upon final verification and approval of the consortium information by the Office of Grants Management (OGM), the allocation amounts will be adjusted through the EWEG system.

Nonpublic School Collaboration

ESEA-NCLB requires for all titles that LEAs consult with nonpublic school representatives during the design and development of the application and **prior** to making decisions regarding nonpublic school participation. A sample invitation letter to nonpublic schools is provided in the appendices. Further, the services provided to nonpublic school children and teachers must be equitable in comparison to the services provided to public school teachers and children. Expenditures also must be equitable.

A hold harmless clause requires LEAs to allocate a minimum amount of Title II, Part A funding for nonpublic school professional development, based on FY 2002 professional development expenditures. An example of the calculation is provided in the appendices. *Please refer to the [Nonpublic Schools Section](#).*

Note: *If eligible nonpublic schools refuse funds for Title I or Title II, Part A, the LEA may use these funds on programs, services, or activities for public school students.*

Please refer to individual title sections below for further information.

- [Title I, Part A](#)
- [Title I, Part D](#)
- [Title II, Part A](#)
- [Title III, Part A](#)
- [Title VI, Part B](#)

Late Submission

Districts submitting applications after the due date, without being granted an extension, may not be able to charge back costs retroactively to the start of the applicable project period.

Amendments

If substantive changes to the program plan or grant expenditures are anticipated after the *ESEA-NCLB* application has been approved by the NJDOE, the LEA/agency is required to submit an amendment to the current-year *ESEA-NCLB* Application to the NJDOE for approval. The LEA Board approval is required **prior** to submitting the amendment application. If the amendment is submitted prior to Board approval, a copy of the Board Resolution or extract of the Board minutes must be uploaded to the application upon return of such for revisions. Amendments to the application must be submitted online through the EWEG system no later than 30 days prior to the end of the project period.

Criteria that require submission of an amendment application are as follows:

- Changes among Expenditure Categories (measured cumulatively throughout the fiscal year) in excess of ten percent (10%) of the total award, by title. *LEAs are responsible for monitoring the cumulative ten percent (10%) level of fiscal change;*
- Moving funds into a budget category for which no funds were previously budgeted or approved;
- Changes in the scope of activities being implemented. All newly funded activities must be supported in the program plan even if funds are being used in existing budget categories; and
- Approval for Title I – Schoolwide Program designation.

Final Expenditure Reports

The NJDOE is responsible for fiscal and program oversight of the federal grant programs. As such, all grants must be closed out with an annual final reporting of *ESEA-NCLB* expenditures for the approved program objectives and activities. LEAs/agencies are encouraged to round off expenditures for reporting purposes. The final expenditure report, per title, must provide the budget expenditures and equipment purchases.

The status of program success, activities completed, and results obtained are reposted in the following year's *ESEA-NCLB* application. Additionally, nonpublic schools are required to report results of their *ESEA-NCLB* sponsored activities to the LEA for inclusion in the final expenditure report, per title.

LEAs must report accomplishments relative to the performance indicators and benchmarks established in the program plan. At this time, LEAs must assess the effectiveness of the elements of the *ESEA-NCLB* plan using the best available data and prepare to revise them accordingly.

In accordance with the *Tydings Amendment*, unused funds from the current *ESEA-NCLB* project period may be carried forward for use in the subsequent project period. Although carryover is permitted, with restrictions, LEAs are encouraged to use their funds during the fiscal year for which they are approved.

The *ESEA-NCLB* Final Expenditure Reports for a given grant year contain financial information including, but not limited to, total expenditures, funds paid to date, unexpended funds, overpayments, as well as refunds and releases to the NJDOE. This integrated information allows the online grants management system to close-out the current grant period by providing districts with an exact accounting of the current year funds (that include any prior-year overpayment and/or carryover amounts) as these relate to: 1) the amount of funds that remain to be paid; 2) the amount of funds that were over paid and will need to be subtracted (offset) from unexpended balances; and 3) the amount of unexpended funds that can be carried forward into the subsequent grant year.

Critical to the successful completion of the final expenditure reports is the requirement that all amendments and prior-year final expenditure reports for LEAs have final, NJDOE approval. Without this condition, LEAs will not be able to enter accurate information regarding the total amount of budgeted and expended current year funds (including prior-year overpayment and/or carryover funds), nor be able to submit the current year final expenditure report.

Upon final, NJDOE approval of the current year final expenditure report, any funds identified as carryover funds will transfer into a separate line in the allocation section of the subsequent year's *ESEA-NCLB* application, and any funds identified as overpayment funds will transfer into a separate line in the allocation section of that subsequent year's application. At this point, if the LEA's subsequent year's *ESEA-NCLB* application **does not have** final NJDOE approval, the LEA must budget the carryover funds as part of the original application submission (these carryover funds will be reviewed as part of the original application approval process). If, however, the subsequent year's application **has final** NJDOE approval, the district must budget the carryover and/or overpayment funds by submitting an amendment to that application.

Carryover Requirements

In general, carryover funds may be reallocated to budget categories other than those specified in the original application, providing the funds are expended on approved activities in accordance with program guidelines in effect during the carryover period. There are restrictions, however, on the amount that can be carried over for certain titles.

Title I, Part A

Not more than 15 percent (15%) of an LEA's Title I, Part A allocation may be carried over to the next fiscal year. This percentage may be waived and a larger percent allowed once every three (3) years if the state determines the request is reasonable and necessary or supplemental appropriations become available. To carry over more than 15% of Title I, Part A funds, the LEA must apply for a waiver as a component of its final expenditure report submission. The NJDOE will conduct a desk audit and review the LEA's waiver request. If funds must be carried over, LEAs can reallocate some of these funds (see reserve restrictions below) to other expenditure categories. The reallocation should be based on the comprehensive needs assessment for the subsequent year.

Carryover funds are subject to statutes, regulations, and applications that are in effect for the carryover period.

LEAs that have not obligated or spent all of the funds generated on the basis of the number of either public or nonpublic school children by the end of the current school year may carry over these funds into the next year, provided that the amount carried over does not exceed 15 percent (15%) of the LEA's total Title I, Part A, allocation. Generally, any carryover funds would be part of the LEA's total resource base in the following year. Although LEA officials have some flexibility in how they use carryover

funds, the LEA officials must ensure that nonpublic school children are served on an equitable basis. For example, the LEA could do the following:

- Add the previous year's carryover funds to its current-year allocation and distribute funds to participating attendance areas and schools in accordance with allocation procedures outlined in § 1113 of Title I and ensure equitable participation of eligible nonpublic school children.
- Allocate funds to public schools with the highest concentrations of poverty in the LEA, thus providing a higher per-pupil amount to those public schools, but ensuring equitable participation of eligible nonpublic school children residing in the attendance areas of these public schools.
- Provide additional funds to any of the activities supported by the required reservations in §200.77 of the Title I regulations. (Note: If the LEA adds carryover funds to a reservation to which equitable services apply [e.g., parental involvement], the LEA also must calculate and provide equitable services from the carryover funds).

There may be some cases, however, in which the LEA must use unobligated funds generated by low-income nonpublic school children that are available for carryover specifically for nonpublic school children in the following year rather than add them to the general resources of the LEA in the following year. For example, suppose the LEA experienced a delay in implementing an equitable program for eligible nonpublic school children because of consultation and notification issues between nonpublic school officials and LEA officials. As a result, the LEA could not spend all the funds it had available to provide equitable services to nonpublic school children in the current year. The LEA would need to use those funds that carried over into the next year specifically to provide equitable services to eligible nonpublic school children that next year. These carryover funds would be in addition to funds that the LEA would otherwise be required to use to provide equitable services for eligible nonpublic school students from the LEA's current-year allocation.

The following examples provide more information:

Example 1

The Carrier School District designed an equitable services program through the consultation process with officials from four (4) nonpublic schools with eligible Title I, Part A children residing in the LEA. When the teacher assigned to two (2) of the nonpublic schools resigned, however, no replacement was found and services stopped for participants in those two (2) schools in late January. As a result, \$35,000 remains from funds generated by nonpublic school students from the low-income families. What happens to the funds?

Because equitable services were not provided during the school year, the \$35,000 must be carried over and added to the next year's pool that nonpublic school students generate. This carryover is not added to the total LEA allocation and is not used by the

public school Title I program. It must be reserved to make up for the lack of equitable services during the previous school year.

Example 2

The Snowden School District designed an equitable services program through the consultation process with officials from four (4) nonpublic schools with Title I, Part A eligible children residing in the LEA. At the end of the school year, \$10,000 remained from the funds available to serve nonpublic school children and \$45,000 remained from the funds available to serve public school children. What happens to the \$55,000 of Title I funds not expended?

If the nonpublic school officials concurred that their eligible nonpublic school children received equitable services, the \$55,000 remaining from both Title I, Part A programs at the end of the school year is carried over into the next school year's budget. In the next school year, the LEA reserves funds from the current-year funds (for variables such as administrative costs, professional development, parent involvement, homeless children, etc.) in accordance with §200.77 of the regulations. The LEA does NOT include carryover funds when determining current-year reservations. After the reservation determinations, the LEA has several options for allocating the \$55,000 carryover funds, including adding them to any of the §200.77 reservations or adding them to the funds for school attendance areas, or both.

Reserves

Reserved Title I, Part A funds are subject to the fifteen percent (15%) cap for carryover. The way in which carried over reserves are treated depends on the statutory provisions.

- **LEA Professional Development:** The LEA professional development reserve is an optional reserve. As such, funds reserved under this category may be carried over the same as other Title I unrestricted funds, subject to the fifteen percent (15%) cap.
- **Reserve Restrictions**
Certain reserves are dedicated and may only be used for their intended purpose. If the total dedicated reserves are not used during the project period, they must be carried over in the same reserve categories, up to the required amounts. Flexibility may *not* be exercised for the following reserves:
 - **Parental Involvement:** The one percent (1%) parental involvement reserve must retain its original intent if the LEA does not meet its spending target and carries forward some of this funding into the next project period. This would be in addition to the subsequent year's reservation for parental involvement.
 - **Priority/Focus Interventions:** The thirty percent (30%) Priority/Focus Interventions reserve must retain its original intent if the LEA does not meet its spending target and carries forward some of this funding into the next project period. This carryover funding would be in addition to the subsequent year's reservation for Priority/Focus Interventions.

Tracking Funds

It is important for LEAs to track their reserved funds carefully to ensure they are used as intended. Reserve funds that are not spent correctly are subject to recovery by the

state. For schoolwide programs, district-level reserves are not subject to blending. School-level reserves may be blended, but must be tracked.

Nonpublic Schools

Carryover funds that were originally allocated for nonpublic schools must be used for those nonpublic schools during the carryover grant year period.

Carryover Process

Funds designated to be carried forward from a current grant year period into a subsequent grant year period will become available in the LEA's subsequent year's *ESEA-NCLB* application upon final, NJDOE approval of the current year final expenditure report, per title.

Upon approval of the current year final expenditure reports, per title, carryover and/or overpayment funds will be budgeted either as part of the subsequent year's *ESEA-NCLB* application or through an amendment to that application.

If the LEA has unexpended funds for the current project period (amount displayed as net carryover on the "Expenditure Summary" tab) and elects to carry the funds over for expenditure in the subsequent project period, the applicant user must budget these carryover amounts by amending the subsequent year's *ESEA-NCLB* application, if that application has final NJDOE approval. If the applicant user decides not to carry forward any unexpended current year funds, and those funds were not paid to the LEA during the project period, the applicant user would release these unexpended funds, per title, by entering the sum of these unexpended funds in Row N of the Expenditure Summary in the final expenditure report. In this instance, the applicant user would enter an explanation in the textbox at the bottom of the screen to identify the fiscal year of the funds, distinguish whether or not the released funds were public or nonpublic funds, and indicate why the funds were not expended. If the applicant user decides not to carry forward any unexpended current year funds, and those funds were paid to the LEA during the project period, the applicant user would return these unexpended funds, per title, by entering the sum of these unexpended funds in Row M of the Expenditure Summary. In this instance, the applicant user would enter an explanation in the textbox at the bottom of the screen to identify the fiscal year of the funds, distinguish whether or not the returned funds were public or nonpublic funds, and indicate why the funds were not expended. LEAs, charter schools, and vocational schools must send a check payable to the "Treasurer, State of New Jersey" for the refund amount and mail with a copy of the 'Expenditure Summary' page for the applicable title from the corresponding *ESEA-NCLB* Final Expenditure Report to the address listed below.

Note: *If the carryover funds are not expended by the end of the carryover project period, the unused funds must be returned to the NJDOE.*

New Jersey Department of Education
Office of Budget and Accounting
Revenue and Grant Accounting
P.O. Box 500
Trenton, NJ 08625-0500

Note: State agencies should not send refund checks, but rather process the transfer of funds through the state accounting system. Contact the Office of Budget and Accounting for assistance if necessary.

Summary of Board Approval Requirements for Submission

A Board resolution is required for submission of the following:

- Application Submission
- Amendment

If Board approval occurs **after** submission, a copy of the Board resolution or extract of the Board minutes must be uploaded to the corresponding application upon its return for changes.

Application Review and Approval Process

There are many steps in the review and approval process for federal grants. The NJDOE must ensure compliance with the federal guidelines for *ESEA-NCLB* and other related federal and state regulations as described in Section III of this manual. The various steps, listed below in chronological order will help to clarify the NJDOE review and approval process.

- 1) Submission of the *ESEA-NCLB* application in its entirety by the specified due date constitutes an application that is considered to be “successfully submitted in substantially approvable form.” LEAs may begin to obligate funds as of **the project start date** or the date their application is received by the NJDOE in substantially approvable form, **whichever is later**. (*EDGAR* § 76.708) Note that the NJDOE has a right to disallow costs and recover funds on the basis of a later audit or other review. In addition, the applicant has an obligation to return any funds due as a result of later refunds, corrections, or other transactions. (*EDGAR* § 80.51)
- 2) The application is reviewed concurrently for compliance with federal and state requirements. Some of the items included in the review include:
 - Services and activities described are authorized and supported using program funds;
 - Expenditures support the programs described;
 - Services are coordinated;
 - Instructional strategies enable achievement of high standards in learning environments that are safe (e.g., extended learning time, minimizing pull-out, Saturday classes, family literacy, summer school, and year-round services);
 - The budget complies with all constraints and all costs are allowable; and
 - The application is complete, including signatures, assurances, certifications and nonpublic school participation.
- 3) If revisions are needed, the LEA is notified electronically that revisions are requested. The LEA must submit the revisions or a response within fifteen (15) working days. If the LEA does not respond by the deadline, a certified letter may be sent to the LEA advising that the application funds are in jeopardy and the application may be disapproved. If revisions are not received or the LEA does not

respond within the next fifteen (15) working days, the LEA may receive a certified letter advising that the application is deemed disapproved.

- 4) Approval indicates that the LEA's application is approved and that funds may be requested through the reimbursement process.
- 5) The applicant user is notified by an e-mail from the EWEG system that the Consolidated Subgrant Application has NJDOE final approval.
- 6) Upon final, NJDOE approval of the Consolidated Subgrant Application, the applicant user may begin submitting reimbursement requests for payment through the EWEG system. **LEAs are instructed to submit no more than one reimbursement request, per title, per month.**
- 7) The Office of Grants Management (OGM) reviews and approves each reimbursement request submitted by the LEAs through the EWEG system.
- 8) Upon the NJDOE final approval of the reimbursement requests, payments of the grant funds are made to the LEAs.

NOTE: Current year *ESEA-NCLB* payments will be held if final expenditure reports for previous grant years have not been submitted as required.

Approvals, Disapprovals, and Procedures for Appeal

The NJDOE approves *ESEA-NCLB* applications that meet the statutory requirements. Upon approval, the LEA is notified by an automatic e-mail from the EWEG system that the application has final NJDOE approval. At that point, the LEA can begin requesting payment of the grant funds through the submission of reimbursement requests through the EWEG system.

The NJDOE may disapprove requests failing to meet any statutory requirements, but in all such cases, the NJDOE will give reasonable written notice to the applicant and provide an opportunity for an appeal to the applicant before disapproving a request for funds.

Maintenance of Records

The applicant user is responsible for the use of all funds awarded and for the maintenance of project records for three (3) years following the completion of the activity for which the funds were used [*GEPA* §434 and *EDGAR* §80.42(b)]. In addition, the applicant user is responsible for *submitting*, in a timely manner, all Amendment Applications, Final Expenditure Reports, and any other reports required by the NJDOE.

New Jersey requires school districts to maintain certain financial records for seven (7) years in accordance with the School District Record Retention Schedule (M700105-999).

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Section III

Federal and State Regulations and Priorities

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The parameters within this ESEA-NCLB Reference Manual were established under the authority of the laws and regulations cited in this section.

Federal Statutes and Regulations

- *Elementary and Secondary Education Act of 1965*, as reauthorized by the *No Child Left Behind Act of 2001*, Public Law 107-110
- *Education Department General Administrative Regulations* –November 2003 (EDGAR)-34 CFR Parts 76, 77, 79, 80, 81, 82, 85, 86, 97, 98, 99
www.ed.gov/policy/fund/reg/edgarReg/edgar.html
- *Department of Defense Appropriations Act, Stevens Amendment* (§8136 of Public Law 100-463)
- *General Education Provisions Act (GEPA)*
- *OMB A-133 Compliance Supplement*
- *OMB A-87 Cost Principles for State, Local and Indian Tribal Governments* (Updated 5/10/2004)
- www.whitehouse.gov/omb/circulars

ESEA Flexibility Waiver Requirements:

This section relates specifically to changes in the Title I, Part A requirements, as stipulated in the *No Child Left Behind Act of 2001 (NCLB)*, which resulted from the United States Department of Education (USDE) approval of the New Jersey Department of Education's (NJDOE) application for flexibility under the *Elementary and Secondary Education Act (ESEA)*. The NJDOE's ESEA Flexibility Waiver application can be found on the United State Department of Education (USDE) Web site at the following address: <http://www.state.nj.us/education/grants/nclb/waiver/waiverapp.pdf>.

Under the approved NJDOE ESEA Flexibility Waiver application, certain provisions under *NCLB* will no longer be required beginning with the 2012-2013 grant year. The *NCLB* requirements that are waived include the following provisions:

- The requirement that each school meet a benchmark of 100% proficiency on the state assessment by the end of the 2013-2014 school year.
- The requirement for the NJDOE to determine adequate yearly progress (AYP) for all schools and districts.
- The requirement that the NJDOE district and school report cards identify a school in need of improvement and a district in need of improvement.
- The requirement to identify schools in need of improvement, corrective action, and restructuring.
- The requirement to identify districts in need of improvement or corrective action. Same as above except for restructuring.
- The requirement for a district to serve high schools eligible for Title I, Part A funding rank order of poverty and the requirement to allocate Title I, Part A funds based on that rank ordering.

- The requirement for a school to have a poverty rate of 40% or higher to operate a Title I Schoolwide program.
- The requirement for LEAs reporting less than 100% of their teachers as meeting the definition of “Highly Qualified” to develop and implement an improvement plan.
- The requirement to allocate Title I School Improvement Award (SIA)/§1003(a) funds to LEAs with the lowest achieving schools that demonstrate the greatest need for the funds, and the strongest commitment for working with their schools to improve student achievement.

Rather than meet a benchmark of 100% proficiency on the state assessment by the end of the 2013-2014 school year, the NJDOE will calculate Annual Progress Targets for districts and schools based on the goal of closing the achievement gap by half over a six year period. The Annual Progress Targets will be established in annual equal increments toward the goal of reducing by half the percentage of students in the ‘all students’ group and in each subgroup who are not proficient within the six year period. The result will be an accountability system with more indicators than under *NCLB*, which will allow the NJDOE to focus resources on schools demonstrating the greatest needs by implementing more intensive interventions. The category designations for such schools are as follows: Priority Schools (the lowest performing schools) and Focus Schools (schools with the largest achievement gaps).

The district and school report cards will no longer identify districts as in need of improvement or schools in need of improvement. The goal of the NJDOE is to move to a new accountability system that more accurately reflects the true performance of districts and schools based upon multiple assessment factors. Rather than have district and school report cards that indicate district and school success based solely upon AYP achievement targets as identified through state assessments, the NJDOE will structure report cards to indicate district and school success based on a more holistic performance assessment. The present proficiency rates, based on assessments administered in the 2010-2011 school year, will serve as the starting point for establishing the Annual Progress Targets. For example:

- If the ‘all students’ group currently is demonstrating a proficiency rate of 40%, the methodology would use the 60% point gap between 100% proficiency and the current rate ($100 - 40 = 60$). This gap is divided in half to determine the target for the 6th year, which in this example is a gain of 30% points ($60 \div 2 = 30$). The 30% point gain then is divided into 6 equal increments ($30 \div 6 = 5$), to establish the annual targets. Consequently, the school begins the process with a rate of 40% and is expected to move to proficiency rates of 45%, 50%, 55%, 60%, 65%, and 70% in each successive year of the six-year period.

The NJDOE realizes that the above process for the highest performing schools and subgroups quite possibly presents unreasonable increments as the performance targets

approach 100% proficiency, because schools at the absolute top of the performance level will be identified as failing to meet their performance targets. Consequently, the NJDOE determined that schools and subgroups could meet expectations in one of two ways: 1) Reach individually determined performance targets; or 2) Reach a proficiency rate of 90%. **Please note:** This rate will be increased to 95% in the 2014-2015 school year.

For all schools within a district, the NJDOE will issue a report card that provides a comprehensive analysis of the school's performance against multiple goals and targets, rather than based solely on more narrow AYP achievement targets.

The *ESEA Flexibility Waiver* application waived the requirements for district in need of improvement (DINI) and school in need of improvement (SINI) designations. Beginning with the 2012-2013 school year, schools were identified in one of the following four (4) categories: **Priority; Focus; Reward; or Other**. As a result of these district and school designation changes, the following required Title I, Part A Reserves were not in effect for the 2012-2013 project year and beyond:

- LEAs were no longer required to set aside 10% of their total, Title I, Part A allocation for DINI professional development services.
- LEAs were no longer required to set aside 20% of their total, Title I, Part A allocation for Public School Choice Transportation/Supplemental Education Services (SES) activities.
- Schools were no longer required to set aside 10% of their school allocations for SINI professional development services.
- An LEA would be allowed to serve a high school designated as a Priority School that has a graduation rate below 60% even though the school's poverty rate was lower than other Title I eligible schools. The school's allocation would not need to be based on rank order of poverty.

ESEA-NCLB Complaint Process

Any individual or organization may file a written complaint or electronic complaint that: (1) a school, school district, other agency authorized by a school district or the New Jersey Department of Education (NJDOE), and/or (2) the NJDOE violated the administration of education programs required by the *Elementary and Secondary Education Act (ESEA)* as amended by the *No Child Left Behind Act of 2001 (NCLB)*.

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the *No Child Left Behind Act of 2001 (NCLB)*, a State Educational Agency (SEA) shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for receipt and resolution of complaints alleging violations in the administration of the *NCLB* grant programs. Detailed information regarding the *No Child Left Behind Act of 2001 (NCLB)* Complaint Policy and Procedures, as established by the New Jersey Department of Education (NJDOE), is available through the following NJDOE Web site at: www.nj.gov/education/grants/nclb/issues/complaint_policy.htm.

Federal Educational Standards and Assessment Priorities

The NJDOE continues to embrace the principle of an educational system that supports the achievement of challenging academic standards for all students. *ESEA-NCLB* mandates the development and implementation of standards, assessments, and accountability for three subject areas: mathematics, reading/language arts, and science.

On June 16, 2010, the New Jersey State Board of Education adopted the Common Core State Standards (CCSS) in Mathematics and English Language Arts Literacy. The Common Core State Standards (CCSS) replaced the New Jersey Core Curriculum Content Standards as the state's standard for academic achievement. Forty-four (44) states and the District of Columbia now have adopted the Common Core State Standards (CCSS), which allow these states to work together to support schools and districts in implementing the standards. The 2015 state assessments, NJ ASK (grades 3-8) will assess the Common Core State Standards (CCSS) within the current NJ ASK blueprint. The 2015 state assessments will assess the Common Core State Standards (CCSS) through the Partnership for the Assessment of Readiness for College and Career (PARCC) assessment system. The Science assessments, at grades 4 and 8, will be aligned to New Jersey Core Curriculum Content Standards (CCCS). The following timetables for implementation of standards and assessment are articulated in the *ESEA-NCLB* legislation.

Academic Achievement Standards

Mathematics

Grades: 3-8

Implement by: 2005-2006

Reading/Language Arts

Grades: 3-8

Implement by: 2005-2006

Science

Grades: Elementary (3-5); Middle (6-9); High School (10-12)

Implement by: 2007-2008

Assessments

Mathematics

Grades: 3-8

Implement by: 2005-2006

Reading/Language Arts

Grades: 3-8

Implement by: 2005-2006

Science

Grades: Elementary (3-5); Middle (6-9); High School (10-12)

Implement by: 2007-2008

Beginning in Fiscal Year (FY) 2003, the NJDOE Title I schools began participating in the biennial state-level National Assessment of Educational Progress (NAEP) reading and

mathematics at grades 4 and 8. According to §1111, LEAs that receive Title I funds are required to participate if selected for the NAEP sample. Otherwise, participation is voluntary.

Aligned State Assessments

The statewide assessment system is an important part of New Jersey's standards-based reform initiative. A comprehensive assessment program aligned to the Common Core State Standards (CCSS) in English Language Arts Literacy and Mathematics, and to the NJ Core Curriculum Content Standards (CCCS) in Science, provides students, teachers, and parents with important information about student achievement. The New Jersey assessment program currently is designed to test students in mathematics and English Language Arts Literacy in grades 3, 4, 5, 6, 7, 8, and 11. Science assessments are administered in grades 4, 8, and high school.

The New Jersey Assessment of Skills and Knowledge (NJ ASK) tested students in grades 3 through 8. The NJ ASK4 replaced the Elementary School Proficiency Assessment (ESPA) previously administered to New Jersey fourth graders, and the NJ ASK8 replaced the Grade Eight Proficiency Assessment originally designated the Early Warning Test (EWT). Both continue the state's support of *ESEA-NCLB*. Assessments at grades 3, 5, 6, and 7 were added in response to *ESEA-NCLB* mandates and, in the case of NJ ASK3, to support the early literacy initiatives of the NJDOE. The NJ ASK assessments are called 'transitional,' because the full range of the CCSS cannot be measured until the next generation assessments are developed and administered. New Jersey is a Governing state in The Partnership for Assessment of Readiness for College and Careers (PARCC). Currently, PARCC is developing the next generation assessments to be administered in Spring 2015. The NJ Ask will continue to assess Science in grades 4 and 8. The Science assessment will be aligned to the NJCCCS, because there are no common core state standards for Science at this time.

Achieving proficiency in English Language Arts Literacy and mathematics on the High School Proficiency Assessment (HSPA) is required for a high school diploma in New Jersey, just as passing the HSPT had been previously. In accordance with the requirements of *ESEA-NCLB*, New Jersey is administering a science assessment at the high school level, which started with the HSPA Science test in 2007, and became an end-of-course biology test in 2008. The Alternative High School Assessment (AHSA) is an alternate test for meeting the HSPA requirement. End-of-course Algebra I and II tests also are planned. Starting in the 2014-2015 school year, high school assessments under PARCC will measure the CCSS in end-of-course assessments in Algebra I, Geometry, and Algebra II.

Presently, all New Jersey's regular statewide assessments are administered in the spring. The tests use a mixture of multiple choice and constructed response items, including writing tasks for English Language Arts Literacy. Students may use calculators for most portions of the mathematics tests, and suitable testing accommodations are provided to eligible special education and limited English

proficiency students, as well as to students eligible for accommodations under Section 504 of the *Rehabilitation Act of 1973*. The Alternate Proficiency Assessment (APA), a portfolio-based assessment program, serves students with severe cognitive disabilities who cannot access the regular statewide assessments. The APA was administered for the first time in the 2001-2002 school year.

For the 2014-2015 school year, the APA will be replaced with the Dynamic Learning Maps (DLM) assessments. DLM will assess the CCSS in English Language Arts Literacy and mathematics. DLM is a computer-based assessment that was developed and will be administered by a consortium of eighteen (18) states, and it is designed for learners with significant cognitive impairments.

For all assessment programs, student scores place them in one of three proficiency bands: advanced proficient; proficient; or partially proficient. Students with scores in the advanced proficient range have exceeded expectations set forth by the core standards. Students in the proficient range of scores have demonstrated the skills necessary for achieving New Jersey's content standards. Students with scores in the partially proficient range have not met expectations as set forth in the core standards and may need remedial assistance. Students in the advanced proficient range do not need remedial help. Those in the partially proficient range must receive special instruction to improve identified areas of weakness. Students in the proficient range may or may not need remedial help. Starting in 2015, the PARCC assessments in English Language Arts Literacy and mathematics are carefully crafted to give teachers, schools, students, and parents better and more useful information on how we are preparing our students for careers and college - - and life.

As approved in New Jersey's Elementary and Secondary Education Act (ESEA) Flexibility Waiver Application, the NJDOE is transitioning to a new accountability system that provides a more accurate analysis of students' achievement. One component of this system is the calculation of Annual Progress Targets, which are indicators to measure schools' progress toward meeting the State's proficiency benchmark of 90%. The NJDOE made considerable effort to disseminate information about the statewide assessment programs, which can be accessed through the following NJDOE website at: <http://www.nj.gov/njded/assessment/>.

Consolidated Plans

NCLB §9302 gives states the opportunity to submit a consolidated state plan to encourage integration of individual programs into comprehensive educational improvement and reform initiatives. This process allows for the melding of the various federal programs into a more coherent strategy for improving education in the state. *ESEA-NCLB* authorizes states to include thirteen (13) federal grant programs in their consolidated state plan.

NCLB §9305 extends similar flexibility to LEAs to complete consolidated local plans and applications as opposed to individual applications for each subgrant. There are six (6) federal grant programs included in this *NCLB* application. The consolidation of federal

programs is designed to develop comprehensive school programs supported through a unified planning and implementation process. Major objectives of the consolidation include the following: improved teaching and learning through a comprehensive approach rather than individual program administration; increased flexibility in programming; improved cross-program coordination; integration of services; and an emphasis on improving schools to benefit all children. The consolidated application encourages program coordination and collaboration, shared decision-making, and comprehensive planning to advance local systemic improvement. This flexibility is in exchange for greater accountability for increased student achievement for all students.

Monitoring

Monitoring is an ongoing assessment of the LEA's status of compliance with federal and state requirements. Several methods are used to review the LEA's compliance with requirements directing the use of federal funds. The primary focus is on outcomes. The performance of schools and districts that receive federal funds is linked directly to assessment results and to accountability standards. Information regarding the implementation of program activities and expenditures is collected through site visits and required reports. The NJDOE staff reviews applications for compliance with regulatory requirements. Final reports are reviewed to determine completion of expenditures consistent with the approved application. Additionally, district audit reports are reviewed and areas of noncompliance are identified for correction.

Data Collection

Federal regulations require LEAs to collect and submit data on the prior year's performance to the NJDOE. These data are compiled with the assessment results and forwarded to the USDE. The data are essential to the USDE to document the usage of federal funds and success of the program. LEA failure to comply with the data submission requirements may result in the withholding of grant payments.

Please refer to individual Title sections below for further information.

- [Title I, Part A](#)
- [Title II, Part A](#)
- [Title III, Part A](#)
- [Title VI, Part A](#)

Scientifically Based Research Programs

According to former US Secretary of Education Rod Paige, "One of the major tenets of our education policy is that teaching and learning practices be based on sound, scientific research. This is the cornerstone of educational reform." All *ESEA-NCLB* titles in the consolidated application require the use of scientifically based programs. Any program implemented with *ESEA-NCLB* funds must be shown to achieve success. LEAs must demonstrate results with students achieving performance targets.

The term scientifically based research means research that involves the application of rigorous, systematic, objective procedures to obtain reliable and valid knowledge

relevant to education activities and programs with the object of improving student academic achievement. This type of research is represented by criteria which:

- Employ systematic, empirical methods that draw on observation or experimentation;
- Involve rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- Rely on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- Are evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- Ensure that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
- Have been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparable rigorous, objective, and scientific review.

USDE What Works Clearinghouse

The USDE has established a Web site called the What Works Clearinghouse (WWC), available at <http://www.whatworks.ed.gov/> to provide educators with the information they need to make choices based on high-quality scientific research. WWC is a project of the U.S. Department of Education's Institute of Education Sciences, created in August 2002 to provide educators, policymakers, and the public with a central, independent, and trusted source of scientific evidence of what works in education. Administered by the USDE, through a contract to the joint venture of the American Institutes for Research (AIR) and the Campbell Collaboration, nationally recognized leaders in the field of rigorous reviews of scientific evidence, the WWC Web site will present review standards, topics of importance to education, teaching approaches, products, assessment instruments, and evaluations that are found to be effective and meet the criteria of scientifically based. Check the Web site periodically for updates.

A Help Desk was launched in January 2006 to provide practical, easy-to-use resources to advance evidence-based education, including how-to guides such as “Key Items to Get Right When Conducting a Randomized Controlled Trial in Education” and “Identifying and Implementing Evidence-Based Educational Practices: A User-Friendly Guide.” Specifically, the Help Desk resources assist in conducting rigorous evaluations of educational programs, sponsoring such evaluations, and identifying and implementing evidence-based programs. Managed by the Coalition for Evidence-Based Policy at <http://www.evidencebasedprograms.org/static/>, the Help Desk is accessed at <http://ies.ed.gov/ncee/wwc/help/>. To help users navigate the Web site, knowledgeable moderators are available by telephone or by e-mail.

Resource Information

Note: The following resources provide information on scientifically based research methods and programs:

- “Blueprints for Violence Prevention,” offered by The Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado at Boulder at <http://www.colorado.edu/cspv/blueprints/>.
- “The Office of Juvenile Justice and Delinquency Prevention Programs Guide” at http://www.dsgonline.com/mpg2.5/mpg_index.htm.
- “The United States Department of Education’s (USDE) Exemplary and Promising Safe, Disciplined, and Drug-Free Schools Programs 2001” at www.ed.gov/admins/lead/safety/exemplary01/exemplary01.pdf.
- SAMHSA’s “National Registry of Evidence-based Programs and Practices” at <http://nrepp.samhsa.gov/>.
- “The Catalog of School Reform Models” at <http://educationnorthwest.org> provides a listing of school reform models and instructional programs.
- Consortium for Policy Research in Education (CPRE) at www.cpre.org/index.php?option=com_content&task=view&id=165&Itemid=120
- National Council of Teachers of Mathematics at <http://www.nctm.org/>.
- National Institute for Literacy at <http://lincs.ed.gov/>.
- National Reading Panel at <http://www.nationalreadingpanel.org/>.
- The National Research Center on English Learning & Achievement at <http://www.albany.edu/cela/>.
- The National Academy Press of the National Research Council at <http://www.nap.edu/>.
- Northwest Regional Educational Laboratory at www.nwrel.org/comm/research.html.
- “Safe, Disciplined, and Drug-Free Schools Expert Panel Exemplary Programs (2001)” is offered by the USDE at www.ed.gov/offices/OESE/SDFS.
- “Safe, Disciplined, and Drug-Free Schools Promising Programs (2001)” is offered by the USDE at www.ed.gov/offices/OESE/SDFS.
- What Works Clearinghouse available at <http://ies.ed.gov/ncee/wwc/>.

It is essential to review the research associated with these programs prior to selection. Other helpful resources are listed in [Appendix J](#) in this manual. The USDE Web site also contains a list of organizations that provide research—choose the “Research and Stats” button.

Family Notification

There are certain requirements in *ESEA-NCLB* for notifying families of the status of the Title I schools their children attend.

- **Parents’ Right-to-Know:** Under Title I, parents must be notified at the start of each school year of their right to request information about the professional qualifications of their children’s teachers. Information the LEA must provide

includes: 1) the certification and/or licensing status of the teacher; 2) degrees held by the teacher; 3) emergency or provisional status of the teacher, if applicable; and 4) qualifications of any paraprofessionals serving the child. Parents also must be notified if a teacher who is not “highly qualified” is instructing their child for four or more consecutive weeks.

- **Limited English Proficient:** Parents must be notified within 30 days of the start of the school year that their child has been identified as limited English proficient and in need of instructional services. Notification must be in a language that parents will understand.

Please refer to individual title sections below for further information.

- [Title I, Part A](#)
- [Title I, Part D](#)
- [Title II, Part A](#)
- [Title III, Part A](#)
- [Title VI, Part B](#)

Distribution of Funds to LEAs

Allocations

Notifications of allocation amounts are distributed to eligible LEAs in the spring. For certain covered programs, the LEA notifications include amounts or percentages for eligible nonpublic nonprofit schools.

The formula calculations conducted in the spring for charter schools are calculated using projected charter school data. Final allocations are recalculated for charter schools when actual charter school data are available. Any upward or downward adjustments resulting from these final allocation calculations for the current fiscal year are reflected in the subsequent fiscal year allocation notices. Adjustments are not made during the project period.

The NJDOE distributes grant funds to each eligible LEA that submits an approvable application. Allocations are calculated separately for each of the “covered programs” as detailed below.

Allocation Refusal

The LEA or nonpublic school may choose not to apply for its allocation under one or more of the covered programs by completing the appropriate refusal form.

Please refer to individual title sections below for further information.

- [Title I, Part A](#)
- [Title I, Part D](#)
- [Title II, Part A](#)
- [Title III, Part A](#)
- [Title VI, Part B](#)

Highly Qualified Instructors

Both the LEA and NJDOE must report annually, beginning with the 2002-2003 school year, on their progress in meeting performance objectives, which include, at a minimum: 1) an annual increase in the percentage of highly qualified teachers for each LEA and school; 2) an annual increase in the percentage of teachers who are receiving “high-quality” professional development; and 3) an annual increase in the percentage of paraprofessionals who are highly qualified.

Highly Qualified Teacher

Under § 9101(23), a highly qualified teacher is defined as someone who has obtained full state certification as a teacher (including certification obtained through alternative routes to certification) or passed the state’s teacher licensing examination, and holds a license to teach in such state.

- When used in respect to a public charter school teacher, the term means that the teacher meets the requirements set forth in the state’s public charter school law.
- When used with respect to an elementary school teacher, who is new to the profession, it means that the teacher holds at least a bachelor’s degree and has demonstrated subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum by passing a rigorous state test (may consist of state-required certification or licensing test, or tests in school curriculum areas).
- When used with respect to a middle or secondary school teacher, who is new to the profession, it means the teacher holds at least a bachelor’s degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by passing a rigorous state test in each academic area in which the teacher teaches (may consist of state-required certification or licensing test, or tests in each academic area in which the teacher teaches); or successful completion, in each subject area in which the teacher teaches, of an academic major, graduate degree, coursework equivalent to an undergraduate academic major, or by holding advanced certification or credentialing.
- When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, it means the teacher holds at least a bachelor’s degree and meets the applicable standard listed under the third bullet, with the option for a test **or** demonstrates competence in all the academic subjects in which the teacher teaches, based on a **high objective uniform state standard of evaluation** that meets the following criteria:
 - Is set by the state for both grade-appropriate academic subject matter knowledge and teaching skills;
 - Is aligned with challenging state academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
 - Provides objective, coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which the teacher teaches;

- Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the state;
- Takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject; and
- May involve multiple, objective measures of teacher competency.

