REVISED AS OF 11/23/09

PLEASE NOTE: Revisions are highlighted for your convenience when reviewing the document. Pages include 2, 3, 37, 80, and 183.

No Child Left Behind Act of 2001

New Jersey Consolidated Formula Subgrant

Reference Manual

Project Period: September 1, 2009 to August 31, 2010

Covered Programs

The FY 2010 *NCLB* Consolidated Formula Subgrant includes the following programs:

- Title I, Part A: Improving Basic Programs Operated by Local Education Agencies
- Title I, SIA Part A and SIA Part G: 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 II, Part D: Enhancing Education Through Technology
- Title III, Part A: Grants and Subgrants for English Language Acquisition and Language Enhancement
- Title III, Part A: Immigrant
- Title IV, Part A: *Safe and Drug-Free Schools and Communities Act*
- Title VI, Part B: Rural and Low-Income School Program

New Jersey Department of Education
P.O. Box 500
Trenton, NJ 08625-0500
http://www.state.nj.us/education/index.html

Table of Contents

Section I
Introduction

- **Timelines** 2
- **Web Site Information** 2
- **Acknowledgements** 4
- **Contributors** 5
- **Acronyms/Abbreviations** 7
- **Introduction** 9
- ***NCLB* Overview** 9
- **Key Points** 14
- **For 2010** 15
- **Waiver Process** 15

Section II
Consolidated Application Process

- **Laying the Foundation** 19
- **Needs Assessment** 20
- **Schools in Need of Improvement** 20
- **District Program/Activity Plan Development** 21
- **Professional Development** 22
- **Parental Involvement** 22
- **Application Overview** 22
  - Board Approval 23
- **Application Description** 23
  - EWEG Application 24
  - Title I Unified Plan 25
  - Consortia 26
  - Equitable Access 26
- **Coordination Requirements** 27
- **Collaboration** 27
  - Nonpublic School Collaboration 28
- **Application Submission** 29
- **Amendments** 29
- **Consortium Administration** 30
- **Final Reports** 31
  - Carry Over Requirements 31
  - Carry Over Process 35
- **Summary of Board Approval Requirements for Submission** 36
- **Application Review and Approval Process** 36
- **Allocation Refusal** 37
- **Approvals, Disapprovals, and Procedures for Appeal** 37

- **Maintenance of Records** **38**

Section III
Federal and State Regulations and Priorities

- **Federal Statutes and Regulations** **40**
- ***NCLB* Complaint Process** **40**
- **Federal Educational Standards and Assessment Priorities** **40**
  - o Consolidated Plans **41**
  - o Monitoring **42**
  - o Data Collection **42**
  - o Scientifically Based Research Programs **42**
  - o USDE What Works Clearinghouse **43**
  - o Resource Information **44**
  - o Accountability Provisions **45**
  - o Adequate Yearly Progress **45**
  - o Parental Notification **47**
- **Distribution of Funds to LEAs** **49**
- **Highly Qualified Instructors** **49**
  - o Funding Sources **51**
- **State Regulations and Priorities** **52**
  - o State Statutes and Regulations **52**
  - o Core Curriculum Content Standards **52**
  - o Aligned State Assessments **53**
  - o State Educational Priorities **54**
    - Monitoring Federal Formula Programs **54**
    - State Monitoring System **55**
    - Corrective Action **55**
- **Abbott Districts** **56**

Section IV
Fiscal Regulations and Responsibilities

- **Accounting Procedures** **58**
  - o Commingling Funds **58**
  - o Cash Management for Grants in Excess of $50,000 ..... **60**
  - o Period of Obligation **60**
  - o Pre-Award Costs **60**
  - o Obligation Reference Chart **61**
- **Maintenance of Effort** **61**
- **Title I Comparability of Services Requirement** **62**
  - o Records **64**
  - o Developing Procedures for Compliance **64**
- **Supplement, Not Supplant** **64**
- **Allowable Costs** **65**
  - o All Titles **65**
  - o Capital Expenses **66**

