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March 19, 2013

TO: Chief School Administrator  
Charter School Lead Person  
State Agency Office of Education Director

FROM: Anne Corwell, Director  
Office of Grants Management

SUBJECT: FY 2014 *ESEA-NCLB* Application – Planning Information

During the last six months, the New Jersey Department of Education (NJDOE) has been working on the development of the Fiscal Year (FY) 2014 *No Child Left Behind (NCLB)* Consolidated Formula Subgrant Application. Important to this work was the decision to implement two significant changes to the FY 2014 *ESEA-NCLB* grant.

Starting in FY 2014, the *ESEA-NCLB* project period will be aligned with the state fiscal year, to run from July 1 through June 30. A major benefit from this change will be that summer activities will occur at the beginning of the project period, which affords LEAs a longer span of time within the school year to expend any unused summer activity funds, thereby decreasing the necessity to carry forward large unexpended balances. In addition, this change eliminates the need for LEAs to account separately for July and August expenditures (both prior- and current-year funds), which should result in grant financial close-out information and audit information being more closely aligned. **Please note: For FY 2014 only**, a two-month overlapping grant period will exist for July and August 2013. LEAs must continue to run the approved FY 2013 grant activities through August 31, 2013, while also beginning FY 2014 grant activities provided the FY 2014 *ESEA-NCLB* application has been submitted in substantially approvable form by the July 1, 2013 project start date.

In addition to changing the traditional project period, the NJDOE is transitioning to a new online grants management system as part of a statewide enterprise system utilized by other New Jersey state agencies. As a result, access to the FY 2014 *ESEA-NCLB* Application will be obtained through the System for Administering Grants Electronically, known as SAGE. The SAGE system has a separate login screen that will not be available within the Homeroom system, as well as a separate Help Desk at [sagehelp@doe.state.nj.us](mailto:sagehelp@doe.state.nj.us). LEA Technology Administrators will establish District Authorized Officials by accessing the SAGE site at: <https://enterprisegrantapps.state.nj.us/NJSAGE/Login.aspx>.

The transition to the new SAGE system afforded the NJDOE the opportunity to make several enhancements to the application. A new feature in FY 2014 is a combined Needs Assessment and Program Plan that connects funded needs, target populations, and program plan categories more directly to the allowable uses specific to each title. As LEAs determine the ways in which funds will be used per title, summary information from the Needs Assessment and Program Plan will appear as a reminder of the identified needs, selected target populations, and categories of program plan activities. Finally, the full complement of allowable uses, per title, has been expanded and refined for clarity purposes.

In order to submit completed applications, LEAs must continue to adhere to the following items:

- When applicable, Title I, Part A schoolwide plans, Excel Budget sheets, and approved, School Improvement Plans (SIPs) must be uploaded as attachments to the application.
- Copies of the signed Affirmation of Consultation forms for nonpublic schools, as well as the Title I Nonpublic Assurance form, must be completed and kept on file in the district to be presented to the NJDOE upon request. **Please note:** The Nonpublic School Participation Refusal forms must be submitted to the Office of Grants Management.
- Certified copies of Board Resolutions or extracts of Board minutes must be submitted to the Office of Grants Management if the Board authorization date occurs after the application submission date. **Please note:** For FY 2014, this requirement can be satisfied by uploading the information upon the return of the application for revisions.

To assist LEAs in the development of well considered implementation plans, which support the Consolidated Formula Subgrant, program specific planning material is attached. This information should be taken into consideration as districts begin to plan for the implementation of the *ESEA-NCLB* requirements and the *ESEA* Flexibility Waiver provisions that pertain to FY 2014, as well as the efficient management and timely expenditures of these federal appropriations.

LEAs will be able to access updated, *ESEA-NCLB* Budget Detail Excel planning worksheets and forms, the 2014 Title I, Part A schoolwide plan, nonpublic school documentation forms, and other pertinent worksheets and planning materials at the following NJDOE Web site located at: <http://www.nj.gov/njded/grants/entitlement/nclb/>.

The NJDOE anticipates the release of the FY 2014 *ESEA-NCLB* Consolidated Formula Subgrant Application will occur in early- to mid-May. In addition to the traditional schedule of 'hands-on' technical assistance work sessions, LEAs will be able to avail themselves of specific application information through a series of webinars hosted by NJDOE staff members. Specific information regarding this training schedule and webinar format, as well as the FY 2014 *ESEA-NCLB* Application, will be disseminated at a later date.

The NJDOE congratulates your district on the significant work you have accomplished through the implementation of *ESEA-NCLB*-funded programs, and acknowledges your continued efforts to effectively coordinate *ESEA-NCLB* programs with other federal and state programs as you strive to improve the learning and achievement of all New Jersey students.