Funding Sources

There are several options available for funding teacher and paraprofessional training:

- [Title I, Part A](#), LEAs may use Title I funds to support ongoing training for teachers and paraprofessionals;
- [Title II, Part A](#) funds may be used to provide professional development to improve teachers' and paraprofessionals' knowledge and instructional skills in the core academic subjects that they teach;
- [Title III, Part A](#) funds may be used for professional development of teachers and other instructional personnel that is designed to enhance the instruction of LEP students;

State Regulations and Priorities

State Statutes and Regulations

- *N.J.A.C. 6A:8* mandates Standards and Assessment for Student Achievement.
- *N.J.A.C. 6A:17-3* sets forth requirements for educational programs and services to children and youth confined to state facilities.
- *N.J.S.A. 18A:40A*, *N.J.A.C. 6A:16-3* and *N.J.A.C. 6A:16-4* provide standards for alcohol, tobacco, and other drug activities.
- *N.J.A.C. 6A:16-8* provides standards for Intervention and Referral Services.
- *N.J.A.C. 6A:30* specifies the procedures for the Evaluation of School Districts.
- *N.J.S.A. 18A: 37-2.2* through *2.5*, *N.J.S.A. 18A: 37-7* through *12*, and *N.J.A.C. 6A:16-5.5* and *N.J.A.C. 6A:16-5.6* provide standards for firearms and assaults with weapons offenses; *N.J.S.A. 18A: 37-2.1* and *N.J.A.C. 6A:16-5.7* provide standards for assaults; and *N.J.A.C. 6A: 16-6* provides regulations for law enforcement operation for substances, weapons, and safety.
- *N.J.S.A. 18A:36-5.1* and *N.J.A.C. 6A:16-5.2* establish an annual School Violence Awareness Week, and *N.J.S.A. 18A:17-46 et seq.* and *N.J.A.C. 6A:16-5.3* mandate annual public hearings on the incidence of violence, vandalism, and ATOD abuse.
- *N.J.A.C. 6A:16-7* provides standards for student conduct, including codes of student conduct, short- and long-term suspensions, expulsions, attendance (including truancy), intimidation, harassment, and bullying and transfer of disciplinary records.
- *N.J.A.C. 6A:16-11* provides standards for reporting allegations of child abuse and neglect.
- *N.J.A.C. 6A:16-9* sets forth requirements for alternative education programs.
- *N.J.A.C. 6A:16-10* provides standards for home or out-of-school instruction for general education students.

- *N.J.A.C. 6:8 et seq.* defines a “thorough and efficient” education for public school students in the state of New Jersey.

Monitoring Federal Formula Programs

The NJDOE monitoring of federal formula grant programs consists of the following:

- Integration with the state monitoring system;
- Consolidated Monitoring process and Title I audit;
- Single audit; and
- LEA Final Expenditure Reports.

LEA Single Audit

Each LEA that receives federal formula funds must obtain an annual audit, subject to the state’s single audit requirements. The state of New Jersey has issued Circular Letter 04-04, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid. The Department of Treasury has issued a fourth update to the supplement to include the most recent compliance requirements.

The compliance supplement identifies areas for review by the independent auditors. Each requirement is accompanied by suggested audit procedures to test for compliance. In general, not complying with these requirements may materially affect the funded programs.

The compliance requirements and accompanying “Suggested Audit Procedures” fall into five categories:

- 1) Types of Services Allowed or Disallowed.
- 2) Eligibility.
- 3) Matching, Level of Effort.
- 4) Reporting Requirements.
- 5) Special Tests and Provisions.

LEAs are required to submit their single audit to the NJDOE annually. The audits are reviewed by the NJDOE for identified noncompliance issues.

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Section IV

Fiscal Regulations and Responsibility

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Accounting Procedures

Effective July 1, 1993, the NJDOE regulations require that all LEAs prepare budgets and submit expenditure reports according to “**The Uniform Minimum Chart of Accounts for New Jersey Public Schools**,” 2003 edition. It was effective July 1, 2004, and was issued in December 2003.

It is available at this Web address: <http://www.nj.gov/njded/finance/fp/af/coa/>.

The budget pages in the *ESEA-NCLB* Application and reporting forms reflect the coding of accounts consistent with those in Generally Accepted Accounting Principles (GAAP). The handbook describes the coding of accounts in New Jersey school financial operations. The coding system, with its multidimensional structure, creates a common language of use in recording, reporting, and controlling the financial activities of school districts. The Chart of Accounts was revised by the Division of Finance and distributed to LEAs on December 29, 2003. The revisions were effective starting in the 2004-2005 school year.

The compressed GAAP codes continue to be used. The application directions provide a quick reference for commonly requested costs. The compressed GAAP codes are for the purposes of this application only. For internal use, LEAs may be required to use their own accounting systems and coding.

The application’s “Budget Summary” aggregates amounts for each expenditure category in the grant program budget. The “Budget Detail” pages delineate and clarify budgets for the purpose of reviewing and monitoring the grant program’s activities. Budgets must be completed in conjunction with the LEA’s business office to ensure consistent categorizing of expenditures. Improper coding of expenditures is considered to be in noncompliance with *N.J.A.C. 6A:23-2.2(g)*. Instances of noncompliance noted by auditors must be reported in the “Auditor’s Management Report”.

Commingling Funds

LEAs may not commingle *ESEA-NCLB* funds with other federal, state, or local funds and no commingling of funds is permitted among titles included in the *ESEA-NCLB* Application. The basic requirement is to maintain the fiscal identity of each title award. This requirement is satisfied by the use of separate accounts that include an “audit trail” of the expenditures for each project awarded.

There is one exception to commingling. Program funds may be combined in an approved schoolwide program under *ESEA-NCLB* §1114. A schoolwide program school may combine funds and resources from other federal, state and local education programs in addition to its Title I, Part A funds to upgrade the entire educational program in the school. Schoolwide programs are optional and intended to provide flexibility for serving students in eligible school buildings by combining certain federal, state, and local revenues. Schoolwide program schools have great latitude in determining how to spend their Title I, Part A funds, and such flexibility is tied to increased academic achievement of all children, not just individual, targeted student

groups. LEAs implementing schoolwide programs do not have to conform to the specific statutory and regulatory requirements of the programs combined, as long as the school can demonstrate that its schoolwide program meets the intent and purposes of included programs (as well as certain requirements relating to critical areas such as civil rights, health and safety, maintenance of effort and supplement/not supplant).

Funds combined in a schoolwide program lose their specific program identify and may be used for any costs of the approved schoolwide program. LEAs are not required to maintain separate fiscal accounting records by program that identify the specific activities supported by those particular funds. LEAs must only be able to show the amount of funds from each federal, state, and local education program allocated to a schoolwide program and maintain records demonstrating that the schoolwide program, as a whole, addresses the intent and purposes of each of the federal education programs included. LEAs must also be able to demonstrate that the federal funds were expended pursuant to the schoolwide program to satisfy federal reporting requirements and cash management and availability of funds requirements.

LEAs may use any reasonable method to demonstrate how the funds in a school program have been expended. Such methods may include combining funds into one revenue account (revenue source code 4419 has been provided to LEAs for recording of schoolwide programs under this approach) and then distributing expenditures at year end from the schoolwide program based on the percentage of revenues originally allocated to the schoolwide program. Another method may include coding/charging each schoolwide salary and benefits in the same proportions as budgeted revenues within the schoolwide program and similarly allocating non-salary costs to each combined fund source proportionally across these fund sources. A third method could charge the titles sequentially by charging all salary and non-salary schoolwide costs one hundred percent (100%) to Title 1, Part A until those funds are spent in their entirety and then use the same method sequentially for each of the other combined fund sources during the remainder of the fiscal year. If local and state funds were combined in the sequential approach, they should be charged first.

Refer to the July 2, 2004 Federal Register Notice for the most recent federal guidance on schoolwide programs and satisfying the intent and purposes of the programs incorporated. Refer to OMB Circular A-87, Attachment B (as amended May 10, 2005 with an effective date of June 9, 2005) for more information on the specific requirements for submitting time sheets for schoolwide program employees.

Period of Obligation

In accordance with *EDGAR*, 34 CFR Part 76.708 & 80.23, LEAs may begin to obligate funds on the later of the following dates:

- The beginning of the project period (**July 1 of each grant year period**) or
- The date that the application is received by the NJDOE in “substantially approvable form.”

LEAs must begin to operate their programs at the beginning of the project period subject to the above conditions. Upon receipt of the grant approval and funding, and if funds have already been expended, the LEA makes the appropriate charge-backs. Reimbursement for obligations is subject to final approval of the application. If the LEA expends funds on unallowable costs prior to application approval, the LEA is responsible for covering those costs from other funds. The NJDOE may, on occasion, approve pre-award costs in accordance with federal cost principles.

The grant year period for the *ESEA-NCLB* Application is July 1 to June 30. All funds must be obligated by June 30, and liquidated within forty-five (45) days of that end of period project date. To carry over funds, additional screens of the Final Expenditure Reports must be completed and submitted for approval by the NJDOE. Carryover funds not obligated by the LEA at the end of the project period for which funds were allocated or approved for carryover by the NJDOE must be returned to the NJDOE with the final expenditure report.

Obligation – an obligation is not necessarily a liability in accordance with generally accepted accounting principles. When an obligation occurs (is made) depends on the type of services or property for which the obligation is made.

Purchases are deemed obligated as the following chart shows:

Obligation Reference Chart

<i>If an obligation is for . . .</i>	<i>then the obligation is made. . .</i>
(1) acquisition of “real or personal property”	on the date the district makes a “binding written commitment” to acquire the property
(2) personal services by a district employee	on the date the services are performed
(3) personal services by a contractor who is not a district employee	on the date the district makes a “binding written commitment” to obtain the services
(4) performance of work other than personal services	on the date the district makes a “binding written commitment” to obtain the work

(5) public utility services	on the date the district receives the services
(6) travel	on the date the travel is taken
(7) rental of real or personal property	on the date the district uses the property
(8) a pre-agreement cost that was properly approved by the state under applicable cost principles	on the first day of the subgrant period

Maintenance of Effort

Maintenance of effort computations must be done annually. Each LEA may receive its full allocation if either its combined fiscal effort per pupil or aggregate expenditures of state and local funds for free public education in the preceding fiscal year (2013) were not less than ninety percent (90%) of the expenditures for the second preceding fiscal year (2012). If the LEA fails to meet the ninety percent (90%) level, the NJDOE must reduce the LEA’s allocation by the exact percentage of each “titled program” for which the LEA failed to meet the ninety percent (90%) level.

Covered Programs Include:

- Title I, Part A
- Title I, Part C (Migrant Education Program)
- Title I, Part D
- Title II, Part A
- Title III, Part A
- Title VI, Part B, subpart 2 (Rural and Low –Income School Program)

The USDE has the authority to waive this requirement for one (1) year if the USDE determines that the waiver would be equitable because the failure to comply was caused by exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the LEA.

The ninety percent (90%) level of expenditures can include funds used for administration, instruction, health services, pupil transportation, plant operation and maintenance, fixed charges, and net expenditures covering deficits for food services and student activities. They cannot include expenditures for capital outlay, debt service, or expenditures made from federal funds.

Title I Comparability of Services Requirement

LEAs receiving Title I, Part A funds are required to assure compliance with comparability requirements [NCLB §1120A(c)]. LEAs are required to conduct comparability calculations annually and to submit the calculations to the Office of Grants Management (OGM) by December of each year. The report is submitted through the EWEG system.

The LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Part A schools that are at least comparable to the services provided in schools that are not receiving Part A funds. If the LEA serves all its schools with Title I, Part A funds, the LEA must use state and local funds to provide services that are substantially comparable in each Part A school. The LEA may determine comparability on a district-wide basis or on a grade-span basis, according to the following guidelines:

- Even if all schools in the LEA or in a grade-span grouping are served, the LEA must demonstrate that it will use state and local funds to provide services that, taken as a whole, are substantially comparable in each school. For example, the LEA, in order to establish a comparison to determine that services are “substantially comparable,” may calculate ratios for the group of schools serving program areas with the lowest percentage of children from low-income families. The ratio for each of the other program schools would then be compared with the average calculated for the comparison group of program schools.
- The comparability requirement does not apply to the LEA that does not have more than one (1) building for each grade span. The LEA also may exclude schools with 100 or fewer students from its comparability determinations.

The LEA must establish and implement the following:

- District-wide salary schedule;
- Policy to ensure equivalence among schools in teachers, administrators, and other staff; and
- Policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

As an alternative, the LEA may meet the comparability requirement if it establishes and implements other measures for determining compliance, such as student/instructional staff ratios. For example:

1. Compare the average number of students per instructional staff in each Part A school with the average number of students per instructional staff in schools not participating in Part A programs. A Part A school is comparable if its average does not exceed ten percent (10%) of the average of schools not participating in Part A programs.

Records

If the LEA files a written assurance to the OGM via the Annual Comparability Report that it has established and implemented a district-wide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies, it must keep records to document that the salary schedule and policies were implemented and that equivalence was achieved among schools in staffing, materials, and supplies. If the LEA established and implemented other measures for determining

compliance with comparability such as student/instructional staff ratios, it must maintain source documentation to support the calculations and documentation to demonstrate that any needed adjustment to staff assignments was made.

Developing Procedures for Compliance

The LEA must develop procedures for compliance with the comparability requirement and implement those procedures annually. The LEA is required to document compliance with the comparability requirement annually.

Determining Compliance

When determining compliance for comparability, the LEA may exclude state and local funds expended as follows:

- Bilingual education for limited English proficient (LEP) children.
- Excess costs of providing services to children with disabilities as determined by the LEA.

Supplement, Not Supplant

For all programs, federal funds can be used only to supplement and, to the extent practical, increase the level of funds that would, in the absence of federal funds, be made available from nonfederal sources [*NCLB* §1120A (b); 2123(b); 3115(g); 4114(d) 4; 6232]. In no case may the LEA use federal program funds to supplant funds from nonfederal sources.

Generally, the LEA is presumed to fund state-mandated programs with local and/or state funds. The use of federal funds for these programs would be considered supplanting. In certain instances, however, the LEA may overcome this supplanting presumption. The LEA would have to demonstrate through written documentation (e.g., state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the program or activity and that the program or activity would not be carried out in the absence of federal funds. The LEA may not, however, decrease state or local funds for particular activities because federal funds are available.

The following question may help determine if funds are supplemental: *“If these funds had not been available, what would the LEA have done instead?”* Although most programs are covered by the supplement, not supplant requirements, there are additional criteria and guidance for several programs.

- Language Instruction Programs under Title I, Part A: LEAs may exclude funds used for language instruction programs and also may exclude the excess costs of providing services to children with disabilities.
- Schoolwide Programs: LEAs do not have to show that federal funds used in the school are being used to pay for services that would otherwise not be provided, show that these funds are being used only for targeted populations, or track federal program funds separately at the school level. The school is, however, required to use federal funds combined from Title I and other federal programs to

supplement nonfederal funding sources for the school. LEAs can exclude supplemental state or local funds spent in these schools from determinations of compliance with supplement, not supplant, requirements.

- **Bilingual Programs Funds:** LEAs can use federal bilingual program funds to carry out a federal or state court order detailing services for limited English proficient children or for a plan approved by the Secretary of Education to comply with the *Civil Rights Act of 1964*.

The OMB Circular A-133 Compliance Supplement elaborates on instances when it is presumed that supplanting has occurred:

- If the SEA or LEA uses federal funds to provide services that the SEA or LEA was required to make available under other federal, state, or local laws;
- If the SEA or LEA uses federal funds to provide services that the SEA or LEA provided with nonfederal funds in the prior year; and
- If the SEA used Title I, Part A funds to provide services for participating children that the SEA or LEA provided with nonfederal funds for nonparticipating children.

Several USDE policy letters providing examples of supplementing versus supplanting are provided in the appendices.

Allowable Costs

The following list was developed to highlight allowable costs or costs that have prompted questions in the past. It is not an exhaustive list of allowable costs. Additional fundable activities are described in the individual title sections elsewhere in this document. Refer also to OMB Circular A-87, Attachment B (as modified May 10, 2005, effective June 9, 2005) for more details on costs and their treatment.

All Titles

Split-funding of salaries and equipment among grant programs is allowed if the following parameters are met:

- The portion of time allocated to each grant for funded personnel and the amount on the respective budget detail section are clearly indicated;
- Documentation is maintained that demonstrates and verifies that the activities were implemented.; and
- The portion of time and the dollars allotted to each grant are substantiated.

Refer to OMB A-87, Attachment B, Section 11(h) "Support for Salaries and Wages" for time sheet requirements. For an example and information regarding time sheets, see Appendix E.

Capital Expenses

Funds have not been specifically appropriated for capital expenses (non-instructional costs). Despite the lack of funds for capital expenses, Title I, Part A funds may be used

to pay for capital expense items such as leasing space, transportation, and mobile vans if these costs are reasonable and necessary. Such costs would be funded using reserves (Administrative Services line) from Title I. Be sure to refer to OMB Circular A-87, Attachment B (as amended May 10, 2004, effective June 9, 2004) for capitalization of certain expenses.

Title I, Part A

Audit fees are allowable and can be charged to 200-300 or to indirect costs (LEA must have an approved rate). In either case, these costs are administrative, which cannot exceed five percent (5%) of the total Title I, Part A allocation.

Salaries

Purchase orders for items funded by Title I, Part A should reflect the following:

- The account number to be charged;
- The program (Title I) that is funding the purchase;
- Business Administrator's signature;
- Easily identifiable Title I amounts if purchase order is split between programs; and
- Final invoices should tie to the purchase order and/or reconcile to the amount posted to Title I funds. The amounts should be easily identifiable and reconcilable.

Title I, Part D, Subpart 2 – LEAs

ALL students who reside in locally funded delinquent institutions are eligible to be served with Subpart 2 funds. Prevention or transition programs operated by the LEA must serve at-risk students who are eligible for services under Title I, Parts A or C. The following programs and activities are allowable:

- LEA –operated alternative program for at-risk students
- Third party agency (LEA must monitor contract for compliance)
- Transition activities
- Drop-out prevention programs for the following students, including those not attending a Title I school:
 - Children and youth who have been adjudicated within the juvenile justice system, but have returned to a school operated by the school district (using the best available records and data available to identify these individuals);
 - Migrant children or youth (based on their eligibility for services under Title I, Part C of ESEA);
 - Immigrant children or youth;
 - Gang members (based on definitions established by the SEA or LEA);
 - Pregnant and parenting youth through the age of 21;
 - Children who are at-risk of school failure or who have failed before;
 - Children who have limited English proficiency; and
 - Children who have dropped out of school.

- Coordination of health and social services for at-risk youth if there is a greater likelihood they will complete their education. Services may include daycare, drug and alcohol counseling, and mental health services.
- Special programs to meet unique academic needs of at-risk youth including vocational and technical education, special education, career counseling, GED prep, curriculum-based entrepreneurship education, assistance in securing student loans or grants for post-secondary education.
- Mentoring and peer mediation.
- Programs for particular category of at-risk youth such as LEP, immigrants, etc.
- Administration or program coordination

Title II, Part A

Funds may be used to pay stipends to nonpublic school teachers participating in professional development activities and must be paid directly to the nonpublic school teachers for their own use and not to the nonpublic school.

Funds may be used to support the acquisition of advanced degrees if this is consistent with the LEA's needs assessment.

LEA uses of funds and a list of authorized activities can be found in the appendices.

Title III, Part A

LEAs must use Title III funds to: 1) provide high-quality language instruction programs that are based on scientifically based research demonstrating effectiveness in increasing English proficiency and student academic achievement in the core academic subjects; and 2) provide high-quality professional development to classroom teachers and other educational personnel that is designed to improve instruction and assessment of limited English proficient students.

Subgrants may be used for the following:

- Develop and implement new language instruction programs and academic content instructional programs for limited English proficient students in early childhood, elementary, and secondary programs;
- Expand or enhance existing language instruction programs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; and
- Implement schoolwide programs within individual schools to restructure, reform, and upgrade all programs, activities, and operations related to language instruction programs and academic content instruction programs for limited English proficient students.

And to provide the following:

- Tutorial and academic or vocational education for LEP children and intensified instruction;
- Community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families; and

- Improved instruction of LEP children by providing for the acquisition or development of educational technology or instructional materials and access to, or participation in, electronic networks for materials, training, and communication.

Note: No more than two percent (2%) of the subgrant may be used for administrative purposes.

Title III Immigrant

Districts that receive Title III Immigrant funds must use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.

Subgrants may be used for the following purposes:

- 1) Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- 2) Support for personnel including teacher aides to provide services to immigrant children and youth;
- 3) Provision of tutorials, mentoring, and academic or career counseling;
- 4) Identification and acquisition of instructional materials and software to be used in the Title III Immigrant program;
- 5) Basic instructional services that are directly attributable to the presence in the school district of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation or other costs related to the need for such additional basic instructional services;
- 6) Other instructional services that are designed to assist immigrant children and youth to achieve in schools in the United States, such as programs of introduction to the educational system and civics education; and
- 7) Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

Title III Immigrant funds may be available to a district even if the district has less than a \$10,000 Title III allocation. This funding is contingent upon the NJDOE receiving the federal *ESEA-NCLB* Title III Immigrant funds.

Unallowable Costs

All Titles

Distributing materials or operating programs that promote or encourage sexual activity; distributing legally obscene materials to minors on school grounds; providing sex education or HIV prevention education unless such instruction is age-appropriate and includes the health benefits of abstinence; or operating a program of contraceptive distribution in schools are unallowable costs.

LEAs may not turn funds over to the nonpublic school and allow the nonpublic school to oversee their use. The LEA must administer funds, retain control over the funds, and retain equipment, materials, and property that are purchased with federal funds [ESEA-NCLB §9501(d)]. The services and personnel or agencies providing services to nonpublic school children must be under the control and supervision of the LEA. Personnel employed by or under contract with the LEA must provide services to nonpublic school children. The services must be provided independent of the nonpublic school and of any religious organization. These funds must not be commingled with nonfederal funds [ESEA-NCLB §9526].

Title II, Part A

The salary of a parent education coordinator is an unallowable cost. Use of funds for state-mandated programs such as mentoring may or may not be allowable. For more detail, see the previous “Allowable Costs and Supplement, not Supplant” sections.

Funds may not be used to pay for substitute teachers for nonpublic school teachers who attend professional development activities.

Administrative Costs

Administrative costs are permitted, with the following restrictions:

- A maximum of five percent (5%) of each grant award of **Titles I-A, I-D, II-A, and VI** may be used for administrative costs;
- For **Titles III and Title III Immigrant** the maximum is two percent (2%); and

Administrative costs include expenditures for activities concerned with overall administrative responsibility for a grant program, such as the following:

- Supervising the application of funds;
- Assigning duties to staff members;
- Supervising, reporting, and maintaining records pertaining to the grant program;
- Coordinating activities with other locally, federally, and state-funded activities, including the work of clerical staff in support of teaching and administrative duties;
- Full-time department chairpersons' expenditures; and
- The prorated expenditures of part-time department chairpersons.

Administrative costs may include the salaries of *program directors* (200-100), salaries of *secretarial and clerical assistants* (200-100), the *pro rata share of fringe benefits* for salaries included in the preceding categories (200-200), *purchased professional services*—excluding services for professional development activities (200-300), *purchased technical services* (200-300), *rentals of non-instructional equipment* (200-400), *travel for administrative staff* (200-580), *administrative supplies and materials* (200-600), and *indirect costs* (200-860). Use of the Indirect Cost category must be approved by the NJDOE (see “Indirect Costs” below for more information).

Administrative costs *do not include* expenditures for supervisors of instruction, in-service teacher training, or other professional development activities.

Each expenditure should be evaluated individually as to its function (i.e., instructional vs. administrative), with each budgeted item clearly linked to an identifiable activity reflecting the nature of the expenditure. The cost of the activities must be supported in the program plan. (All administrative funds charged to the grant program must be shown on the *ESEA-NCLB* Application's "Administrative Costs" tab.

Nonpublic school funds may be used for administrative purposes, up to their equitable share, providing the nonpublic school has been consulted and is in agreement.

Note: *If an employee splits time among the "covered programs" and other local, state, or federal programs, time and activity records showing the actual time spent on each program or activity must be maintained. (See OMB Circular A-87, Attachment B, Section 11(h) (4) for time reporting requirements).*

Third-Party Contractors

LEAs are responsible for providing Title I equitable services to eligible nonpublic school students. The USDE guidance regarding nonpublic school services is available at: www.ed.gov/programs/titleiparta/psguidance.doc.

The first step of this process is consultation which includes a discussion of service delivery mechanisms the LEA will use to provide these services. This discussion includes thorough consideration and analysis of the views of the nonpublic school officials on whether the LEA should contract with a third-party provider. If the LEA disagrees with the views of the nonpublic school officials on this issue, the LEA must provide in writing to those officials the reasons why the LEA has chosen not to use a third-party contractor.

If it is determined that third-party provider services will be contracted, the LEA is responsible for contracting with the provider on behalf of the nonpublic school students. These providers must be independent of the nonpublic school and of any religious organization in the provision of those services.

During the contracting process, if a third-party provider requests, and the LEA concurs, to charge administrative fees, these costs must be specified in the bid, contract, and invoices. These administrative costs cannot be charged to the nonpublic school student's per-pupil amount that is calculated during the Title I eligibility process in the *ESEA-NCLB* application. Administrative costs charged by a third-party provider must be reflected in the Title I reserve table under "Administrative Services" and included in the LEA's allowable 5 percent (5%) administrative threshold. **Note:** All reserves are taken from the LEA's total Title I allocation. The per-pupil amount is calculated after reserves are subtracted.

LEA's should retain copies of all third-party contracts, invoices, and documents in which the contractor was advised to provide services in accordance with the Title I requirements.

Equipment

The capitalization threshold used by school districts and charter schools in the State of New Jersey continues to be \$2000 (see revised pages 72 and 73 of *The Uniform Minimum Chart of Accounts (Handbook 2R2) for New Jersey Public Schools*). If the LEA business administrator needs clarification of whether an item should be classified as equipment or supply, the LEA's auditor should be consulted.

Some federal, state, and local laws and regulations, usually in the form of funding programs, may present conflicting criteria for distinguishing between supplies and equipment. The criteria below are based on a combination of the most practical guidelines from these laws and regulations. Unless otherwise bound by federal, state, or local law, LEAs should use these criteria in their supply/equipment classification decisions.

An equipment item is any instrument, machine, furniture, apparatus, or set of articles that meets *all* of the following criteria:

- It retains its original shape, appearance, and character with use;
- It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;
- It is nonexpendable—that is, if the item is damaged or some of its parts are lost or worn out, it is more feasible to repair the item than to replace it with an entirely new unit;
- Under normal conditions of use, including reasonable care and maintenance, it can be expected to serve its principal purpose for at least one year; and
- The item *costs more than \$2,000*.

An item should be classified as a supply if it does not meet *all* the equipment criteria listed above.

Equipment Inventory (EDGAR Section 80.32)

The LEA must maintain a specific inventory of equipment purchased with federal grant funds until transfer, replacement, or disposition takes place. The LEA that cannot produce a piece of equipment purchased with federal funds during a review risks an audit finding, even if the purchase was allowable under the relevant federal grant program. This inventory shall, at a minimum, include the following information:

Description of the item/property;

Serial number, model number, or other identification number (bar code or local identifying number);

Funding source of the item/property;

Titleholder (name of funding title/grant);

Acquisition date;

Acquisition cost of the item/property;

Records showing maintenance procedures to keep item/property in good condition;

Percentage of federal participation in the cost of the item/property;

Location, use, and condition of the item/property, and date information was reported; and

All pertinent information on the ultimate transfer, replacement or disposition (including date of disposal and the sale of the item/property, if applicable) when the item/property is retired from service.

A physical inventory of equipment item/property must be taken and the results reconciled with the inventory property records at least once every two (2) years to: 1) confirm the equipment item/property was found at the location indicated; 2) assess condition of the equipment item/property; and 3) verify equipment item/property is located in a secure environment that can be locked when not in use.

An inventory control system and records showing maintenance procedures must be developed and implemented to ensure adequate safeguards to prevent loss, damage or theft of the item/property. Any loss, damage, or theft shall be investigated and fully documented by local law enforcement officials.

This specific inventory information must be updated as equipment items/property are purged or new purchases are made.

Title I Fiscal Responsibilities for Equipment: LEAs that purchase equipment with Title I funds must:

- Maintain a master inventory listing;
- Label all equipment properly;
- Maintain inventory records for a minimum of five (5) years after disposition of equipment; and
- Maintain at the school level a subsidiary listing of Title I equipment.

Indirect Costs

Indirect costs may be charged to the programs, if the LEA has an Indirect Cost Rate approved by the NJDOE. The cost to be charged to each program is calculated by applying an *approved* Indirect Cost Rate, restricted rate only, to the Total Funds Requested by program as shown on the title screen of the Consolidated Application. LEAs may obtain an approved calculated rate by completing and submitting an "Application for Indirect Cost" to the NJDOE, Office of Fiscal Policy and Planning. *Indirect costs should be shown on the Budget Detail, "Administrative Costs" screen, and on the Title I Eligibility Summary of the application.*

Teacher’s Pension & Annuity Fund (TPAF) & Social Security (FICA) Charges

All LEAs budgeting federal grant funds for salaries of full- and part-time staff who participate in TPAF *must* include TPAF and FICA contributions in the federal grant budget according to N.J.S.A. 18A:66-90. **A minimum of twenty-six percent (26%) must be budgeted for FY 2015.** For those employees working for more than their base salaries (i.e., stipends), an additional 7.65 percent of the wages in excess of the base salary must be budgeted for FICA. Other benefits may also be budgeted; however, all TPAF/FICA and other fringe benefits must be budgeted in proportion to the allocated federal salary.

Transferability of Funds

The *ESEA-NCLB* flexibility provisions (§6123, §6212, and §6221) allow LEAs including small, rural LEAs to transfer a portion of the funds they receive under certain federal programs to other programs that most effectively address their unique needs and to allocations for certain activities under Title I.

Transferability

Under the *ESEA* Flexibility Waiver, LEAs may transfer up to one hundred percent (100%) of the eligible allocated funds to another eligible, *ESEA-NCLB* program (see chart below).

Programs	Transfer Funds From	Transfer Funds To
Title I, Part A		X
Title II, Part A	X	
Title III, Part A		

Since each program covered by the transferability authority is subject to equitable participation requirements, which may not be waived [see *ESEA* §9401(c)(5)], LEAs must subtract all funds allocated to nonpublic schools before calculating the transferability amount. The funds allocated to nonpublic schools cannot be included in the amount to be transferred.

Note: No Title I, Part A funds can be transferred.

LEAs may provide notice to use this transfer option using the *ESEA-NCLB* online application completed and submitted through the Electronic Web Enabled Grant (EWEG) system.

Transferred funds are subject to the rules and requirements of the programs to which they are transferred. The LEA must conduct consultations with students, teachers, or other educational personnel from nonpublic schools if such funds are transferred from a program that provides for nonpublic school participation.

LEAs may use different internal accounting methods to transfer funds. Examples are:

- Move funds from the account(s) of the program(s) from which the funds are being transferred into the account(s) of the program(s) to which the funds are being transferred;
- Establish a new, separate account for transferred funds; and
- Keep the "transferred funds" in their original account(s), but maintain documentation that shows how "transferred funds" in the original account(s) have been reclassified. In other words, in transferring funds, the LEA does not actually have to move funds from one account to another, providing it maintains adequate documentation to account for the transfer.

Regardless of the method the LEA uses to transfer funds, the LEA must maintain records demonstrating how a program's overall funds (including the transferred funds) were spent. However, the LEA does not have to account separately for the expenditure of the funds that were transferred into a program and the allocation to which the transferred funds were added. Additional information on the Transferability Authority requirements can be found at the following Web site: <http://www.ed.gov/nclb/freedom/local/flexibility/index.html>.

Small, Rural School Achievement (REAP)

REAP - Alternate Uses of Funds Authority

LEAs eligible for the Small, Rural School Achievement Program are also eligible to use the Alternate Uses of Funds Authority [*ESEA-NCLB* §6212]. This authority allows eligible LEAs to use funds from certain *ESEA-NCLB* programs for other programs. Eligible LEAs may use the application to apply.

Further information on REAP flexibility requirements under *ESEA-NCLB* can be found at the following Web site: <http://www.ed.gov/rschstat/eval/disadv/flexibility/execsum.html>.

Nonpublic Schools

In general, if the LEA provided equitable services for resident nonpublic school students within a given grant year period, any carryover funds from that grant year period for services to resident nonpublic school students may be used for both public and nonpublic school students on an equitable basis in the carryover grant year period. If, however, the LEA did not provide equitable services for resident nonpublic school students in a timely manner within a given grant year period and, as a result, there are funds remaining that should have been expended for services to resident nonpublic school students, the carryover funds must be used for those resident nonpublic school students during the carryover grant year period.

Public Control of Funds and Property

The LEA must administer funds, retain control over the funds, and retain equipment, materials, and property that are purchased with federal funds [*ESEA-NCLB* §9501(d); *EDGAR 34 CFR* §76.661]. The services and personnel or agencies providing services to nonpublic school children will be under the control and supervision of the LEA. Services to nonpublic school children must be provided by personnel employed by or under contract with the LEA. LEAs may *not* turn funds over to the nonpublic schools and allow the nonpublic schools to oversee their use.

On June 28, 2000, the United States Supreme Court issued its decision in *Mitchell v. Helms*. It ruled that Title VI (now Title V) services, materials, and equipment provided for nonpublic school students must be secular, neutral, and nonideological.

Title to real property and nonexpendable personal property (tangible personal property having a useful life of more than one (1) year and an acquisition cost of \$2,000 or more per unit) purchased by LEAs partly or wholly with federal funds will be vested in the LEA until the assets are no longer available for use in the federally sponsored program, or used for purposes not authorized by the state grantor agency. At that time, federal and state equitable interest will be refunded to the state in the same proportion as the federal and state participation in its costs of acquisition [*EDGAR 34 CFR* §80.32].

Consolidated Administrative Costs

ESEA-NCLB funds may be used to support administrative positions that oversee more than one (1) of the programs, as well as other associated costs (e.g., supplies). In this situation, it may be more efficient to consider these costs as “consolidated administrative costs” which are shared among the programs. The LEA is not required to maintain separate records indicating the percentage of time dedicated to individual projects. Consolidated administrative costs must be attributed to each program and each function/object code. The LEA may consolidate up to the amount allowable for each title to be used for the administration and coordination of one (1) or more programs.

Financial Accountability

OMB A-133 Compliance Supplement

All applicants must be in compliance with federal audit requirements. The OMB A-133 Compliance Supplement contains compliance requirements that apply to Department of Education programs authorized under the *Elementary and Secondary Education Act* (ESEA) and/or subject to the *General Education Provisions Act* (GEPA).

ESEA-NCLB applicants must be familiar with the requirements listed in this circular before completing the application to incorporate activities allowed, such as Consolidation of Administration Funds, Coordinated Services Projects, and Schoolwide Programs. The LEA’s annual audit must meet the criteria listed in A-133.

OMB A-133

Compliance Supplement is provided at: <http://www.whitehouse.gov/omb/circulars/>.

Cost Principles – Circular A-87

OMB Circular A-87 “Cost Principles for State, Local and Indian Tribal Governments,” establishes principles and standards for determining costs for federal awards carried out through grants, cost reimbursement contracts, and other agreements with state and local governments. This circular establishes principles and standards to provide a uniform approach for determining costs and to promote effective program delivery, efficiency, and better relationships between governmental units and the federal government. The principles are for determining allowable costs only. OMB A-87, Attachment B, “Selected Items of Cost,” in particular, provides definitions for allowable and unallowable costs.

OMB A-87 is provided at <http://www.whitehouse.gov/omb/circulars/>. There is also a link from the NJDOE Web site: Click on “Links” then “OMB Circulars.”

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Section V

Nonpublic Schools

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Introduction

ESEA-NCLB provides benefits to nonpublic school students, teachers, and other educational personnel. These services are considered to be of assistance to students and teachers and not to the nonpublic school.

The statutory requirements pertaining to the equitable participation of nonpublic school students are addressed in *ESEA-NCLB* §1120 (Title I), and §9501-9504 (Title IX, General Provisions, which covers Titles II-A, and III) as well as in *Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 76.650-662*. Additional information may be obtained at the USDE Office of Nonpublic Education Web site at <http://www.ed.gov/about/offices/list/oii/nonpublic/index.html>.

Educational services and other benefits must be equitable in comparison to those provided to public schools. Expenditures must also be equitable. Services may be provided directly or through contracts with public and nonpublic agencies, organizations, and institutions to students, teachers, and other educational personnel and must be secular, neutral, and nonideological.

Students in nonprofit nonpublic schools are eligible to receive services through these programs, if the LEA in which the nonpublic school is located is eligible and has submitted an approvable application. Additionally, in order for a nonpublic school to receive both Title II, Part A and Title III funds, the nonpublic school is responsible for completing and submitting information on the Nonpublic School Enrollment Report on which the allocation information is based. Questions regarding the Nonpublic School Enrollment Report should be directed to: nonpublicschoolservices@doe.state.nj.us. For Title I, Part A, nonpublic schools are required to report poverty-level data directly to the LEA. These data are used in the calculation of eligible school attendance areas.

If the LEA chooses not to participate in the program, the law does not provide a vehicle for affording services to teachers and children in nonpublic schools located in the LEA. The program statute does not authorize the NJDOE to reallocate funds to another LEA for purposes of allowing participation of teachers and children attending a nonpublic school located in a nonparticipating LEA. For Title I, Part A or Title II, Part A only, if eligible nonpublic schools refuse funds, the LEA may use these funds for public school use.

Consultation

LEAs are required to conduct timely and meaningful consultation with nonpublic school officials regarding the development of the *ESEA-NCLB* Application before any decision is made that could affect the ability of the nonpublic school students, teachers, and other educational personnel to receive benefits under *ESEA-NCLB* and to provide equitable services to teachers and children in nonpublic schools choosing to participate in these programs. Specifically, consultation is required prior to the LEA submitting the *ESEA-NCLB* Application and prior to the LEA submitting any amendments to the approved *ESEA-NCLB* Application. The LEA is responsible for contacting in writing all

nonpublic schools listed on the LEA's allocation notice to invite them to a consultation meeting. It is suggested that the written invitation be sent return receipt requested. Consultation must continue throughout the implementation and assessment of activities.