- Title I, Part A..... 66
- Title I, Part D, Subpart 2 66
- Title II, Part A 67
- Title II, Part D 67
- Title III, Part A 68
- Title III, Immigrant 69
- Title IV, Part A..... 69
- Title V, Part A..... 70

- **Unallowable Costs** 70
  - All Titles 70
  - Title II, Part A 70
  - Title IV, Part A..... 71
  - Title V, Part A..... 71
- **Administrative Costs** 71
- **Third Party Contractors** 72
- **Equipment**..... 73
  - Equipment Inventory (LEA Requirements)..... 74
- **Indirect Costs** 75
- **Teacher's Pension and Annuity Fund (TPAF) and Social Security (FICA) Charges** 75
- **Transferability of Funds** 75
- **Small Rural School Achievement (REAP)** 76
- **Public Control of Funds and Property**..... 77
- **Consolidated Administrative Costs**..... 77
- **Financial Accountability** 77

Section V
Nonpublic Schools

- **Introduction** 80
- **Consultation** 80
- **Title I Requirements for Services for Children in Nonpublic Schools**... 82
  - Determining Title I Funding for Nonpublic Schools 84
  - Methods to Collect Poverty Data on Children in Nonpublic Schools..... 85
  - Third Party Contractors..... 90
- **Title II, Part A** 92
- **Title III, Part A** 93
- **Title IV, Part A**..... 93
- **Title V, Part A**..... 93
- **Transferability of Funds** 93
- **Public Control of Funds and Property**..... 94
- **Complaint Process**..... 95
- **Nonpublic School Policies** 95
  - Disposition of *NCLB* Funded Equipment/Materials/Supplies in Closing or Merging Nonpublic Schools..... 95

Section VI

Title I, Part A

- **Key Elements** **100**
- **Distribution of Funds to LEAs** **100**
- **Determining the Eligibility of School Attendance Areas** **101**
  - Poverty Criteria **102**
- **Eligible Schools** **105**
- **Attendance Area Allocation** **106**
- **Distribution of Remaining Funds** **107**
- **Single Accountability System** **108**
- **Public Reporting / *NCLB* School Report** **109**
- **Parental Involvement** **110**
- **Parental Notification** **111**
- **Highly Qualified Teachers and Paraprofessionals** **111**
  - Funding Sources for Instructional Staff **112**
  - Paraprofessionals **112**
- **Professional Development** **113**
- **District Program/Activity Plan Development** **114**
- **Needs Assessment** **114**
- **Program Activity Plan Elements** **115**
  - Data Collection **115**
  - Title I Schools in Need of Improvement **115**
- **Schools in Need of Improvement Required Components** **118**
  - Needs Assessment **118**
  - Title I Unified Plan **118**
  - *NCLB* Consolidated Application Program/Activity Plan **120**
  - Parental Notification Requirements **125**
  - Intradistrict School Choice **126**
  - Transportation Costs **128**
  - Supplemental Educational Services **129**
  - Corrective Action **130**
  - School Support Teams **131**
- **Collaborative Assessment and Planning for Achievement (CAPA)** **132**
  - Planning for Restructure **132**
- **LEAs in Need of Improvement** **132**
  - LEA Annual Review **132**
  - LEA Improvement **133**
  - NJDOE Requirements **133**
  - LEA Requirements Years One and Two **133**
  - LEA Corrective Action Year Three **134**
  - NJDOE Responsibilities **134**
  - Title I SIA Part A and SIA Part G **135**
- **Title I Fiscal Issues** **136**
  - Title I Audit **136**
  - Supplement, Not Supplant **136**