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Attachments

c: Members, State Board of Education

Christopher D. Cerf, Commissioner

Senior Staff

David Joye

NCLB Directors

Executive County Superintendents

Executive Directors for Regional Achievement Centers

Executive County Business Administrators

County Education Specialists

NCLB Advisory Council

NJ LEE Group

Garden State Coalition of Schools

New Jersey Public Charter Schools Association

Advisory Committee for Nonpublic Schools

Andrea Sunderville

File

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**Budget Planning Information:**

Given the enactment of the March 1, 2013 sequestration order, the USDE is projecting an approximate 5% decrease in all non-defense programs for the 2013-2014 school year. The largest *ESEA-NCLB* programs impacted by this decrease include Title I, Part A and Title II, Part A grant programs. Despite the fact that the overall reduction to the titles under *ESEA-NCLB* is approximately 5%, based on the statutory formula for each grant award, as calculated by the USDE, LEAs should anticipate basing award calculations on the following projected percentages of the LEA's FY 2013 allocation, per title, as a conservative estimate for budgetary purposes:

- Title I 85% (Newly ineligible districts have been notified)
- Title II-A 85%
- Title III 85%
- Title III, Immigrant 85%

Since the NJDOE receives the Title I, Part A and Title II, Part A grant awards from the USDE in separate awards (July 1 2013 and October 1, 2013), the full allocations for these two grant programs will not be available until October 1, 2013. Consequently, when planning for activities to be implemented for July 1, 2013 through September 30, 2013, LEAs should anticipate spending no more than 25% of their FY 2014 Title I, Part A and Title II, Part A allocations.

**Program Planning Information Specific to Individual Titles:**

**Title I, Part A –**

- Comprehensive Needs Assessment and Planning –  
Under the federal *No Child Left Behind (NCLB)* legislation, Title I LEAs and schools are required to conduct a comprehensive needs assessment to identify student and staff needs, as well as determine appropriate programs, services and activities. This process includes assessing the effectiveness of programs that were implemented in the prior year and identifying scientifically based research programs and strategies to be used in the current project year. Effectiveness must be assessed using multiple measures to determine student academic performance. Beginning this process now, will enable LEAs and schools to better plan for program implementation in the coming school year.

A critical component of the comprehensive needs assessment process is the collection of data. In addition to student academic performance outcomes, these data may include survey results or focus group comments, performance analyses and observations, and discussion group results. When completing the needs assessment and prioritizing problems, the LEA and schools should gather student academic performance data from multiple sources, as applicable.

Programs, services, and activities that are determined as a result of the needs assessment process culminate in a program plan. After completing the comprehensive needs assessment, Title I schools operating an approved Title I schoolwide program must begin the annual process of preparing or revising their Title I Schoolwide Plan, or School Improvement Plan for schools in Priority or Focus

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status. The process for submitting the plan is outlined in Attachment B and posted on the NJDOE Web site at: <http://www.nj.gov/njded/grants/entitlement/nclb/>. The USDE guidance on “Designing Schoolwide Programs” is a resource that describes a comprehensive planning process and can be found at: <http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>.

**Please Note:** Schools that submit plans for a School Improvement Grant (Title I [1003g] grant) do not need to submit separate, Schoolwide Plans.

The Title I Schoolwide Plan must be developed with input from all stakeholders. Schools that need to complete the plan should begin now to set the agenda for their respective planning committees.

Meetings should focus on the development of Title I programs, setting targets for student achievement, and identifying methods to measure progress. A template of the Title I Schoolwide Plan with the required school level forms will be available on the NJDOE Web site at: <http://www.nj.gov/njded/grants/entitlement/nclb/>. LEAs are required to upload annually the Title I Schoolwide Plan for their schools to the *ESEA-NCLB* application, as well as each school’s Excel budget pages. These Excel templates also are available at: <http://www.nj.gov/njded/grants/entitlement/nclb/>.

Prior to developing the FY 2014 *ESEA-NCLB* Consolidated Application, LEAs that serve eligible low-performing nonpublic school children and local Neglected & Delinquent facilities, must begin the consultation process. Before decisions are made that impact the participation of students in these populations, the LEA must consult with the appropriate officials to ensure that the programs and services offered are adequate to meet the needs of these students. Nonpublic school documentation forms, updated income eligibility guidelines and sample letters and surveys may be found on the NJDOE Web site at: <http://www.nj.gov/njded/grants/entitlement/nclb/>.

- Equitable Services to Eligible Nonpublic School Students – LEAs must complete and keep on file the Title I Nonpublic Assurance form, which substantiates the identification of nonpublic student enrollment and low-income counts, among other collected data. This form is posted on the NJDOE Web site noted above with the other planning documents.