Consultation requires meetings between the LEA and nonpublic school officials, and must include discussions on such issues as:

- *How the needs of the students and teachers will be identified;*
- *What services will be offered;*
- *How, where, and by whom the services will be provided;*
- *A thorough analysis of third-party providers;*
- *How the services will be assessed and how the evaluation of results will be used to improve services;*
- *The amount of funds available for services;*
- *The size and scope of the services to be provided; and*
- *How and when decisions about the delivery of services will be made.*

In addition, a thorough consideration of the views of the nonpublic school officials on the provision of contract services through potential third-party providers must take place, and, if the LEA disagrees with the views of the nonpublic school officials on the provision of services through a contract, the LEA must provide written explanation of why the LEA has decided not to use a contractor.

LEAs are required to maintain appropriate records and documentation, including a written affirmation attesting that the LEA conducted the consultation process in the required manner. The Affirmation of Consultation form must include the signature of the nonpublic school official or appropriate representative. If the nonpublic school officials do not submit the affirmation in a reasonable period of time or fail to respond to the request for consultation, the LEA must provide the NJDOE with documentation that the consultation did occur or an attempt was made to consult with the nonpublic school. **Please note** – the LEA must maintain a copy of the Affirmation of Consultation form in its records and be prepared to provide a copy to the NJDOE upon request.

The services or benefits provided are under the control and supervision of the LEA and must be secular, neutral, and nonideological. The LEA application should incorporate services provided to nonpublic school students, teachers, and parents of participating children in all aspects of the application, including the program plan and budget.

The nonpublic school officials have a responsibility to actively participate in the development of the program plan, its objectives, activities, and evaluation methods. Nonpublic school officials also are responsible for providing input to the LEA in the development of the budget for the funds allocated to benefit the nonpublic school students and teachers. The LEA administers funds. These funds may be spent only on allowable activities for each title. At the end of the grant period, except for Title I, any unexpended funds that were designated for services to the nonpublic school students and teachers may be carried over and utilized in the following fiscal year *only* by the specific nonpublic school or may be refunded to the NJDOE.

For Title I, Part A, the LEA must consult with the nonpublic schools and exhaust all possibilities for using the funds during the current school year. If unexpended funds are carried over to the subsequent year, the LEA has discretion as to how the carryover funds are spent, including, but not limited to, the following:

- Add carryover funds to the LEAs subsequent year's allocation and distribute them to participating areas and schools in accordance with allocation procedures that ensure equitable participation of nonpublic school children.
- Designate carryover funds for particular activities that could best benefit from additional funding, such as parental involvement activities or schools with the highest concentrations of poverty.

Charter Schools and County Vocational-Technical Institutions are exempt from the nonpublic school consultation requirement, because the LEA is responsible for the nonpublic students that reside in its jurisdiction.

Title I, Part A Requirements for Services for Children in Nonpublic Schools

Eligible LEAs receiving Title I, Part A funds are responsible for providing services to *all* eligible nonpublic school students residing in the eligible school attendance area. Title I, Part A funds for nonpublic school children are included in the total allocation to LEAs. The LEA determines the amount of funding for nonpublic school children based on the number of poverty-level nonpublic school children who reside in eligible public school attendance areas.

The LEA must offer Title I, Part A services to eligible children enrolled in nonpublic elementary and secondary schools on an annual basis and may provide educational and other services directly or through third party contracts with public and nonpublic agencies, organizations, and institutions. The educational services and other benefits for such nonpublic school children will be equitable in comparison to services and other benefits for participating public school children. Title I, Part A services may not be offered at the same time by the same teacher to a student receiving services under New Jersey Chapters 192 and 193 [*N.J.S.A. 18A:46A-1 et seq.* (Chapter 193, Laws of 1977)]. The students may not miss instruction in the core subjects when receiving Title I, Part A services.

Nonpublic schools are entitled to an equitable share of the LEA's districtwide reserves and professional development; however, only teachers of Title I students may participate in Title I-funded training. Carryover funds are included in the current year's per-pupil amount and nonpublic school students receive an equitable share. In the provision of Title I, Part A services to nonpublic school students, the LEA's responsibilities are to:

- Provide timely, meaningful, and on-going consultation that includes the input of appropriate nonpublic school officials during the design and development of the LEA's Title I, Part A program for participating nonpublic school students;
- Provide timely, equitable services or other programs and services to eligible Title I nonpublic school students;
- Ensure equitable participation of the teachers and families of participating nonpublic school students;
- Ensure that the expenditure of funds for total eligible nonpublic students is equal to the amount of funding as determined by the number of low-income nonpublic school students;
- Provide programs and services to nonpublic school students that are equitable in comparison to the programs and services the LEA provides to public school students participating in Title I, Part A programs. These services must start at approximately the same time as the LEA begins Title I services for public school participants;
- Ensure that the teachers and families of nonpublic school students participate in professional development and parent involvement activities on a basis equitable to the participation of teachers and families of public school students;
- Consult with nonpublic school officials to conduct professional development and parent involvement activities for the teachers and families of nonpublic school students and to determine an appropriate method of delivery;
- Provide services that supplement, not supplant, services that would be available to nonpublic school students without the use of Title I, Part A funds. This means that Title I instruction must be in addition to instruction in the core subjects by the regular classroom teacher; and
- Maintain the title and administrative control of property, supplies and equipment that the LEA purchases with Title I funds to benefit eligible nonpublic school students.

Note: The Title I, Part A nonpublic services are to be targeted to those nonpublic students who are most academically at-risk based upon multiple educationally related and objective criteria. There is no such thing as a Title I schoolwide program relative to providing equitable services to eligible and participating Title I students attending nonpublic schools.

The LEA is responsible for contacting, in writing, all nonpublic schools attended by students who reside in the LEA, as well as consulting with the nonpublic school officials before the LEA makes any decision that affects the opportunities of eligible nonpublic school children to participate in Title I programs (see Appendices section for a sample letter). ***It is suggested that the written invitation to consult be sent return receipt requested.***

To help locate the nonpublic schools where LEA students attend, a discussion with the LEA's "transportation coordinator" would be helpful. Nonpublic schools are required by state law to submit an "Application for Private School Transportation" to the LEA for students eligible for Transportation. (For more information see the following:

www.nj.gov/njded/finance/transportation/trans.htm.) LEAs also should contact local nonpublic schools whose students would not qualify for transportation.

It is highly recommended that public school officials utilize multiple methods such as emails (if available) and telephone calls when trying to engage nonpublic school officials.

The LEA is required to maintain documentation of the consultation with nonpublic school officials, as well as all requests made to nonpublic school officials for participation. This documentation must be maintained in the LEA to verify that consultation occurred each year and to detail the number of requests for participation for each nonpublic school. This documentation is subject to monitoring and auditing by the NJDOE.

In addition to the issues listed above under “Consultation,” the consultation also must include:

- The extent of the Title I, Part A services the LEA will provide to eligible nonpublic school students;
- The proportion of funds the LEA will allocate for services to nonpublic school students including the proportion of funds from the funds set aside for district-wide instructional programs, LEA professional development, and LEA parent involvement;
- The data method or sources used to determine the number of eligible nonpublic school students residing in the participating public school attendance area. If the LEA uses a survey, it must indicate whether data will be extrapolated; and
- The equitable services the LEA will provide to the teachers and families of participating nonpublic students.

Determining Title I Funding for Nonpublic School Students

Once the participating public school attendance areas have been established, under §1113(c) of Title I, the LEA calculates reserves, then calculates the per-pupil expenditure (PPE) for each participating public school attendance area. Based on the total number of children from low-income families residing in each attendance area attending either public or nonpublic schools, the LEA calculates the total amount of funds for each area being served with Title I, Part A funds. From this amount, the LEA allocates an amount of funds for the nonpublic school children (equal to the PPE multiplied by the number of low-income nonpublic school students in the area) to provide equitable services to low-performing nonpublic school students who reside in the eligible attendance area. Student eligibility for services is based on performance, but services are determined by the PPE.

Thus, the LEA, in consultation with nonpublic school officials, must obtain the best available poverty data on nonpublic school children residing in participating public school attendance areas. Because nonpublic school officials may have access to poverty information not easily accessible to public school officials, it is important that public and nonpublic school officials consult and cooperate in this effort (see

Appendices section for sample letters, surveys and United States Department of Agriculture income eligibility guidelines).

The expenditures for educational services and other benefits to eligible nonpublic school children will be equal to the proportion of funds allocated to participating school attendance areas, based on the number of children from low-income families who attend nonpublic schools.

Methods to Collect Poverty Data on Children in Nonpublic Schools

LEAs must obtain poverty counts from nonpublic schools that serve students who reside in the district. The following information, taken from the United States Department of Education (USDE) *Title I Services to Eligible Private School Children Non-Regulatory Guidance*, explains how LEAs must collect the poverty data. Also provided is a sample parent survey and cover letter that nonpublic schools may use to collect the data. The data must then be reported to the LEA for use in the completion of Title I eligibility calculations.

How does the LEA collect poverty data on nonpublic school children?

Section 1120(c)(1) of the Title I statute and §200.78(2) of the regulations allow the LEA to calculate the number of children who are from low-income families and attend nonpublic schools in several ways:

1. Using the same measure of poverty. *If available, the LEA should use the same measure of poverty used to count public school children (e.g., free and reduced-price lunch data).*

Note: If the public schools use the 10/15/13 ASSA data when completing Title I Eligibility Step 1 in the FY 2015 ESEA-NCLB Consolidated Application, these data also should be used for the nonpublic schools.

2. Using comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.
 - a. *In order to obtain the number of nonpublic school children from low-income families, the LEA may use a survey to obtain poverty data comparable to those used for public school students. To the extent possible, the survey must protect the identity of families of nonpublic school students. The only information necessary for the LEA to collect in such a survey of nonpublic school children is the following:*
 - (1) Geographic information verifying residence in a participating public school attendance area;
 - (2) Grade level of each child; and
 - (3) Income level of parents.

The LEA cannot require the nonpublic school officials to give the names of low-income families.

EXAMPLES OF GOOD SURVEY PRACTICES:

Surveys yielding good data have some common characteristics. The survey itself should be simple and understood by parents, including parents with limited knowledge of English. Letters of explanation are sent to principals, and meetings are held with them to explain the necessity and importance of the survey. Principals are encouraged to meet with the parents and then distribute the surveys. After a period of time has lapsed, during which the surveys should have been received, the principals begin to follow up with those parents who have not returned the surveys. Parents are assured to the extent possible that the completed individual survey forms will be kept in confidence at the nonpublic school.

One school district finds that sensitive data, such as income level, are most easily collected when the families providing the data feel that their privacy is being protected. For this reason they use only a numbering system to identify the families and do not require any names on the form. Each principal is given a copy of the form and instructed to number the forms and keep a log. Parents are informed that their names will only be matched to the numbers if they do not return the form (i.e., in order to contact them). Printed at the bottom of the form is "This form has been numbered to protect your privacy. Once we receive the information requested, any linking of this number to your family's name will be kept in strict confidence."

- b. *After obtaining income data from a representative sample of families with children in nonpublic school, the LEA may extrapolate those data to the entire nonpublic school student population if complete actual data are unavailable. The LEA should take care to ensure that the data are truly representative of the nonpublic school students in the district.*

EXAMPLES OF REPRESENTATIVE SAMPLE AND EXTRAPOLATION:

Column 1	Column 2	Column 3	Column 4	Column 5
Public school attendance area	# of resident nonpublic school children	# of nonpublic school children submitting surveys	# of low-income nonpublic school children from survey	Extrapolated # of low-income nonpublic school children
A	150	115	100	130
B	20	10	4	8

CALCULATIONS:

Column 5 (extrapolated number of low-income children) =

Column 4 (# of low-income on survey) multiplied by Column 2 (# resident nonpublic school children)

Column 3 (total submitted surveys)

or $\frac{100}{115} \times 150 = 130$ $\frac{4}{10} \times 20 = 8$

3. Using comparable poverty data from a different source. *If data from the same source used for public school children are not available, the LEA may use poverty data for nonpublic school children that are from a source different from the data it uses for public school children, so long as the income threshold in both sources is generally the same.*

For example, the LEA uses free and reduced-price lunch data, but nonpublic school children do not participate in the free lunch program. However, nonpublic school officials are able to provide the LEA with a count of children who are from low-income families using other sources of poverty data such as Temporary Assistance to Needy Families (TANF) or tuition scholarship programs. If the different sources use different definitions of low-income, the LEA would need to adjust the results accordingly.

4. Using proportionality. The LEA may apply the low-income percentage of each participating public school attendance area to the number of nonpublic school children who reside in that school attendance area. To do this, the LEA will need the addresses and grade levels of those students attending nonpublic schools.

EXAMPLE OF PROPORTIONALITY CALCULATIONS:

The LEA calculates the percent of poverty of a public school attendance area to be 60 percent. The LEA then applies the poverty percentage of the public school attendance area to the number of nonpublic school children residing in that public school attendance area. For example, if the number of nonpublic school children residing in the public school attendance area is 50, then 60 percent of 50 children or 30 children are considered to be from low-income families. The LEA calculates the per-pupil amount on this number (30 children).

1. Using an equated measure. *The LEA may use an equated measure of low-income by correlating sources of data—that is, determining the proportional relationship between two sources of data on public school children and applying*

that ratio to a known source of data on nonpublic school children. For example, the LEA uses free and reduced-price lunch data, but those data are not available for nonpublic school students. However, if TANF data are available, the LEA could determine an equated measure of poor students in nonpublic schools based on free and reduced-price lunch data by correlating the two sets of data as follows: TANF in the public school is to free and reduced price-lunch as TANF in nonpublic schools is to “X.”

$$\frac{\text{TANF (public)}}{\text{Free \& reduced price lunch (public)}} = \text{TANF (nonpublic)} \frac{\text{X (nonpublic)}}{\text{X (nonpublic)}}$$

In this example, the LEA may then use the equated number of nonpublic school students based on free and reduced-price lunch data (“X”) as the number of low income nonpublic school students.

Use of Nonpublic Funds

During the consultations, the LEA officials must discuss with the nonpublic school officials the following options for using Title I funds for instructional services to eligible nonpublic school students:

- **School-by-School Basis:** Equitable services are provided to eligible children in each nonpublic school in the served attendance area using allocated funds.
- **Pooling:** Funds allocated for nonpublic students in served attendance areas may be pooled. The LEA provides equitable services to eligible nonpublic school children who are in the greatest educational need of those services and reside in participating public school attendance areas. If it pursues this option, the LEA, in consultation with officials from the nonpublic schools, must establish criteria to determine the eligible nonpublic school students in greatest educational need who should receive services. Under this option, the services provided to eligible children attending a particular nonpublic school are not dependent upon the amount of funds generated by low-income children in that school. (See following example.)

Example of How the LEA-Allocated Funds for Title I Services for Eligible Nonpublic School Children Using the Pooling Method

There are five (5) public school attendance areas. Three (3) public school attendance areas participate in Title I, and two (2) public school attendance areas do not participate.

There are two (2) nonpublic schools that have students from low-income families residing in all five (5) public school attendance areas. This example demonstrates how the LEA determines the per-pupil expenditure (PPE) for the Title I program for eligible nonpublic school children.

Step 1: Determine the number of nonpublic school children from low-income families in each public school attendance area. In this example, Nonpublic School #1 has twenty (20) children from low-income families residing in Attendance Area A; twenty (20) children residing in Attendance Area B; and two (2) children residing in Attendance Area D. Nonpublic School #2 has thirteen (13) children in Attendance Area C and four (4) children in Attendance Area E. ***The determinations are made on where each child resides and not on the address of the nonpublic school.***

Number of nonpublic school children from low-income families by public school attendance areas

	Title I Attendance Area A	Title I Attendance Area B	Title I Attendance Area C	Non-Title I Attendance Area D	Non-Title I Attendance Area E
Nonpublic School #1	20	20	0	2	0
Nonpublic School #2	0	0	13	0	4

Step 2. Multiply the number of low-income nonpublic school children in the served attendance areas by the PPE. In this example, the PPE is \$400. Attendance Area A generates an allocation of \$8,000 to be used for Title I services for nonpublic students in School #1. Attendance Area B also generates \$8,000 for School #1. Attendance Area C generates \$5,200 for School #2. The nonpublic school children from low-income families in Attendance Areas D and E do not necessitate an allocation of any funds for Title I services because these areas are not participating Title I attendance areas and, therefore, their PPEs are \$0.

Amount of Title I funds available to serve eligible nonpublic school students

	Title I Attendance Area A	Title I Attendance Area B	Title I Attendance Area C	Non-Title I Attendance Area D	Non-Title I Attendance Area E	Total Funds Generated
Nonpublic School #1	20 x \$400 = \$8,000	20 x \$400 = \$8,000	0	2 x \$0 = \$0	0	\$16,000
Nonpublic School #2	0	0	13 x \$400 = \$5,200	0	4 x \$0 = \$0	\$5,200

Step 3: After consultation with nonpublic school officials, the LEA determines which option it will use to fund the Title I programs for eligible nonpublic school children.

Option 1. School-by-School Basis: Funds are allocated for eligible nonpublic school children to provide Title I services on a school-by-school basis to eligible nonpublic school children residing in participating public school attendance areas.

Nonpublic School #1

Attendance Area A = \$8,000

Attendance Area B = \$8,000

Attendance Area D = \$0,000

Total = \$16,000

Nonpublic School #2

Attendance Area C = \$5,200

Attendance Area E = \$0,000

Total = \$5,200

Option 2. Pooling: Combine (pool) funds allocated for all eligible nonpublic school children to be used to provide Title I services to eligible children who reside in participating public school attendance areas and attend any eligible nonpublic school.

Nonpublic School #1 = \$16,000

Nonpublic School #2 = \$ 5,200

Total for pooled services = \$21,200

How does the LEA determine if it should collect the poverty data annually versus biennially (every two years) and must the collection of poverty data be uniform across the district?

Section 1120(a)(4) of the Title I statute permits the LEA to determine the number of children from low-income families who attend nonpublic schools “each year or every 2 years.” This provision was included to reduce the burden of annually collecting poverty data from nonpublic schools, particularly if those nonpublic schools do not otherwise maintain poverty data and so have to obtain those data through a survey. The LEA should consult with appropriate nonpublic school officials about the availability of poverty data on nonpublic school students and by this process determine whether it would be more feasible to collect annually or biennially. It is not necessary that the LEA adopt a uniform procedure with regard to all nonpublic schools. For example, if some nonpublic schools have free and reduced price lunch data available, the LEA could collect those data annually. For other nonpublic schools that rely on a survey, the LEA could collect data biennially. If data are collected from different years, the LEA should ensure that the data for the district, taken as a whole, appropriately and consistently represent concentrations of low-income students.

LEA Fiscal Responsibility

LEAs are responsible for the provision of Title I equitable services to eligible resident nonpublic school students. The USDE guidance regarding nonpublic school services is available at: www.ed.gov/programs/titleiparta/psguidance.doc. The LEA administers the grant funds and purchases all equipment or supplies used to provide Title I, Part A services to eligible nonpublic students. Equipment must be labeled as property of the LEA. The LEA hires all Title I teachers or contracts with a third-party vendor. Nonpublic school personnel are not responsible for signing time sheets for Title I staff hired by the LEA.

The first step of this process for serving eligible nonpublic students is consultation, which includes a discussion of service delivery mechanisms the LEA will use to provide these services. This discussion includes thorough consideration and analysis of the views of the nonpublic school officials on whether the LEA should contract with a third-party provider. If the LEA disagrees with the views of the nonpublic school officials on this issue, the LEA must provide in writing to those officials the reasons why the LEA has chosen not to use a third-party contractor.

Third-Party Contractors

The LEA, in consultation with the nonpublic schools, may contract with a third-party to provide Title I, Part A services to eligible nonpublic school students. If it is determined that third-party provider services will be contracted, the LEA is the entity responsible for contracting with the provider on behalf of the nonpublic school students. These providers must be independent of the nonpublic school and of any religious organization in the provision of those services.

The LEA annual contract with third-party providers to provide Title I, Part A services to eligible nonpublic school students must provide details on the amount or percentage of the total contract for the services covered under the contract. The contract must specify the amount/percentage for each of the following services:

- **Instructional Services:** Salaries of teachers and instructional aide salaries (including fringe benefits); instructional materials, including such items as books, computers and software for student use, workbooks, and supplies.
- **Family Involvement Activities:** The costs the contractor incurs to provide family/parental involvement activities to families/parents of participating nonpublic school students.
- **Professional Development:** The costs the contractor incurs to provide professional development activities to nonpublic school teachers of participating nonpublic school students.
- **Administrative Costs:** Defined as the costs the contractor incurs to administer the program, including, but not limited to, salaries and fringe benefits for the Director, assistants, area supervisors, and support staff; office rent and utilities; office equipment and supplies; postage and mailings; telephone; travel; special capital expenses; escort time; professional development for Title I teachers and supervisors who are employees of the contractor, and the contractor's fee (profit).

Administrative fees must be specified in the provider's RFP, contract and invoices. They may not be charged to the nonpublic school student's per pupil amount that is calculated during the Title I Eligibility Process in the *ESEA-NCLB* application in the System for Administering Grants Electronically (SAGE). Administrative costs charged by a third-party provider must be reflected in the

LEA's *ESEA-NCLB* Application in Eligibility Step 4 via the Title I reserve table under "Administrative Services" and are included in the LEA's allowable 5 percent (5%) administrative threshold. **Note:** All reserves are taken from the LEA's total Title I, Part A allocation. The per-pupil amount is calculated after reserves are subtracted.

LEA contracts with third-party providers must indicate that payments will be based on specific services provided; rather than monthly payments of equal amounts. LEA's should retain copies of all third-party contracts, invoices, and documents in which the contractor was advised to provide services in accordance with Title I, Part A requirements.

Reallocation of Unused Nonpublic Title I, Part A Funds

1. What does a district do if it has not spent all the Title I, Part A funds generated on the basis of the number of nonpublic school children by the end of the project period. The district may do the following:
 - Elect to add unspent carryover funds approved via the final expenditure report to its current year allocation and distribute these funds to participating attendance area schools in accordance with allocation procedures outlined in §11113 of Title I, Part A and ensure equitable participation of eligible nonpublic school children.
 - Allocate funds to public schools with the highest concentration of poverty in the LEA, thus providing a higher per-pupil amount to those public schools, and ensuring equitable participation of eligible nonpublic school children residing in the attendance areas of these public schools.
 - Provide additional funds for activities supported by the reservations in §200.77 of the Title I, Part A regulations such as LEA professional development, parent involvement, and districtwide instructional programs.
Please Note: If the LEA adds carryover funds to a reservation to which equitable services apply such as parental involvement, LEA professional development, and districtwide instructional programs, the LEA also must calculate and provide equitable services from the carryover funds.
2. Is there ever a case in which the LEA may use unobligated funds generated by low-income nonpublic school children that are available for carryover specifically for nonpublic school children in the following year rather than add them to the Title I resources of the LEA in the following year?
 - Yes. If the LEA experiences a delay in implementing an equitable program for eligible nonpublic school children and, as a result, the LEA could not spend all the funds it had available to provide equitable services to nonpublic school children in the current year, the LEA would need to use those funds that carried over into the next year specifically to provide equitable services to eligible nonpublic school children.
3. What are the procedures if nonpublic schools' funds are not fully expended, yet services for nonpublic schools are fully provided?

- LEAs are required to consult with the nonpublic school administrators regarding the extent of services provided and whether there are any other needs for their Title I, Part A students that could be addressed in the current school year with the unspent funds. If nonpublic school administrators are satisfied with the services, the LEA can request an amendment to its budget and move the funds for the use of the LEA's public school program.
 - If the LEA requests an amendment to its budget, and, within this request, nonpublic Title I, Part A funds are identified as unneeded, the Office of Grants Management (OGM) will alert the Office of Title I, ~~Student Achievement and Accountability~~ which then will follow up with a targeted review of the LEA. This targeted review will be done to ensure that consultation occurred with the nonpublic schools regarding the unused funds.
4. How does a nonpublic school official view the Title I section of the *ESEA-NCLB* Application submitted to the NJDOE?
- The nonpublic school official has access to the Electronic Web Enabled Grant (EWEG) system, to view the application for information on the amount of funds and the use of the funds. To view this section of the *ESEA-NCLB* Application, log on under "public access" on the screen at:
<http://njdoe.ewegp.mtwgms.org/NJDOEGMSWeb/logon.aspx>.
5. What can a nonpublic school official do if unsatisfied with the services being provided by the LEA?
- A nonpublic school official can file a formal complaint with the New Jersey Department of Education (NJDOE) by following the steps outlined in the complaint process at the following Web site:
www.nj.gov/education/grants/nclb.

Title II, Part A

Professional development services to teachers must be offered to nonpublic schools. If the LEA uses funds for professional development activities, nonpublic schools must have an opportunity to participate equitably in such activities. For purposes of determining the amount of program funds to be made available for services to nonpublic school teachers, the law assigns a minimum or hold harmless amount of program funds devoted to professional development as the total amount spent in FY 2002 for professional development under the predecessor Title II Eisenhower Professional Development Program and the Class Size Reduction Program. This Hold Harmless amount ensures the nonpublic school's participation in professional development activities. The worksheet for calculating this figure is provided in [Appendix D](#).

Title III, Part A

Title III allocates funds for the provision of services for limited English proficient students (LEP) and immigrant students enrolled in nonpublic schools. Title III allocations are based on the reported numbers of LEP students enrolled in the nonpublic schools identified for and receiving Chapter 192 ESL services and out-of-state LEP students reported on the Nonpublic School Enrollment data collection. Title III also provides supplemental funds for immigrant students. In order to be eligible for services, nonpublic schools must report their number of enrolled immigrant students on the Nonpublic School Enrollment data collection and be in the jurisdiction of the LEA that is eligible for the funds. Only LEAs that enroll twenty (20) or more immigrant students and have experienced a two percent (2%) increase in the number of public and nonpublic immigrant students, as compared to the average of the two (2) preceding years, are eligible to receive supplemental immigrant funds.

Transferability of Funds

The Flexibility and Accountability authorities of Title VI provide options for LEAs to transfer a portion of their funds from a designated program to other specified programs that better address their needs. Each of the programs covered by the transferability authority is subject to the equitable participation requirements.

LEAs must consult with nonpublic school officials **prior to** making any decision regarding the transfer of funds that could affect the ability of nonpublic school students and teachers from benefiting from programs for which they are eligible. The LEA also must provide equitable services to nonpublic school students and teachers from the overall funds available for a program, **including** the transferred funds.

The LEA may not transfer funds to a particular program solely to provide services for nonpublic school students and teachers.

In general, if the LEA provided equitable services for resident nonpublic school students **within a given grant year period, any carryover funds from that grant year period** for services to resident nonpublic school students may be used for both public and nonpublic school students on an equitable basis in the carryover **grant year period**. If, however, the LEA did not provide equitable services for resident nonpublic school students in a timely manner **within a given grant year period** and, as a result, there are funds remaining that should have been expended for services to resident nonpublic school students, the carryover funds must be used for those resident nonpublic school students during the carryover **grant year period**. Additional information on Flexibility and Accountability authorities under *ESEA-NCLB* can be found at the following website: <http://www.ed.gov/nclb/freedom/local/flexibility/index.html>.

Public Control of Funds and Property

LEAs may **not** turn funds over to the nonpublic school and allow the nonpublic school to oversee their use. The LEA must administer funds, retain control over the funds, and

retain equipment, materials, and property that are purchased with federal funds [ESEA-NCLB §9501(d)]. The services and personnel or agencies providing services to nonpublic school children must be under the control and supervision of the LEA. Personnel employed by or under contract with the LEA must provide services to nonpublic school children. The services must be provided independent of the nonpublic school and of any religious organization. These funds must not be commingled with nonfederal funds.

Title to real property and nonexpendable personal property (tangible personal property having a useful life of more than one year and an acquisition cost of \$2,000 or more per unit) purchased by LEAs partly or wholly with federal funds will be vested in the LEA until the assets are no longer available for use in the federally sponsored program, or used for purposes not authorized by the state grantor agency. At that time, federal and state equitable interest will be refunded to the state in the same proportion as the federal and state participation in its costs of acquisition [EDGAR 34 CFR §80.32].

Complaint Process

Parents, teachers, nonpublic school officials, or other individuals and organizations may file a complaint concerning violations of the ESEA-NCLB equitable participation requirements to their county office of education.

Nonpublic School Policies

The following policies have been established regarding changes in nonpublic school status:

- **For nonpublic schools that have closed:**
 - Nonpublic schools are required to notify the LEA providing services, as well as the NJDOE at nonpublicschoolservices@doe.state.nj.us prior to closing. It is incumbent upon the nonpublic school officials of the nonpublic schools that are closing to report to the NJDOE information specific to the schools to which the students are transferring, in order for adjustments to be made to the allocations of the receiving schools. If this information is not reported by the time of the closing of the Nonpublic School Data Collection Report, no allocation adjustments can be made. LEAs will not receive allocations for the nonpublic schools that have closed within their geographic boundaries.
- **For nonpublic schools not listed on the LEA allocation notice:**
 - Funds generated by students attending nonpublic schools not listed on the LEA allocation notice will be allocated to LEAs only if the nonpublic school official enters applicable information in the Nonpublic School Enrollment Report. This data includes, but is not limited to, ages 5-17 enrollment counts, non-profit/for profit status, LEP enrollment counts, a nonprofit tax identification number, etc. This report must be completed in accordance with the procedures and timelines of the New Jersey Department of Education. No funding will be calculated for schools that have not entered

and confirmed all applicable data/information on the Nonpublic School Enrollment Report.

Disposition of NCLB-Funded Equipment and Materials/Supplies Utilized by Students in Nonpublic Schools that are Closing or Merging

If a nonpublic school closes in which enrolled students have been receiving services under an *ESEA-NCLB* grant program with an equitable participation requirement, the LEA should take the following actions regarding the disposition of equipment and materials/supplies purchased with grant program funds and used to provide grant-funded services to nonpublic school students and teachers. Please Note: In all circumstances, the LEA retains title to any equipment and materials/supplies purchased with the grant program funds and used in a nonpublic school, and must identify and inventory all such equipment and materials/supplies.

When the LEA is notified that a nonpublic school is closing, the LEA should consult with the nonpublic school officials to determine the continued needs of the students and the disposition of the equipment and materials/supplies purchased with grant program funds. This consultation should occur prior to the closing of the nonpublic school.

After consultation with appropriate nonpublic school officials, the LEA may use the equipment and materials/supplies to provide services to eligible children receiving services under the same grant program in other nonpublic schools within their LEA or in the LEA's public schools, if the equitable services requirement has been met.

Under Title I Part A, the LEA may provide services using the equipment and materials/supplies in nonpublic schools outside the district to the extent that there are eligible Title I nonpublic school students in such schools.

For other programs, the LEA may place the equipment and materials/supplies only in nonpublic schools within its own LEA's boundaries where the LEA has an obligation to provide equitable services to the nonpublic school students and teachers.

If there is no longer a need for the equipment and materials/supplies in the particular grant program through which funds were used to purchase the equipment and materials/supplies, and the LEA has consulted with the appropriate nonpublic school officials, the LEA may use the equipment and materials/supplies to provide services to eligible students receiving services under other federal programs in the LEA's nonpublic or public schools.

If there is no longer any need for the equipment or materials/supplies in either the original federal program, or for other activities currently or previously supported by a federal agency, the LEA should dispose of the equipment or materials/supplies in accordance with §80.32 and §80.33 of the Education Department General Administrative Regulations (EDGAR).

Regardless of the LEA's decision about the continued use of the equipment and materials/supplies, the LEA should transfer the equipment and materials/supplies from the closing nonpublic school as soon as the LEA ceases providing services in that nonpublic school and preferably before the nonpublic school closes.

If two (2) or more nonpublic schools are merging and the schools are located in the same LEA, the LEA, after consultation with the appropriate nonpublic school officials and inventorying the equipment and materials/supplies, may transfer the equipment and materials/supplies from the closing nonpublic school to the nonpublic school within the LEA the students will be attending.

If two (2) or more nonpublic schools are merging and the schools are located in different LEAs, the LEA in which the nonpublic school that is closing is located should follow the instructions above regarding nonpublic schools that close.

Equipment Requirements Concerning Nonpublic Schools (34 CFR §299.9)

The LEA must keep title to, and exercise continuing administrative control of, all property, equipment, and materials/supplies that the LEA acquires with funds under a covered program for the benefit of eligible nonpublic school children and their teachers or other education personnel.

The LEA must maintain a specific inventory of equipment purchased with federal grant funds until transfer, replacement, or disposition takes place. Identification information (e.g., barcodes, inventory tags, etc.) must be affixed to equipment, and it must specifically denote the name of the LEA, federal program under which the equipment was purchased, and the year of purchase.

This inventory shall, at a minimum, include the following information:

Description of the item/property;

Serial number, model number, or other identification number (bar code or local identifying number);

Funding source of the item/property;

Titleholder (name of funding title/grant program);

Acquisition date;

Acquisition cost of the item/property;

Records showing maintenance procedures to keep item/property in good condition;

Percentage of federal participation in the cost of the item/property;

Location, use, and condition of the item/property, and the date the information was reported; and

All pertinent information on the ultimate transfer, replacement, or disposition (including date of disposal and the sale price of the property, if applicable) when item/property is retired from service.

A physical inventory of equipment items/property must be taken and the results reconciled with the inventory property records at least once every two years to: 1) confirm equipment items/property was found at the location indicated; 2) assess the condition of the equipment items/property; and 3) verify equipment items/property is located in a secure environment that can be locked when not in use.

An inventory control system and records showing maintenance procedures must be developed and implemented to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated and fully documented by local law enforcement officials.

This specific inventory information must be updated as equipment items/property are purged or new purchases are made. The LEA that cannot produce a piece of equipment purchased with federal funds during a review risks an audit finding, even if the purchase was allowable under the relevant federal program.

The LEA may place equipment and materials/supplies in a nonpublic school for the period of time needed for the program. The LEA shall ensure that the equipment and materials/supplies placed in a nonpublic school –

Are used only for proper grant program purposes; and

Can be removed from the nonpublic school without remodeling the nonpublic school facility.

The LEA must remove equipment and materials/supplies from a nonpublic school if –

The equipment and materials/supplies are no longer needed for the grant program purposes; or

Removal is necessary to avoid unauthorized use of the equipment or materials/supplies for other than grant program purposes.

No funds may be used for repairs, minor remodeling, or construction of nonpublic school facilities.

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Section VI

Title I, Part A

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Key Elements

Purposes: Title I, Part A funds assist low-performing students in eligible schools. Funding allocations to LEAs are determined by U.S. Census Bureau data for LEAs with a population over 20,000 residents, and by the number of free-lunch students for LEAs with under 20,000 residents. Title I funds are supplemental to the regular classroom instruction, intended to provide additional services, such as tutoring, to eligible students to help them achieve academic proficiency and meet the Core Content State Standards and Core Curriculum Content Standards. In targeted assistance programs, specific low-performing students must receive Title I supplemental services. In schoolwide programs, the LEA may use Title I funds for any activities that are part of the Title I Schoolwide plan. Title I includes the following key elements:

- Instructional programs must be scientifically based;
- Newly hired teachers must meet the definition of highly qualified;
- Paraprofessionals working in a program supported with Title I funds and hired after January 8, 2002, must meet new requirements prior to employment;
- Instructional paraprofessionals hired prior to January 8, 2002 must have met the Title I requirements by the end of the 2205-2006 school year;
- Annual testing of reading and math in grades 3 through 8 and grade 11. Science test for grades 4 and 8;
- Disaggregation of assessment data by subgroups;
- Additional requirements for providing information to parents including the Parents' Right-to-Know and parental involvement policy;
- Schoolwide programs for schools with at least forty percent (40%) poverty or for Priority or Focus schools must contain required components as included in the Title I Schoolwide Plan or School Improvement Plan accordingly; and
- Participation in the biennial National Assessment of Education Progress assessments of grades 4 and 8 in reading and math, if selected for the sample.

Accountability System

Under Option A under Principal 2B of the *ESEA Flexibility Waiver*, the New Jersey Department of Education (NJDOE) selected the goal of closing half its achievement gap within six (6) years and calculated progress Targets for the state, LEAs, schools, and subgroups based on closing this gap in equal increments each year. To meet this goal, the proficiency rates utilize the NJASK Assessment 2010-2011 for Grades 3-8 and the HSPA Banked Cohort 2010 for High Schools as the starting point for setting the baseline. The six-year goal (20016-2017) for the percentage of proficient students is determined by:

- Calculating the percentage of students who are not proficient;
- Dividing that percentage in half; and
- Subtracting the result from 100 percent (100%).

The annual Progress Targets are set in equal increments toward a goal of reducing by half the percentage of students, in the “all students” group and each subgroup, who are not proficient within six (6) years.

Separate Progress Targets are determined for the state, each LEA, school, and subgroup in Language Arts Literacy (LAL) and Math. Progress Targets are calculated on aggregated scores for all students and each subgroup utilizing assessment results for grades 3-8 and 11. The Progress Targets are based on the aggregate of all students and not by grade spans.

A minimum “N” size of thirty (30) applies for all students and for each subgroup. Progress Targets are not reliable and not determined for subgroups less than thirty (30) students. Once the population reaches a minimum n-size = 30 students, new baseline targets are established. The subgroups are as follows:

- All Students
- Students with Disabilities
- Economically Disadvantaged
- Limited English Proficient
- African American
- Asian
- Hispanic
- Native American
- White
- Two or More Races

For the highest performing schools and subgroups, the NJDOE determined that such a process likely present unreasonable targets. As such, the NJDOE established that those schools and subgroups could meet expectations by either reaching their individually determined Progress Targets or a proficiency goal of ninety percent (90%).

A ninety-five percent (95%) participation rate is required for meeting the Progress Targets. Participation rates are determined for all students and for each subgroup for LAL and Math. Participation Averaging is applied if the school misses only the participation rate, then an average of three (3) years of participation is calculated and utilized as the participation rate.

To determine whether or not expectations are met, the annual proficiency is compared to annual Progress Targets. To calculate the percent Proficient, add the number of Proficient and Advanced Proficient results and divide by the number of Valid Test results. Yearly performance must meet or exceed the determined annual Progress Target or reach the proficiency goal of ninety percent (90%). This rate will be increased to ninety-five percent (95%) in 2015.

In the calculations, only full year students are included in performance measures; students who are in school less than a year are removed (TIS<YR). In addition, former

Limited English Proficient students, who have left the programs within two (2) years, and the Alternate Proficiency Assessment are included in the results.