- o Title I Comparability 145
- o Allocation Reserves 145
- o District Reserves 145
- **Schools in Need of Improvement 145**
- **Allowable Costs 146**
  - o Authorized Activities for Schools in Need of Improvement 148
- **Schoolwide Programs 149**
  - o Accountability 149
  - o The Schoolwide Plan 150
  - o Accountability and Exemptions 153
  - o Tracking Funds in a Schoolwide Program 154
  - o Charter School Applicability for Schoolwide Programs 155
- **Targeted Assistance Schools 155**
  - o Eligible Population 155
  - o Components of a Targeted Assistance School 156
  - o Requirements 156
  - o Comprehensive Services 157

Section VII
Title I, Part D

- **Neglected and Delinquent 159**
- **Program Plan Development 160**
- **Evaluation and Monitoring 160**
- **Formal Agreements with Facilities 160**

Section VIII
Title II, Part A

- **Key Elements 162**
- **Highly Qualified Teacher (HQT) Survey Data 162**
- **Distribution of Funds 162**
- **Parental Notification 163**
- **Nonpublic Schools 163**
- **Program Plan Development 164**
- **Professional Development 165**
- **Parental Involvement 165**
- **Allowable Costs 166**
- **Unallowable Costs 166**

Section IX
Title II, Part D

- **Key Elements 168**
- **State Waivers 168**
- **Data Collection 168**

- **Internet Safety** **169**
- **Services for Children in Nonpublic Schools** **169**
- **Program Plan Development** **170**
- **Professional Development** **170**
- **Allowable Costs** **170**

Section X
Title III, Part A

- **Program Elements** **173**
- **Key Elements** **173**
- **Allowable Costs** **173**
- **Application Requirements** **174**
- **Accountability** **174**
- **Professional Development** **174**
- **Distribution of Funds to LEAs** **174**
- **Program Requirements** **175**
  - Professional Development **175**
  - ACCESS for ELLs **175**
  - Data Reporting **175**
  - Parent Involvement **175**
- **Title III Improvement Plans** **176**
- **Data Collection** **176**
- **Requirement – Native Language Assessments** **177**
- **Nonpublic Schools** **177**
- **Teacher English Fluency** **177**
- **Immigrant Funds** **178**

Section XI
Title IV, Part A

- **Key Elements** **181**
- **Summary of Key Features** **181**
- **Fiscal Requirements** **182**
  - Distribution of Funds to LEAs **182**
  - Nonpublic Schools **182**
  - Allowable Costs **182**
  - Unallowable Costs **182**
  - Supplement, Not Supplant **183**
  - Parent Notification and Student Withdrawal **183**
- **Planning Requirements** **183**
  - Parental Involvement and Community Collaboration **183**
  - State Statutes and Regulations **184**
- **Program Requirements** **185**
  - Principles of Effectiveness **186**
- **Resource Information** **187**

- **State Waivers** **187**
- **Authorized Activities** **189**
- **Comprehensive ATOD & Violence Prevention Program** **192**
- **Data Collection and Reporting** **194**
  - Data Collection **194**
  - Uniform Management Information & Reporting System **195**
- **Definitions of Terms** **195**
- **Resources for Further Information** **196**

Section XII
Title V, Part A

- **Key Elements** **200**
- **Data Collection** **200**
- **Distribution of Funds** **200**
  - Allowable Costs **200**
  - Unallowable Costs **201**
- **Nonpublic Schools** **201**
- **Public Control of Funds and Property** **201**
- **Program Plan Development** **202**

Section XIII
Title VI, Part B

- **Distribution of Funds** **204**

Section XIV
Title IX

- **General Provisions** **206**

Section XV
Appendices

- **A. Stevens Amendment** **208**
- **B. Definitions of Terms** **208**
- **C. Implementation Timeline** **220**
- **D. Program Elements and Authorized Activities** **221**
  - Title I – Improving the Academic Achievement of the Disadvantaged
  - Title I, Part A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part A Grant)
  - Title I, Part A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part G Grant)
  - Title I, Part D – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk

