



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

February 4, 2014

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

FROM: Anne Corwell, Director
Office of Grants Management

SUBJECT: FY 2015 *ESEA-NCLB* Application – Planning Information

In anticipation of the FY 2015 *ESEA-NCLB* grant period, the New Jersey Department of Education (NJDOE) has been working, over the last six months, on the development of the Fiscal Year (FY) 2015 *No Child Left Behind (NCLB)* Consolidated Formula Subgrant Application, as well as the formula calculations to be utilized for the FY 2015 *ESEA-NCLB* Allocation Notices. As this work draws to a close, it is anticipated that the release of the FY 2015 *ESEA-NCLB* Allocation Notices will occur in early May 2014.

While the NJDOE continues its efforts to build consistency into the *ESEA-NCLB* grant process by keeping application enhancements to a minimum, there are a few items to highlight. Key to these is that the application will remain fully electronic and be submitted online through the Electronic Web-Enabled Grant (EWEG) system. Access to the EWEG system is through the New Jersey Homeroom Page at: <http://homeroom.state.nj.us/>. In streamlining the Needs Assessment, the list of priority problems was revised to better represent the grant programs currently under *ESEA-NCLB*. The full complement of allowable uses, per title, was expanded and refined for purposes of program clarity. Finally, the application will contain separate application sections for Title I, Part D State Agencies and Title I, Part D LEAs.

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

- When applicable, Title I, Part A schoolwide plans, as well as 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.

- Certified copies of Board Resolutions or extracts of Board minutes must be provided if the Board authorization date occurs after the application submission date. 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 LEAs begin to plan for the implementation of their FY 2015 *ESEA-NCLB* programs, 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, 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 FY 2015 Title I, Part A schoolwide plan documentation can be accessed through the Title I Schoolwide link at: <http://www.state.nj.us/education/title1/program/schoolwide.shtml>.

The NJDOE anticipates the release of the FY 2015 *ESEA-NCLB* Consolidated Formula Subgrant Application will occur in early 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 2015 *ESEA-NCLB* Application, will be disseminated at a later date.

The NJDOE acknowledges your continued efforts to effectively coordinate *ESEA-NCLB* programs with other federal and state programs as you strive to ensure that all New Jersey students will graduate college and career ready.

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Attachments

c: Members, State Board of Education
Christopher D. Cerf, Commissioner
Senior Staff
David Joye
Karen Campbell
Nancy Curry
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
Vanessa Davenport
Andrea Sunderville
File

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Budget Planning Information:

The enactment of the *Bipartisan Budget Act (H.J. Res. 59)* resulted in a two-year budget agreement that partially reduced the effect of sequestration on nondefense (discretionary) spending. Given this partial offset, Congress was able to appropriate funds at the post-sequestration level rather than having the Office of Management and Budget (OMB) apply across-the-board cuts. As a result, LEAs should anticipate basing award calculations on the following projected percentages of the LEAs' FY 2014 allocations, per title, as conservative estimates for budgetary purposes:

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

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 status. The process for submitting the plan is outlined in Attachment B, and can be accessed on the NJDOE Web site located at: <http://www.state.nj.us/education/title1/program/schoolwide.shtml>.

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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. LEAs are required to upload annually the Title I Schoolwide Plans for served schools designated as Reward and Other schools to the *ESEA-NCLB* application.

Prior to developing the FY 2015 *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 can 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, along with other relevant information on the equitable participation of nonpublic school students in a Title I program is posted on the NJDOE Web site located at: <http://www.state.nj.us/education/title1/leg/policy/equitable.shtml>.

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.

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- 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.

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)].

- Program Implementation –

Title I LEAs must develop and distribute the annual Parents' Right-to-Know letter regarding highly qualified teacher (HQT) requirements, as well as update LEA and school parental involvement policies and school-parent compacts. Information on Title I Parent Involvement requirements can be accessed at the following NJDOE Web site at: <http://www.state.nj.us/education/title1/program/parent/>.

- The Community Eligibility Provision –

In preparation for the implementation of the “Community Eligibility Provision” (Community Eligibility) for FY 2016, current guidance regarding the Community Eligibility Provision and selected requirements under Title I, Part A of the *Elementary and Secondary Education Act of 1965*, as amended can be found at: <http://www2.ed.gov/programs/titleiparta/legislation.html>.

With the passage of the *Healthy, Hunger-Free Kids Act of 2010 (Act)*, the National School Lunch Program (NSLP) now includes a new universal meal program, the “Community Eligibility Provision” (Community Eligibility), which is being phased in over several years by the U.S. Department of Agriculture (USDA). Community Eligibility permits eligible schools to provide meal service to all students at no charge, regardless of economic status, while reducing burden at the household and local levels by eliminating the need to obtain eligibility data from families through a separate collection.

Continued for FY 2015: Given the NJDOE’s approved, *ESEA* Flexibility Waiver Application, schools in each LEA 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, a maximum 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.

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Title I, Part D –

- *New for FY 2015:* The application now will contain a separate application section for Title I, Part D State agencies. 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.

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 §2123].
- In all instances, Title II, Part A funds must supplement and not supplant state/local funds [see §2123(b)].
- 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).

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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.

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 2014-2015 school year (FY 2015), 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, 2013**, as well as the number of non-resident LEP students enrolled. This information has been reported by

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nonpublic schools for the 2014-2015 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.

Title III Consortia

- LEAs that enter into a consortium must develop a Memorandum of Understanding (the sample of this document for the FY 2015 grant period 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:
 - 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.

Title III Immigrant –

- Title III Immigrant funds are distinct from Title III funds and should be used for distinct purposes for immigrant students.
- 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 2014-2015 school year (FY 2015), funding for Title III Immigrant nonpublic school services will be based upon the number of immigrant students reported by nonpublic schools for the 2014-2015 school year in the Nonpublic School Enrollment Data Collection, and subsequently verified by the public schools.

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2014-2015

**Process for Submitting the Title I, Part A Schoolwide Plan for Schools Designated as Reward
and Other Schools**

Who Must Submit:

The Title I Schoolwide Plan must be completed and submitted annually to the NJDOE for each served, Title I school designated as a Reward or Other school that operates 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 2014-2015 *ESEA-NCLB* Consolidated Application, to be considered in substantially approvable form.
- Plans must be uploaded in the *ESEA-NCLB* application via the EWEG 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.

Title I Funding:

- The NJDOE will verify receipt of the plans through the 2014-2015 *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 served, Title I schools designated as Reward and Other schools that operate approved schoolwide programs (SW), the Title I Schoolwide Plans are due at the time of submission of the 2014-2015 *ESEA-NCLB* Consolidated Application.