If baseline proficiency is ninety percent (90%) or greater, the increment is not determined. However, all annual targets are set at the statewide goal of ninety percent (90%) until after 2015 when the targets increase to ninety-five percent (95%). If performance falls below ninety percent (90%) in subsequent years, the baseline proficiency is not recalculated and the school must meet the ninety percent (90%) target.

Public Reporting/*ESEA-NCLB* Reports

To ensure all schools are engaged in continuous improvement, the NJDOE has a school performance report for all schools. The NJDOE reports on the performance of each school by focusing on the most critical measures of student achievement including subgroup measures and key college- and career-readiness metrics (e.g., AP, SAT scores). A school's meeting each performance target is an integral part of the performance report's summary metric of Academic Achievement. Each subgroup's performance at each school will be measured and identified as meeting or not meeting its specific performance targets.

These performance reports identify schools that are not making progress or not meeting other targets, such as participation rates in SAT test-taking. They also identify highly successful schools, thereby, allowing the NJDOE to recognize and celebrate LEAs and schools with high achievement and/or high growth. This recognition serves as an incentive for schools and LEAs to continued innovating and improving, and enables the NJDOe to learn from these schools and LEAs, and share their best practices widely.

The performance report identifies key areas of need for all New Jersey schools. That is, while some schools will not fit into the Priority or Focus categories, they may nevertheless have weaknesses in need of attention. For non-Priority and non-Focus Schools:

- Each LEA will be required to develop, for each school missing performance targets, a local school board-approved school improvement plan that addresses the school- and/or subgroup-missed performance targets.
- These plans will be required to describe the alignment of Title I, Part A funds to address the deficiencies in performance identified for that school.

Distribution of Funds to LEAs

Basic, Concentration, Targeted, and Education Finance Incentive Grant funds are allocated by the federal government using U.S. Census Bureau data [*ESEA-NCLB* §1124, §1124A, §1125, §1125A]. The allocations reflect the numbers of formula children (for each LEA) using poverty estimates.

In New Jersey, final allocations to LEAs are calculated in two (2) ways:

- For districts with resident populations of over 20,000, allocations are based on the USDE allocation that is then adjusted for state administrative costs and adjustments to fund charter schools and county vocational-technical institutions.
- For districts with resident populations under 20,000, available funds are reallocated using New Jersey Application for State School Aid (ASSA) enrollment and free lunch/free milk data (charter schools and county vocational-technical institutes are included in the under 20,000 population of LEAs for Title I, Part A allocation purposes).

Generally, Title I eligibility and Title I allocations are based on the count of economically disadvantaged children who *reside* in the school attendance zone of a given school.

Once funds are allocated to the LEA, it must reallocate funds to the school level, based on poverty rates. Only schools identified as eligible may receive Title I services.

Funds for the neglected are allocated to LEAs where institutions for the neglected are located for prevention or intervention programs for children and youth who are delinquent or at risk of dropping out of school [ESEA-NCLB §1124].

Determining the Title I Eligibility of School Attendance Areas

ESEA-NCLB §1113 contains requirements for identifying eligible school attendance areas, selecting eligible attendance areas, and allocating Title I, Part A funds to these attendance areas. A school attendance area is the geographic area in which the children who are normally served by a particular school reside.

The LEA must list all its schools in rank order by poverty, from poorest to least poor. Every public school in the LEA must be listed regardless of school eligibility.

The same measure of poverty must be used for the following:

- Identifying eligible school attendance areas;
- Determining rank order; and
- Determining the allocation to eligible school attendance areas.

The following criteria must be met as eligible schools are selected:

- Student counts are based upon ages 5-17;
- Students formerly exercising the public school choice are counted in the school of choice;
- Eligible attendance areas are determined based on percentages of poverty;
- Any school, including middle and high schools, with a poverty rate above seventy-five percent (75%) **must** be served and allocated either a higher per-pupil amount or the same per-pupil amount;

- The next rank-ordered school attendance areas may be served using the following:
 - Districtwide ranking, compared to the same poverty average for the district; or
 - Grade-span groupings, compared to the relevant grade span poverty average or the district poverty average.
- The definition of grade-span grouping is defined by the organization or structure of the LEA. For example, the LEA serving all grades in elementary, middle, and high schools would have grade-span groupings of K-5, 6-8, and 9-12. To the extent the LEA has schools that overlap grade spans (K-5, K-8, 6-8), the LEA should include a school in a grade span that is most appropriate;
- The LEA with an enrollment of less than 1,000 students or with only one grade per grade span is not required to rank its school attendance areas of eligibility; and
- All schools must be listed.

Poverty Criteria

The poverty data used to select the eligible attendance area must be documented and kept on file in the LEA. LEAs must select a poverty measure from the following for both public and nonpublic school students:

- **Free lunch under the *National Free School Lunch Act*;**
- **Reduced lunch under the *National Free School Lunch Act*;**
- Census data approved by the Secretary of Education;
- Temporary Assistance for Needy Families (TANF);
- Medicaid;
- Composite of any of the above measures; and
- Feeder Method: The Feeder Method is the average of the sending schools that “feed” into the receiving school, (i.e., the average of the poverty of four elementary schools becomes the poverty level of the receiving middle school).

Poverty Percentage for Ranking

Total counts must be entered for *all* public and nonpublic students in *all* schools in Step 1 of Eligibility. Low-income student counts also must be entered for *all* public and nonpublic students. Complete counts are necessary to determine accurate poverty percentages. LEAs may rank schools using (1) public and nonpublic values or (2) public values only. If option 1 is selected, LEAs must certify that complete nonpublic counts are used.

Methods for Qualifying Attendance Area in Accordance with *ESEA-NCLB §1113*

A school attendance area can be served if it meets one of the following criteria:

- 1) **At or above LEA poverty level:** All eligible schools are at or above the district level of poverty. *Funds may run out before serving all attendance areas.*

OR

2. **At or above LEA poverty level and some schools are at or above thirty-five percent (35%) poverty:** All eligible schools are at or above the district level of poverty; however, the school district also may select schools at or above thirty-five percent (35%) poverty. *Funds may run out before serving all attendance areas.* If all schools are at or above thirty-five percent (35%) poverty, they must be ranked and served in descending order with the highest poverty school receiving an equal or larger per-pupil amount than the next school in the ranking. (These schools may not receive a higher per-pupil amount than a school with a poverty rate above 75%.) Each following school must receive an equal or smaller per-pupil allocation than the preceding school. When deciding whether to fund all eligible schools, keep in mind that the per-pupil amount must be adequate to ensure that a school can operate a Title I program of sufficient quality to enable eligible students to achieve academic proficiency.

3. **A single attendance area—one school per grade span (e.g., K-5, 6-8, 9-12) or a one school district:** Each school in the LEA has a specific grade span, which does not overlap any other school's grade span in the LEA. *LEAs may serve any school.*

OR

A single attendance area—enrollment of less than 1,000: The entire school district has an enrollment of less than 1000 students. *LEAs may serve any school.*

4. **Grade span ranking:** The LEA has the option to rank by grade span groupings in lieu of the districtwide ranking method. (*Title I Eligibility – Step 3 - Option #5*)
 - The same districtwide poverty average must be used if the LEA selects Option #1.
 - For ranking by grade span groupings, the LEA may use (1) the districtwide poverty average or (2) the districtwide grade span poverty averages for the relevant grade span grouping. Note that the grade span poverty percent must be at or above the LEA poverty percent.
 - If the LEA has no school attendance areas above seventy-five percent (75%) poverty, the LEA may rank districtwide or by grade span groupings.
 - The LEA's organization of its schools defines its grade span groupings. For example, if the LEA has elementary schools serving all elementary grades, middle schools, and high schools, the grade span groupings would be grades K-5, 6-8, and 9-12. To the extent the LEA has schools that overlap grade spans (e.g., K-5, K-8, 6-8), the LEA should include a school in the grade span in which it is most appropriate.

5. **A desegregation waiver:** The district has a desegregation waiver that permits using Title I funds in the affected school(s). This option may only be used in combination with the two (2) criteria described above in item #1.

This ranking method can be chosen if the district has an approved desegregation waiver that permits using Title I funds in a school that would be ineligible unless it was part of a state- or court-ordered desegregation plan.

Section 1113(a)(7) of Title I recognizes that a school desegregation plan or a plan that continues to be implemented in accordance with such a desegregation plan may alter the concentrations of poverty in schools governed by the plan. To accommodate this situation, if the number of children from low-income families in a school under a desegregation plan is at least 25 percent of the school's total enrollment, the LEA may annually request the Secretary of Education to waive the eligibility and allocation requirements in section 1113(a) and (c) so that the LEA may identify as eligible and serve the school under Title I.

In preparing its request, the LEA must seek comment from interested parties, including the NJDOE and nonpublic school officials, if appropriate, and include the following information in its request so that the Secretary may determine whether the request meets the statutory criteria in section 1113(a)(7):

- The school or schools for which the waiver is requested.
- A copy of the LEA's ranking of school attendance areas and schools, indicating which schools the LEA would fund if the waiver is granted and which schools the LEA would fund absent a waiver.
- A brief explanation of the LEA's desegregation plan (indicating the date of the plan and whether it is court-ordered, state-ordered, or continues to be implemented in accordance with a court- or state-ordered plan), how the desegregation plan affects the schools for which the waiver is requested (including, if available, the plan's impact on the concentrations of poverty in those schools), and how the plan would be furthered by the waiver.
- An explanation of the educational justification supporting the waiver request, including measurable educational improvement goals and expected outcomes for affected students and the methods to be used to measure progress in meeting those goals and outcomes.
- If the LEA proposes to skip eligible schools in order to serve schools under a waiver, an explanation of why it would further the purposes of the Title I program to serve the schools for which the waiver is requested rather than the schools that would be skipped, including a description of the services to be provided and the number of children who would benefit.
- If the LEA is requesting a waiver of Section 1113(c), the per-pupil amount the LEA intends to allocate to the schools for which the waiver is requested and the per-pupil amount(s) the LEA intends to allocate to its other schools.
- An explanation of how the LEA will continue to ensure the equitable participation of eligible nonpublic school children if the waiver is granted, including a description of how it consulted with nonpublic school officials in the development of the waiver request.

The USDE may grant the LEA's request if it determines that approval of the request would further the purposes of Title I, Part A.

A copy of the waiver request and the approval letter must be submitted to the New Jersey Department of Education before this option can be used on the EWEG system.

(Note: The LEA must request a waiver annually from the US Department of Education. More information on waivers is provided in the Introduction section of this manual).

Note: Any Title I funds carried over from the previous year are added to the current year allocation and allocated to schools using the same rank order process.

Eligible Schools

A school is eligible for funding based upon the following priorities. LEAs may use discretion in selecting school attendance areas; however, a school *must* be served if it exceeds seventy-five percent (75%) poverty.

- Serve a school if, either rank-ordered by grade level or within the entire LEA, the school's poverty level is at least as high as the percentage of poverty in the LEA as a whole.
- Designate as eligible any school attendance area in which at least thirty-five percent (35%) of the children are from low-income families.
- Use Title I funds in a school that is in an ineligible school attendance area if the percentage of children on roll in the public school from low-income families is equal to or greater than the LEA's average percentage of poverty.
- Designate and serve a school attendance area that is ineligible, but was eligible and was served in the preceding year. This school may be served during the upcoming year, but only for one additional year. This eligibility option is called LEA discretion.
- The LEA is a single attendance area.
- Elect not to serve an eligible school attendance area that has a higher percentage of children from low-income families, provided the poverty rate of that school is seventy-five percent (75%) or less if it meets the following requirements:
 - The school is receiving supplemental funds from other state or local sources that meet the intent and requirements of *ESEA-NCLB* § 1114 or §1115;
 - The funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A; and
 - The school meets Title I Comparability requirements.

Note: *Calculations must be done for nonpublic school students in all eligible school attendance areas, including all schools in single attendance areas. If the LEA chooses to “skip” an eligible school attendance area, funds for the nonpublic school students must be calculated and services provided.*

Reserve Funds

Prior to allocating Title I funds to eligible schools, LEAs must reserve funds that are required or optional for specific areas of concentration. A district cannot use all of its funds in the reserves. Sufficient funds must be available for schools to run a program of size, quality, and scope. The core of Title I is to allocate funds to individual schools.

Funds *must* be reserved for the following students or activities:

Neglected Students in community day programs. A district could use Title I funds reserved for neglected children to pay for direct instruction, provide professional development for instructional staff, purchase instructional materials and equipment such as computers and other forms of education technology, and provide instructional support services. The uses of Title I, Part A funds reserved for this purpose would parallel how Title I, Part A funds must generally be used.

Homeless Students to support supplemental services for eligible homeless students in both Title I and non-Title I schools that are comparable to services provided to non-homeless students in Title I schools. These services are for educational support to help the homeless students achieve the state's academic standards. Funds may not be used for nonacademic purposes such as extracurricular activities, class rings, and graduation robes, or driver's training; however, they may be used for certain items that are not available from other sources, such as purchase of an item of clothing to enable the child to meet the school's dress code.

Based on Section 725 of the *McKinney-Vento Act*, a homeless student lacks a fixed, regular, and adequate nighttime residence per the following criteria:

1. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children (as defined in Section 1309 of the *Elementary and Secondary Education Act of 1965*, as amended) who qualify as homeless, because they are living in circumstances described in this definition.
 - a. Enroll and enrollment include attending classes and participating fully in school activities.
 - b. Unaccompanied youth includes a youth not in the physical custody of a parent or guardian.

Parent Involvement in LEAs receiving a Title I Allocation of more than \$500,000. LEAs with Title I allocations over \$500,000 must reserve at least one percent (1%) of funds of which at least ninety-five percent (95%) must be used for school level activities and five percent (5%) allowed for district level activities;

Priority/Focus Interventions. LEAs with school(s) identified as Priority or Focus must set aside at least thirty percent (30%) to implement interventions as outlined in the approved School Improvement Plan (SIP).

Funds *may* be reserved for the following:

- **Administrative Costs (including nonpublic school Capital Expenses, if applicable):** There is a maximum amount of five percent (5%) that may be used for administrative costs;
- **LEA Professional Development** may be reserved to assist teachers and paraprofessionals to become “highly qualified,” however all instructional staff should now meet this qualification. Funds may be reserved for other professional development activities to benefit Title I students;
- **Preschool Programs:** Districtwide preschool programs can serve *Title I eligible* students from Title I attendance areas, but LEAs *cannot* designate the preschool program as schoolwide to serve *all* students **Note:** This program is *not* open to nonpublic students. Nonpublic services are only for elementary, middle, and secondary students:
- **District-wide Instructional Programs** such as summer school:
 - These programs must serve Title I students from the public and nonpublic *served* school attendance areas only;
- **Teacher Incentives and Rewards** for schools may be funded at a maximum of five percent (5%).

Distribution of Remaining Funds – Calculating the Per Pupil Expenditure and Attendance Area Allocations

After the Reserves are subtracted from the total, Title I, Part A Allocation, any remaining program funds should be distributed based upon the criteria indicated under Eligible Schools above or prorated among eligible schools.

Determination of Per-Pupil Expenditure (PPE) The PPE is the amount allocated for each low income student in served schools and may be calculated in two ways:

- 1) Same PPE Per School – The PPE is the amount of funds each low income student would be allocated if all eligible schools in the LEA are served evenly and there are no schools with less than thirty-five percent (35%) served. The basis for the PPE is the Distribution Amount:
 - a) The Total Title I, Part A Allocation; plus
 - b) Transfers In (Title IIA, if any); plus
 - c) Transfers In (Carryover and/or Overpayment, if any); less
 - d) Required Reserves (if any); less
 - e) Optional Reserves (if any).

The Distribution Amount is then divided by the number of low income students in the served schools to arrive at the PPE.

- 2) Different PPE Per School – At the LEA discretion, schools may be funded using different PPEs per school. The PPE for each school is determined by dividing the funds allocated to the school by the low income students in the school. When using this method, the total Distribution Amount for the LEA must be allocated to eligible schools and schools with higher poverty rates must have a higher PPE than schools with lower poverty rates.

NOTE: If an LEA has a High School with a graduation rate of less than sixty percent (60%), the per pupil rule is waived. The PPE for these schools may be higher than schools with a higher poverty rate or lower than schools with a lower poverty rate.

Adjusted Per-Pupil Expenditure (APPE) for LEAs with Less Than Thirty-Five Percent (35%) Poverty

Whenever a school in an LEA with a poverty rate of less than thirty-five percent (35%) is eligible and not skipped, the PPE is multiplied by one hundred twenty-five percent (125%). No served school may get less than the APPE unless funding for the served school with the lowest poverty rate is such that this rule cannot be met.

Attendance Area Allocation

- **Public School:** Multiply the number of low-income public school students by the PPE or APPE to determine the allocation for each school.
- **Nonpublic School:** Calculations must be done for nonpublic school students in all eligible school attendance areas, including all schools in single attendance areas. If the LEA chooses to “skip” an eligible school attendance area, funds for the nonpublic school students must be calculated and services provided. If the LEA does not serve a Title I school due to insufficient funding, the nonpublic school students residing in that area are not eligible for Title I services.

The number of low-income nonpublic school students is multiplied by the PPE or APPE to derive the amount of funded support that the nonpublic school will receive to support only those nonpublic school students who reside in an eligible public school attendance area. A nonpublic school, therefore, may receive funded support services as a result of the cumulative calculations of multiple school attendance areas. In addition, the nonpublic school may receive funded support services from multiple school districts for their respective students.

Title I Programs – Targeted Assistance Program or Schoolwide Program

Targeted Assistance Schools

All schools receiving Title I funds that are either ineligible for or choosing not to elect the option of operating schoolwide programs are known as targeted assistance schools. Such schools may use Title I funds only for services to children identified as having the

greatest need for additional instructional support and assistance. Instructional services provided must be grounded in scientifically-based-research (SBR). [ESEA§1115].

Eligible Population

To be eligible for Title I services, the student must demonstrate academic need based upon multiple, educationally related criteria set by each eligible school. The population eligible for Title I services in a targeted assistance school includes children not older than age twenty-one (21) who are entitled to a free public education through grade 12. Preschool age children who are old enough to benefit from an organized instructional program in a school or other educational setting also are eligible. Children who are economically disadvantaged; homeless; have disabilities; migrant children; limited English proficient; and who participated in a Head Start program at any time during the two (2) years preceding the year for which selection is made are eligible for Title I services in targeted assistance schools on the same basis as all other children using the same criteria.

Other children eligible for Title I services are those who are at-risk: such as those in local institutions for neglected or delinquent children, or children attending community day programs for such children, and homeless children attending any school in the LEA.

Selection of Students

Children eligible for services are those from the population described above and identified by the school as failing, or most at risk of failing, to meet the state student performance standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school. Students identified from preschool through grade 2, however, must be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

Components of a Targeted Assistance School

In a targeted assistance school, Title I funds must be used to help eligible children identified for Title I services to meet the same challenging state standards in English Language Arts (ELA) and mathematics as all other children in the school.

To this end, programs of instruction must be based on effective instructional approaches and other means of improving student achievement. Title I planning must be incorporated into existing school plans and must be coordinated with and support the regular education program of the school. Also, schools may provide services simultaneously by serving Title I students and students with similar educational needs in the same educational setting, where appropriate.

In planning, consideration should be given to the following: 1) extending learning time; 2) providing an accelerated, high-quality curriculum; 3) minimizing “pull-out” instruction; 4) providing instruction by highly qualified staff; 5) upgrading staff skills through additional training; 6) using strategies such as family literacy services to increase parental involvement and engagement; and 7) helping students to make transitions, such as those from early childhood programs to elementary school programs.

Requirements

Targeted assistance schools are required to coordinate with other resources in order to maximize opportunities for students to meet New Jersey's content and performance standards. In addition, targeted assistance schools are required to review the progress of participating students on an ongoing basis and revise the program, if necessary, to enable students to improve their achievement. Each targeted assistance school will devote sufficient resources to carry out effectively appropriate professional development activities for the school year.

Comprehensive Services

A targeted assistance school may provide comprehensive services if health, nutrition, and other social services are not otherwise available to eligible children. Then as a last resort, a portion of allocated Title I funds may be used to provide such services as eyeglasses, hearing aids, and other basic medical equipment; compensation of a coordinator; and training for teachers, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

Comprehensive services may be provided only if the school has engaged in a comprehensive needs assessment, established a collaborative partnership with local service providers, and determined that funds for such services are not reasonably available from other public or private sources.

Schoolwide Programs

A schoolwide program is one in which Title I, Part A and other federal education program funds and resources are used to upgrade the entire educational program of a school. The purpose is to increase the academic achievement for all students in the school by allowing schools to integrate their programs, strategies, and resources. The school must receive Title I, Part A funds, and at least forty percent (40%) of the children enrolled in the school or residing in the school attendance area must be from low-income families [*ESEA-NCLB* §11114] except for Priority and Focus schools **Please Note:** The 40% poverty threshold has been waived for Priority and Focus Schools).

Schoolwide programs may combine Title I, Part A funds with other federal funds in support of the schoolwide program. When federal program funds are combined in a schoolwide program to upgrade the entire educational program in a school, they lose their federal identity. A school that is approved to exercise this authority is exempt from many statutory and regulatory provisions of the programs whose funds and resources it combines, as long as it meets the intent and purposes of those programs. However, all teachers and instructional paraprofessionals in a Title I school operating an approved schoolwide program are subject to Title I requirements and must meet the *Highly Qualified* designation under *NCLB*.

Accountability

A school using funds from other programs is not relieved of requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to nonpublic school children, maintenance of effort, comparability of services, supplement, not supplant rules, or the distribution of funds to state or local agencies that apply for the receipt of funds from such programs.

Programmatically, schoolwide programs must meet the “intent and purposes” of the program funds included in the school. These funds have to be used for schoolwide reform strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum for all children, according to a comprehensive plan to meet the state’s high standards. Furthermore, the program must include services designed to boost the performance of low-achieving students.

Plans must meet certain criteria and be approved by the NJDOE. Title I, Part A funds may be blended with other schoolwide funds, subject to federal and state requirements.

The Schoolwide Plan

An eligible school that desires to establish a schoolwide program must develop, in consultation with the NJDOE, the LEA and its school support team or other technical assistance providers, a *comprehensive plan* for reforming the overall instructional program in the school.

Schoolwide Plan Approval

When developing its Title I Schoolwide Plan the school must consider how it will do the following:

- Implement all essential components of the Title I legislation Schoolwide Plan; and
- Use resources under *ESEA-NCLB* and from other sources to implement these essential legislative components.

Once the plan is approved, it must be updated annually.

Planning Requirements

The following requirements apply to schoolwide planning:

- The program plan must be developed during a one-year period, unless the LEA, after considering recommendations of its technical assistance providers, determines that less time is needed to develop and implement the program. Waivers for the one-year period must be approved by the NJDOE;
- The school must have a planning strategy and define the planning team composition, organization, and process. The planning team must develop a collective vision, school profile that includes student needs, curriculum and instruction, professional development, school organization, and family/community involvement. The team also must collect and analyze multiple

- data sources during the planning process;
- The plan must include all required components, identify priorities and effective strategies for implementing the plan, identify goals with objectives, action steps, and people responsible, identify scientifically based programs that will be used, available resources for program implementation, and monitoring process to ensure that goals are achieved and students are improving academically;
 - The plan must be developed with the involvement of the community to be served and the individuals who will carry out the plan, including teachers, principals, other staff, and, where appropriate, pupil services personnel and parents. If the plan is for a secondary school, it is recommended that students from the school be included in the planning process;
 - The plan must remain in effect for the duration of the school's participation in the Title I schoolwide program. Periodically, the plan should be reviewed by the school and, if necessary, revised; and
 - The plan must be made available to the LEA, parents, and the public, and the information contained in such plan will be translated, to the extent feasible, into any language that a significant percentage of the parents of children in the school speak as their primary language; The plan must explain the annual program review and evaluation process including review team participants and whether they are internal and external, how results will be delivered to stakeholders, what data will be used.

Core Elements

There are three (3) core elements of a schoolwide program –

- A school operating as a schoolwide program must conduct a comprehensive needs assessment of the entire school to determine the performance of its students in relation to the state's challenging academic content and achievement standards.
- Using data from its needs assessment, the school must then develop a comprehensive plan (the Title I Schoolwide Plan or School Improvement Plan for Priority and Focus Schools) to improve teaching and learning in the school, particularly for those students farthest away from demonstrating proficiency on the state's academic content and include the ten (10) required components listed below.
- A school operating a schoolwide program must annually evaluate the implementation of, and the results achieved by, the schoolwide program and revise the plan as necessary based on the results of the evaluation to ensure continuous improvement of students in the school. The final Title I regulations that were published in the Federal Register on December 2, 2002 (67 *CFR* 71710) explain schoolwide programs in greater detail.

Components of a Schoolwide Program

Under *ESEA-NCLB* §1114(b)(1), a schoolwide program must include the following ten (10) components, which have been incorporated into the Title I Schoolwide Plan:

- 1) **A comprehensive ongoing needs assessment** of the entire school, based on information on the performance of children in relation to the state content and student performance standards required in the planning phase. Schools must assess their progress on an annual basis;
- 2) **Schoolwide reform strategies** that are research based and designed to strengthen the core academic program to help all children meet the state's proficient and advanced proficient levels of student performance. These strategies:
 - Are based on effective means of improving children's achievement;
 - Use effective instructional strategies that increase the amount and quality of learning time, such as extended school year, before- and after-school, and summer school programs;
 - Help provide an enriched and accelerated curriculum;
 - Meet the educational needs of all subgroups of students, including LEP students and students with disabilities, and historically underserved populations including girls and women; and
 - Address the needs of all children in the school, but particularly the needs of children of target populations of any program that is included in the schoolwide program **and** address how the school will determine if these needs are met. These programs may include college and career preparation, such as college and career student services to prepare students for school-to-work transition, and the incorporation of gender-equitable methods and practices;
 - May address school climate issues that negatively influence at-risk youth;
- 3) Instruction by **highly qualified professional staff** and strategies to attract them;
- 4) Strategies to **attract the best highly qualified teachers** to high-need schools;
- 5) **Professional development** for teachers and aides and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in schoolwide programs to meet the state's student performance standards. The professional development must:
 - Be high-quality and ongoing;
 - Link to challenging state content and performance standards;
 - Reflect research on teaching and learning;
 - Contribute to continuous improvement in the classroom and the whole school;
 - May include methods of instructing students with behavioral issues that interfere with student learning;
 - Be developed with extensive participation of teachers; and
 - Include gender-equitable education methods, techniques, and practices;
- 6) Strategies to increase **parent involvement**, such as family literacy services;
- 7) Strategies for assisting preschool children in the **transition from early childhood programs** such as Head Start to local elementary school programs;
- 8) Steps to **include teachers in the decisions** regarding the use of assessments to improve the performance of individual students and the overall instructional program;
- 9) Activities to ensure that students who experience difficulty mastering any of the state's standards during the school year will be provided with **effective, timely additional assistance**. The assistance must include:

- Measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;
 - Periodic training for teachers in how to identify difficulties and to provide assistance to individual students to the extent the school determines feasible using Part A funds;
 - Teacher-parent conferences for any student who has not met the standards; and
- 10) **Coordination and integration of federal, state, and local services and programs**, including programs supported under this act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training. Schools should consider the following when planning for a schoolwide program:
- The ways schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;
 - The types of services the provider will offer;
 - The manner in which participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school where such youth would attend;
 - Any formal agreements between the LEA and correctional facilities and alternative school programs serving youth involved in the juvenile justice systems to operate programs for delinquent children;
 - Any partnerships with local businesses to develop training and mentoring services for participating students;
 - The ways the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;
 - The manner in which the program will coordinate with other federal, state and local programs, such as programs under the *Job Training and Partnership Act* and vocational education programs serving this at-risk population of youth;
 - The methods the program will implement to coordinate with programs operated under the *Juvenile Justice and Delinquency Prevention Act of 1974* and other comparable programs, if applicable; and
 - The ways schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities.

Accountability and Exemptions

The U.S. Secretary of Education, by placing a notice in the *Federal Register*, may exempt schoolwide programs from the statutory or regulatory provisions of any other noncompetitive formula grants administered by the USDE, other than such programs under the *Individuals with Disabilities Education Act (IDEA)*. Such an exemption will be granted only if the intent and purpose of the other programs are met.

Schoolwide programs must meet the following federal requirements:

- **Health and safety;**
- **Civil rights:** These include the requirements of Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and Title II of the *Americans with Disabilities Act of 1990*. In addition, if a schoolwide program school receives Magnet Schools Assistance funds to eliminate, reduce, or prevent minority group isolation, the school must continue to operate under its desegregation plan;
- **Participation and involvement of parents and students:** A schoolwide program school must implement extensive parent involvement requirements under Title I, Part A that would likely satisfy most, if not all, parent involvement requirements in other federal education programs;
- **Nonpublic school children, teachers, and other educational personnel:** Applicable requirements concerning the equitable participation of eligible nonpublic school children, teachers, and other educational personnel under other federal education programs must be met even though funds from those programs are consolidated in schoolwide program schools;
- **Maintenance of effort:** For programs covered under the maintenance of effort requirements in §9521 of *NCLB*, those requirements would be met through participation in Title I, Part A. Note that the use of *IDEA* funds in a schoolwide program does not change the LEA's obligation to meet the maintenance of effort requirements in 34 *CFR* 300.231;
- **Comparability of services:** To be eligible to receive funds under Title I, Parts A and C, the LEA must already meet the comparability requirements in §1120A(c) of Title I with respect to schoolwide program schools. If the LEA consolidates funds under the Carl D. Perkins State Vocational and Applied Technology Education Program in a secondary schoolwide program, the school must be provided services from state and local funds that, taken as a whole, are at least comparable to the services being provided in other secondary schools or sites within the same LEA that are not being served with Perkins funds; and
- **Supplement, not supplant:** Unlike a targeted assistance program, a schoolwide program school is not required to select and provide supplemental services to specific children identified as in need of services. A school operating a schoolwide program does not have to: (1) show that federal funds used with the school are paying for additional services that would not otherwise be provided; (2) demonstrate that federal funds are used only for specific target populations; or (3) separately track federal program funds once they reach the school.

A schoolwide program school, however, must use Title I funds only to supplement the amount of funds that would, in the absence of the Title I funds, be made available from non-federal sources for that school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency [*§1114(a)(2)*].

Tracking Funds in a Schoolwide Program

The Priority/Focus Intervention, if applicable, must also be implemented with the funds reserved by the LEA for that school, consistent with the School Improvement Plan (SIP).

LEA Title I expenditures, including required reserves, must be tracked separately per state and federal fiscal procedures and requirements.

Although a school with a schoolwide program may blend funds, the intent of Title I must be maintained. Title I funds must be used for the purpose intended in the federal legislation.

Charter School Applicability for Schoolwide Programs

A Title I schoolwide program in a charter school must be developed after a **year** of planning and must include the integration of schoolwide reform strategies that are scientifically based. To apply for schoolwide status, charter schools must first implement a year of the instructional program that was identified in their original charter. Since schoolwide status will incorporate a change in the overall structure and operation of an *existing* school program, a program must first be established. The school also should be mindful that the comprehensive changes that it proposes may alter its charter and, therefore, may require charter school plan amendments and approvals. If, after the first year of operation, a charter school can demonstrate students are not performing as expected, then schoolwide status can be considered.

Note: *Schoolwide status must not be confused with single attendance school districts. A single attendance area district has either one school, less than 1,000 students, or has only one school per grade span. A charter school often fits this description; however, a single attendance area district is not a schoolwide district.*

Note: *For more detail on schoolwide programs, refer to the federal guidance at the following Web site: <http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>.*

Title I Program Components and Requirements

Highly Qualified Teachers and Paraprofessionals

ESEA-NCLB imposes the most significant and wide-ranging requirements ever enacted by the federal government on LEA employment and hiring practices. The new regulations affect the qualifications for teachers of core academic subjects and instructional paraprofessionals who are paid in whole or part with Title I, Part A funds. For example, any teacher of a core academic subject hired after the first day of the 2002-2003 school year and teaching in a program supported with Title I, Part A funds must be “highly qualified,” as defined in *NCLB*. (Schools operating Title I schoolwide programs that blend funds must apply these requirements to *all* teachers and instructional paraprofessionals, since Title I, Part A funds all of these instructors.)

Paraprofessionals

ESEA-NCLB requirements apply to *instructional* paraprofessionals, including those in early childhood programs, who are paid in whole or part with Title I, Part A funds. Instructional paraprofessionals paid in whole or in part with Title I funds, must meet the highly qualified requirements as a condition of employment. *All* paraprofessionals working in a program supported with Title I funds, without exception, must have a high school diploma or equivalent.

Note: *The receipt of a secondary school diploma (or its recognized equivalent) is necessary, but not sufficient to satisfy the requirements.*

Instructional paraprofessionals include those who perform the following duties:

- Provide one-on-one tutoring, if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- Assist with classroom management, such as organizing instructional and other materials;
- Provide instructional assistance in a computer laboratory;
- Provide support in a library or media center; and
- Provide instructional support services under the direct supervision of a teacher [NCLB §1119(g)(2)].

Note: *Individuals who work full-time in food services, cafeteria, or playground supervision, personal care services, noninstructional computer assistance, and similar positions are not considered paraprofessionals under Title I.*

Paraprofessionals are required to meet one of the following qualifications:

- Complete at least two (2) years of full-time study (as defined by the institution), or forty-eight (48) or sixty (60) credits, as appropriate;
- Obtain an associate's (or higher) degree; or
- Meet a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment either knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate. Local assessments are not restricted to "paper-and-pencil" exams, but can include a portfolio assessment of qualifications, as approved by the state. They might be entirely written or a combination of written and demonstrated competence. Assessments should be rigorous and objective with clearly defined standards to be met or exceeded.

LEAs must ensure that all paraprofessionals hired prior to January 8, 2002, the date of enactment of the *No Child Left Behind Act of 2001(NCLB)*, and working in a program supported with Title I funds, satisfied the requirements listed above no later than the end of the 2005-2006 school year

Note: *If the LEA does not receive Title I funds, these requirements do not apply. Similarly, if the LEA receives Title I funds, but a school does not receive Title I funds,*

the requirements do not apply to paraprofessionals working in that particular school. Additionally, in a targeted assistance school, if the paraprofessional is not paid by Title I funds, these requirements do not apply. All paraprofessionals in a Title I-supported schoolwide program are, however, subject to the ESEA-NCLB paraprofessional requirements, regardless of how the position is funded, because Title I funds support all teachers and paraprofessionals in schoolwide schools.

Teacher Supervision for Paraprofessionals

Paraprofessionals providing instructional support must work under the direct supervision of, and in close and frequent proximity with, a teacher. This means the teacher prepares the lessons, plans the instructional support activities the paraprofessional performs, and evaluates the achievement of the students the paraprofessional instructs. This applies to paraprofessionals providing Title I-funded services to nonpublic school students. These paraprofessionals must meet all the paraprofessional requirements and be under the direct supervision of a *public* school teacher during the Title I activities.

Parental Involvement

To encourage parent involvement, LEAs must implement programs, activities, and procedures after consultation with parents. The LEA and each Title I school must distribute a written parent involvement policy that describes the parental involvement efforts, including plan development and school activities [*NCLB* §1118(a) & (e)]. See Parental Notification Requirements in the next section. Parent involvement activities *must* do the following:

- Provide assistance to help parents understand the state's academic standards, state and local assessments, and how to monitor their children's progress;
- Provide materials and training, such as literacy and technology training, to help parents work with their children;
- Educate school personnel in techniques for communicating and working with parents;
- Integrate parent involvement with preschool programs; and
- Ensure information sent to parents is understandable.

Activities *may* include:

- Involving parents in development of training of educators;
- Providing literacy training;
- Providing associated expenses such as transportation and child care;
- Training parents to enhance involvement of other parents;
- Conducting in-home parent-teacher conferences;
- Establishing a districtwide parent advisory council;
- Developing roles for community-based organizations;
- Implementing model approaches to improving parent involvement; and
- Providing other reasonable support as parents may request.

Note: If the LEA receives a Title I, Part A grant allocation of more than \$500,000, at least one percent (minimum of \$5,000) is required to be used for parental involvement. At least ninety-five percent (95%) of the reserve must be used for school level activities; five percent (5%) may be used for district level activities. Districts should implement a way to track these costs by event. The parental involvement reserve is dedicated for this purpose. If any of these funds are carried over to the next project period, they must be used for parental involvement.

Parental Notification Requirements

Title I Parental Involvement Requirements for Districts/Schools

There are certain requirements in the *Elementary and Secondary Education Act (ESEA)* for notifying parents of the status of the schools their children attend and their parental options.

- **Parents' Right-to-Know:** Under Title I, parents must be notified at the start of each school year of their right to request information about the professional qualifications of their children's teachers (Parents' Right-to-Know). Information the LEA must provide, if requested, includes: 1) the certification and/or licensing status of the teacher; 2) degrees held by the teacher; 3) emergency or provisional status of the teacher, if applicable; and 4) qualifications of any paraprofessionals serving the child. Parents must also be notified if a teacher who is not "highly qualified" is instructing their child for four (4) or more consecutive weeks.
- **Limited English Proficient:** Parents must be notified within thirty (30) days of the start of the school year if their child has been identified as limited English proficient and in need of English language instructional services. Notification must be in a language that parents will understand.
- **Program Information:** Schools must provide parents of students selected for Title I services with information on the following: 1) Title I programs; 2) the school's curriculum; 3) assessment measures; and 4) their children's proficiency level. The school must develop jointly with the parents a written school-parent compact defining how the parents and the school will work to improve the student's academic achievement.
- **District-Level and School-Level Parental Involvement Policies:** The district and school parental involvement policies must be distributed to parents of participating Title I children, in an understandable and uniform format and, to the extent practicable, in a language the parents understand. The entire parental involvement policy must be directly disseminated to parents by means such as mail, e-mail, or backpack. A school may wish to disseminate the policy through a school booklet, such as in the school code handbook. In addition to direct dissemination, the school also may wish to include the parental involvement policy on the school's Web site. Schools must update these policies and school-

parent compacts periodically to meet the changing needs of parents and the school. Schools should evaluate the content and effectiveness of the school's parental involvement activities on an annual basis. Sample templates can be found on the following links and in Appendix E:

- Title I District Wide Parental Involvement Policy - <http://www.nj.gov/education/title1/program/parent/resources/RefManualDistrictWideParentalInvolvementPolicy.doc>
 - Title I School Parental Involvement Policy - <http://highpoint.state.nj.us/education/title1/program/parent/resources/RefManualTITLEISchoolParentalInvolvementPolicyTemplate.doc>
 - Title I District-School Parental Involvement Policy - <http://www.nj.gov/education/title1/program/parent/resources/RefManualTitleIDistrictSchoolInvolvementPolicyTemplate.doc>
- **School-Parent Compact:** A school-parent compact, developed jointly between the school and parents is required for all children who participate in Title I activities, services, and programs. The compact becomes part of the school's Parent Involvement Policy. A sample template is available at <http://www.nj.gov/education/title1/program/parent/resources/RefManualSchoolParentCompact.doc> and in Appendix E.
 - **Title I Annual Parent Meeting:** Each school served under Title I, Part A must convene an annual meeting to inform parents of their school's participation in Title I, Part A programs, to explain the Title I, Part A requirements, how the Title I students will be assessed, how the parents will be kept informed, and the right of parents to be involved in those programs. This meeting must be at a time convenient for parents. In order to keep parents informed, schools should invite all parents of children participating in Title I, Part A programs and encourage them to attend. Document the meeting with minutes/agenda/sign-in sheets.
 - **Informing Parents of Student Eligibility (Targeted Assistance):** Written correspondence must be sent to notify parents of their child's eligibility for Title I services. This notice should be sent after the student selection process is completed and include the Title I entrance and exit criteria. If a parent refuses services, the parent's signature must be on file.