- Title II – Preparing, Training, and Recruiting High Quality Teachers and Principals
  - Title II, Part A – Teacher and Principal Training and Recruiting
- Title II, Part D – Enhancing Education Through Technology
- Title III – Language Instruction for Limited English Proficient and Immigrant Students
  - Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV– 21st Century Schools
  - Title IV, Part A – Safe and Drug-Free Schools and Communities Act (SDFSCA)
- Title V– Promoting Informed Parental Choice and Innovative Programs
  - Title V, Part A – Innovative Programs
- Title VI – Flexibility and Accountability
  - Title VI, Part B – Rural and Low-Income School Program

- **E. Nonpublic Schools 247**
- **F. Title I Sample Letter to Parents 259**
- **G. Richard B. Russell National School Lunch Act 266**
- **H. Title I Part D, Subpart 2 Requirements for Facilities 270**
- **I. USDE Policy Letters on Supplement, Not Supplant 271**
- **J. The Title I Audit 272**
- **K. Resources for Further Information 273**
- **L. *NCLB* Complaint Policy and Procedures 279**

Section I
Introduction

(Click link to return to table of contents)

Timelines

FY 2010Distribution of Allocation Notices	June 2009
FY 2009 *NCLB* Amendment Applications (final date accepted)	August 31, 2009
FY 2010*NCLB* Applications due	September 14,2009
FY 2009 *NCLB* Final Reports due	January, 2010
FY 2010 *NCLB* Amendment Applications (final date accepted)	June 30, 2010

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 FY 2010 project period (i.e., September 1, 2009).*

The information in this document is taken from the *No Child Left Behind Act of 2001* 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 the Act, located on the U.S. Department of Education (USDE) *NCLB* Page**. 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:

FY 2010 NCLB

Reference Manual (Microsoft Word; PDF)
Nonpublic School Documentation (Microsoft Word; PDF)
Planning Documents (for internal district use only – will not be submitted)

- Planning Letter
- District Forms
- FY 2010 *NCLB* Budget Detail Worksheets

Title I Unified Plan for Schools in Need of Improvement and/or Schools Operating a Schoolwide Program

* FY 2010 School Based Budgets Title I Part A
* FY 2010 School Based Budgets Title I SIA Part A and SIA Part G

Title I, Part D, Subpart 1 Plan (State Agencies)
Title I, Part D, Subpart 2 Plan (LEAs)
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 System (EWEG) which contains the following:

- *NCLB* Consolidated Subgrant Application
- Title I Comparability of Services Report
- Title I Performance Report – tentative availability is September 2009
- Title II Part D Performance Report – tentative availability is March 2009
- FY 2009 *NCLB* Final Report – tentative availability is January 2010

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ERNEST LEPORE ..... West New York

Florence McGinn …… Flemington

Ilan Plawker …… Englewood Cliffs

DOROTHY STRICKLAND…… West Orange

LUCILLE E. DAVY,
Commissioner
Secretary, State Board of Education

Contributors

This document was prepared as a result of an interdivisional effort by NJDOE staff members including: Anne Corwell, Andrea Sunderville, Steve Esser, and JoAnn Mitchell (Office of Grants Management); Suzanne Ochse, Karen Campbell, Eileen Miller, Anthony Hearn, Anthony Wright, Judy Alu, Raquel Sinai, Monica Johnson, and Constance Webster (Office of Student Achievement and Accountability); Larry Cocco, Sandy O'Neil, and Joseph Seaman (Office of Educational and Informational Technology); Susan Martz, Gary Vermeire and Margery Wood (Office of Educational Support Services); Ken Figgs and Maria Casale (Charter Schools); Patricia Scott (Office of Fiscal Policy & Planning), Vincent Mastrocola and Lisa Williams (Budget Review and Fiscal Monitors); and Timothy Peters (Office of State Assessments).