If nonpublic schools decline to participate in the LEA’s Title I program, the LEA still is responsible for locating and documenting the number of resident students that attend nonpublic schools. These data must be reflected in the LEA’s Consolidated Application on the Title I Eligibility Step 1 page. LEAs that neglect to include these data are subject to a desk audit to verify their implementation of the requirement to provide equitable services to resident nonpublic school students.

- Resource Allocation – LEAs allocate Title I funds to schools based on poverty, which is calculated within the *ESEA-NCLB* application. Schools may or may not be eligible for funding and the funding may change from the prior year. LEAs must adjust the federal portion of their school budgets to reflect the actual Title I funds specified in the *ESEA-NCLB* application. LEAs are not permitted to reduce the amount of state and local funds to Title I schools during this adjustment process. Failure to budget and expend the accurate Title I amounts in eligible schools may be an audit exception and such funds are subject to a corrective action and possible recovery to the state.

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Programs selected for implementation at the school and LEA level depend on available resources. In Title I LEAs and schools, these Title I resources are used to fund additional programs that would not have been available using state and local funds. The federal supplement not supplant provision requires that federal funds be used to augment, or supplement, the regular educational program. The LEA cannot use these federal funds to supplant funds that would, in the absence of Title I funds, be spent on Title I students [Title I, Part A, § 1120A (b)]. More information on the fiscal rules that apply to schools operating Title I schoolwide programs is available at: <http://www.nj.gov/njded/grants/entitlement/nclb/>.

- **Program Implementation** –

Title I LEAs must develop and distribute the annual Parents' Right-to-Know letter regarding highly qualified teacher (HQT) requirements and update LEA and school parental involvement policies. The LEA is encouraged to view the parent templates in the *NCLB* Reference Manual.

***Continued for FY 2014:*** Given the NJDOE's approved, *ESEA* Flexibility Waiver Application, the school in need of improvement (SINI) and district in need of improvement (DINI) designations will not be in effect for the FY 2014 *ESEA-NCLB* project period. Instead, LEAs' schools will be designated in one of the following categories: **Priority**; **Focus**; **Reward**; or **Other**. For LEAs serving Priority and/or Focus schools with Title I, Part A funds, 30% of the total Title I, Part A grant award must be reserved for Priority and/or Focus Interventions in the served Priority and/or Focus schools. In addition, LEAs will be required to upload the approved School Improvement Plan(s) [SIPs] to the *ESEA-NCLB* Application.

**Title I, Part D** –

- State agency offices of education are eligible to apply for Subpart 1 funds to supplement state funding of educational programs in state facilities. LEAs with juvenile detention centers (JDCs) in their boundaries, or that have agreed to act as fiscal agents for JDCs, are eligible to apply for funds under Subpart 2, in order to supplement state-funded educational programs in these locally-run facilities.

**Title II Part A** –

- Develop and distribute the annual Parent's Right-to-Know letter regarding highly qualified teacher (HQT) requirements.
- Determine whether highly qualified and experienced teachers are equitably distributed in schools across the LEA. If there are inequities, the LEA must implement strategies to achieve an equitable distribution of both highly qualified and experienced teachers.
- The purpose of Title II, Part A (Section 2101) is to provide grants to State educational agencies, local educational agencies, state agencies for higher education, and eligible partnerships in order to:
  1. 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
  2. Hold local educational agencies and schools accountable for improvements in student academic achievement.

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According to USDE guidance, developing an evaluation system for teachers and/or principals is not in itself an allowable use of Title II, Part A funds; however, developing such systems that inform decisions on professional development, promotion, retention, compensation, and tenure is an allowable use of program funds. Please note the following information:

- If the evaluation system is not tied to an allowable, Title II, Part A activity, then the purchase and use of the system is not an allowable use of Title II, Part A funds (see *NCLB* §2123).
- In all instances, Title II, Part A funds must supplement and not supplant state/local funds (see §1120A(b)(1) IN GENERAL).
- Title II, Part A funds cannot be utilized for student-specific activities (i.e., collecting student data on an evaluation system purchased with Title II, Part A funds).