Professional Development

Sufficient funds should be expended to ensure high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the state's student academic achievement standards [*NCLB* §1114]. LEAs and schools must use the annual needs assessment to determine the funded needs and schedule professional development to support solutions to these problems.

The academic success of students correlates highly with the qualifications and skills of their teachers. Although all teachers must be highly qualified, ongoing professional development is crucial to ensure their continuous improvement in the instructional skills needed to help all students meet or exceed proficiency targets on state academic assessments. LEAs may reserve Title I funds to support professional development activities to benefit the Title I students in the LEA's needs assessment and the needs of schools' lowest performing students.

Each LEA that receives Title I, Part A funds must provide high-quality professional development. "High-quality" professional development is defined in the reauthorized *ESEA* [§9101(34)]. In most cases, this professional training will focus on the teaching and learning process, such as increasing content knowledge, the use of scientifically based instructional strategies, especially in core academic subjects, and the alignment of classroom activities with academic content standards and assessments. Another example of useful professional development would be training teachers to analyze classroom and school-level data and use it to inform their instruction. Professional development activities must be planned for principals, teachers, and other staff, including paraprofessionals, in Title I schools as follows:

- Be sustained and classroom-focused. It must be provided over time and not take the form of one-day or short-term workshops;
- Improve the teaching of academic subjects by contributing to an increase in teachers' knowledge of the academic subjects they teach, consistent with the state's content standards, to enable children to meet these standards;
- Provide training in the use of effective, scientifically based instructional strategies for a diverse range of students, helping to close the achievement gap;
- Support the LEA and school needs assessments and LEA and school plans, including Program Plans; the Title I Schoolwide Plans, if applicable; and School Improvement Plan, if applicable;
- Draw on resources available under other programs such as *ESEA-NCLB* Title II, Part A, and from other sources;
- Include strategies for developing curricula and teaching methods that integrate academic and vocational instruction (including applied learning and team teaching) if the LEA determines such strategies are appropriate; and
- Include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

Professional Development Resources

The LEA must ensure that sufficient resources are devoted to carry out professional development activities effectively in each Title I school. The LEA may satisfy its requirement through district-wide professional development activities and/or activities implemented by each Title I school. Equitable participation must be offered to eligible nonpublic schools.

Professional Development Allowable Activities

The law prohibits the use of Title I funds vs. general aid to benefit an entire LEA or, except in schoolwide programs, all children in a school, grade, or class. In schoolwide programs, Title I funds may be used to upgrade the entire educational program of the

school. In targeted assistance schools, the LEA may use Title I funds only for projects that are designed and implemented to meet the educational needs of children who are properly identified and selected for participation in the program, and that are included in the LEA's application as approved by the NJDOE. Parents may participate in professional development activities if a school or LEA determines that parental participation is appropriate.

Some allowable professional development activities that LEAs may conduct include the following:

- In-house trainings by outside experts or qualified, trained staff;
- Outside conferences and trainings;
- Coaching programs by facilitators and/or teams;
- Data analysis and technology training;
- Training in methods of instructing students with varied needs;
- Parent engagement strategies.

Professional Development in Schoolwide Programs

Each school operating a Title I-approved schoolwide program that receives Title I, Part A funds for any fiscal year must devote sufficient resources to effectively carry out professional development activities described in subsection (b)(1)(D) in accordance with *NCLB* §1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities. [§1114(a)(4)]

All school staff in schoolwide program schools may participate.

Note: Dedicated reserved funds must be tracked accordingly.

Professional Development in Targeted Assistance Programs

LEAs must provide opportunities for professional development funded by Title I and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, pupil services personnel, parents, and other staff, *who work directly with participating children*. [§1115(c)(1)(F)]

The cost of training personnel whose salaries are not paid with Title I funds is an allowable charge *if the training is specifically related to the Title I program* and is not designed to meet the general needs of the LEA, an entire school, or children in a school or class. All school staff in targeted assistance schools may participate, *if such participation will result in better addressing the needs of Title I participating students*.

Note: There must be a direct benefit to Title I students with training geared to the instructional needs of these specific students. Title I funds may not be used for a teacher's general professional development simply because there is a Title I student in the teacher's class. *Knowledge* of effective teaching strategies that is gained through Title I professional development activities *may be shared* with teaching staff who do not work with Title I participants.

Services for Preschool Students

LEAs may serve preschool children under Title I, Part A in the following ways [§1112(b)(1)(K)]:

- **School-Based Program:** A participating school may use part of its Title I, Part A funds to operate a preschool program.

To fund a preschool program within a participating school, only children ages 5 and above are counted as low-income students for allocation purposes. (For serving criteria, see below.)

- **District Operated Program:** The LEA may reserve an amount from the LEA's total allocation to operate a Title I, Part A preschool program for *eligible at-risk* children in the LEA as a whole or for a portion of the LEA. In general, these children must be from the served attendance areas. Nonpublic school students are not eligible for preschool programs.

To fund a district-operated Title I preschool program, the LEA may reserve an amount from the total Title I allocation and distribute those funds to specific Title I schools, or other comparable public early childhood education programs to operate Title I preschool programs. Head Start is an example of such a program. Services may be provided in public school buildings or other appropriate public and private locations. (For serving criteria, see below.)

Note: An early childhood center that is part of the public school district can qualify as a school attendance area if some/all of the students attend kindergarten. Only children who are at least 5 years of age may be counted as low-income students for allocation purposes.

Student Eligibility Criteria for Preschool Services

The following criteria are used to determine which preschool students are eligible to receive Title I services:

- **Schools Operating Approved Schoolwide Programs:** If a preschool program is part of a Title I school operating an approved schoolwide program, all preschool students in the program are eligible for preschool services.
- **Targeted Assistance Programs:** To be eligible, students must be failing or most at risk of failing to meet the state's academic standards. Multiple, educationally related, objective measures must be used for entrance and exit criteria. These might include teacher input, parent interviews, and age-appropriate measures of child development.

Income level may be used for purposes of prioritizing when sufficient Title I funds are unavailable. In addition, children who participated in a Head Start or Title I

preschool program at any time during the two (2) preceding years, homeless children, and children in institutions for neglected or delinquent children are automatically eligible for Title I preschool and to continue into Title I school programs.

Allowable Preschool Expenditures

Services for preschool students must meet the requirement of supplement not supplant. Use of Title I funds for preschool programs is subject to *EDGAR* Parts 76, 77, 80, 81, 82, 84, 85, 97, 98, and 99. Equitable services are not available for nonpublic preschool students.

To avoid supplanting issues, the LEA could establish the following types of programs:

- A preschool program for only eligible academically at-risk children.
- Extended day program where a locally funded program already exists for all preschoolers in the LEA and Title I funds would be used to extend the day for the Title I-eligible children.
- A tuition-based program in which case the eligible academically at-risk children would be funded by Title I and parents of non-Title I students would be charged tuition to cover the expenses of their children.
- A Title I program for the eligible children and application of the “exclusion rule” to allow a Title I-like program, funded with nonfederal money, to serve the non-Title I attendance area children. These additional children would need to meet the same academically at-risk criteria as the Title I children.
- Expand an existing Title-I preschool program to include additional children, for example, a younger age or additional entrance criteria.

Title I funds used for preschool programs must support the LEA/school needs assessment and priority problems. Allowable expenditures include the following:

- Additional instruction and guidance
- Transition activities such as professional development for curriculum and goal coordination, developing student portfolios, and teacher visits
- Assessments to establish eligibility
- Renting or leasing space
- Certain site preparation costs
- Health, nutrition, and other social services for targeted assistance students if funds are not available from other sources

Response-to-Intervention

Under certain circumstances, Title I funds may be used to support **response-to-intervention (RTI)** initiatives. Supplement not supplant rules continue to apply; therefore, Title I funds may not be used for district-level responsibilities. Providing extra services to at-risk (Title I) students may be considered as an intervention provided the services are not offered to all students and would not be available in the absence of

federal funds. Title I funds might also be used to track the at-risk students' progress in response to the extra services.

Examples of Allowable Title I Costs for RTI

- Professional development pertaining to interventions that can be applied to at-risk students by regular education teachers and other staff.
- Title I teachers providing supplemental assistance in reading and math to eligible at-risk students.
- Use of Title I staff to assist in the universal screening assessments that will identify which students are in need of Tier 2 services.
- Title I teachers working with Title I eligible students in Tiers 2 and 3 whose parents have been notified.
- The classroom teacher rotating her time through several groups of students while the Title I staff give Title I students additional instructional time.

Examples of Unallowable Title I Costs for RTI

- Use of Title I funds for professional development pertaining to the core curriculum, including the reading or math program.
- Title I teachers team-teaching with regular education staff.
- Use of Title I funds to pay for the universal screening assessments that will identify which students are in need of tiered services.
- Title I teachers working with all or any student within the classroom
- Regular education, special education, and Title I staff dividing students into three groups and each being responsible for providing instruction to their group.

Title I, Part A Fiscal Components & Requirements

Allowable Costs

Title I funds may only be used to pay for authorized activities to meet the special needs of educationally deprived children in participating schools. These funds should be used as follows: 1) to enable schools to provide opportunities for children to acquire the knowledge and skills contained in the CCSS and CCCS and to meet the challenging state performance standards developed for all children; and 2) to provide children with an enriched and accelerated educational program, including, when appropriate, the use of the arts, through schoolwide programs or through additional services that increase the amount and quality of instructional time.

If Title I funds are used for a targeted assistance program, funded activities should use effective instructional strategies that: 1) give primary consideration to providing extended learning time such as an extended school year, before- and after-school programs, and summer programs; 2) help provide an accelerated, high-quality curriculum, including applied learning; and 3) minimize removing children from the regular classroom during regular school hours for Title I instruction.

Authorized items and activities that support the goals and objectives above include the

following:

- Acquisition of equipment and materials directly related to instruction. The LEA must determine that the equipment is needed to effectively operate its existing program; existing equipment it already has will not be sufficient; and the costs are reasonable;
- Preschool programs for **eligible** children, particularly children participating in a Head Start program;
- Acquisition of books and school library resources;
- Transition activities – such as professional development for curriculum and goal coordination, developing student portfolios, and teacher visits;
- Employment and training of paraprofessionals;
- Training and professional development of teachers, paraprofessionals, librarians, other instructional and pupil services personnel, and, as appropriate, early childhood education professionals. The cost of training personnel not paid with Title I funds is an allowable charge if the training is specifically related to the Title I program and is not designed to meet the general needs of the LEA, an entire school, or children in a school or class. Professional development activities may include the following:
 - In-house trainings by outside experts or qualified, trained staff.
 - Outside conferences and trainings.
 - Coaching programs by facilitators and/or teams.
 - Data analysis and technology training.
 - Training in methods of instructing students with varied needs.
 - Training in methods of instructing students with behavioral issues that interfere with student learning.
 - Parent engagement strategies.
 - Forming partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty.
- Health, nutrition, and other social services for targeted assistance students if funds are unavailable from other sources;
- Renting or leasing space and certain site preparation costs;
- Parental involvement activities, including:
 - Planning for and evaluation of Title I projects;
 - Involving parents in development of training of educators;
 - Providing literacy training;
 - Providing associated expenses such as transportation and child care;
 - Training parents to enhance involvement of other parents;
 - Conducting in-home parent-teacher conferences;
 - Establishing a district-wide parent advisory council;
 - Developing roles for community-based organizations;
 - Implementing model approaches to improving parent involvement;
 - Providing other reasonable support as parents may request.
- Other allowable activities that would promote statewide reform and ensure access of children from the earliest grades to effective instructional strategies

and challenging academic content that includes intensive complex thinking and problem-solving experiences; and

- Audit fees that are allowable and can be charged to 200-300 or to indirect costs (LEA must have an approved rate). In either case, these costs are administrative, which cannot exceed five percent (5%) of the total Title I allocation.

Homeless Students

Title I funds must be reserved for homeless students, even those not attending Title I schools. The funds may be used for extra services and supplies for homeless students and expenditures such as the following:

- 1) Salary of a homeless education liaison, so long as the designated staff person also has responsibilities under Title I, Part A;
- 2) Certain instructional and educational support services to homeless students attending non-Title I schools; and
- 3) Services necessary for a student to take advantage of educational opportunities or assist the student in meeting the state's academic achievement standards.

Unallowable Costs

The law prohibits the use of Title I funds versus general aid to benefit an entire school district or, except in schoolwide programs, all children in a school, grade, or class. In schoolwide programs, Title I funds may be used to upgrade the entire educational program of the school. In targeted assistance schools, the LEA may use Title I funds only for projects that are designed and implemented to meet the special educational needs of children who are properly identified and selected for participation in the program, and that are included in the LEA's application as approved by the NJDOE.

Title I funds may not be used for services required by another federal law. For example, Title I funds may not be used to provide transportation for homeless students as required by the *McKinney-Vento Homeless Assistance Act*. Title I Part A funds may never be used to pay for the rent or living expenses of a homeless family, for drivers' licensing test fees, or fees or equipment for extracurricular activities.

Title I funds may not be used to purchase or administer proficiency tests for LEP students including the following:

- Paying substitute teachers while regular teachers administer a LEP test;
- Scoring or reporting costs of test results;
- Training related to test administration; or
- Additional materials or equipment needed for test administration or scoring.

Rules of Thumb

Apply these rules/questions to determine if a cost is allowable under a Title I targeted assistance program:

- Will this expenditure benefit only the Title I students?
- Was this activity/service/item previously funded with non-Title I funds?

- Is this expenditure for extra services beyond what is offered to all students?
- Will the Title I students miss any core classes to receive Title I services?

Vendor Contracts

Purchase of goods or services with federal funds requires a contract. This could include purchase of services for nonpublic school students, purchase of professional development, or purchase of supplies, materials, or equipment, as well as other vendor contracts. It is recommended that sufficient detail be supplied in a vendor contract to identify all relevant aspects of the agreement. A complete description of the goods and services should be included, schedules and deadlines, credentials of person providing a service, delivery dates for materials, maintenance agreements and warranties, etc. *EDGAR* §80.36 provides information relating to contract language and provisions that are required and will avoid audit exceptions.

Title I Supplement Not Supplant: A Discussion

The Rule

The federal supplement not supplant provision requires that federal funds be used to augment the regular educational program. They must not be used to substitute for funds or services that would otherwise be provided during the time period in question. The statute requires that state and local educational agencies (SEAs and LEAs) use federal funds received under Title I only to supplement the amount of funds available from nonfederal sources for the education of students participating in Title I services. The SEA and LEA cannot use these federal funds to supplant funds that would, in the absence of Title I funds, have been spent on Title I students [Title I, Part A, §1120A(b)].

Generally, the LEA is presumed to fund state-mandated programs with local and/or state funds. The use of federal funds for these programs would be considered supplanting. In certain instances, however, the LEA may overcome this supplanting presumption. The LEA would have to demonstrate through written documentation (e.g., state or local legislative action, budget information or other materials) that it does not have the funds necessary to implement the program or activity and that the program or activity would not be carried out in the absence of federal funds. The LEA may not, however, decrease state or local funds for particular activities because federal funds are available.

OMB Circular A-133 Compliance Supplement elaborates instances in which it is presumed that supplanting has occurred:

- If the SEA or LEA uses federal funds to provide services that the SEA or LEA was required to make available under other federal, state, or local laws;
- If the SEA or LEA uses federal funds to provide services that the SEA or LEA provided with nonfederal funds in the prior year; or

- If the SEA used Title I, Part A funds to provide services for participating children that the SEA or LEA provided with nonfederal funds for nonparticipating children.

The bottom line question for supplanting is: For the time period at issue, what would have occurred in the absence of federal funds?

Program Designs

There are several types of programs that meet the supplement not supplant requirement for Title I funds. As provided in the statute and also highlighted in the schoolwide and targeted assistance school sections of OMB Circular A-133, schools must use effective instructional strategies that give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer programs, and minimize removing children from the regular classroom during regular school hours.

Application in Targeted Assistance or Schoolwide Program

In a targeted assistance school, the supplanting prohibition is typically interpreted to mean that *additional programmatic services* must be provided to identified Title I students. Historically, in an effort to demonstrate compliance with the supplanting prohibition, LEAs frequently designed Title I programs to “pull out” the identified Title I students from the regular classroom and provide them with additional services in a *segregated Title I only setting*. The 1994 reauthorization of the *Elementary and Secondary Education Act (ESEA)* as *Improving America’s Schools Act (IASA)* discouraged the pull-out model in favor of more integrated, “push-in” methods of instruction. However, even in a more integrated model in a targeted assistance program, the school must be able to show that additional resources were directed toward identified eligible beneficiaries. **The SEA or LEA must demonstrate that it would not have provided the services in question with non-federal funds had the federal funds been unavailable.**

The supplanting analysis in a schoolwide program is quite different from the targeted assistance analysis. Because schoolwide program funds may be consolidated and used to support any expenditure, supplanting is purely a *fiscal* analysis, not *programmatic*. In a Title I schoolwide program, a school is not required to provide supplemental services to identified students, but must be able to demonstrate that the schoolwide program contains sufficient resources and activities to reasonably address the intent of the included programs, particularly as they relate to the lowest-performing students. A school operating a schoolwide program does not have to: (1) show that federal funds used within the school are paying for additional services that would not otherwise be provided; (2) demonstrate that federal funds are used only for specific target populations; or (3) separately track federal program funds. Such a school is required to use funds available under Title I to support its schoolwide program to supplement the total amount of funds that would, in the absence of the federal funds, be made available from non-federal sources for that school, including funds needed to provide services that are required by law for children with disabilities and children with

limited English proficiency (Title I, Part A, Section 1114). The schoolwide program *is not required* to demonstrate that any particular service is supplementary to the services regularly provided in that school to all students.

To avoid supplanting issues, the district could establish the following types of programs:

- A preschool program for only eligible academically at-risk children.
- Extended day program where a locally funded program already exists for all preschoolers in the district and Title I funds would be used to extend the day for the Title I-eligible children.
- A tuition-based program in which case the eligible academically at-risk children would be funded by Title I and parents of non-Title I students would be charged tuition to cover the expenses of their children.
- A Title I program for the eligible children and application of the “exclusion rule” to allow a Title I-like program, funded with nonfederal money, to serve the non-Title I attendance area children. These additional children would need to meet the same academically at-risk criteria as the Title I children.
- Expand an existing Title-I preschool program to include additional children, for example, a younger age or additional entrance criteria.

Exception to Supplement Not Supplant

Title I authorizes an exception to the supplement not supplant requirement by allowing LEAs and SEAs to exclude certain funds from the supplanting analysis. This exception was revised in the 1994 reauthorization, and amended again in 1996. *NCLB* continues this provision.

In determining compliance, the SEA or LEA may exclude supplemental state and local funds that were expended in any school or attendance area for programs that meet the “intent and purposes” of Title I, Part A (Amendment to 200.63, Exclusion of Supplemental State and Local Funds from Supplement, not Supplant effective 11/12/98). For example, in a state that has no mandatory summer school, assume a school district uses Title I, state, and local funds to provide optional summer school for students who are academically challenged. In the absence of Title I funds, summer school may still have been provided with state and local funds, which would ordinarily result in a supplanting violation. However, in accordance with this exception, the program meets the intents and purposes of Title I to serve low-achieving students, and the state and local funds used are in addition to the resources used for the regular program, leaving the Title I funds supplementary to what is provided under the regular program.

No Particular Instructional Method

LEAs are not required to provide Title I services through a particular instructional method or instructional setting to demonstrate their compliance with the supplanting prohibition. For instance, the LEA is not required to implement a pull-out program model simply to show the services provided to intended beneficiaries were supplemental to the regular program. In fact, pull-out programs are discouraged.

Questions and Answers on Supplement Not Supplant

Q-1: In the past, a teacher was funded partially by Title I and partially with local funds. Now the LEA funds a larger percent of the teacher's salary with local money. Is that supplanting?

A-1: If the teacher worked 100% basic skills services in the past year and still works 100% basic skills, this could be deemed supplanting.

Comments: If board minutes were to document that the position would have been cut or eliminated without Title I funds, then this would not be considered supplanting. An expanded example is shown below:

Possible Supplanting

	Year 1	Year 2
Schedule Percent	100%	100%
Funding Percent	50%	70%

Not Supplanting

	Year 1	Year 2
Schedule Percent	50%	70%
Funding Percent	50%	70%

Q-2: The LEA received an increase in federal funds and is now funding a teacher. Is that supplanting?

A-2: The LEA must again look to the prior year's funding source. If this position was not in existence in the prior year, then it cannot be supplanting.

Comments: If this was a locally funded position and now is funded with Title I, it would be supplanting. If more services are provided than in prior years, then it can never be called supplanting.

Q-3: Title I funds paid for a portion of two teachers' salaries and the LEA paid the rest from local funds. The LEA kept these extra classes at grades 1 and 3 in order to reduce class size. Is this supplanting?

A-3: No. Since the extra classes were maintained because of the additional funding, then these are classified as additional services and this is not supplanting.

Q-4: A technology coordinator is funded through local funds as well as through various grants. The coordinator keeps equipment operating so the teachers can integrate technology into instruction. Is this supplanting?

A-4: It depends on which grants (not all grants have supplemental services criteria) are funding the coordinator. If the same service is being provided year after year, but only the funding percentage charged to the grant is increased (other than normal salary increases), this may be supplanting.

Q-5: During the 2003-2004, 2004-2005, and 2005-2006 school years, LEA funds were used to help fund the position of a local professional development coordinator. Funds for 2006-2007 will be used in a similar manner. Is this supplanting?

A-5: This would again depend on the percentage of time versus the percentage of salary. Is more of the local portion being paid with Title I funds without additional services being provided?

Q-6: A guidance counselor will counsel and monitor targeted Title I students, specifically students in grades 5 through 8, in order to improve the effectiveness of the services these students receive. This specific monitoring has not been done in past years. Is this supplanting?

A-6: Not on the surface, because this is an additional service. However, is the guidance counselor offering the same services to non-Title I students? The LEA must be very careful that services provided under Title I are *supplemental* to what all students in the school/district are receiving.

Q-7: Last summer the LEA hired a summer school teacher for at-risk early primary students, and sent teachers to a three-day summer workshop on best practices in mathematics. These were funded through the LEA's general budget. However, there is no money in the general budget this year to fund these programs. These are much-needed programs and services in the district and would greatly benefit students and staff. Improved student achievement is targeted through these programs.

A-7: It would need to be documented that the positions would have been eliminated if funding via a grant were not available (see comments in Q-1 above).

Q-8: A teacher was locally funded last year, but not teaching basic skills. The teacher is now teaching basic skills. Is this supplanting?

A-8: It would appear that the district is funding a new teacher. Since this appears to be supplemental, it would not be supplanting.

Q-9: May Title I funds be used to pay for high school students to receive credit toward graduation without violating the supplement not supplant rule?

A-9: There is no regulation or guidance that prohibits the use of Title I funds to pay for credits that lead to high school graduation. Rather, this practice would be governed by the statutory supplement not supplant requirement in section 1120A(b) of Title I. The use of Title I funds to pay for coursework that could then be used as credit toward high

school graduation would not necessarily violate the supplement not supplant requirement. Nonetheless, the focus of Title I funds is to provide *additional* learning opportunities for *low-performing* students. It is possible to use Title I funds to support a remedial class designed to help low-achieving students succeed in high school that would be supplemental even if students in the class earn high school credit.

One determining factor is whether the class would replace a course that, in the absence of Title I funds, the district would otherwise be offering. Another consideration is whether a Title I-paid teacher replaces an existing teacher. Also, is the Title I class required or is it an elective? If an elective course would not have been offered (and the person who teaches that course paid) except for the presence of Title I funds, and the district does not cut back on any of the classes it already offers and pays for with state and local funds, then it appears the district could make a case that this elective course was in fact, supplemental, even if it counts toward high school graduation. This approach would seem to make sense because in many high schools there are few breaks in the day in which to offer additional Title I assistance. Students need most, if not all, credits they earn to count towards graduation and providing Title I services after school is not feasible because most students would not participate.

Q-10: Can Title I personnel be used as substitutes and be asked to cancel their own classes to do so?

A-10: In targeted assistance schools, Title I personnel may be assigned substitute teaching responsibilities if similarly situated personnel at the same school site are assigned these duties. Before the LEA or school uses Title I personnel for substitute teaching, it must ensure that truly similarly situated personnel are also used for substitute teaching. For example, it would be unallowable to define “similarly situated” so narrowly that few other types of personnel would qualify and, as a result, Title I personnel would carry a disproportionate share of the substitute teaching responsibilities.

Moreover, the Title I program must not be harmed in order for the Title I teacher to do substitute teaching. Title I classes cannot be cancelled. Title I personnel may serve as substitute teachers only during non-teaching periods—for example, during planning periods.

If the school is operating a schoolwide program, where the Title I funds are used to upgrade the entire instructional program, it would be allowable to use personnel paid with Title I funds as substitute teachers and cancel whatever classes they taught.

Title I - Comparability

LEAs receiving Title I, Part A funds are required to assure compliance with comparability requirements and to maintain documentation that is available for audit or monitoring purposes [ESEA-NCLB §1120A(c)].

The LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Part A schools that are at least comparable to the services provided in schools that are not receiving Part A funds. If the LEA serves all of its schools with Part A funds, the LEA must use state and local funds to provide services that are substantially comparable in each Part A school.

Title I Fiscal Issues

Title I Audit

The NJDOE Single/Grants Audit Unit in the Office of Fiscal Accountability and Compliance conducts annual audits of a pool of LEAs receiving Title I funds on a rotating basis. Selection of LEAs is based on LEA fiscal issues identified by the program and grants offices.

The Title I audit consists of a review of board minutes, final expenditure reports, a selected sample of expenditures for allowable costs and salaried staff, benefits for salaried staff, maintenance of effort, comparability, general purchases, equipment, and LEA policy statements. If issues are identified during the examination of the fiscal operations of the LEA, a letter is sent to the LEA's board president, with copies to the chief school administrator, business administrator, board secretary, and program director, advising the LEA that it is required to publicly review and discuss all the findings and recommendations at its next board meeting. Additionally, each board member must be provided with a copy of the full report. The board is expected to address each audit finding by either submitting a corrective action plan or by filing an appeal.

The LEA is required to issue a response to the NJDOE using the process outlined in the "Procedures for LEA/Agency Audit Response, Corrective Action Plan and Appeal Process." A certified copy of the board minutes indicating when this matter was considered must accompany the LEA response. Additionally, the LEA's auditor is requested to comment on all areas of noncompliance and recommendations in the next certified audit submitted to the NJDOE.

Upon receipt of the LEA response, the Office of Fiscal Accountability and Compliance reviews the submission. A determination is made to accept or reject the planned corrective action. The LEA is notified of this determination in writing. The LEA would then take any additional action that is prescribed.

Common Audit Triggers

OMB Circular A-87 states that the expenditure of federal funds "must be necessary and reasonable for proper and efficient performance and administration of federal awards." Using these criteria, the Office of Inspector General has noted some areas that resulted in audit findings:

Overpriced supplies---where a district paid excessive costs for items available locally at a fraction of the cost.

Unused/underused supplies---where items such as calculators, laptops, and textbooks were purchased and never used, or used only once, suggesting they were unnecessary.

Long-term storage---where large purchases were made without establishing the need, resulting in supplies being stored for long periods of time.

Lack of documentation---where purchases/expenditures did not conform to corresponding program plans to meet Title I program objectives.

Other Pertinent Policy Rulings from the US Department of Education (USDE)

Case Study: Buying Computers

The LEA is considering buying four (4) computers for each school and using local funds for non-Title I schools and Title I funds for Title I schools. If this were done, it is an obvious violation of the supplement not supplant provision. The LEA is obligated to equitably distribute computers paid for with state and local funds to both Title I and non-Title I schools. With respect to schoolwide programs, where funds, not services, must be supplementary, such schools would either have to receive district-purchased computers or district funds in an amount equal to the cost of the computers.

The LEA could first equitably equip all schools with computers and then purchase additional computers with Title I funds for services to Title I participants. In this situation, Title I would not be supplanting local funds and the district would equitably be fulfilling its computer equipment goals for all schools. Other alternatives could apply as supplement not supplant applies with respect to state and local public funds: for example, if the LEA provided an equitable amount of nonfederal resources to all its schools, it could then use Federal Title II-D technology grant funds to buy computers for its non-Title I schools and Title I funds to buy computers for its Title I schools. Also, if the parents in a non-Title I school wanted to raise funds to buy computers for their school, there would be no violation as these funds are supplemental.

USDE Policy Letter 11/1/1995

Discusses computer purchase issues similar to those referenced above:

- (1) Using local funds to purchase computers in a non-Title I school, while Title I funds pay for computers in Title I schools. This is a violation of supplement not supplant.
- (2) Parental or private business partnerships funding the purchase of equipment and other materials. This is permissible subject to any state and local regulatory prohibitions.

USDE Policy Letter 4/24/1996

Addresses the request of the LEA to purchase four (4) computers for each classroom, two (2) funded by non-Title I funds and two (2) funded by Title I funds. This was deemed supplanting, not supplementing, state and local funds. The rationale was that the Title I-funded computers would be used by all students, both non-Title I and Title I.

USDE Policy Letter 4/26/1996

Addresses the request of the LEA to use Title I, Part A funds for services for limited English proficient students in a schoolwide program school. This was approved, as the funds may be used to support *any* of the activities in the schoolwide program.

USDE Policy Letter 8/2/1996

Addresses the request of a special education, nonpublic school to use Title I funds and services if students meet poverty and residency requirements established by Title I legislation. The USDE responded that Title I, Part A funds may be used to coordinate and supplement required services, as well as provide additional direct services to children with disabilities.

USDE Policy Letter 12/4/1996

Discusses a determination as to whether State Compensatory Education (SCE) funds qualify as supplemental funds so that the LEA may skip a higher-ranked school attendance area or school receiving SCE funds when allocating Title I funds. The USDE responded that given the broad purposes for which SCE funds may be used, decisions about skipping Title I schools would have to be made on a case-by-case basis. To skip a higher ranked Title I school, the LEA would have to determine that the SCE-funded program in that school meets the criteria outlined in Section 1114 (schoolwide) or Section 1115 (targeted assistance).

USDE Policy Letter 5/21/1996

Addresses a request to charge a \$50 student tuition fee for a Title I summer school program, which was denied. The summer school program was fifty percent (50%) split-funded using Title I and local district funds. Title I services must be supplemental and tuition may not be charged for any Title I service. If total funding is insufficient, the LEA must determine which students are most at risk of failing to meet state standards, and serve as many of those students, in order of need, as funding permits.

USDE Policy Letter 3/26/1998

Defines how Title I funds can be used to supplement state and/or locally mandated summer school programs. For targeted assistance schools, Title I may provide additional services only to Title I students either during the summer session or for a period of time that would extend the summer session for additional days for Title I participants. Another possibility would be for Title I to supplement mandated Title I summer school with additional services in another subject area, as needed. In a schoolwide program, the school can use Title I funds along with state and local resources to extend the school year for all of its students.

USDE Policy Letter 4/15/1998

Addresses a request to have Title I partially fund the expansion of an innovative laptop computer classroom and at-home computer initiative through a leasing contract. Title I funds, in combination with other funding sources, cannot be used to provide services to children ineligible for Title I assistance; this would result in supplanting state and local funds and is impermissible. However, if the LEA is operating a schoolwide program, this approach would generally be allowed as long as it meets full schoolwide plan objectives.

USDE Policy Letters 7/1/1998 and 7/24/1998

Discusses a Title I program advisor, paid entirely from federal funds, who was appointed by the governor to serve on a committee to hear employee grievances, spending about 1-1½ days per month in this capacity. This was deemed to be supplementing, not supplanting, as limited duties may be assumed by Title I personnel, as long as the amount of time spent is the same proportion of total work time as that for similar personnel (other participating members).

USDE Policy Letter 1/27/1999

Concerns a project that met fiscal supplement not supplant criteria because of the following:

- (1) Title I services were provided to participating children in a different classroom setting or at a different time than when these children were not participating in the Title I program;
- (2) The Title I program provided services that replaced the course of instruction regularly provided to Title I participants with a program particularly designed to meet the participants' needs; and
- (3) The LEA provided funds from other than Title I either the FTE number of staff that would have been provided for the services replaced by the Title I program or the funds required to provide that number of staff.

USDE Policy Letter 3/12/1999

Discusses a targeted assistance school that requested Title I funds to pay for a nominal rental fee for laptop computers for Title I students, while non-Title I students would pay the fee. The USDE advised that such Title I funding was permissible as long as it was provided *only* to Title I identified students.

USDE Policy Letter 11/8/1999

Addresses a request to use nine (9) state Departments of Education Title I-funded facilitators, who would work only in Title I eligible schools, so that they can perform the same services in all of the state's low-performing school districts. If the work is in accordance with applicable state code, this would be a supplement not supplant issue because Title I-funded personnel would be used to provide services that state law requires for supplementing low-performing school districts.

USDE Policy Letter 11/18/1999

Addresses a request to use Title I funds to support college awareness presentations, which is allowable if provided only to Title I-identified students. If such presentations are given in a schoolwide program, they can be funded by Title I for all students.

USDE Policy Letter 12/18/2007

Answers the question whether a school that no longer receives Title I funds may retain equipment and supplies purchased with Title I funds. The answer is "NO", the items purchased with Title I funds must be used in another Title I program in the district. If the items remain at the non-Title I school, the district must reimburse the Title I program for their cost.

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Section VII

Title I, Part D

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Title I, Part D

Introduction

The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk, authorized by Title I, Part D of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (20 USC 6421 et seq.) include two programs, one for State programs and another for local programs. Accordingly, in New Jersey we have:

- *Subpart 1 – for State Agencies.* Funds are awarded to three (3) state agencies that serve the neglected and delinquent population: the New Jersey Department of Corrections, the New Jersey Department of Children and Families, and the New Jersey Juvenile Justice Commission.
- *Subpart 2 – for LEAs.* Funds are awarded to the LEA fiscal agents that support education programs in eleven (11) county-operated juvenile detention centers for delinquent students, statewide.

Funding Awards are determined based on a state formula that uses the count of students submitted to NJDOE each year through the *Annual report fo Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs*, also known as the “N&D Count.”

Subpart 1 for State Agencies: Purpose

Title I, Part D (TIPD) Subpart 1 funds are intended to provide supplemental educational services to students under age 21, who are enrolled in a regular program of instruction in state-operated facilities for neglected and delinquent students, community day programs, or adult correctional facilities.

State Agency Programs

Subpart 1 funds support educational services that supplement and improve the quality of educational services provided to these students by the state agency. Projects may use funds for services, including reading, mathematics, language arts and vocationally oriented programs that include academic classroom instruction, so long as these ar supplementary to the state-funded program.

Some examples of uses of Subpart 1 funds are:

- *Hire and train additional teachers, aides, educational counselorts, and other staff to provide additional instruction in areas of need;*
- Procure needed educational materials and equipment for Title I, Part D instruction;
- Hire transition coordinators or buy new equipment to assist in students’ transitions.

Subpart 2 for LEAs: Purpose

Title I, Part D Subpart 2 funds are intended to serve delinquent students under age 21, who reside in county-operated juvenile detention centers (JDCs).

LEA Programs

Subpart 2 funds support the following types of programs, determined in collaboration with the juvenile detention center:

- Programs to assist in the transition of students, to help them remain in school and complete their education;
- Drop-out prevention programs, which serve at-risk children and youth, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least one (1) year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members;
- Coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;
- Special programs to meet the unique academic needs of participating children and youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and
- Programs providing mentoring and peer mediation.

The JDC must meet the requirements mandated under TIPD (Subpart 2). A list of requirements for “correctional facilities” (which refers in this case to juvenile detention centers) is provided in the Appendices section of this manual.

Formal Agreements

LEAs must complete a formal agreement with the county juvenile detention center being served each year, prior to applying for funds. Eligible LEAs are contacted directly by NJDOE.

Program Plan Development

State agencies and LEAs are required to submit a detailed Title I, Part D program plan as part of the consolidated application for federal funds. Program plans reflect the formal agreement between the LEA and JDC, and describe the services to be provided with TIPD funds. Eligible LEAs may provide Title I, Part D services directly to the juvenile detention center or subcontract the services to an educational services provider.

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Section VIII

Title II, Part A

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Key Elements in Title II, Part A

- Authorizes a state formula grant program that combines the former Eisenhower Professional Development State Grants and Class-Size Reduction programs into one program that focuses on preparing, training, and recruiting high-quality teachers and principals;
- Provides hold harmless funds for nonpublic schools based on FY 2002 levels of /ASA-Title II and Class-Size Reduction;
- Serves as a funding source for the LEA's plan for all teachers to be highly qualified;
- Allows LEAs increased flexibility to allocate funds among professional development, class-size reduction, and other teacher quality activities;
- Includes, but does not limit, local activities to the following: teacher and principal recruitment and retention initiatives, signing bonuses and other financial incentives, teacher and principal mentoring, reforming tenure systems, merit pay, teacher testing, and pay differentiation initiatives;
- Makes supplement, not supplant requirement applicable;
- Requires Maintenance of Effort; and
- Increases accountability—performance indicators specified and annual increments required.

Highly Qualified Teacher (HQT) Survey Data

The HQT survey data reported in the Certificated Staff Report will be used to produce a yearly publicized Highly Qualified report that will appear on the NJDOE Web site at the following address: <http://www.state.nj.us/education/data/cs/>. Districts and schools will continue to report on the highly qualified teacher (HQT) status of their teachers in the Certificated Staff Report.

Distribution of Funds

LEAs first receive the amount that they received in FY 2002 for the Eisenhower Professional Development and Class-Size Reduction programs. The remaining or excess amount that the state receives for distribution to LEAs is allocated on the following basis: twenty (20%) percent based on district student enrollment of 5-17 year olds and eighty (80%) percent based upon 5-17 year olds in the district from families below the poverty line.