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Adair, Marie, New Jersey Association for Supervision and Curriculum
Aerstin, Cecilia, Director of Special Proj NJSACC (NJ School-Age Care Coalition)
Aklonis, Lorraine, Rahway Board of Education
Ayala, Grace, Paterson Public Schools
Benford, Melissa, International Charter School of Trenton
Debra, Bradley, Director of Government New Jersey Principals and Supervisors Assoc.
Brown, Philip, New Jersey Center for Character Education
Catena, Anne, Princeton University – PEI
Coleman, John Director of Curriculum Toms River Regional Schools
Corwell, George, New Jersey Catholic Conference
Dyer, Cheryl, Bridgewater-Raritan Regional School District
Eig, Rosalie, Long Branch Public Schools
Fratz, Amy, New Jersey Education Association (NJEA)
Fredericks, Charles, Egg Harbor Township Schools
Gaspich, Jon, Association of Student Assistance Professionals
Gerry, Mitchell, Newark Teachers Union
Grant, Brenda, Pemberton Township School District
Hadley, Sean New Jersey Principals and Supervisors Association
Hernandez-Manno, Yasmin, Newark Public Schools
Holoduek, John, Hudson County Schools of Technology
Horowitz, Ellen, Freehold Regional High School District
Hutcheson, Craig M., NJASA Representative NJASA and Kittatinny Regional SD
Jennings, Debra, Statewide Parent Advocacy Network (SPAN)
Knox, Wanda, Parent Representative/Pemberton
Kobik, Christopher, Lower Cape May Regional
Kusielewicz, Janina, Clifton Public Schools
Ledford, Geri, Garfield Public Schools
Leslie, Joyce, Highland Park Board of Education
Mazzarella, Joseph, Eatontown Public Schools
McDonald, Joan Pat, Newark Public Schools
O'Connor, Ellen, Bayonne School District
Patterson, Brenda, Paterson Public School District
Polk, Deborah, Camden Public Schools
Pressler, Richard, Greater Brunswick Charter School
Quinn Kreider, Barbara, Moorestown Friends School
Reid, Sandra, Middletown Township Public Schools
Rivas, Jenaro, Jersey City School District
Rosner, Mayra, Perth Amboy School District
Singh, Bickram, Essex County Vocational-Technical School

Tier, JoAnn, Diocese of Trenton
Tomeo-Rehm, Rose, Mt. Olive School District
Turner, Amos, Parent Representative/Perth Amboy
Tyler, Ryan, Research Associate Center for Equity and Excellence
Washington, Silvia, New Brunswick Public Schools

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	*Children's Internet Protection Act*
CSR	Class-Size Reduction Program
DINI	District in Need of Improvement
ESPA	Elementary School Proficiency Assessment
EDGAR	Education Department General Administrative Regulations
ESEA	*Elementary and Secondary Education Act*
EVVRS	Electronic Violence and Vandalism Reporting System
EWEG	Electronic Web-Enabled Grant Application
EWT	Early Warning Test
GAAP	Generally Accepted Accounting Principles
GEPA	*General Education Provisions Act*
GFSA	*Gun-Free School Act*
HEA	*Higher Education Act*
HQT	Highly Qualified Teacher
HSPA	The High School Proficiency Assessment
HSPT	The High School Proficiency Test
IASA	*Improving America's Schools Act*
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	*No Child Left Behind Act*
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
REAP	Rural Education Achievement Program
SDFSCA	*Safe & Drug-Free Schools and Communities Act*
SEA	State Education Agency
SIA	School Improvement Accountability
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 *No Child Left Behind Act of 2001(NCLB)* entitlement subgrant application. Governing requirements for these awards and further background information on *NCLB* are also included in this Reference Manual.

The New Jersey Department of Education (NJDOE), which administers funds under *NCLB*, continues to offer the consolidated grant application process to Local Education Agencies (LEAs), which apply for funding allocations covered by the *NCLB* Consolidated Formula Subgrant. Section II of this manual includes information on the application content and process. The *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."