Given the above, Title II, Part A funds may be utilized for the development of teacher and principal evaluation systems, as long as these systems are integral to the implementation of one or more of the following allowable uses as defined in the Title II, Part A regulations:

- **Section 2123(a)(3)(A)(B):** Permits LEAs to support activities that ensure teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement. An evaluation system could play a role in such an effort.
- **Section 2123(a)(4)(A) through (D):** Permits for the development and implementation of mechanisms to assist LEAs and schools to effectively retain highly qualified teachers and principals. An evaluation system that could feed into a program for teacher and principal retention would be such a mechanism.
- **Section 2123(a)(5)(C):** Permits LEAs to use funds to reform tenure systems. An evaluation system could play a role in determining which teachers earn tenure.
- **Section 2123(a)(5)(D):** Permits LEAs to develop, merit-based performance systems and strategies to provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science, as well as teachers in high-poverty schools and districts. An evaluation system could serve as a means for determining which educators were eligible for increased performance-based pay.
- **Section 2123(a)(6):** Permits LEAs to develop and implement professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards. An evaluation system could assist LEAs in assessing the professional development needs of principals and could help steer principals toward professional development that addresses such needs.
- **Section 2123(a)(8):** Permits LEAs to develop teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation. An evaluation system could play a role in such an effort.

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**Title III** –

Nonpublic Schools

- In order to comply with federal guidance for Title III funding, the Office of Title I will continue the way data are collected on the number of LEP students enrolled in the nonpublic schools for the purpose of allocating Title III nonpublic school services. For the 2013-2014 school year (FY 2014), funding for Title III nonpublic school services will be 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 15, 2012**, as well as the number of non-resident LEP students enrolled. This information has been reported by nonpublic schools for the 2013-2014 school year in the Nonpublic School Enrollment Data Collection and subsequently verified by the public school.
- Public schools must ensure that the nonpublic schools within their jurisdiction use Title III funds in accordance with the federal regulations.

Supplement Not Supplant

- The “Supplement, not Supplant” provision of Title III of the *No Child Left Behind Act* (§ 3115[g]) stipulates that recipients may not use those funds to pay for services that, in the absence of Title III funds, would be necessary to be provided by other federal, state, or local funds. LEAs must provide information in the Title III section of the *ESEA-NCLB* application regarding how their use of Title III funds will be supplemental in nature.

Use of Title III Funds to Pay for the ACCESS for ELLs Test

- LEAs that receive Title III funds are required to order annually 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 district were 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.**

Title III Consortia

- LEAs that enter into a consortium must develop a Memorandum of Understanding (sample of this document is provided on the following NJDOE Web site at: <http://www.nj.gov/education/grants/entitlement/nclb/>) or alternative arrangement that outlines how the consortium will meet Title III requirements, including:
  - Ordering and administering the ACCESS for ELLs Test;
  - Title III Annual Measurable Achievement Objectives (AMAOs);
  - Parental notification to parents of participating LEP students; and
  - Participation in an improvement plan if the consortium as a whole, or individual districts within the consortium, fail to meet Title III AMAOs for two consecutive years.
- The fiscal agent of the consortium is responsible for ensuring that consortium members fulfill their fiscal and programmatic responsibilities as subgrantees under Title III.

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**Title III Immigrant** –

- Title III Immigrant funds may be available to the LEA even if the LEA has less than a \$10,000 Title III allocation and declines Title III funds. In order to be eligible for Title III Immigrant funds, the LEA must demonstrate an increase of two percent or greater in the current year's combined public and nonpublic school enrollment of immigrant students as compared to the average immigrant student enrollment of the two preceding years. For the 2013-2014 school year (FY 2014), funding for Title III Immigrant nonpublic school services will be based upon the number of immigrant students reported by nonpublic schools for the 2013-2014 school year in the Nonpublic School Enrollment Data Collection, and subsequently verified by the public schools.



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**Process for Submitting the Title I, Part A Schoolwide Plan  
2013-2014**

**Who Must Submit:**

The Title I Schoolwide Plan must be completed and submitted annually to the NJDOE for each Title I school operating an approved schoolwide program (SW).

- Submission of all Title I Schoolwide Plans (or revisions to existing plans) is required for the Title I portion of the 2013-2014 *ESEA-NCLB* Consolidated Application to be considered in substantially approvable form.
- Plans must be uploaded in the *ESEA-NCLB* application via the SAGE system. Each plan file must be named using the school's CDS code and submission date.
- Plans must be amended for schools that receive an SIA Part A grant, which is awarded later in the school year.
- Excel budget pages must be submitted for schools operating a Title I schoolwide program.

**Title I Funding:**

- The NJDOE will verify receipt of the plans through the 2013-2014 *ESEA-NCLB* Consolidated Application.
- Deficiencies noted after subsequent monitoring and/or review of the plans must be corrected or may be cause for recovery of funds.

**Submission Dates:**

For Title I schools operating an approved schoolwide program (SW), the Title I Schoolwide Plans are due at the time of submission of the FY 2014 *ESEA-NCLB* Consolidated Application.