Parental Notification

If students are being taught by a teacher who is not highly qualified, the school is required to notify the parents by sending a 'Right-to-Know' letter to the parents of the students in the class. [§1111 (h)(1)(6)(A)(ii).]

Nonpublic Schools

Professional development services to teachers must be offered to nonpublic schools. If the LEA uses funds for professional development activities, nonpublic schools must be

provided an opportunity to equitably participate in such activities.

Participation is considered to be equitable if the LEA: 1) assesses, addresses, and evaluates the needs and progress of both groups of teachers in the same manner; 2) provides, in the aggregate, approximately the same amount of training, and where appropriate, instruction, to teachers with similar needs; 3) spends an equal amount of funds to serve similar public and nonpublic school teachers; and 4) provides nonpublic school teachers with an opportunity to participate in Title II, Part A program activities equitable to the opportunity provided public school teachers. There is no authority for allowing nonpublic school teachers to receive services if the LEA elects not to participate in the program.

According to *ESEA-NCLB* §9501(b)(3)(B), LEAs are required to use the same amount of funds for professional development that was used in the FY 2002 Title II and Class-Size Reduction programs. The percentage of funds required for nonpublic school professional development activities for each eligible nonpublic school is provided on the Title II, Part A allocation notice. This hold harmless amount ensures nonpublic schools' equitable participation in professional development activities. There is a section in the FY 2014 *ESEA-NCLB* Application which will assist each LEA in calculating the Title II, Part A allocation for the participating nonpublic schools in its geographic area.

The LEA must contact all eligible nonpublic schools every year, even those that have not participated in the past. LEAs may request documentation from nonpublic school officials to help them identify services that may be appropriate to the needs of nonpublic school teachers. A formal application, however, may be deemed inappropriate, depending upon its form and content. The LEA, in consultation with the nonpublic school representatives, should develop a separate program for nonpublic schools, if their needs differ from the LEA's. Consultation and collaboration between the public and nonpublic schools must be ongoing, timely, and meaningful throughout the grant year.

Program Plan Development

LEAs are required to conduct an assessment of professional development needs, including nonpublic schools within the district, and hiring needs, ensuring that teachers are highly qualified. LEAs needs assessments for professional development for all teachers must be conducted with the involvement of teachers, including teachers participating in programs under Title I, Part A. It must take into account needed activities that will give teachers subject matter knowledge and teaching skills, and principals the instructional leadership skills to help teachers. These skills will, in turn, provide students with the opportunity to meet challenging state and local student academic achievement standards. To determine the professional development needs, the LEA may also want to use information such as student achievement data, class observations and lesson plan reviews, as well as teacher surveys and teacher self-evaluations.

To comply with the Title II, Part A regulations, the LEA's *ESEA-NCLB* Consolidated Application Program Plan must include the following information:

- Results of the local needs assessment for professional development that incorporates input from the LEA's teachers;
- Activities that the LEA will carry out with program funds, including the professional development provided to teachers and principals and how these activities are aligned with challenging state academic content standards, student academic achievement standards, state assessments, and the curricula and programs tied to those standards;
- How proposed activities are based on a review of scientifically based research and will have a substantial, measurable, and positive impact on student academic achievement, and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates the performance of low-income and minority students from other students;
- How the LEA will coordinate professional development activities authorized under Title II, Part A with professional development activities provided through other federal, state, and local programs;
- How the LEA will ensure that the professional development needs of teachers, including teacher mentoring, and principals will be met with Title II, Part A funds;
- How the LEA's teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in preparing the local plan and will collaborate in the activities to be undertaken;
- How the LEA will provide training to enable teachers to: a) teach to the needs of students with different learning styles—particularly students with disabilities, students with special learning needs (including those who are gifted and talented), and those with limited English proficiency; b) improve student behavior in the classroom; c) train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy; d) involve parents in their child's education; and e) understand and use data and assessments to improve classroom practice and student learning; and
- How the LEA will use Title II, Part A funds to meet the requirements of Title I (*NCLB* §1119) for teachers and paraprofessionals, requiring the LEA to establish annual measurable objectives for each LEA and school that, at a minimum, include an annual increase in the percentage of highly qualified teachers at each LEA and school. It also includes a requirement for the LEA's plan to include an annual increase in the percentage of teachers who receive high-quality professional development [*NCLB* §2122].

Title II, Part A funds may be consolidated with other allowable grant funds to implement a Title I schoolwide program in a school, not designated as a Priority or Focus school, in which at least forty percent (40%) of the students are from low-income families.

Professional Development

Title II, Part A, the Teacher and Principal Training and Recruiting Fund, focuses on professional development and teacher/principal quality. The purpose of Title II, Part A

is to increase student academic achievement through strategies such as improving teacher and principal quality, and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools. Effective teacher professional development is more than just coursework designed to fill a state or district requirement. It is a set of activities that produce a demonstrable and measurable effect on student academic achievement. Effective professional development works best when it is part of a system-wide effort to improve and integrate teacher quality at all stages—preparation, induction, support, and ongoing development.

NCLB emphasizes that effective professional development must be grounded in scientifically based research [*NCLB* §9101(34)].

Parental Involvement

These funds may be used to enable teachers and principals to involve parents in their children's education, especially parents of limited English proficient and immigrant children.

Allowable Costs

Funds may be used to pay stipends to nonpublic school teachers participating in professional development activities and *must* be paid directly to the nonpublic school teachers for their own use and not to the nonpublic school.

Funds may be used to support the acquisition of advanced degrees if this is consistent with the LEA's needs assessment.

Unallowable Costs

The salary of a parent education coordinator is an unallowable cost. Use of funds for state-mandated programs such as mentoring or evaluation may or may not be allowable. For more detail, see the previous "Allowable Costs and Supplement, not Supplant" sections.

Entitlement grants provide funds to specific grantees on the basis of a formula, prescribed in legislation or regulation, rather than on the basis of an individual project review. The formula is usually based on such factors as population, enrollment, per capita income, or a specific need. Applicants do not compete for these funds.

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Section X

Title III, Part A

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Programs Elements

Purposes: To help ensure that limited English proficient (LEP) children, including immigrant children, attain English proficiency and meet challenging state content standards expected of all children. Schools will use these funds to implement language instruction educational programs designed to help LEP students achieve these standards. SEAs, LEAs, and schools are accountable for increasing the English proficiency and core academic content knowledge of LEP students.

Qualifications: LEAs may not receive a Title III award unless if they qualify for at least \$10,000. LEAs may, however, form a consortium

Key Elements

- Allocations to LEAs are based on the number of limited English proficient (LEP) students enrolled in the LEA; however, LEAs must be eligible for at least \$10,000 in order to receive a grant;
- LEAs may form consortia with other LEAs in order to become eligible for funding;
- There is a two percent (2%) limit on administrative costs;
- The supplement, not supplant requirement applies; and
- Accountability objectives must include annual measurable objectives for English language proficiency and meet Progress Targets for the LEA's limited English proficient (LEP) subgroup.

Allowable Costs

LEAs must use Title III funds to provide high-quality language instruction programs that are based on scientifically based research demonstrating effectiveness in increasing English proficiency and student academic achievement in the core academic subjects. Subgrants may be used for the following:

- Develop and implement new language instruction programs and academic content instructional programs for limited English proficient students in early childhood, elementary, and secondary programs;
- Expand or enhance existing language instruction programs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;
- Implement schoolwide programs within individual schools to restructure, reform, and upgrade all programs, activities, and operations related to language instructional programs and academic content instructional programs for limited English proficient students; and
- Provide the following:
 - Tutorial and academic or vocational education for LEP children and intensified instruction;
 - Community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families; and

- Improved instruction of LEP children by providing for the acquisition or development of educational technology or instructional materials and access to, or participation in, electronic networks for materials, training, and communication.

Note: No more than two percent (2%) of the subgrant may be used for administrative purposes.

Accountability

Plans must identify measurable goals that are congruent with the state's annual measurable achievement objectives. LEAs are required to annually assess LEP students' progress in learning English using the ACCESS for ELLs™ English Language Proficiency Test and in meeting the CCCS and student achievement standards.

Professional Development

Plans must identify the professional development for teachers, including mainstream teachers, principals, administrators, and other school personnel, that is designed to improve the instruction and assessment of LEP students. Such professional development must be based on scientifically-based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or subject matter knowledge.

Distribution of Funds to LEAs

Funds are allocated to LEAs based on the pre-K to grade 12 limited English proficient (LEP) count submitted as part of the Application for School State Aid (ASSA). LEA funding eligibility is based on the number of LEP students enrolled in the LEA. Additional funds are set aside to serve immigrant students in eligible districts.

LEAs must qualify for a grant of at least \$10,000 to receive the funds. If an LEA's allocation is less than \$10,000, the LEA may form a consortium with another district(s) to meet the \$10,000 base. LEAs may also apply in collaboration with a college or university or a community-based organization; however, LEAs are the lead applicants for a subgrant in all cases. Charter schools must also meet the \$10,000 minimum provision.

Program Requirements

Professional Development

LEAs are required to provide high-quality professional development to classroom teachers, including mainstream teachers, principals, administrators, and other school personnel, that is designed to improve the instruction and assessment of LEP students.

ACCESS for ELLs English Language Proficiency Test

Title III of *ESEA-NCLB* requires that LEP students be annually assessed to determine the progress they have made in learning English. The New Jersey Department of

Education is a member of the WIDA consortium of states, led by Wisconsin, and selected its test, Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs), for the annual assessment of English language proficiency.

LEAs that receive Title III funds are required to annually order and administer the ACCESS for ELLs test to all LEP students in grades K-12. Such LEAs may use Title III funds to pay for the portion of the ACCESS for ELLs test that is above and beyond the cost of state-approved language proficiency tests that would have been used to satisfy state and Title I requirements, if the LEA was not required to administer the ACCESS for ELLs test. In 2013-2014, LEAs that receive Title III funds may use these funds to pay up to \$12.00 per student for the ACCESS for ELLs test. For more information about the ACCESS for ELLs, please visit <http://www.state.nj.us/education/bilingual/ells/>.

Data Reporting Requirements

Subgrantees must provide the NJDOE with data each year that includes the number and percentage of children not attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency.

Parent Involvement

LEAs must implement an effective means of outreach to parents of limited English proficient children. Schools must inform parents of a child identified for participation in a language instructional program not later thirty (30) days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program. Parents must be informed of the following:

- The reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students;
- The child's level of English proficiency, including how the level is assessed and the status of the child's academic achievement;
- The method of instruction that will be used in the program, including a description of other alternative programs;
- How the program will meet the educational strengths and needs of the child;
- How the program will help the child learn English and meet academic achievement standards;
- The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
- How the program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
- How the program will meet the objective of an individualized education program for a child with a disability; and
- Their rights per New Jersey's parental consent provision in law and administrative code (P.L. 1995 c. 327 and *N.J.A.C. 6a:15-1.13*).

In addition, LEAs must provide notice to parents of any failure of the instructional program to make progress on the annual measurable achievement targets. The notice must be provided no later than thirty (30) days after the failure occurs and, to the degree practicable, in a language the parent understands. LEAs must also implement an effective way to inform parents of limited English proficient students as to how they can be involved in the education of their children, as well as be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic content standards expected of all students. This includes opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this subgrant [NCLB § 1112(g) (4)].

Title III Improvement Plans

A district that receives Title III funds and has failed to make progress toward meeting annual measurable achievement objects (AMAOs) for two (2) consecutive years is required to develop an improvement plan. LEAs that have been notified they have not met the Title III AMAOs must complete a Title III improvement plan. The NJDOE provides technical assistance to assist districts in developing improvement plans.

Data Collection

Data regarding annual student progress in learning English are received at the NJDOE from Metritest Inc., the vendor that scores and provides reports of student achievement on the ACCESS for ELLs™ test. The NJDOE summarizes these data and provides LEAs, by means of the NJDOE Homeroom Web site, with student, school, and LEA reports that show the progress students have made in learning English in any one year. The data may be found at the password-protected Homeroom site <http://homeroom.state.nj.us/> under "AMAO."

Nonpublic Schools

Title III allocates funds for services ~~funds~~ for limited English proficient students (LEP) and immigrant students enrolled in nonpublic schools. Nonpublic schools are allocated Title III services based on the number of LEP students who have been identified for and are receiving English as a second language instruction under the Chapter 192 program as of October 15th count. Title III services also are allocated for nonpublic school LEP students who reside out of state or who are enrolled as foreign exchange students. Nonpublic schools must enter the nonpublic LEP student enrollment count in the Nonpublic School Enrollment Data Collection, and subsequently verified by the LEA. LEAs must ensure that the nonpublic schools within their jurisdiction identify LEP students and provide Title III services in accordance with federal regulations.

LEAs are responsible for testing and identifying LEP students in nonpublic schools with Title III allocations or have the LEA's service provider conduct the testing using one of the state-approved English language proficiency tests in the Chapters 192/193 Programs manual. The LEA must notify the NJDOE if the Title III allocation for any of the nonpublic schools within its jurisdiction appears incorrect. For additional information

regarding Title III services for nonpublic schools, please visit <http://www.state.nj.us/education/bilingual/title3/nonpublic.htm>.

Teacher English Fluency

- LEAs must assure that teachers of LEP students funded by Title III are fluent in English and in the language used for instruction by the program, including having written and oral communication skills.

Immigrant Funds

Under Title III of *ESEA-NCLB*, states are required to set aside a portion of their Title III grant to provide funding to LEAs impacted by increased immigrant student enrollment and to help ensure that immigrant children and youth receive enhanced instructional opportunities to help them meet state academic and achievement standards. For the 2013-2014 school year (FY 2014), LEA eligibility for Title III Immigrant funds will be based on the number of eligible public and nonpublic immigrant students reported in NJSMART in 2012. To be eligible for Title III Immigrant funds, local education agencies (LEAs) must report their immigrant students on NJSMART and meet the following criteria:

1. LEAs must enroll a minimum of twenty (20) public or nonpublic immigrant students; and
2. LEAs must have demonstrated a two percent (2%) or greater increase in the number of immigrant children and youth enrolled in the public and nonpublic schools in the district in comparing the 2012 immigrant student count with the average immigrant enrollment reported to the New Jersey Department of Education in 2010 and 2011.

Immigrant Children and Youth means individuals who –

- Are aged 3 through 21;
- Were not born in any state in the United States; and
- Have not been attending one or more schools in any one or more states for more than three (3) full academic years.

LEAs are eligible to receive a grant under the Title III Immigrant program if the immigrant student enrollment within the LEA meet the above criteria. **It is not required** that LEAs meet the \$10,000 minimum grant amount on the basis of their limited English proficient student enrollment in order to be eligible for Title III Immigrant funds.

Title III Immigrant Funds – Allowable Costs

The purpose of funds under this grant program is to pay for activities that provide enhanced instructional opportunities for immigrant children and youth which may include:

- Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

- Support for personnel, including teacher aides who have been trained or are being trained to provide services to immigrant children and youth;
- Provision for tutorials, mentoring, and academic or career counseling;
- Identification and acquisition of curricular materials, educational software and technologies to be used in the program;
- Basic instructional services that are directly attributable to the presence in the school district of immigrant children and youth, including the costs of classroom supplies, transportation or any other costs that are directly attributable to such additional basic instructional services; and
- Other instructional services that are designed to assist immigrant children and youth to achieve in schools in the United States such as civics education and activities coordinated with community-based organizations, institutions of higher education, private sector entities or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

Title III Immigrant Funds – Nonpublic Schools

Title III Immigrant services for nonpublic schools within the jurisdiction of eligible school districts will be based upon the number of immigrant students reported by nonpublic schools in the Nonpublic School Enrollment Data Collection, and subsequently verified by the public schools.

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Section XIII

Title VI, Part B

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Distribution of Funds

The LEA will be eligible to use the applicable funding if it meets the following criteria:

- The total number of students in average daily attendance at all the schools served by the LEA is fewer than 600 or each county in which a school served by the LEA is located has a total population density of fewer than ten (10) persons per square mile;
- All the schools served by the LEA are designated with a school locale code of seven (7) or eight (8), as determined by the USDE;
- LEAs offer students in schools identified for improvement, corrective action, or restructuring, the option of attending a better public school, so that no student is left behind;
- LEAs allow students attending chronically failing schools (i.e., failing to make AYP for three or more years) to use Title I funds to obtain supplemental educational services that can help keep them on track to meet challenging state academic standards;
- Restructuring of any school that fails to improve over an extended period of time, including reopening the school as a charter school or turning over school operations either to the state or to a nonpublic company with a demonstrated record of effectiveness; and
- Rewarding schools and teachers that succeed in narrowing achievement gaps or exceeding AYP requirements through Academic Achievement Awards.

Rural LEA's may apply directly to the federal REAP office for Small Rural Schools Awards at <http://www.ed.gov/programs/reapsrsa/index.html> Contact the New Jersey REAP Coordinator for more information at monica.johnson@doe.state.nj.us.

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Section XIV

Title IX

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General Provisions

Title IX includes many provisions that apply to some/all of the *ESEA-NCLB* programs, such as definitions, flexibility provisions relating to consolidated plans and use of administrative funds, waivers, uniform provisions, and limitations on the federal role in education. Summarized below are some of the more significant new general provisions.

Constitutionally Protected School Prayer – To qualify for funding, each LEA must certify in writing by October 1 of each year to the NJDOE that it has no policy that prevents constitutionally protected prayer in the public schools. By November 1 of each year, the NJDOE is required to forward a list of LEAs that have not filed the required certification or those against which complaints have been made. This provision is outlined in guidance published by USDE by September 1, 2002 and every second year thereafter. The USDE is directed to bring enforcement action against any LEA that fails to submit the required certification or that provides its certification in bad faith. The school prayer assurance is included in the consolidated application [*NCLB* §9524].

Equal Access to Public School Facilities – Prohibits the NJDOE, the LEA, or public school that receives funds from the USDE and permits outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy Scouts or any other youth group listed as a patriotic society in Title 36 of the United States Code based on the group's membership criteria or oath of allegiance [*NCLB* §9525].

General Prohibition of Use of Funds – *ESEA-NCLB* funds cannot be used to develop/distribute materials or operate programs that promote or encourage sexual activity; distribute legally obscene materials to minors on school grounds; provide sex education or HIV prevention education unless such instruction is age-appropriate and includes the health benefits of abstinence; or operate a program of contraceptive distribution in schools [*NCLB* §9526].

Armed Forces Recruiter Access – Requires each LEA that receives funds under the *ESEA-NCLB* to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students. However, parents may request that such information not be released for their child without prior written parental consent. LEAs must give military recruiters the same right of access to secondary students as they provide generally to postsecondary institutions and prospective employers [*NCLB* §9528].

Unsafe School Choice Option – Requires each state that receives *ESEA-NCLB* funds to implement a statewide policy that offers to the parents of each student who attends a “persistently dangerous” public school (as determined by the state), or “who becomes a victim of a violent criminal offense” (as determined by state law) while on school grounds the option to attend a safe public school within the same LEA. The NJDOE's policy can be found at: <http://www.state.nj.us/njded/grants/nclb/policy/unsafe.htm>.

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Section XV

Appendices

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A. Stevens Amendment

Section 8136 of the Department of Defense Appropriations Act (P.L. 100-463)

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state: (1) the percentage of the total cost of the program or project which will be financed with federal money; (2) the dollar amount of federal funds for the project or program; and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

B. Definitions of Terms

Achievement Gap: Title I requires schools to close achievement gaps across several subgroups of students, assuring that each group meets the same benchmarks as they move toward meeting the federal Title I goal of 100 percent (100%) proficiency in language arts literacy and mathematics by 2014. To meet this federal goal, schools and districts must assure that they: 1) use scientifically based programs; 2) employ highly qualified teachers and paraprofessionals; 3) assure full parent involvement; and 4) focus on early reading in grades K-3.

Access to Internet: A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

Acquisition or Operation: An elementary school or secondary school shall be considered to have received funds under Title II, Part D for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly, for the following:

- To purchase, lease, or otherwise acquire or obtain the use of such computer; and
- To obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

Amendment: A change made to the budget or program scope of an application for which the LEA has received final NJDOE approval.

Administrative Personnel: Individuals providing other than direct services to children, such as directors, supervisors, coordinators, and clerical staff (see Section IV “Administrative Costs” in this manual).

Average Daily Attendance: The aggregate number of days of attendance of all students during a school year divided by the number of days school is in session during that year. If the LEA in which a child resides makes tuition or other payment(s) for the

child's free public education to another school district, consider the child to be in attendance at a school of the LEA making the payment.

Carryover: *ESEA-NCLB* funds that are not obligated by the recipient by the end of the project period for which the funds were awarded. The LEA may apply to the NJDOE to utilize these funds in the next project period (see Section II, "Final Reports" in this manual).

Chart of Accounts: *The Uniform Minimum Chart of Accounts (Handbook 2R2) for New Jersey Public Schools* that provides a description of the account classifications (dimensions) comprising the coding of accounts for New Jersey school financial operations.

Charter School: An independent public school designed and operated by parents, educators, community leaders, education entrepreneurs and others. These schools operate with a contract, or charter from the New Jersey Department of Education. They must meet state standards set forth in their charters for students and for the school as a whole, or else the department can close the school.

Community-Based Organization: A public or nonpublic nonprofit organization of demonstrated effectiveness that is representative of a community or significant segments of a community and provides educational or related services to individuals in the community.

Consortium Consolidated Formula Subgrant Application: A joint Consolidated Application submitted by a lead LEA in which two (2) or more eligible LEAs combine their allocations to provide comprehensive services.

Core Academic Subjects: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

Covered Programs: Each formula programs authorized by *ESEA-NCLB* and covered in the *ESEA-NCLB* application.

Drug: Includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

Drug and Violence Prevention: 1) With respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs; 2) With respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

Eligible Attendance Area: The area in which the percentage of children from low-income families who live in the school attendance area is at least equal to the district level of poverty, is at least thirty-five percent (35%) or is located in a single attendance area.

ESEA: *Elementary and Secondary Education Act* is the federal statute that specifies federal education requirements of states. The act was enacted in 1965.

Fiscal Year 2015: Refers to the 2014-2015 school year.

Focus School: Focus Schools comprise about ten percent (10%) of schools with the overall lowest subgroup performance, a graduation rate below 75%, and the widest gaps in achievement among different subgroups of students. Focus Schools receive targeted and tailored solutions to meet the school's unique needs.

Formula Subgrant: An award made to the LEA for a program whose authorizing statute or implementing regulations provide a formula for allocating program funds.

Gifted and Talented: Students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

Harmful to Minors: Any picture, image, graphic image file, or other visual depiction that meets the following criteria:

- Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

High-Need Local Education Agency: The LEA: 1) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than twenty percent (20%) of the children served by the agency are from families with incomes below the poverty line; and 2) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach, or for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Highly Qualified Teacher: A teacher who has obtained full state certification as a teacher (including certification obtained through alternative routes to certification) or

passed the state's teacher licensing examination, and holds a license to teach in such state.

- When used in respect to a public charter school teacher, the term means that the teacher meets the requirements set forth in the state's public charter school law.
- When used with respect to an elementary school teacher who is **new** to the profession, it means that the teacher holds at least a bachelor's degree and demonstrated subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum by passing a rigorous state test (may consist of state-required certification or licensing test, or tests in school curriculum areas).
- When used with respect to a middle or secondary school teacher who is **new** to the profession, it means the teacher holds at least a bachelor's degree and demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by: passing a rigorous state test in each academic area in which the teacher teaches (may consist of state-required certification or licensing test, or tests in each academic area in which the teacher teaches); **or** successful completion, in each subject area in which the teacher teaches, of an academic major, graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.
- When used with respect to an elementary, middle, or secondary school teacher who is **not** new to the profession, it means the teacher holds at least a bachelor's degree and meets the applicable standard listed under the third bullet, with the option for a test or demonstrates competence in all the academic subjects in which the teacher teaches, based on a high objective uniform state standard of evaluation that meets the following criteria:
 - Is set by the state for both grade appropriate academic subject matter knowledge and teaching skills;
 - Is aligned with challenging state academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
 - Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which the teacher teaches;
 - Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the state;
 - Takes into consideration, but not based primarily on, the time the teacher has been teaching in the academic subject; and
 - May involve multiple, objective measures of teacher competency.

Highly Qualified Vocational Education Teacher: Only vocational education teachers who teach core academic courses are required to meet the definition of a highly qualified teacher. These include: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

For example, a vocational teacher who teaches a course in Applied Physics for which students receive a science credit must hold a four-year degree, be licensed or certified by the state, and demonstrate subject matter competence in order to be considered highly qualified. Although the course is taught by a vocational teacher, it is counted as a science credit; therefore, it is considered a core academic requirement and the teacher must meet the definition of a highly qualified teacher.

Immigrant Students: Immigrant children and youth who are three (3) through twenty-one (21) years of age, were not born in the United States, and have not been attending one or more schools in any one or more states for more than three full academic years.

Indirect Costs: Expenses incurred by the LEA for services provided to the *ESEA-NCLB* project that are not directly identifiable with a federal program such as bookkeeping, accounting, purchasing, personnel, and utilities.

Indirect Cost Rate: A rate that LEAs are eligible to claim for indirect costs based on an annually state-approved individually calculated rate.

Institution of Higher Education: Section 101(a) of the *Higher Education Act (HEA)* provides the following definition of an “institution of higher education.”

- Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
- Is legally authorized within the state to provide a program of education beyond secondary education;
- Provides an educational program for which the institution awards a bachelor’s degree or provides not less than a two-year program that is acceptable for full credit toward such a degree;
- Is a public or other nonprofit institution; and
- Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation by such an agency or association that has been recognized by the USDE for the granting of pre-accreditation status, and the USDE has determined that there is a satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

Instructional Equipment: Equipment for use by children and instructional staff for direct instruction. Tangible personal property (excluding computer software and kits), exclusive of real property, having a useful life of more than one year and an acquisition cost of \$2000 or more per unit including shipping and handling and/or installation.

Instructional Supplies: Materials used to provide direct services to children with a unit price of less than \$2000; however, all instructional computer software and kits regardless of cost are considered “instructional supplies.”

LEA Consolidated Formula Subgrant Application: A Consolidated Application submitted by one LEA pursuant to *ESEA-NCLB* §9305 for more than one federal

program that demonstrates cross-program coordination, planning, and service delivery and integration of *ESEA-NCLB* programs with educational activities funded through state and local resources.

Limited English Proficient: Students from pre-kindergarten through grade 12 whose native language is other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language as measured by an English proficiency test, so as to be denied the opportunity to learn successfully in the classrooms where the language of instruction is English.

Local Education Agency (LEA): A public Board of Education or other public authority legally constituted with a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, township, school district, or other political subdivision of the state.

Mentoring: A process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

Minor: An individual who has not attained the age of seventeen (17).

Non-instructional Equipment: Equipment used to provide other than direct services to children. Tangible personal property (excluding computer software and kits), exclusive of real property, having a useful life of more than one year and an acquisition cost of \$2000 or more per unit including shipping and handling and/or installation charges.

Non-instructional Supplies: Materials used to provide other than direct services to children with a unit price of less than \$2000, such as non-instructional reference books, assessment tools, computer software, kits, and/or other administrative supplies.

Non-operating Districts: Local school districts that have no schools but have one or more children residing within their jurisdiction.

Nonprofit: As applied to a school, agency, organization, or institution, nonprofit means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any nonpublic shareholder or individual.

Nonpublic School: Nonprofit institutional day or residential schools that provide preschool, elementary, or secondary education as determined under state law for students *placed by their parents or legal guardians* and that are controlled by other than public authority. The definition includes sectarian and nonsectarian schools.

Nonsupplanting: The use of funds provided under *ESEA-NCLB* to supplement the level of state and local funds expended by the LEA for the education of children that will in no case replace those state and local funds on an aggregate basis.

Out-of-Field Teacher: A teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

Paraprofessional: An employee who provides instructional support in a program supported with Title I, Part A funds. As it relates to *ESEA-NCLB*, a ***new*** paraprofessional shall meet one of the following qualifications:

- Completed at least two (2) years of study, forty-eight (48) credit hours, or sixty (60) credit hours as defined by the institution at an institution of higher education;
- Obtained an associate's (or higher) degree; and
- Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment either knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Note: *The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary, but not sufficient to satisfy the requirements.*

For ***existing*** paraprofessionals, LEAs shall ensure that all paraprofessionals hired before the date of enactment of the *No Child Left Behind Act of 2001 (NCLB)*, and working in a program supported with *ESEA-NCLB* funds, shall have satisfied the requirements listed above for new paraprofessionals no later than the end of the 2005-2006 school year.

This requirement does not apply to paraprofessionals who act only as translators or whose duties consist solely of conducting parental involvement activities [*NCLB* §1119(e)].

Parent Involvement: The participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities that ensure the following, among others:

- Parents play an integral role in assisting their child's learning;
- Parents are encouraged to be actively involved in their child's education at school; and
- They are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

Parents' Right-to-Know: A provision in *ESEA-NCLB* that at the beginning of the school year, schools receiving Title I, Part A funds must notify parents of each student that the parent may request and receive information on the professional qualifications of

the student's classroom teacher. Additionally, the law requires that if, after four (4) consecutive weeks, a student is being taught by a teacher who is not highly qualified, parents are to be notified.

Priority School: A Priority School is a school that has been identified as among the lowest-performing five percent (5%) of Title I schools in the state over the past three (3) years, or any non-Title I school that would otherwise have met the same criteria.

Project Period: The time period during which programs may be conducted and obligations may be authorized. The project period for the *ESEA-NCLB* Consolidated Formula Subgrant is July 1 to June 30.

Professional Development: *Activities that do the following:*

- Improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
- Are an integral part of broad schoolwide and districtwide educational improvement plans;
- Give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging state academic content standards and student academic achievement standards;
- Improve classroom management skills;
- Are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not one-day or short-term workshops or conferences;
- Support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through state and local alternative routes to certification; and
- Advance teacher understanding of effective instructional strategies that are:
 - Scientifically based (except that this subclause shall not apply to activities carried out under Title II, Part D);
 - Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
 - Are aligned with and directly related to state academic content standards, student academic achievement standards and assessments, and the curricula and programs tied to these;
 - Are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;
 - Are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
 - Provide training, to the extent appropriate, for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning of the curricula and core academic subjects being taught;

- Are regularly evaluated, as a whole, for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- Provide instruction in methods of teaching children with special needs;
- Include instruction in the use of data and assessments to enhance classroom instruction; and
- Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents.

Professional development may also include activities that do the following:

- Involve forming partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
- Create programs to enable paraprofessionals (assisting teachers employed by the LEA receiving assistance under Title I, Part A) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
- Provide follow-up training to teachers who have participated in activities described in this definition that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

Protective Factor, Buffer, or Asset: Any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

Pupil Services Personnel: Includes school counselors, school social workers, school psychologists, substance awareness coordinators, or other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services) as part of a comprehensive program to meet student needs.

Revisions: Changes to an application requested by the NJDOE during the application review to ensure an approvable application. The changes are required prior to issuance of final NJDOE approval.

Risk Factor: Any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

School-aged Population: The population of children, ages five (5) through seventeen (17), as determined by the USDE on the basis of the most recent satisfactory data available from the Department of Commerce.

School Attendance Area: The geographic area of a particular school in which the children served by that school reside.

School-Based Mental Health Services Provider: Includes a state-licensed or state-certified school counselor, school psychologist, school social worker, or other state-licensed or -certified mental health professional qualified under state law to provide such services to children and adolescents.

School Personnel: Includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

Schoolwide Program: A program in which Title I funds are used to upgrade the entire educational program of a high-poverty school and in which Title I funds may be combined with funds from other federal, state, and local sources.

School Resource Officer: A career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department to the LEA to work in collaboration with schools and community-based organizations to: 1) educate students in crime and illegal ATOD use prevention and safety; 2) develop or expand community justice initiatives for students; and 3) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

Scientifically Based Research: Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs (see Section III of this manual for more detail).

Single Attendance Area: A school district with either one school, less than 1,000 students, or has only one school per grade span.

Targeted Assistance Program: A Title I program that directs funds and provides services only to those children that are in most need of academic support.

Teacher Mentoring: Structured guidance and regular, ongoing support for teachers, especially beginning teachers, that are designed to improve their teaching and develop their instructional skills, and can involve the assistance of an exemplary teacher and other appropriate individuals from a school, LEA, or institution of higher education and may include coaching, classroom observation, team teaching, and reduced teaching loads. Mentoring may also include the establishment of a partnership by the LEA with an institution of higher education, another LEA, a teacher organization, or another organization.

Technology: State-of-the-art technology products and services.

Tydings Amendment: Section 412(B) of the *General Education Provisions Act*, 20 U.S.C. 1225(B), which authorizes any funds that are not obligated at the end of the federal funding period to remain available for obligation for an additional period of twelve (12) months.

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C. Program Elements and Authorized Activities –

Title I – Improving the Academic Achievement of the Disadvantaged

Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies

A. Program Elements

Targeted Assistance Programs: All schools receiving Title I funds that are either ineligible for or are choosing not to elect the option of operating a schoolwide program are known as targeted assistance schools. The targeted assistance program in these schools requires that Title I funds be used for services to children identified as having the greatest need for additional instructional support and assistance.

Schoolwide Programs: The poverty threshold for schoolwide programs is forty percent (40%). Schools operating approved schoolwide programs may use Title I funds to benefit all of the children enrolled in the school. The focus of this design is to upgrade the academic performance of the entire school, not just selected students. Furthermore, schools granted this flexibility may blend their federal funds to meet their program goals. All schools operating approved schoolwide programs must complete and/or update the Title I Schoolwide Plan, or for Priority and/or Focus schools that are served the School Improvement Plan (SIP), annually.

Scientifically Based Research: Whether schools use the schoolwide approach or targeted assistance design, the strategies and program approach must incorporate scientifically based research.

Paraprofessionals (Teacher Aides): All paraprofessionals paid in whole or part with Title I funds must hold an associate's degree, have two years' college education or meet a "rigorous standard" that demonstrates the equivalent qualifications by passing a state or local assessment by the end of the 2005-2006 school year to meet this requirement. Effective January 8, 2002, all new hires must meet this requirement as a condition of employment.

Role of the LEA: The legislation highlights the pivotal role the LEA plays in assisting schools to plan and provide Title I services. It is also the LEA's responsibility to provide technical assistance to schools. This is especially important for schools that are low-performing.

B. Authorized Activities

Title I funds must only be used to pay for authorized activities to meet the special needs of educationally deprived children in participating schools. These funds should be used to: 1) enable schools to provide opportunities for children to acquire the knowledge and skills contained in the CCCS and to meet the challenging state performance standards developed for all children; and 2) provide children with an enriched and accelerated educational program, including, when appropriate, the use of the arts, through schoolwide programs or through additional services that increase the amount and quality of instructional time. If Title I funds are used for a targeted assistance program, funded activities should use effective instructional strategies that: 1) give primary consideration to providing extended learning time such as an extended school year, before- and after-school programs, and summer programs and opportunities; 2) help provide an accelerated, high-quality curriculum, including applied learning; and 3) minimize removing children from the regular classroom during regular school hours for Title I instruction.

Authorized items and activities that support the goals and objectives above include the following:

- Acquisition of equipment and materials directly related to instruction. The LEA must determine that: a) the equipment is needed to effectively operate its existing program; b) existing equipment it already has will not be sufficient; and (c) the costs are reasonable;
- Preschool programs for children, particularly children participating in a Head Start or Even Start program;
- Employment and training of paraprofessionals;
- Training and professional development of teachers, paraprofessionals, librarians, other instructional and pupil services personnel, and, as appropriate, early childhood education professionals. The cost of training personnel not paid with Title I funds is an allowable charge if the training is specifically related to the Title I program and is not designed to meet the general needs of the LEA, an entire school, or children in a school or class;
- Parental involvement activities;
- Planning for and evaluation of Title I projects; and
- Other allowable activities that would promote statewide reform and ensure access of children from the earliest grades to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences.

The law prohibits the use of Title I funds vs. general aid to benefit an entire school district or, except in schoolwide programs, all children in a school, grade, or class. In schoolwide programs, Title I funds may be used to upgrade the entire educational program of the school. In targeted assistance schools, the LEA may use Title I funds only for projects that are designed and implemented to meet the special educational needs of children who are properly identified and selected for participation in the program, and that are included in the LEA's application as approved by the NJDOE.

[Title I, Part D – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk](#)

Subpart 2

A. Program Elements

Serves neglected and delinquent youths in locally operated institutions, community day programs, and correctional facilities. Focus is on the provision of services to youth returning to schools or to the community from correctional facilities. The program allows the use of funds for several new activities; including curriculum-based youth entrepreneurship education, peer mediation, mentoring, and mental health services.

B. Authorized Activities

Funds provided to LEAs may be used per *NCLB* §1424, where appropriate, for the following:

- Dropout prevention programs that serve youth at educational risk, including pregnant or parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members;
- The coordination of health and social services for such individuals if there is likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood that such individuals will complete their education; and
- Programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.
- Programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education; and
- Programs providing mentoring and peer mediation.

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Title II – Preparing, Training, and Recruiting High Quality Teachers and Principals

Title II, Part A – Teacher and Principal Training and Recruiting

A. Program Elements

Increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and hold LEAs and schools accountable for improvements in student academic achievement.

Needs Assessment

- An assessment of LEA needs for professional development and hiring as identified by the LEA and school staff;
- Conducted with involvement of teachers, including teachers participating in programs under Title I, Part A;
- Shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, to provide students with the opportunity to meet challenging state and local academic achievement standards; and
- Shall take into account the activities that need to be conducted to give principals the instructional leadership skills to help teachers to improve their content knowledge and instructional skills.

Highly Qualified Teachers: LEAs are required to ensure all teachers teaching in core academic subjects are highly qualified. Under the Title I section of the state plan, the state must establish annual measurable objectives for each LEA and school that, at a minimum, shall include the following:

- An annual increase in the percentage of highly qualified teachers;
- An annual increase in the percentage of teachers receiving professional development to enable each to be highly qualified;
- May include other measures as the state deems appropriate to increase teacher qualifications; and
- Beginning in FY 2003, the state must submit a report to the USDE describing the state's progress in meeting these measurable objectives.

Supplement, Not Supplant: Funds must be used to supplement, not supplant nonfederal funds that would otherwise be used for activities authorized under this Act.

Targeting of Funds: LEAs are required to provide an assurance that they will target funds to their schools that meet one of the following criteria:

- Have the lowest proportion of *highly qualified teachers*;
- Have the largest class size; and
- Are identified for school improvement under Title I, Part A, §1116(b).

Scientifically Based Research: The activities funded by Title II must be based upon a review of scientifically based research. For more information on scientifically based programs, see Section II, “Scientifically Based Programs.”