NCLB Overview

Purpose

The *No Child Left Behind Act of 2001 (NCLB)*, a reauthorization of the *Elementary and Secondary Education Act (ESEA)/Improving America's Schools Act (IASA)*, was signed by President Bush on January 8, 2002. *NCLB* continues many of the goals set forth in *IASA* and incorporates additional principles and strategies for strengthening the pre-K-12 academic environment. The measures included in *NCLB* require the following: 1) increased accountability for all responsible authorities—states, school districts, and schools; 2) greater school choice for parents whose children are attending low-performing schools; 3) more flexibility for states and LEAs in their use of federal education funds; and 4) a focus of resources on proven educational methods, particularly relating to early reading programs.

These new principles and strategies, as outlined below, are designed to produce fundamental reforms in classrooms throughout the United States. The act provides officials and educators at the school, school district, and state levels substantial flexibility to plan and implement school programs that will help close the achievement gap between disadvantaged students and their peers. At the same time, *NCLB* holds school officials accountable to parents, students, and the public for achieving results. These and other major changes to the *ESEA* redefine the federal role in pre-K-12 education to better focus on improving the academic performance of all students. The full text of this law may be found on the Internet at http://www.ed.gov/nclb/landing.jhtml.

NCLB recognizes that all children can achieve to the same high standards when taught by highly qualified teachers using proven methods in an appropriate learning environment. All students must be given the educational opportunity to reach those standards. Successful student academic performance is built on the following *four (4) NCLB pillars of reform:*

1. ***Accountability***: Schools are held accountable for their progress in performance and achievement for all students and subgroups of students. Districts and

schools must set clear, high standards, regularly assess children on their performance, and communicate the results to the public.

2. ***Choice***: Schools must provide a learning environment that is safe and drug-free, and conducive to learning, and parents have the option, when this environment is not present, to move their child to another school within the district or seek supplemental educational services.
3. ***Flexibility***: Communities have more options to determine how to best serve their students.
4. ***Methodology***: Instruction must be provided to all students that, based on the findings of established research, will lead to gains in achievement and ensure that no child is left behind.

The four (4) pillars guide the requirements for the *NCLB* application and data reporting. The *NCLB* application integrates these principles using the five (5) *ESEA* performance goals and performance indicators listed below.

LEAs are required to adopt this core set of five (5) performance goals and performance indicators and may define and adopt their own set of performance targets based upon formal, organized, and comprehensive needs assessments. LEAs are held accountable for meeting, at a minimum, adequate yearly progress (AYP) for all schools, as well as their other established performance targets and the core set of five (5) performance goals and indicators. LEAs are required to provide their performance target data to the NJDOE on an annual basis.

Performance Goal 1: By 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.

1.1 Performance indicator: The percentage of students, in the aggregate and for each subgroup, who are at or above the proficient level in reading/language arts on the state's assessment.

Note*: These subgroups are those for which the ESEA requires state reporting, as identified in §1111(h) (1) (C) (i).*

1.2 Performance indicator: The percentage of students, in the aggregate and in each subgroup, who are at or above the proficient level in mathematics on the state's assessment.

Note*: These subgroups are those for which the ESEA requires state reporting, as identified in §1111(h) (1) (C) (i).*

1.3 Performance indicator: The percentage of Title I schools that make adequate yearly progress (AYP).

Performance Goal 2: All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.

2.1 Performance indicator: The percentage of limited English proficient students, determined by cohort, who have attained English proficiency by the end of the school year.

2.2 Performance indicator: The percentage of limited English proficient students who are at or above the proficient level in reading/language arts on the state's assessment, as reported for performance indicator 1.1.

2.3 Performance indicator: The percentage of limited English proficient students who are at or above the proficient level in mathematics on the state's assessment, as reported for performance indicator 1.2.

2.4 Performance indicator: The percentage of children making progress in learning English.

Performance Goal 3: By 2005-2006, all students will be taught by highly qualified teachers.

3.1 Performance indicator: The percentage of classes being taught by "highly qualified" teachers [as the term is defined in §9101(23) of the *ESEA*], in the aggregate and in "high-poverty" schools [as the term is defined in §1111(h) (1) (C) (viii) of the *ESEA*].