Impact on Student Achievement: LEAs are required to describe how the Title II, Part A-funded activities will have a substantial, measurable, and positive impact on student academic achievement, and will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

B. Authorized Activities

Authorized Activities include, but are not limited to the following:

Recruitment and Retention: Develop and implement initiatives such as teacher mentoring programs to assist schools in effectively recruiting and retaining highly qualified teachers and principals and to reduce class size.

Incentives: Provide scholarships, bonuses, or other financial incentives, such as differential pay, for teachers to teach in schools where there is a shortage of highly qualified teachers and in academic subjects where there is a shortage of highly qualified teachers.

Establishing Programs:

- Train and hire regular and special education teachers (may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);
- Train and hire high-quality teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;
- Enable paraprofessionals to obtain the education necessary to qualify under the *ESEA-NCLB* requirements or become certified as teachers;
- Recruit qualified professionals from other fields, including high-quality paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool; and
- Provide increased opportunities for minorities, individuals with disabilities, and other individuals under-represented in the teaching profession.

Professional Development Activities – (For teachers, principals, and where appropriate, paraprofessionals):

- To provide high-quality, sustained, intensive, classroom-focused instruction with a positive and lasting impact on classroom instruction and teacher performance—not one-day or short-term workshops or conferences;
- To improve knowledge concerning core academic subjects, effective standards-based instructional strategies, and state assessments;
- To improve knowledge concerning effective instructional practices that:

- Involve collaborative groups of teachers and principals;
- Address the needs of students with different learning styles, students with disabilities, students with special needs, and students who are gifted and talented;
- Provide methods of improving student behavior in the classroom; and
- Enable teachers and principals to involve parents in their children's education, especially parents of limited English proficient and immigrant children;
- To improve the quality of the teacher force through:
 - Innovative professional development programs (which may be provided through partnerships including institutions of higher education or through professional development schools) including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching and learning; and
 - Development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;
- Tenure reform;
- Merit pay programs; and
- Testing elementary school and secondary school teachers in their subject areas.

Leadership Academies: Development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

Reduce Class Size: Hiring highly qualified teachers, including teachers who become highly qualified through state and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades. This can be accomplished by creating another self-contained class, having two highly qualified teachers team teach in a single classroom for either part or the entire school day, or hiring a part-time teacher to work with a small group of students. Research shows that “pull-out” programs are not as effective as other methods of class-size reduction in increasing student achievement.

Teacher Advancement Initiatives: Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

Professional Development Assessment Tools: Development of systems to measure the impact of specific professional development programs on student academic achievement. Please see specific allowable uses for Evaluation. **Please note:** Using any federal funds for activities that are required by state statute, Administrative Code, or federal requirements is supplanting and not permitted by federal law.

Title III – Language Instruction for Limited English Proficient and Immigrant Students

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

A. Program Elements

Purposes: To help ensure that limited English proficient (LEP) children, including immigrant children, attain English proficiency and meet challenging state content standards expected of all children. Schools will use these funds to implement language instruction educational programs designed to help LEP students achieve these standards. SEAs, LEAs, and schools are accountable for increasing the English proficiency and core academic content knowledge of LEP students.

Qualifications: Districts may not receive a Title III award if they qualify for less than \$10,000. Districts may, however, submit a joint application with one or more LEAs in order to qualify. In addition, LEAs may apply in collaboration with a college or community-based organization.

Charter Schools: Charter schools may apply for a subgrant, providing they meet the \$10,000 provision describe above.

Administrative Expenditures: LEAs cannot use more than two percent (2%) of their subgrant for administrative purposes.

Application Requirements: The LEA's Title III section of the *ESEA-NCLB* application must describe how the LEA will do the following:

- Develop and implement programs and activities;
- Use the funds to meet all annual measurable objectives for English language proficiency and meet progress targets for the LEA's LEP subgroup;
- Promote parental and community participation in programs for LEP students; and
- Determine that language instruction education programs will ensure LEP students develop English proficiency.

Assurances: Districts must assure that teachers of LEP students are fluent in English and in the language used by the program.

Professional Development: LEAs are required to provide high-quality professional development to classroom teachers (including mainstream teachers), principals, administrators, and other school personnel, that is designed to improve the instruction and assessment of LEP students.

Parent Involvement: LEAs must implement an effective means of outreach to parents of limited English proficient children. Schools must inform parents of a child identified for participation in a language instructional program not later than thirty (30) days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two (2) weeks of the child's placement in such a program. Parents must be informed of the following:

- The reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students;
- The child's level of English proficiency, including how the level is assessed and the status of the child's academic achievement;
- The method of instruction that will be used in the program, including a description of other alternative programs;
- How the program will meet the educational strengths and needs of the child;
- How the program will help the child learn English and meet academic achievement standards;
- The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
- How the program will meet the objective of an individualized education program for a child with a disability; and
- Their rights as per New Jersey's parental consent provision in law and administrative code (P.L. 1995 c. 327 and *N.J.A.C. 6a:15-1.13*).

In addition, LEAs are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objects. This notice is to be provided no later than thirty (30) days after this failure occurs. The required notices must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

B. Authorized Activities

LEAs must use Title III funds to provide high-quality language instruction educational programs that are scientifically based, demonstrating effectiveness in increasing English and student academic achievement in the core academic subjects.

Subgrants may be used for the following purposes:

- Developing and implementing new language instruction educational programs and academic content instructional programs for limited English proficient students in early childhood, elementary, and secondary programs;
- Expanding or enhancing existing language instruction educational programs by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures;
- Implementing schoolwide programs within individual schools to restructure, reform, and upgrade all programs, activities, and operations related to language

instruction programs and academic content instruction programs for limited English proficient students;

- Providing the following:
 - Tutorial and academic or vocational education for LEP children; and intensified instruction;
 - Community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families;
 - Improved instruction of LEP children by providing for the acquisition or development of educational technology or instructional materials; and access to, or participation in, electronic networks for materials, training, and communication; and
- No more than two percent (2%) of the subgrant may be used for administrative purposes.

[Title VI – Flexibility and Accountability](#)

[Title VI, Part B – Rural and Low-Income School Program](#)

A. Program Elements

- Teacher recruitment and retention, including the use of signing bonuses and other financial incentives;
- Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers;
- Educational technology, including software and hardware, as described in Title II, Part D;
- Parental involvement activities; and
- Administrative Costs
 - The NJDOE receiving a grant under this subpart may not use more than five percent (5%) of the grant for state administrative costs and to provide technical assistance to eligible LEAs.

B. Authorized Activities

According to *NCLB* §6212, eligible LEAs can use their funds to carry out activities authorized under any of the following Titles:

- Title I, Part A
- Title II, Part A
- Title II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, Part A

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D. Nonpublic Schools

Sample Nonpublic School Request for Consultation Letter

(District Letterhead)

(Date)

(Heading)

Dear (Nonpublic School Representative):

The [LEA Name] district will soon apply for grant funds under *Elementary and Secondary Education Act (ESEA)*, formerly known as *No Child Left Behind (NCLB)*. This application includes the following formula programs:

- Title I, Part A: *Improving Basic Programs Operated by Local Education Agencies*
- Title II, Part A: *Teacher and Principal Training and Recruiting Fund*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III, Part A: *Immigrant*

Before making application, we are required to consult with you in order to identify the needs of children and teachers enrolled, and/or employed in your school, who are within our jurisdiction. A planning meeting will take place at (time) on (date) at (location). Please call (telephone number) to confirm your participation or to ask any questions you may have.

The following will be discussed at this meeting:

- The needs of the students;
- The criteria used to select student participation;
- The criteria used for low income;
- The services to be provided;
- How and where the services will be provided;
- How services will be assessed; and
- How funds will be used.

If you cannot attend this meeting, you may wish to send me suggestions or contact me via telephone. Written or verbal input must be received no later than the meeting date listed above.

If you do not wish to participate in one or more of the programs listed above, please complete the enclosed Nonpublic School Participation Refusal and return it to me within two weeks of receiving this letter.

Sincerely,

Chief School Administrator

Enclosure

SAMPLE NONPUBLIC SCHOOL SURVEY LETTER

(Title I ONLY)

[Note to District: Each nonpublic school must have a system to track surveyed students to ensure that all surveys are returned].

(District Letterhead)

Dear Parents:

The *Elementary and Secondary Education Act (ESEA)*, formerly known as *No Child Left Behind Act of 2001 (NCLB)* reauthorized federal legislation to continue to provide a variety programs, materials, and services to children and teachers in nonpublic schools similar to those provided to public school students and teachers. These activities are enhanced by additional federal funds provided for school attendance areas with families whose income falls below specific levels or who benefit from other federal assistance programs. In order for our children to benefit from these additional funds, it is very important for us to know how many children attending our school are members of these families.

Please review the enclosed survey and simply indicate whether you meet the criteria by checking Yes or No. Additionally, identify the public school where your child(ren) would attend if not attending a nonpublic school. This information is essential to ensure our continued participation in the federal programs such as Title I. It is an important benefit that we do not want to lose. Please return this form by **[DATE]**. All information will be kept confidential.

Thank you for your assistance with this survey.

Sincerely,

[NONPUBLIC SCHOOL PRINCIPAL'S NAME]

Enclosures

SAMPLE NONPUBLIC SCHOOL FAMILY SURVEY
(Title I ONLY)

Family Survey

[Note to District: This information may be reproduced in English, Spanish, and any other language necessary for a particular locality. Follow-up telephone calls may be necessary to parents who do not respond, particularly if the school feels they might qualify. Surveys may be coded to protect confidentiality].

1. Use the attached *Income Eligibility Guidelines* chart to answer the questions in item #1.

Is your family income less than the amount in column 2 (Federal Poverty Guidelines)?

Yes _____ No _____

Is your family income less than the amount in columns 3 - 5 (Reduced Price Meals)?

Yes _____ No _____

Is your family income less than the amount in columns 6 - 8 (Free Meals)?

Yes _____ No _____

2. Are you receiving assistance under the Temporary Assistance to Needy Families (TANF) program?

Yes _____ No _____

3. Are any of your children eligible to receive medical assistance under the Medicaid program?

Yes _____ No _____

4. Identify the public school that your child(ren) would have attended if not attending a nonpublic school and their grade level.

Name of Public School District (required)	Grade Level (required)
1.	
2.	
3.	
4.	

Home Address (required): _____

INCOME ELIGIBILITY GUIDELINES

(Effective from July 1, 2014 to June 30, 2015)

Household Size	Federal Poverty Guidelines	Reduced Price Meals - 185%			Free Meals - 130%		
	Annual	Annual	Month	Week	Annual	Month	Week
48 CONTIGUOUS STATES, DISTRICT OF COLUMBIA, GUAM AND TERRITORIES							
1	\$11,670	\$21,590	\$1,800	\$416	\$15,171	\$1,265	\$292
2	\$15,730	\$29,101	\$2,426	\$560	\$20,449	\$1,705	\$394
3	\$19,790	\$36,612	\$3,051	\$705	\$25,727	\$2,144	\$495
4	\$23,850	\$44,123	\$3,677	\$849	\$31,005	\$2,584	\$597
5	\$27,910	\$51,634	\$4,303	\$993	\$36,283	\$3,024	\$698
6	\$31,970	\$59,145	\$4,929	\$1,138	\$41,561	\$3,464	\$800
7	\$36,030	\$66,656	\$5,555	\$1,282	\$46,839	\$3,904	\$901
8	\$40,090	\$74,167	\$6,181	\$1,427	\$52,117	\$4,344	\$1,003
For each additional family member add	\$4,060	\$7,511	\$626	\$145	\$5,278	\$440	\$102

Note: For Title I, the same criteria must be used for both the public and nonpublic school students. If the public schools use the 10/15/13 ASSA data when completing the Title I Eligibility page for the FY 2015 ESEA-NCLB application, these data should be used for the nonpublic schools. If the LEA uses more current data (as of July 1, 2014), the corresponding income eligibility guidelines (July 1, 2014 to June 30, 2015) can be found at: <http://www.fns.usda.gov/sites/default/files/2014-04788.pdf>.

New Jersey Department of Education

Monitoring for District Compliance of Title I Nonpublic School Services for Eligible Students

Districts must allocate Title I funds and serve eligible nonpublic school students who reside in a school attendance area that receives Title I funds. Transportation records can be used to determine which nonpublic schools receive students from the district. In the event of a monitoring by either the New Jersey Department of Education (NJDOE) or the United States Department of Education (USDE), the following checklist will help ensure that districts are complying with the requirements for serving nonpublic school students, as stated in the *No Child Left Behind Act (NCLB)*.

- Consultation with nonpublic school officials before developing a plan to serve eligible nonpublic school students using Title I funds.**

Districts should retain copies of all letters to nonpublic schools and document all consultations, either face-to-face (preferred) or via telephone, noting names, dates, etc. Documentation should include a list of topics discussed during the consultations, meeting agendas, and include the following: poverty data collection, selection criteria of eligible students, option to pool funds, service standards and delivery, assessment of services, parent involvement, and professional development. Districts should also retain copies of written affirmations and evidence of services provided to nonpublic school students, including plans, third-party contracts, teacher schedules, etc. Districts should have available the method and frequency used to collect poverty data from nonpublic schools. Documentation confirming consultation with nonpublic school representatives to establish the selection criteria should be retained. These might include meeting agendas, sign-in sheets, meeting logs and minutes, etc.
- Eligibility criteria to determine which nonpublic school students receive Title I services.**

Districts should have available their selection process, which uses multiple academic criteria, for determining which nonpublic school students will be served.
- Service provision by district employees or third-party contractors.**

Districts should have procedures for providing Title I services, including district-wide instructional programs, to eligible nonpublic school students. Documentation showing that district employees who provide Title I services to nonpublic school students meet the *NCLB* definition of “highly qualified” must be on file. Districts should develop a written process for selecting third-party contractors that complies with state requirements and a process for monitoring the contract provisions. Districts should retain copies of contracts with third-party contractors. Any third-party administrative costs must be itemized separately. Districts must also document that they informed third-party contractors that services must be provided in accordance with Title I requirements, whether these services were for students, parents, or teachers.

- ❑ **Assessing Title I services to ensure student progress and service delivery.** Districts are responsible for the annual assessment of nonpublic school students who receive Title I services are meeting agreed-upon standards. The standards should be discussed during consultations. Districts should document that the services are regularly supervised, evaluated for success, and modified if necessary. Districts should keep a log of visits/discussions related to service delivery.

- ❑ **Tracking expenditures to support the service delivery.** Districts must maintain control of all Title I funds used for services to eligible nonpublic school students. This includes control of materials, equipment, and property. In no case may funds be paid directly to the nonpublic schools for delivery of Title I services. Districts should retain all documentation related to Title I expenditures for eligible nonpublic school students to demonstrate that funds were used for allowable activities and expended per the agreed-upon services. Equipment and materials located at nonpublic schools must be labeled and districts should list equipment on their equipment inventory.

- ❑ **Title I reserves for districtwide parental involvement activities, professional development, and districtwide programs.** Districts must provide equitable services to nonpublic school teachers and parents of Title I nonpublic school participants planned after consultations with nonpublic school officials. Districts should track the allocated funds and retain documentation to substantiate the following: 1) availability of the services, 2) participation in the programs, and 3) funds expended for the planned activities.

Nonpublic School Forms required with submission of *ESEA-NCLB* Application:

1. Nonpublic School Participation Refusal form

Submit completed forms to the following address:

New Jersey Department of Education
Application Control Center
Riverview Executive Plaza Building 100
P.O. Box 500
Trenton, New Jersey 08625-0500
Attention: Grants/*NCLB*

Title II-A Nonpublic School Hold Harmless Worksheet

LEAs must calculate a Title II, Part A nonpublic school hold harmless amount to ensure professional development funds for nonpublic schools in **FY 2015** are at least the amount allocated for nonpublic schools in FY 2002.

According to *ESEA-NCLB* §9501(b)(3)(B), LEAs are required to use the same amount of funds for professional development that was used in the FY 2002 Title II and Class Size Reduction programs. The percentage of funds required for nonpublic school professional development activities for each eligible nonpublic school is provided on the **FY 2015** Title II, Part A allocation notice. The hold harmless amount ensures the equitable participation of nonpublic school professional development activities. The worksheet is used to calculate the hold harmless amount for eligible nonpublic schools.

Nonpublic School Title II-A Allocation Calculation:

Step 1: Add the LEA's FY 2002 Eisenhower allocation and the amount of the FY 2002 CSR allocation the LEA used for professional development. This is the 'Hold Harmless' amount.

Step 2: Determine the amount of the **FY 2015** Title II, Part A allocation the LEA selects to use for professional development.

Step 3: Multiply the percentages for each nonpublic school found on the **FY 2015** Title II, Part A Allocation Notice by the larger of #1 or #2. This is the nonpublic school allocation.

Examples:

Example #1:

Jefferson School District

FY 2002 Eisenhower Allocation: \$53,305

FY 2002 CSR portion used for professional development: \$19,385

FY 2015 Title II Part A Allocation: \$327,352

LEA: 91.46%

Nonpublic School A: 7.25%

Nonpublic School B: 1.29%

Step 1: \$53,305+\$19,385 = \$72,690 (Hold Harmless amount)

Step 2: \$100,000 for professional development and \$227,352 for CSR

Step 3: Nonpublic School A allocation: \$100,000 x 7.25% = \$7,250

Nonpublic School B allocation: \$100,000 x 1.29% = \$1,290

Title II-A Nonpublic School Hold Harmless Worksheet, Contd.

Example #2:

Adams School District

FY 2002 Eisenhower Allocation: \$42,795

FY 2002 CSR portion used for professional development: \$21,368

FY 2015 Title II Part A Allocation: \$259,746

LEA: 89.25%

Nonpublic School A: 6.53%

Nonpublic School B: 3.14%

Nonpublic School C: 1.08%

Step 1: $\$42,795 + \$21,368 = \$64,163$ (Hold Harmless amount)

Step 2: \$30,000 for professional development and \$229,746 for CSR

Step 3: Nonpublic School A allocation: $\$64,163 \times 6.53\% = \$4,190$
Nonpublic School B allocation: $\$64,163 \times 3.14\% = \$2,015$
Nonpublic School C allocation: $\$64,163 \times 1.08\% = \693

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NONPUBLIC SCHOOL PARTICIPATION REFUSAL

_____ (Name of Nonpublic School) on _____ (date)
hereby resolves not to participate in the programs checked below for Fiscal Year 2015:

- ___ Title I, Part A: Improving Basic Programs Operated
by Local Education Agencies \$ _____
- ___ Title II, Part A: Teacher and Principal Training and Recruiting \$ _____
- ___ Title III, Part A: English Language Acquisition
and Language Enhancement \$ _____
- ___ Title III Immigrant: Supplemental Immigrant Student Aid \$ _____

It is understood that this refusal to participate in programs for Fiscal Year 2015 will not prevent the pupils and teachers from participating in any subsequent year.

Authorized Nonpublic School Administrator Signature

Date

Name of Nonpublic School Administrator (Please Print)

Address of Nonpublic School (Please Print)

Nonpublic School Telephone Number

**AFFIRMATION OF CONSULTATION
WITH NONPUBLIC SCHOOL OFFICIALS**

Sections 1120(a) and 9501 of the *Elementary and Secondary Education Act* and Sec. 200.63 of the Title I regulations require that *timely* and *meaningful* consultation occur between the local education agency (LEA) and nonpublic school officials **prior** to any decision that affects the opportunities of eligible nonpublic school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under these sections.

The following topics must be discussed during the ongoing consultation process:

- How the LEA will identify the needs of eligible resident nonpublic school children, teachers, or other educational personnel;
- What services the LEA will offer to eligible resident nonpublic school children, their families, their teachers, and other educational personnel;
- How, where, and by whom the services will be provided;
- How the LEA will evaluate the services and how the LEA and nonpublic school officials will use the results of the evaluation to improve those services;
- The size and scope of the equitable services the LEA will provide and the estimated amount of funds available for those services;
- How and when the LEA will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the nonpublic school officials on the provision of contract services through potential third-party providers;
- If the LEA disagrees with the views of the nonpublic school officials on the provisions of services through a contract, the LEA will provide the nonpublic schools the reasons **in writing** why the LEA chooses not to use a contractor;
- The method or sources of data that the LEA will use to determine the number of nonpublic school children from low-income families residing in participating public school attendance areas, including whether the LEA will extrapolate data, if a survey is used **(Title I only)**;
- The equitable services the LEA will provide to teachers and families of participating nonpublic school students **(Title I only)**;
- If there are any carryover funds, the LEA will consult with the nonpublic school officials on the use of the applicable carryover funds for equitable services to resident nonpublic school students, their families, and their teachers; and
- The LEA will notify the nonpublic school officials of final funding amounts when available.

Check the box(es) listed below indicating the title(s) for which consultation occurred:

- Title I - Part A
- Title II – Part A
- Title III – Part A
- Title III – Immigrant

We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible resident nonpublic school children, their families, their teachers, or other educational personnel in the ESEA-NCLB programs.

Signature of LEA Official

Date

Signature of Nonpublic School Official

Date

Name of LEA (Please Print)

Name of Nonpublic School (Please Print)

The LEA must maintain a copy of this form in its records and, upon request, provide a copy to the NJDOE.

E: Title I Sample Letters to Parents

Title I – Parents’ Right-to-Know

(To be sent each September to all parents of students who attend a Title I school.)

Dear Parent/Guardian:

The *Elementary and Secondary Education Act* is our country’s most important federal education law. In 2001 this law was reauthorized and is now called the *No Child Left Behind Act of 2001 (NCLB)*. NCLB was designed to make changes in teaching and learning that will help increase academic achievement in our schools.

The law requires that all schools receiving Title I funds must inform parents of their right to ask schools about the qualifications of their child’s teachers. Our school receives Title I funding and we are happy to share this information with you at your request.

We believe that nothing is more important to your child’s education at school than having a well-prepared and highly qualified teacher. The law requires that all teachers who teach in core content areas must meet a specific legal definition of “highly qualified” in order to teach in schools that receive Title I funding. The legal definition of a “highly qualified teacher” has three parts. It states that the teacher must have the following:

1. A four-year college degree
2. A regular teaching certificate/license
3. Proof of his/her knowledge in the subject they teach

New Jersey has some of the most qualified teachers in the country, and we are extremely proud of the quality of the teaching staff in the _____ School District. All our regular teachers have college degrees and many have advanced degrees. The state of New Jersey has always required a teaching certificate/license for all teachers. In addition, every teacher continues learning through professional development activities and our teachers are evaluated each year to make sure that their teaching skills remain at the highest possible level.

Most teachers already meet this legal definition of highly qualified. Teachers in the state of New Jersey are required to meet this definition.

To ensure that every child in every classroom has a highly qualified teacher, the state of New Jersey and our school district are working together to help teachers meet the requirements of the federal law by providing several options. Teachers may take a content Praxis test, or they can demonstrate their expertise through a college major in the content.

A highly qualified teacher knows what to teach, how to teach, and has a full understanding of the subject matter being taught. We believe that every teacher in our school is fully qualified and dedicated to teaching your child, and we will do everything possible to help our teachers who may not yet meet the legal definition required by the federal government.

I encourage you to support your child's education and communicate with your child's teacher(s) on a regular basis. For more information on *ESEA-NCLB*, and the role of parents, please visit the United States Department of Education (USDE) Web site at: www.ed.gov/nclb.

By partnering, families and educators can provide your child with the best education possible.

Sincerely,

Title I – Letter to Parents About Highly Qualified Teachers

(To be sent each November and other times during the school year when a student who attends a Title I school has been taught for four (4) or more consecutive weeks by a teacher who does not meet the federal qualifications for being highly qualified.)

Dear Parent/Guardian:

Earlier in the school year you received a letter explaining the new federal law that requires teachers to be, or become, highly qualified in the subjects they teach. That law, called the *No Child Left Behind Act of 2001 (NCLB)* has been designed to help your child achieve more in school.

The law states that all teachers who teach in core content areas must meet a specific, legal definition of “highly qualified” in order to teach in schools that receive Title I funding. Our school receives Title I funds, which supplement the programs in the school. The legal definition of a “highly qualified teacher” has three parts. It states that teachers must have the following:

1. A four-year college degree
2. A standard teaching certificate
3. Proof of their knowledge in the subjects they teach

The new law also requires us to notify parents if their child is being taught for four (4) or more weeks by a teacher in a Title I school or program who does not yet meet the federal definition of highly qualified.

While all teachers working in our school meet the first two (2) parts of the definition, some teachers do not yet meet the third part of the definition of a highly qualified teacher. According to *NCLB*, teachers in the state of New Jersey must meet these federal requirements.

This letter is to inform you that one of your child’s teacher, _____, is in the process of meeting the new requirements and we are providing the necessary support. To ensure that every child in every classroom has a highly qualified teacher, the state of New Jersey and our school district are helping teachers meet the requirements of the federal law by providing several options. Teachers are able to take a test, or they can demonstrate their expertise through a combination of college coursework, professional development activities, and experience.

Your child’s teacher is dedicated to the success of every child in the class. I encourage you to continue to support your child’s education and communicate with the teacher on a regular basis. Through our partnership, we can provide your child with the best education possible.

Sincerely,

Chief School Administrator

TITLE I School Parental Involvement Policy

SAMPLE TEMPLATE

Title I regulations require that each school served under Title I jointly develop with and distribute to parents of participating children, a written involvement policy agreed on by the parents that describes the requirements of §1118. PARENTAL INVOLVEMENT (c) through (f) as listed below and outlined in the Title I law:

C. POLICY INVOLVEMENT- Each school served under this part shall —

- (1) Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved;

(Describe when and where the annual meeting will be held.)

- (2) Offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(Describe how flexibility is provided.)

- (3) Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parental involvement policy;

(List actions.)

- (4) Provide parents of participating children —

- (A) Timely information about programs under this part;
- (B) A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
- (C) If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible;

(List actions.)

- (5) if the schoolwide program plan is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(List actions.)

D. SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC

ACHIEVEMENT- As a component of the school-level parental involvement policy, each school shall jointly develop with parents for all children served under this part a school-

parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement.

(List actions.)

E. BUILDING CAPACITY FOR INVOLVEMENT- To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and local educational agency assisted under this part —

- (1) Shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

(List actions.)

- (2) Shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

(List actions.)

- (3) Shall educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(List actions.)

- (4) Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

(List actions.)

- (5) Shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

(List actions.)

- (6) May involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

- (7) May provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;
- (8) May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- (9) May train parents to enhance the involvement of other parents;
- (10) May arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- (11) May adopt and implement model approaches to improving parental involvement;
- (12) May establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;
- (13) May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and
- (14) Shall provide such other reasonable support for parental involvement activities under this section as parents may request.

(For number 6 - 14, list any activities and/or actions your school will be implementing.)

F. ACCESSIBILITY– In carrying out the parental involvement requirements of this part, LEAs and schools, to the extent practicable, shall provide full opportunities for the participation of parents with children with limited English proficiency, parents with children with disabilities, and parents of migratory children, including providing information and school reports required in a format and, to the extent practicable, in a language such parents can understand.

Districtwide Parental Involvement Policy

SAMPLE TEMPLATE

NOTE: In support of strengthening student academic achievement, each local educational agency (LEA or school district) that receives Title I, Part A funds must develop jointly with, agree on with, and distribute to, parents of participating children a written parental involvement policy that contains information required by §1118(a)(2) of the Elementary and Secondary Education Act (ESEA) (district wide parental involvement policy). The policy establishes the LEA's expectations for parental involvement and describes how the LEA will implement a number of specific parental involvement activities, and is incorporated into the LEA's plan submitted to the state educational agency (SEA).

LEAs, in consultation with parents, may use the sample template below as a framework for the information to be included in their parental involvement policy. LEAs are not required to follow this sample template or framework, but if they establish the LEA's expectations for parental involvement and include all of the components listed under "Description of How District Will Implement Required District wide Parental Involvement Policy Components" below, they will have incorporated the information that §1118(a)(2) requires be in the district wide parental involvement policy. School districts, in consultation with parents, are encouraged to include other relevant and agreed upon activities and actions as well that will support effective parental involvement and strengthen student academic achievement.

* * * * *

PART I. GENERAL EXPECTATIONS (Sample Template)

[NOTE: Each LEA in its Districtwide Parental Involvement Policy must establish the LEA's expectations for parental involvement. [§1118(a)(2), ESEA.] There is no required format for those written expectations; however, this is a sample of what might be included.]

The _____ name of LEA _____ agrees to implement the following statutory requirements:

- The LEA will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with §1118 of the *Elementary and Secondary Education Act (ESEA)*. Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.
- Consistent with §1118, the LEA will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of §1118(b) of the *ESEA*, and each include, as a component, a school-parent compact consistent with §1118(d) of the *ESEA*.
- The LEA will incorporate this district wide parental involvement policy into its LEA plan developed under §1112 of the *ESEA*.
- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, the LEA and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities,

and parents of migratory children, including providing information and school reports required under §1111 of the *ESEA* in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.

- If the LEA plan for Title I, Part A, developed under §1112 of the *ESEA*, is not satisfactory to the parents of participating children, the school district will submit any parent comments with the plan when the school district submits the plan to the State Department of Education.
- The LEA will involve the parents of children served in Title I, Part A schools in decisions about how the one percent (1%) of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than ninety-five percent (95%) of the one percent (1%) reserved goes directly to the schools.
- The LEA will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

- (A) *that parents play an integral role in assisting their child's learning;*
- (B) *that parents are encouraged to be actively involved in their child's education at school;*
- (C) *that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;*
- (D) *the carrying out of other activities, such as those described in §1118 of the ESEA.*

- [For States where a Parental Information and Resource Center is established] The LEA will inform parents and parental organizations of the purpose and existence of the Parental Information and Resource Center in the State.

PART II. DESCRIPTION OF HOW LEA WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS (Sample Template)

[NOTE: The Districtwide Parental Involvement Policy must include a description of how the LEA will implement or accomplish each of the following components. [§1118(a)(2), *ESEA*.] This is a “sample template” as there is no required format for these descriptions. However, regardless of the format the LEA chooses to use, a description of each of the following components below must be included in order to satisfy statutory requirements.]

1. The name of LEA will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the *ESEA*:

(List actions.)

2. The name of LEA will take the following actions to involve parents in the process of school review and improvement under section 1116 of the *ESEA*:

(List actions.)

3. The name of LEA will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:

(List activities.)

4. The name of LEA will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs: [Insert programs, such as: Head Start, Parents As Teachers, Home Instruction Program for Preschool Youngsters, and State-operated preschool programs], by:

(List activities.)

5. The name of LEA will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The LEA will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

(List actions, such as describing how the evaluation will be conducted, identifying who will be responsible for conducting it, and explaining what role parents will play)

1. The name of LEA will build the schools' and parent's capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:

- A. The LEA will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by the LEA or school, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph --

- the State's academic content standards,
- the State's student academic achievement standards,
- the State and local academic assessments including alternate assessments,
- the requirements of Part A,
- how to monitor their child's progress, and
- how to work with educators:

(List activities, such as workshops, conferences, classes, both in-state and out-of-state, including any equipment or other materials that may be necessary to ensure success.)

- B. The LEA will, with the assistance of its schools, provide materials and training to help parents work with their children to improve their children’s academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by:

(List activities.)

- C. The LEA will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:

(List activities.)

- D. The LEA will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by:

(List activities.)

- E. The LEA will take the following actions to ensure that information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

(List actions.)

PART III. DISCRETIONARY DISTRICTWIDE PARENTAL INVOLVEMENT POLICY COMPONENTS (Sample Template)

NOTE: The Districtwide Parental Involvement Policy may include additional paragraphs listing and describing other discretionary activities that the LEA, in consultation with its parents, chooses to undertake to build parents’ capacity for involvement in the school and school system to support their children’s academic achievement, such as the following discretionary activities listed under §1118(e) of the *ESEA*:

- involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
- providing necessary literacy training for parents from Title I, Part A funds, if the LEA has exhausted all other reasonably available sources of funding for that training;
- paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

- training parents to enhance the involvement of other parents;
- in order to maximize parental involvement and participation in their children's education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school;
- adopting and implementing model approaches to improving parental involvement;
- establishing a district wide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
- developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities; and
- providing other reasonable support for parental involvement activities under section 1118 as parents may request.]

* * * * *

PART IV. ADOPTION (Sample Template)

This Districtwide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, as evidenced by _____.

This policy was adopted by the name of LEA on mm/dd/yyyy and will be in effect for the period of _____. The school district will distribute this policy to all parents of participating Title I, Part A children on or before _____.

(Signature of Authorized Official)

(Date)

*This sample template of a District Wide Parental Involvement Policy is not an official U.S. Department of Education document. It is provided only as an example.

The District-School Parental Involvement Policy

SAMPLE TEMPLATE

The School Parental Involvement Policy and the District Parental Involvement Policy are generally two separate documents; however, for small LEAs, the components for the district and school policies may be addressed in either one policy (district/school policy) or two policies (district policy and school policy). If your district/school plans to combine all the requirements of both the district policy into one policy, make sure all the required components of the district policy and school policy are included.

PART I. DISTRICT EXPECTATIONS

Each LEA must establish the LEA's expectations for parental involvement. [§1118(a)(2), ESEA.]

The _____ name of LEA _____ agrees to implement the following statutory requirements:

- The LEA will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I programs. Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.
- The LEA will work with its schools to ensure that the required school-level parental involvement policies meet the Title I requirements, and include, as a component, a school-parent compact.
- The LEA will incorporate this district wide parental involvement policy into its LEA plan.
- In carrying out the Title I, parental involvement requirements, to the extent practicable, the LEA and its schools will provide full opportunities for the participation of parents with children with limited English proficiency, parents with children with disabilities, and parents of migratory children, including providing information and school reports in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- If the LEA plan for Title I is not satisfactory to the parents of participating children, the LEA will submit any parent comments with the plan when the LEA submits the plan to the State Department of Education.
- The LEA will involve the parents of children served in Title I schools in decisions about how the one percent (1%) of Title I funds reserved for parental involvement is spent, and will ensure that not less than 95 percent (95%) of the one percent (1%) reserved goes directly to the schools. (Only applicable for districts with Title I allocations greater than \$500,000.)

- The LEA will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

- (A) that parents play an integral role in assisting their child's learning;*
- (B) that parents are encouraged to be actively involved in their child's education at school;*
- (C) that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;*
- (D) the carrying out of other activities, such as those described in §1118 of the ESEA.*

- The LEA will inform parents and parental organizations of the purpose and existence of the Parental Information and Resource Center in New Jersey.

PART II. DISTRICT/SCHOOL PARENTAL INVOLVEMENT POLICY REQUIRED COMPONENTS

1. The name of school/district will take the following actions to involve parents in the joint development of its district/school parental involvement plan.

(List actions.)

2. The name of school/district will convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved;

(Describe when and where the annual meeting will be held.)

3. The name of school/district will offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(Describe how flexibility is provided.)

4. The name of school/district will provide the following necessary coordination, technical assistance, and other support to assist Title I schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:

(List activities.)

5. The name of school/district will build the schools' and parents' capacity for strong parental involvement, in order to ensure effective involvement of

parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:

A. The school/district will, with the assistance of its Title I schools, provide assistance to parents of children served by the school district or school, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph --

- The state's academic content standards,
- The state's student academic achievement standards,
- The state and local academic assessments including alternate assessments,
- The requirements of Title I,
- How to monitor their child's progress, and
- How to work with educators

(List activities, such as workshops, conferences, classes, both in-state and out-of-state, including any equipment or other materials that may be necessary to ensure success.)

The name of school/district will provide parents of participating children, if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to education of their children, and respond to any such suggestions as soon as practically possible.

B. The school/district will, with the assistance of its Title I schools, provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement, by;

(List activities.)

C. The school/district will, with the assistance of its Title I schools and parents, educate its teachers, pupil services personnel, principals, and other staff, in how to reach out to, communicate with, and work with parents as equal partners. In the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:

(List activities.)

D. The school/district will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by;

(List activities.)

E. The school/district will take the following actions to ensure that Title I information related to the school and parent programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand;

(List actions.)

6. The name of school/district will coordinate and integrate parental involvement strategies under Title I with parental involvement strategies under the following programs: [Insert programs, such as: Head Start, Start, Parents As Teachers, Home Instruction Programs for Preschool Youngsters, and state-operated preschool programs], by:

(List activities.)

7. The name of school/district will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The LEA will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise if necessary (and with the involvement of parents) its parental involvement policies.

(List actions, such as describing how the evaluation will be conducted, identifying who will be responsible for conducting it, and explaining what role parents will play.)

8. The name of school/district will take the following actions to involve parents in the process of school review and improvement:

(List activities.)

9. If the schoolwide program plan is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local education agency.

(List actions.)

PART III. SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC ACHIEVEMENT

As a component of the school-level parental involvement policy, each school shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement.

(List actions.)

PART IV. DISCRETIONARY DISTRICT/SCHOOL PARENTAL INVOLVEMENT POLICY COMPONENTS

The District/School Parental Involvement Policy may include additional paragraphs listing and describing other discretionary activities that the LEA, in consultation with its parents, chooses to undertake to build parents' capacity for involvement in the school and school system to support their children's academic achievement, such as the following discretionary activities:

- involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;
- provide necessary literacy training for parents from Title I, Part A funds received, if the LEA has exhausted all other reasonably available sources of funding for such training.
- pay reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- train parents to enhance the involvement of other parents;
- In order to maximize parental involvement and participation in their children's education, arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school.
- adopt and implement model approaches to improving parental involvement;
- establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs.
- develop appropriate roles for community-based organizations and businesses in parent involvement activities.
- provide other reasonable support for parental involvement activities under this section as parents may request.

(List actions.)

PART V. ACCESSIBILITY

In carrying out the parental involvement requirements of this part, LEAs and schools, to the extent practicable, shall provide full opportunities for the participation of parents with children with limited English proficiency, parents with children with disabilities, and parents of migratory children, including providing information and school reports required in a format and, to the extent practicable, in a language such parents can understand.

(List actions.)

PART VI. ADOPTION

This District/School Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I programs, as evidenced by meeting minutes.

This policy was adopted by the name of LEA on mm/dd/yyyy and will be in effect for the period of school year . The school district will distribute this policy to all parents of participating Title I children on or before date .

Signature of Title I Authorized Representative

(Date)

* This template of a District/School Involvement Policy has been adapted from the template provided by the North Dakota Title I office.

SCHOOL-PARENT COMPACT

SAMPLE TEMPLATE*

NOTE: Each school receiving funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA) must develop a written school-parent compact jointly with parents for all children participating in Title I, Part A activities, services, and programs. That compact is part of the school's written parental involvement policy developed by the school and parents under § 1118(b) of the ESEA. The compact must outline how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards.

Schools and parents may use the sample template below as a framework for the information to be included in their school-parent compact. Schools and parents are not required to follow this sample template or framework, but if they include all of the bolded items listed under "Required School-Parent Compact Provisions" below, they will have incorporated all of the information required by §1118(d) to be in the school-parent compact. Schools and parents, in consultation with students, are encouraged to include other relevant and agreed upon activities and actions as well that will support effective parental involvement and strengthen student academic achievement.