3.2 Performance indicator: The percentage of teachers receiving high-quality professional development [as the term "professional development" is defined in §9101(34)].

3.3 Performance indicator: The percentage of paraprofessionals (excluding those with sole duties as translators and parental involvement assistants) who are qualified. [See criteria in §1119(c) and (d)].

Performance Goal 4: All students will be educated in learning environments that are safe, drug-free, and conducive to learning.

4.1 Performance indicator: Reduce the rates of student alcohol, tobacco or other drug use.

4.2 Performance indicator: Decrease the incidents of student substance use on school grounds, including at school-sponsored functions or on school buses.

4.3 Performance indicator: Increase the age of onset of students' first use of alcohol, tobacco or other drugs.

4.4 Performance indicator: Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs.

4.5 Performance indicator: Reduce the incidents of student violence, including weapons incidents, on school grounds, including at school-sponsored functions or on school buses.

4.6 Performance indicator: Reduce the factors that place students at risk for committing acts of violence or for being victims of acts of violence.

4.7 Performance indicator: Reduce the number of persistently dangerous schools, as defined by the state.

Performance Goal 5: All students will graduate from high school.

5.1 Performance indicator: The percentage of students who graduate from high school each year with a regular diploma: 1) disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged; 2) calculated in the same manner as used in the National Center for Education Statistics Reports on Common Core of Data.

5.2 Performance indicator: The percentage of students who drop out of school: 1) disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged; and 2) calculated in the same manner as used in the National Center for Education Statistics Reports on Common Core of Data.

NJDOE- and LEA-Derived Performance Targets

The NJDOE is required to establish state-level performance targets that represent the progress the state expects to make in relation to each of the USDE goals and performance indicators. The NJDOE and LEAs have the opportunity to establish additional performance indicators. The NJDOE submitted its performance targets to the USDE on May 1, 2003. Each LEA will establish its own derived performance targets based upon its unique needs. These targets can be identified in this application. LEAs are then required to assess their success in meeting these targets and in the subsequent year, plan and tailor their activities accordingly.

Process

Eligible LEAs must submit applications for funds under *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 *NCLB*. Under the supervision of the NJDOE, the provisions of this manual apply to all LEAs that participate and receive funding.** The *NCLB* citations of each covered program are available on the NJDOE Web site.

The FY 2010 *NCLB* application, which must be submitted through the Electronic Web Enabled Grant (EWEG) system by September 14, 2009, continues the consolidated grant model that began in 1997 with the advent of the *Improving America's Schools Act of 1994 (IASA)*. LEAs will access the EWEG system (Electronic Web-Enabled Grant application) through the New Jersey Homeroom Page at http://homeroom.state.nj.us/. The following Title I districts must submit the Title I Unified Plan as an electronic

attachment to the *NCLB* application: Districts in Need of Improvement (DINIs); districts with Schools in Need of Improvement (SINIs); districts with Title I schools operating approved schoolwide programs (SW); and/or schools newly applying for schoolwide status. The Title I, Part D plans will be also uploaded to the *NCLB* application through the EWEG system. Contact the NJDOE Office of Grants Management (OGM) or your NJDOE county office if you are unable to access these documents.

The intent of *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 II, Part D** facilitates comprehensive and integrated educational technology strategies that target the specific needs of individual schools. It improves student academic achievement through the use of technology in elementary and secondary schools, while addressing the digital divide so that every student is technologically literate by the end of eighth grade. Effective integration of technology resources and systems with teacher training and curriculum development are encouraged in order to identify and showcase best practices in educational technology. **Title III, Part A** focuses on the teaching of English to limited English proficient (LEP) children, including immigrant children and youth. **Title IV, Part A** provides resources for fostering a safe and drug-free learning environment that supports academic achievement. **Title V, Part A** provides a flexible source of funding to assist LEAs in the development and implementation of various innovative reform initiatives. **Please note: Title V Part A is not funded for FY 2010**. **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 *NCLB* programs.