SCHOOL-PARENT COMPACT

The _____ name of school _____, and the parents of the students participating in activities, services, and programs funded by Title I, Part A of the Elementary and Secondary Education Act (ESEA) (participating children), agree that this compact outlines how the parents, the entire school staff, and the students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership that will help children achieve the State's high standards.

This school-parent compact is in effect during school year _____.

REQUIRED SCHOOL-PARENT COMPACT PROVISIONS

(Bolded sections are mandatory for the Title I, Part A school-parent compact)

School Responsibilities

The _____ name of school _____ will:

- 1. Provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State's student academic achievement standards as follows:**
[Describe how the school will provide high-quality curriculum and instruction, and do so in a supportive and effective learning environment.]

2. **Hold parent-teacher conferences (at least annually in elementary schools) during which this compact will be discussed as it relates to the individual child's achievement.** Specifically, those conferences will be held:

[Describe when the parent-teacher conferences will be held.]

3. **Provide parents with frequent reports on their children's progress.** Specifically, the school will provide reports as follows:

[Describe when and how the school will provide reports to parents.]

4. **Provide parents reasonable access to staff.** Specifically, staff will be available for consultation with parents as follows:

[Describe when, where, and how staff will be available for consultation with parents.]

5. **Provide parents opportunities to volunteer and participate in their child's class, and to observe classroom activities,** as follows:

[Describe when and how parents may volunteer, participate, and observe classroom activities.]

Parent Responsibilities

We, as parents, will support our children's learning in the following ways:

[Describe the ways in which parents will support their children's learning, such as:

- *Monitoring attendance.*
- *Making sure that homework is completed.*
- *Monitoring amount of television their children watch.*
- *Volunteering in my child's classroom.*
- *Participating, as appropriate, in decisions relating to my children's education.*
- *Promoting positive use of my child's extracurricular time.*
- *Staying informed about my child's education and communicating with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding, as appropriate.*
- *Serving, to the extent possible, on policy advisory groups, such as being the Title I, Part A parent representative on the school's School Improvement Team, the Title I Policy Advisory Committee, the District wide Policy Advisory Council, the State's Committee of Practitioners, the School Support Team, or other school advisory or policy groups.]*

OPTIONAL ADDITIONAL PROVISIONS

Student Responsibilities (revise as appropriate to grade level)

We, as students, will share the responsibility to improve our academic achievement and achieve the State's high standards. Specifically, we will:

[Describe the ways in which students will support their academic achievement, such as:

- *Do my homework every day and ask for help when I need to.*
- *Read at least 30 minutes every day outside of school time.*
- *Give to my parents or the adult who is responsible for my welfare all notices and information received by me from my school every day.]*

Additional Required School Responsibilities (requirements that schools must follow, but optional as to being included in the school-parent compact)

The _____ name of school _____ will:

1. Involve parents in the planning, review, and improvement of the school's parental involvement policy, in an organized, ongoing, and timely way.
2. Involve parents in the joint development of any schoolwide program plan, in an organized, ongoing, and timely way.
3. Hold an annual meeting to inform parents of the school's participation in Title I, Part A programs, and to explain the Title I, Part A requirements, and the right of parents to be involved in Title I, Part A programs. The school will convene the meeting at a convenient time to parents, and will offer a flexible number of additional parental involvement meetings, such as in the morning or evening, so that as many parents as possible are able to attend. The school will invite to this meeting all parents of children participating in Title I, Part A programs (participating students), and will encourage them to attend.
4. Provide information to parents of participating students in an understandable and uniform format, including alternative formats upon the request of parents with disabilities, and, to the extent practicable, in a language that parents can understand.
5. Provide to parents of participating children information in a timely manner about Title I, Part A programs that includes a description and explanation of the school's curriculum, the forms of academic assessment used to measure children's progress, and the proficiency levels students are expected to meet.
6. On the request of parents, provide opportunities for regular meetings for parents to formulate suggestions, and to participate, as appropriate, in decisions about the education of their children. The school will respond to any such suggestions as soon as practicably possible.
7. Provide to each parent an individual student report about the performance of their child on the State assessment in at least math, language arts, and reading.
8. Provide each parent timely notice when their child has been assigned or has been taught for four (4) or more consecutive weeks by a teacher who is not highly qualified within the meaning of the term in §200.56 of the Title I Final Regulations (67 Fed. Reg. 71710, December 2, 2002).

Optional School Responsibilities

To help build and develop a partnership with parents to help their children achieve the State’s high academic standards, the _____ name of school _____ will:

1. Recommend to the local educational agency (LEA), the names of parents of participating children of Title I, Part A programs who are interested in serving on the State’s Committee of Practitioners and School Support Teams.
2. Work with the LEA in addressing problems, if any, in implementing parental involvement activities in §11118 of Title I, Part A.
3. Work with the LEA to ensure that a copy of the SEA’s written complaint procedures for resolving any issue of violation(s) of a Federal statute or regulation of Title I, Part A programs is provided to parents of students and to appropriate nonpublic school officials or representatives.

_____	_____	_____
School	Parent(s)	Student
_____	_____	_____
Date	Date	Date

(PLEASE NOTE THAT SIGNATURES ARE NOT REQUIRED)

***This sample template of a School-Parent Compact is not an official U.S. Department of Education document. It is provided only as an example.**

ILLUSTRATIVE TIME AND ACTIVITY REPORT FOR TITLE I INSTRUCTIONAL STAFF

2012–2013 SCHOOL YEAR SCHEDULE

Employee: Jane Doe

Certification Period: **8/15/2012 to 2/15/2013**

Position: Instructional Assistant

Type of Schedule: **Circle Below**

School: Lincoln Elementary

Daily, Weekly, Bi-Weekly, Other

Monday	Tuesday	Wednesday	Thursday	Friday
8:00-8:30 Consult with staff regarding Title I students/curriculum	8:00-8:30 Consult with staff regarding Title I students/curriculum	8:00-8:30 Consult with staff regarding Title I students/curriculum	8:00-8:30 Consult with staff regarding Title I students/curriculum	8:00-8:30 Consult with staff regarding Title I students/curriculum
8:30-8:45 Break	8:30-8:45 Break	8:30-8:45 Break	8:30-8:45 Break	8:30-8:45 Break
8:45-9:15 Special ed. support	8:45-9:15 Special ed. support	8:45-9:15 Special ed. support	8:45-9:15 Special ed. support	8:45-9:15 Special ed. support
9:15-10:00 Small group reading	9:15-10:00 Small group reading	9:15-10:00 Small group reading	9:15-10:00 Small group reading	9:15-10:00 Small group reading
10:00-10:30 Small group math	10:00-11:00 2 nd grade Title I reading/math	10:00-10:30 Small group math	10:00-11:00 2 nd grade Title I reading/math	10:00-10:30 Small group math
10:30-11:00 2 nd grade Title I reading/math		10:30-11:00 2 nd grade Title I reading/math		10:30-11:00 2 nd grade Title I reading/math
11:00-11:30 Lunch Break	11:00-11:30 Lunch Break	11:00-11:30 Lunch Break	11:00-11:30 Lunch Break	11:00-11:30 Lunch Break
11:30-11:45 Individual special ed. student catch-up	11:30-11:45 Individual special ed. student catch-up	11:30-11:45 Individual special ed. student catch-up	11:30-11:45 Individual special ed. student catch-up	11:30-11:45 Individual special ed. student catch-up
11:45-12:35 Small group math	11:45-12:35 Small group math	11:45-12:35 Small group math	11:45-12:35 Small group math	11:45-12:35 Small group math
12:35-1:05 Small group writing	12:35-1:05 Small group writing	12:35-1:05 Small group writing	12:35-1:05 Small group writing	12:35-1:05 Small group writing
1:05-1:20 Break	1:05-1:20 Break	1:05-1:20 Break	1:05-1:20 Break	1:05-1:20 Break
1:20-1:40 Title I prep	1:20-1:40 Title I prep	1:20-1:40 Title I prep	1:20-1:40 Title I prep	1:20-1:40 Title I prep
1:40-2:30 First grade Title I reading/math	1:40-2:30 First grade Title I reading/math	1:40-2:30 First grade Title I reading/math	1:40-2:30 First grade Title I reading/math	1:40-2:30 First grade Title I reading/math
2:30-3:30 Title I lesson planning and student learning plan follow-up	2:30-3:00 Title I lesson planning 3:00-3:30 Bus duty	2:30-3:30 Title I lesson planning and student learning plan follow-up	2:30-3:00 Title I lesson planning 3:00-3:30 Bus duty	2:30-3:30 Title I lesson planning and student learning plan follow-up

Program or Cost Objective	Distribution of Time
Title I, Part A – Improving the Academic Achievement of the Disadvantaged	42%
IDEA, Part B – Federal Special Education	13%
State or Local	45%
TOTAL	100%

I certify that I performed work consistent with the attached schedule and as distributed in the above percentages during the Certification Period.

Jane Doe
Employee Signature

2/20/2013
Date

I certify that I have firsthand knowledge that the above employee performed work consistent with the attached schedule and as distributed in the above percentages during the Certification Period.

Mary Smith
Supervisor Signature

2/21/2013
Date

The Appendix to 2 C.F.R. Part 225 (formerly OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*) requires an employee whose salary and wages are supported, in whole or in part, with federal funds to document his/her time spent working on federal programs in order to ensure that charges to each federal program reflect an accurate account of the employee's time and effort devoted to that program. The Appendix addresses two types of documentation: semiannual certifications and personnel activity reports.

Semiannual certifications

If an employee works solely on a single federal award or cost objective, charges for the employee's salary and wages must be supported by periodic certifications that the employee worked solely on that program or cost objective for the period covered by the certification. Those certifications must --

- Be prepared at least semiannually.
- Signed by the employee or supervisory official having firsthand knowledge of the work performed by the employee.

Personnel activity reports

If an employee works on multiple activities or cost objectives, a distribution of the employee's salary and wages must be supported by a personnel activity report (PAR) or equivalent documentation. The Appendix lists instances of multiple activities or cost objectives for which a PAR is required — that is, if an employee works on –

- More than one Federal award.
- A Federal award and a non-Federal award.
- An indirect cost activity and a direct cost activity.
- Two or more indirect activities that are allocated using different allocation bases.
- An unallowable activity and a direct or indirect cost activity.

A PAR must –

- Reflect an after-the-fact distribution of the actual activity of the employee.
- Account for the total activity for which each employee is compensated.
- Be prepared at least monthly and coincide with one or more pay periods.
- Be signed by the employee.

This guidance addresses one frequently asked question regarding these time-and-effort requirements: **Is it possible for an employee to work on a single cost objective if the employee's salary and wages are supported by more than one federal award or a federal award and a non-federal award?** This question results from tension between the requirements above regarding when a semiannual certification is required and when the employee must maintain a PAR, because a "single cost objective" may, in some cases, be supported by multiple federal awards or by federal awards and non-federal funds.

Definition of “cost objective”

A function, organizational subdivision, contract, grant, or other activity for which cost data are needed and for which costs are incurred.

A “single cost objective,” therefore, can be, for example, a single function or a single grant or a single activity. As the examples below illustrate, it is possible to work on a single cost objective even if an employee works on more than one federal award or on a federal award and a non-federal award. The key to determining whether an employee is working on a single cost objective is whether the employee’s salary and wages can be supported *in full* from each of the federal awards on which the employee is working, or from the federal award alone if the employee’s salary is also paid with non-federal funds.

Examples of a “single cost objective”

The examples below are intended to illustrate a “single cost objective” only. In reviewing the examples, therefore, please assume that the uses of funds described in each example are otherwise allowable under the programs illustrated. For example, assume in Example 1 that Title I, Part A funds may support a supplemental math teacher and in Example 3 that there is no violation of supplanting in a schoolwide program.

1. Title I, Part A funds and State compensatory education funds

An LEA supports a supplemental math teacher to serve low-achieving students with 50 percent (50%) Title I, Part A funds and 50 percent (50%) state compensatory education funds. Teaching math to low-achieving students is a single cost objective, because it can be fully supported under Title I, Part A. Only a semiannual certification, therefore, is required even though the employee’s salary is supported by a federal award and a non-federal award.

2. Title I, Part A funds and local funds

A teacher in a Title I schoolwide school is paid with local funds to teach first grade in the morning to decrease class size for reading and is paid with Title I, Part A funds to teach a supplemental reading recovery class in the afternoon. (The school has a sufficient number of first-grade teachers to meet the requirements of *ESEA* §1114(a)(2)(B).)

Because the part-time first-grade teacher is not needed in order to provide the basic education program in the schoolwide program school, her salary could be supported with Title I, Part A funds, even though it is not. Similarly, her salary for providing reading recovery could be supported with Title I, Part A funds. Both her functions, therefore, are fully supportable with Title I, Part A funds, and the schoolwide program constitutes a single cost objective. Only a semiannual certification, therefore, is required even though the teacher’s salary is supported by a federal award and local funds and she conducts two different activities.

3. Funds under §611 and §619 of the *Individuals with Disabilities Education Act (IDEA)*

A preschool special education teacher is funded with 50 percent (50%) *IDEA* §611 funds and 50 percent (50%) with *IDEA* §619 funds.

Teaching preschool special education is an allowable activity under both *IDEA* §611 and §619. Accordingly, the teacher is performing a single cost objective even though she is supported with funds from two separate federal awards; therefore, she need only file a semiannual certification.

4. Title I, Part A funds and CEIS (comprehensive early intervening services) funds under *IDEA*

A teacher works with low-achieving students and is supported with 60 percent (60%) Title I, Part A funds and 40 percent (40%) CEIS funds.

Teaching low-achieving students is a single cost objective, because it can be fully supported under both Title I, Part A and CEIS. Only a semiannual certification, therefore, is required even though the employee's salary is supported by two federal awards.

5. Title I, Part A funds and local funds

An LEA supports an elementary school teacher with local funds, but pays her with Title I, Part A funds to provide after-school tutoring for low-achieving students.

Although the teacher could not be paid with Title I, Part A funds to provide elementary education, the portion of her time spent on after-school tutoring is easily separated from her teaching position by her schedule. Accordingly, the teacher's after-school tutoring is a single cost objective and she need only file a semiannual certification for the time she works in the after-school program supported by Title I, Part A funds.

6. *ESEA* Title VII, Part A formula grant funds and state/local funds

A high school math teacher's regular salary is paid with State and local funds. The teacher conducts an after-school support program for Native American students in the school, and also teaches at a summer academic camp for Native American students in the school district; for both of these activities, he is paid from Title VII, Part A funds. Although the teacher could not be paid with Title VII, Part A funds to teach high school math, the portion that the teacher is paid with Title VII, Part A funds is easily segregated from his daily teaching schedule. Accordingly, the teacher's after-school and summer activities are each a single cost objective and the teacher need only file a semiannual certification for the time he is paid with Title VII, Part A funds.

7. State leadership funds under the *Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV)* and State funds

A State curriculum specialist who develops new career and technical education courses and initiatives is funded 50 percent (50%) with *Perkins IV* funds reserved under §112(a)(2) for state leadership and 50 percent (50%) with state general funds. Career and Technical Education curriculum development is a single cost objective, because it can be fully supported with state leadership funds under *Perkins IV*. Only a semiannual certification, therefore, is required even though the employee's salary is supported by a federal award and state funds.

New Jersey Department of Education Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedures

Purpose

This procedure sets forth the process for resolving a complaint presented by any individual or organization that: (1) a school, school district, other agency authorized by a school district or the New Jersey Department of Education (NJDOE), and/or (2) NJDOE violated the administration of education programs required by the *Elementary and Secondary Education Act (ESEA)* also known as *No Child Left Behind Act of 2001 (NCLB)*.

Statutory Requirement

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the **ESEA**, a State Educational Agency (SEA) shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for receipt and resolution of complaints alleging violations in the administration of the programs. For a list of major programs included in the *Elementary and Secondary Education Act* and covered under this complaint policy and procedure, see Appendix A.

Submission of a Complaint

What is a complaint?

A complaint is a written allegation that a school, school district, other agency authorized by a school district or the NJDOE, or the NJDOE has violated the law in the administration of education programs required by the *ESEA*. An allegation may be submitted in writing or electronically. If a complaint is submitted electronically, a hard copy must also be sent to the NJDOE via regular mail.

What information should a complaint include?

A complaint must identify:

1. the alleged ESEA violation;
2. the facts supporting the alleged violation; and
3. any supporting documentation.

How and where should a complaint alleging a violation by a school, school district, or other agency authorized by a school district or the NJDOE be sent?

To initiate a complaint that a school, school district, or other agency authorized by a school district or the NJDOE has violated the administration of an education program, a complainant must submit a written complaint to the NJDOE Executive County Superintendent. A list of the

NJDOE County Offices of Education and NJDOE Executive County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.

How and where should a nonpublic school official submit a complaint alleging a violation by a school district?

To initiate a complaint that a school district has violated the administration of an education program, a nonpublic school official must submit a written complaint directly to the NJDOE Executive County Superintendent. A list of the NJDOE County Offices of Education and Executive County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.

How and where should a complaint alleging a violation by the NJDOE be sent?

To initiate a complaint against the NJDOE alleging a violation of the administration of a program, a complainant must submit a written complaint to the Assistant Commissioner, Division of Student Services at:

New Jersey Department of Education
Assistant Commissioner, Division of Student Services
P.O. Box 500
Trenton, New Jersey 08625-0500

Can any complainant alleging a violation submit the complaint to the United States Department of Education?

A complainant can submit any written complaint to the Secretary, United States Department of Education at:

Secretary, United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4611

Investigation of a Complaint

What happens after a written complaint alleging a violation of law by a school, school district, or other agency authorized by a school district or the NJDOE is submitted to the NJDOE Executive County Superintendent?

When a written complaint is received, the NJDOE issues a Letter of Acknowledgement to the complainant within ten (10) business days of receipt of the complaint. This letter contains the following information:

1. The date that the complaint was received;
2. A brief statement of the manner in which the department will investigate the complaint;
3. If necessary, a request for additional information regarding the complaint;

4. A tentative resolution date that is sixty (60) days from the date that the written complaint was received by the County Office of Education*; and
5. The name and phone number of a contact person for status updates.

*Based on the facts of the alleged violation, an extension of time may be required to resolve the complaint. If an extension is required, NJDOE issues a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.

What happens after a written complaint alleging a violation by the NJDOE is submitted to the Assistant Commissioner, Division of Student Services?

When a written complaint is received, the Assistant Commissioner assigns the investigation of the complaint to the appropriate office. The Office issues a Letter of Acknowledgement to the complainant within ten (10) business days of receipt of the complaint. The letter contains the following information:

1. The date that the complaint was received;
2. A brief statement of the manner in which the department will investigate the complaint;
3. If necessary, a request for additional information regarding the complaint;
4. A tentative resolution date that is sixty (60) days from the date that the complaint was received **; and
5. The name and phone number of a contact person for status updates.

**Based on the facts of the alleged violation, an extension of time may be required to resolve the complaint. If an extension is required, the designated office will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.

What information is sent about the investigation regarding an alleged violation by a school, school district, or other agency authorized by a school district or the NJDOE?

The NJDOE Executive County Superintendent coordinates the investigation of the complaint. When the investigation is complete, the NJDOE Executive County Superintendent notifies the complainant in writing regarding the outcome of the investigation.

What information is sent about the investigation concerning an alleged violation by the NJDOE?

The Office assigned by the Assistant Commissioner coordinates the investigation of the complaint. When the investigation is complete, the Assistant Commissioner notifies the complainant in writing regarding the outcome of the investigation.

Resolution of the Complaint

How are violations by a school, school district, or other agency authorized by a school district or the NJDOE resolved?

If a violation has occurred, the Assistant Commissioner assigned to oversee the matter identifies and imposes the appropriate consequences or corrective action as required by regulation to resolve the complaint.

How are violations by the NJDOE resolved?

If a violation has occurred, the Assistant Commissioner identifies and imposes the appropriate consequences or corrective actions as required by regulation to resolve the complaint.

Appeal Process

Can a complainant appeal the NJDOE's decision?

If the complainant does not agree with the NJDOE's decision, the complainant may appeal to the Secretary, United States Department of Education at:

Secretary, United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4611

The complainant must appeal no later than thirty (30) days after the NJDOE resolves the complaint or fails to resolve the complaint within a reasonable period of time. The appeal must be accompanied by a copy of NJDOE's resolution of the complaint and a complete statement of reasons supporting the appeal.

Title IX and FERPA

Title IX (section 9528) of the *Elementary and Secondary Education Act (ESEA)* requires that the Secretary of the United States Department of Education inform school administrators about requirements under this portion of the legislation and the *Family Education Rights and Privacy Act (FERPA)* regulations.

All of the documents referenced below can be found on the NJDOE website:
<http://www.nj.gov/education/grants/nclb/guidance/info/>

Family Education Rights and Privacy Act (FERPA)

As referenced in a joint letter issued by the United States Department of Education (USDE) and the United States Department of Defense (USDOD), LEAs are responsible for notifying parents and guardians of a provision in the *Family Education Rights and Privacy Act (FERPA)*. This Act protects the privacy of student education records. Its primary purpose is to prevent LEAs from disclosing student information that may be harmful, or invading students' privacy by placing student information in certain school publications. Further information regarding *FERPA* can be found as follows:

- On April 8, 2011, the USDE released a Notice of Proposed Rule Making (NPRM) under *FERPA*. The proposed regulations would give states the flexibility to share data to ensure that taxpayer funds are invested wisely in effective programs and students' personal information is properly safeguarded and used only for legitimate purposes and only when absolutely necessary. Additional information about the NPRM can be accessed at <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.
- Final *FERPA* Regulations were released on December 9, 2008. Information about these regulations is available as follows:
 - ✓ Final FERPA Regulations (12/9/2008):
<http://www.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf>
 - ✓ "Dear Colleague" letter (12/17/2008) about the FERPA final regulations:
<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht12-17-08.html>
 - ✓ Section-by-Section Analysis of Regulations
<http://www.ed.gov/policy/gen/guid/fpco/pdf/ht12-17-08-att.pdf>
 - ✓ Letter to Superintendents
<http://www.ed.gov/policy/gen/guid/fpco/doc/pprasuper.doc>
- The *Model Notification of Rights under FERPA for Elementary and Secondary Schools* that can be issued to parents and adult students is posted at the following address: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html>. This document outlines the provisions of this requirement that authorize the release of student

information under specific circumstances. It is recommended that you use this notice to inform parents of these *FERPA* requirements.

Requests for Student Information from Military Recruiters, Institutions of Higher Education, and Prospective Employers

- §9528 of Title IX of the *NCLB* Act outlines the provisions that give military recruiters the same access to secondary school students as recruiters from postsecondary institutions or prospective employers (i.e., college fairs, job fairs, etc.). The *NCLB* Act also requires LEAs to provide students' names, addresses, and telephone listings to military recruiters, when requested. The final guidance issued by the USDE on October 9, 2002 for this provision can be found at: <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/ht-10-09-02a.html>
- A joint letter prepared by the United States Department of Education (USDE) and United States Department of Defense (USDOD) may be accessed at the following address: <http://www2.ed.gov/policy/gen/guid/fpco/doc/ht070203.doc>. This federal requirement also is supported by state regulation (*N.J.A.C. 6A-327.1*, Student Records).
- To ensure compliance in this area, all schools receiving assistance under the *Elementary and Secondary Education (ESEA)* must comply with requests for the names, addresses and telephone numbers of secondary school students made by:
 - 1) Military recruiters,
 - 2) Prospective employers, or
 - 3) Recruiters from institutions of higher education.

This information is to be provided by the school, unless a parent, or the adult student (age 18), has "opted out" of providing such information. Parents or adult students (age 18) must request in writing that student information not be disclosed to one or all entities as indicated above. A sample "opt out" notification letter to be distributed to parents and students can be located at the following address: <http://www.nj.gov/education/grants/nclb/programs/optoutform.pdf>.

- LEAs are encouraged to distribute these documents to parents at the beginning of the school year so they may make a timely, informed decision.

LEAs must ensure that parents are notified of these requirements and given the opportunity to use the "opt out" form. As part of the *ESEA* monitoring process, the NJDOE reviews districts' compliance with the requirements of Title IX §9528.

Sample Template

**Parental Objection to Release of Student Information
to Military Recruiters, College/University Recruiters or Prospective Employers**

[Copies of this form should be given to students in school as well as provided to parents]

Dear Parent/Guardian:

Under the federal *No Child Left Behind Act of 2001 (NCLB)*, public high schools must give the names, addresses, and telephone numbers of students to military recruiters, college/university recruiters, and prospective employers if the recruiters request the information (P.L. 107-110, §9528; 10 U.S.C. 503). However, students or their parents have the right to instruct the school in writing that this information is not to be released.

If you do not consent to the release of this information to: 1) military recruiters, 2) colleges/university recruiters, and/or 3) prospective employers, please check the appropriate box or boxes below. To be certain your wishes are respected, return this form to **[office at school] by [date]**, although signed forms returned after that date will be effective after receipt by the [school office]:

- DO NOT release student contact information to Military Recruiters.
- DO NOT release student contact information to College/University Recruiters.
- DO NOT release student contact information to prospective employers.

Student's Name

Name of School

Signature of Student or Parent***

Date of Signature

*** Students have the right to request that their contact information not be released to recruiters. Parents can override a child's decision by notifying the school in writing, only if the student is under age 18. We encourage parents and students to discuss this information.

F. Richard B. Russell National School Lunch Act

Provisions 1, 2, & 3 Fact Sheet

Special Assistance Alternatives

In an effort to reduce paperwork at the local level, Congress has incorporated into Section 11(a)(1) of the *National School Lunch Act* three (3) alternative provisions to the normal requirements for annual determinations of eligibility for free and reduced price school meals and daily meal counts by type (free, reduced price and paid meals) at the point of service.

PROVISION 1

- This Provision reduces application burdens by allowing free eligibility to be certified for a two (2) year period.
- In schools where at least 80 percent (80%) of the children enrolled are eligible for free or reduced price meals, annual notification of program availability and certification of children eligible for free meals may be reduced to once every two (2) consecutive school years. All other households must be provided a meal application and are allowed to apply for meal benefits each school year. There is no requirement to serve meals at no charge to all students.
- Schools must continue to record daily meal counts of the number of meals served to children by type as the basis for calculating reimbursement claims.
- Provision 1 has been an option for schools since publication of regulations in 1980.

PROVISION 2

- This Provision reduces application burdens and simplifies meal counting and claiming procedures. It allows schools to establish claiming percentages and to serve all meals at no charge for a four (4) year period.
- Schools must serve meals to all participating children at no charge for a period of 4 years. During the first year, or base year, the school makes eligibility determinations and takes meal counts by type. During the next three (3) years, the school makes no new eligibility determinations and counts only the total number of reimbursable meals served each day. Reimbursement during these years is determined by applying the percentages of free, reduced price and paid meals served during the corresponding month of the base year to the total meal count for the claiming month. The base year is included as part of the four (4) years.
- At the end of each four (4) year period, the State agency may approve four (4) year extensions if the income level of the school's population remains stable.
- Schools electing this alternative must pay the difference between Federal reimbursement and the cost of providing all meals at no charge. The money to pay for this difference must be from sources other than Federal funds.
- Provision 2 has been an option for schools since publication of regulations in 1980.

PROVISION 3

- This Provision reduces application burdens and meal counting and claiming procedures. It allows schools to simply receive the same level of Federal cash and commodity assistance each year, with some adjustments, for a four (4) year period.
- Schools must serve meals to all participating children at no charge for a period of four (4) years. These schools do not make additional eligibility determinations. Instead, they receive the level of Federal cash and commodity support paid to them for the last year in which they made eligibility determinations and meal counts by type, this is the base year. For each of the four (4) years, the level of Federal cash and commodity support is adjusted to reflect changes in enrollment and inflation. The base year is not included as part of the four (4) years.
- At the end of each four (4) year period, the State agency may approve four (4) year extensions if the income level of the school's population remains stable.
- Schools electing this alternative must pay the difference between Federal reimbursement and the cost of providing all meals at no charge. The money to pay for this difference must be from sources other than Federal funds.
- Provision 3 has been an option for schools since 1995 through an implementing memorandum.

For the full text of the legislation, go to the following web site address:

http://www.schoolnutrition.org/uploadedFiles_old/ASFSA/childnutrition/govtaffairs/nsla.pdf.

Amendments to Provisions 2 and 3 are available at:
<http://www.ag.senate.gov/Legislation/>.

Richard B. Russell National School Lunch Act

Amended July 2, 2004

Section 9

(6) USE OR DISCLOSURE OF INFORMATION.—

(A) IN GENERAL.—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in paragraph (3)(F), (4), or (5), shall be limited to—

- (i) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (including a regulation promulgated under either Act);
- (ii) a person directly connected with the administration or enforcement of—
 - (I) a Federal education program;
 - (II) a State health or education program administered by the State or local educational agency [other than a program carried out under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)]; or
 - (III) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the school lunch program under this Act;
- (ii)
 - (I) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and
 - (II) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by this paragraph or paragraph (3)(F), (4), or (5);
- (iii) a person directly connected with the administration of the State Medicaid program under title XIX of the *Social Security Act* (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purposes of—
 - (I) identifying children eligible for benefits under, and enrolling children in, those programs, except that this subclause shall apply only to the extent that the State and the local educational agency or school food authority so elect; and
 - (II) verifying the eligibility of children for programs under this Act or the *Child Nutrition Act of 1966* (42 U.S.C. 1771 et seq.); and
- (iv) a third party contractor described in paragraph (3)(G)(iv).

(B) LIMITATION ON INFORMATION PROVIDED.—Information provided under clause (ii) or (v) of subparagraph (A) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits is made or for whom eligibility information is provided under paragraph (3)(F), (4), or (5), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

(C) CRIMINAL PENALTY.—A person described in subparagraph (A) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

(D) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—

A State that elects to exercise the option described in subparagraph (A)(iv)(I) shall ensure that any local educational agency or school food authority acting in accordance with that option—

- (i) has a written agreement with 1 or more State or local agencies administering health programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under subparagraph (A) to seek to enroll children in those health programs; and
- (ii)
 - (I) notifies each household, the information of which shall be disclosed under subparagraph (A), that the information disclosed will be used only to enroll children in health programs referred to in subparagraph (A)(iv); and
 - (II) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.

(E) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under subparagraph (A)(iv)(I) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in subparagraph (A)(iv).

<http://www.fns.usda.gov/cnd/lunch/>.

G. Title I, Part D, Subpart 2

Requirements for Facilities

Each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under Title I, Part D, Subpart 2 shall do the following:

- (1) Where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under Part B of the *Individuals with Disabilities Education Act*;
- (2) If the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;
- (3) Where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;
- (4) Provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;
- (5) Work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;
- (6) Ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards;
- (7) To the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;
- (8) Where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;
- (9) Coordinate funds received under this subpart with other local, state, and federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105-220, and vocational and technical education funds;
- (10) Coordinate programs operated under this subpart with activities funded under the *Juvenile Justice and Delinquency Prevention Act of 1974* and other comparable programs, if applicable; and
- (11) If appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.

H: USDE POLICY LETTERS ON SUPPLEMENT NOT SUPPLANT

Examples of Supplementing vs. Supplanting

Policy Letter April 24, 1996: Request of an LEA to purchase four computers for each classroom, two (2) funded by non-Title I funds and two (2) funded by Title I funds was deemed supplanting, not supplementing, state and local funds. The rationale being that the Title I-funded computers would be used by all students, both non-Title I and Title I.

Policy Letter March 26, 1998: For targeted assistance schools, Title I may provide additional services only to Title I students either during the summer session or for a period of time that would extend the summer session for additional days for Title I participants. Another possibility would be for Title I to supplement mandated Title I summer school with additional services in another subject area, as needed. In a schoolwide program, the school can use Title I funds along with state and local resources to extend the school year for all of its students.

Policy Letters 7/1/1998 and 7/24/1998: A Title I Program Advisor, paid entirely from federal funds, was appointed by the governor to serve on a committee to hear employee grievances, spending about 1 to 1½ days per month in this capacity. This was deemed to be supplementary, not supplanting, as limited duties may be assumed by Title I personnel as long as the amount of time is the same proportion of total work time as that for similar personnel (other participating members).

Policy Letter 11/18/1999: Request to use Title I funds to support college awareness presentations is allowable if provided to only Title I-identified students. If such presentations are given in a schoolwide program, it can be funded by Title I for all students. In a Title I schoolwide program, a school is not required to provide supplemental services to identified children. However, the school may only use federal funds to supplement the amount of funds that would, in the absence of federal funds, be made available to the school from nonfederal sources, including funds needed to provide services required by law for children with disabilities and children with limited English proficiency [Title I, Part A, §1114(a) (3) (20 US 6314(a) (3)].

I. The Title I Audit

The Top Ten + 1 Most Common Audit Findings

1. Personnel are not listed in board minutes for Current Part A and Carryover and/or personnel not listed in board minutes with Title I percentages.
2. Lack of time sheets and/or signatures.
3. TPAF is improperly calculated.
4. Maintenance of Effort and/or Comparability Reports are not completed.
5. Regular inventory records are not maintained.
6. Equipment is not labeled.
7. Improper payroll distribution (not prorated per payroll period).
8. Purchase orders do not indicate Title I charges and accounts.
9. Final expense reports do not match individual line items on budgets.
10. Board policies and procedures are not updated to reflect the current legislative authority, e.g., *ESEA-NCLB*, instead of *IASA*.
11. Distribution of funds and school expenditures do not correspond with school allocations on the Title I Eligibility Step 4 form in the *ESEA-NCLB* Application.

J. Resources for Further Information

General

Companion Document: Cross-Cutting Guidance for Elementary and Secondary Education Act. September 1996. United States Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.

NW Regional Educational Laboratory School Improvement.

<http://educationnorthwest.org/>.

What Works Clearinghouse. www.whatworks.ed.gov.

Title I

An Idea Book: Implementing Schoolwide Programs. 1998. United States Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.

Policy Guidance for Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies. April 11, 1996. United States Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.

<http://www.ed.gov/legislation/ESEA/index.html>.

Title I Handbook: Understanding and Implementing the Largest Federal Funding Program for the Education of the Disadvantaged. Edwards, C. J. & Lin, A. C. (ed.). 1996. Education Funding Research Council, 4301 N. Fairfax Dr., Suite 875, Arlington, VA 22203.

The National Research Center on English Learning & Achievement.

<http://www.albany.edu/cela/>.

Other Resources

America Goes Back to School: Partners' Activity Guide 1995-96. United States Department of Education. (800-USA-LEARN).

America Goes Back to School: Partners' Activity Kit 1996-97. United States Department of Education. (800-USA-LEARN).

A New Chance – Making The Most of Title I. 1996. The Education Trust, 1725 K Street, NW, Washington, DC 20006 (202-293-1217).

Boost Family Involvement: How to Make Your Program Succeed Under the New Title I Guidelines. Macfarlane, E. C. 1995. ERIC/EDINFO Press, Indiana University, P. O. Box 5953, Bloomington, IN 47407.

Improving America's Schools: A Newsletter on Issues in School Reform. United States Department of Education (periodical), www.ed.gov/pubs/IASA/newsletters/schoolwide.

NCLB Legislation, Regulations, and Guidance at:
www.ed.gov/about/offices/list/oese/legislation.html.

Planning for Title I Programs – Guidelines for Parents, Advocates and Educators. 1996. Center for Law and Education, 1875 Connecticut Ave., NW, Suite 510, Washington, DC 20009.

Strong Families, Strong Schools: Building Community Partnerships for Learning: A Research Base for Family Involvement in Learning. September 1994. United States Department of Education. (800-USA-LEARN).

Title XIV Guidance and Additional Schoolwide Program Guidance. September 1997. United States Department of Education, 400 Maryland Ave., SW, Washington, D.C. 20202-6100.

United States Department of Education Online: <http://www.ed.gov>.

Title II-A

The Northwest Regional Educational Laboratory Program Report; Guidebook on Developing Indicators. Kim O. Yap, Ph.D. August 1997. Northwest Regional Educational Laboratory, 101 S.W. Main Street, Suite 500, Portland, Oregon 97204. (503-275-9500).

Improving Teacher Quality State Grants, Non-Regulatory Guidance; Revised January 16, 2004. Academic Improvement and Teacher Quality Programs, Office of Elementary and Secondary Education, U.S. Department of Education. <http://www.ed.gov/programs/teacherqual/guidance.pdf>.

Ideas that Work, Science Professional Development, 1998, Eisenhower National Clearinghouse for Mathematics and Science Education at: <http://goENC.com>.

Adult Literacy Providers

America's Literacy Directory, National Institute for Literacy and Partners. www.literacydirectory.org/.

LINCS, a national electronic information and communication system for adult literacy. <http://lincs.ed.gov/>.

Maryland Adult Literacy Resource Center at: <http://www.dllr.maryland.gov/gedmd/>.

The Mayor's Commission on Literacy at: http://libwww.freelibrary.org/mcol/mcol_resources_best.htm.

Tutors of Literacy in the Commonwealth. Pennsylvania Association for Adult and Continuing Education. <http://www.pafamilyliteracy.org/able/lib/able/fieldnotes03/fn03paace.pdf>

Parental Involvement

Parent Involvement Toolkit. US Department of Education <http://www.sedl.org/connections/toolkit/>.

Professional Development

Educational Technology Training Centers. New Jersey Department of Education. Internet content and professional development for K-12. <http://www.nj.gov/education/techno/ettc/>.

New Jersey Association of Educational Technology's annual conference & workshops.
www.njaet.org.

New Jersey Educational Computing Cooperative's annual conference & workshops.
www.njecc.org.

Research-Based Strategies

Clearinghouse on Information and Technology. United States Department of Education.
http://www.epic.org/clearinghouse_technology.html

International Forum of Educational Technology & Society. IEEE Learning Technology Task Force. ifets.ieee.org/ (Teaching strategies and curricula)

Research studies on technology from International Society for Technology in Education, Center for Applied Research in Educational Technology (CARET). caret.iste.org/.

Technology Literacy

Office of Educational Technology. United States Department of Education.
<http://www.ed.gov/about/offices/list/os/technology/index.html>.

International Society for Technology in Education (ISTE), National Educational Technology Standards Project

Technology Planning

Implementing Your Plan. North Central Regional Educational Laboratory.
www.ncrtec.org/capacity/guidewww/imple.htm.

National Center for Technology Planning. www.nctp.com/.

Other Government Web Sites

www.cdc.gov

www.healthfinder.gov

www.nih.gov

www.nida.nih.gov

<http://nrepp.samhsa.gov/>

www.niaaa.nih.gov

www.whitehousedrugpolicy.gov

Other Non-Government Web Sites

www.tanglewood.net

www.drugstrategies.org

www.nas.edu

www.casel.org

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