Throughout *NCLB*, the use of solid research to improve teaching and learning, as well as student behavior, is required and promoted, and parents are provided with information and options to improve the educational opportunities offered to their children. The repetitive emphasis on scientifically based methodology encourages the use of teaching techniques and practices that are founded on research and proven to produce positive results.

Key Points

The provisions of *NCLB* build on the concepts of *IASA* and strengthen them. Some of the major changes that *NCLB* embodies include those listed below.

Ensuring Accountability for Results: Annual assessments will measure what children know in reading, math, and science in grades 3-8 and 11. Assessment results must be reported to the public and broken out by poverty, race/ethnicity, disability, and limited English proficiency to ensure that no group or child is left behind. If LEA or school assessment results fail to meet state-defined proficiency levels, the schools and districts will be designated for technical assistance and remedial action; if results still don't improve, restructuring will occur.

Providing More Options for Parents and Students: Students attending schools identified for improvement, corrective action, or restructuring will have the choice to attend another school that is not failing within the same school district. If school choice is not an option in Year 2, parents of eligible students are offered supplemental educational services (SES) such as tutoring as an alternative. In subsequent years of improvement status, both school choice and SES must be offered.

Strengthening Teacher Quality: *NCLB* combines the former Eisenhower Professional Development and Class-Size Reduction programs into a new Improving Teacher Quality Program that focuses on using practices grounded in scientifically based research to recruit, prepare, train, and retain highly qualified teachers (see Appendix D for a definition of "highly qualified" teachers).

Promoting English Proficiency: Bilingual and immigrant education grants are incorporated into a new program to facilitate the planning and implementation of programs to help limited English proficient students learn English as quickly and effectively as possible so they can meet the same high academic standards as other students.

Providing a Safe School Environment: The *Safe and Drug-Free Schools and Communities Act* is reauthorized under *NCLB* to support state and local efforts to keep schools safe and drug-free. States must report school safety statistics to the public, and, under Title IX, students who attend persistently dangerous schools, or have been victims of violent crime at school, must be allowed to transfer to a safe school within the school district, including a public charter school.

Instituting Scientifically Based Teaching Methods and Programs: The term scientifically based research is that which involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. This type of research is represented by the following criteria:

- Employs systematic, empirical methods that draw on observation or experiment;
- Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- Relies 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;

- Is 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;
- Ensures 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 the response to their findings; and
- Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparable rigorous, objective scientific review.

For FY 2010

The FY 2010 *NCLB* Consolidated Formula Subgrant application remains fully electronic and contains only minimal enhancements. **New to the application** is the LEA Central Contact link, which affords the district the ability to update pertinent contact information without the need for an amendment application. Once contact details are entered under this link, the information is pre-populated under the Contact Information tab in the application. Although performance reporting information will continue to be required, this information now is entered under the Program Specific tab, per title. The Title I Unified Plans will continue to be uploaded to the application through the EWEG system for Title I schools operating approved schoolwide programs (SW), schools newly applying for schoolwide status, and schools in need of improvement (SINIs). The Title I, Part D Subpart 1 or Subpart 2 plan will be uploaded also through the EWEG system. Districts will continue to establish consortium information directly through the EWEG system, rather than submit the consortium designation forms to the Office of Grants Management (OGM).

- Each district's FY 2010 *NCLB* allocations are mailed to the district and posted directly to the EWEG system.
- The School Improvement Accountability (SIA) Part A and Part G allocations will not be available until late fall/early winter 2009. Consequently, the SIA Part A and SIA Part G applications will be submitted as amendments to the FY 2010 *NCLB* consolidated application if that application has already been approved.

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 within ten percentage points of the lowest percentage in the LEA.

All other statutory or regulatory requirements of *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.

In accordance with the August 11, 1998, Federal Register and the "US Department of Education Waiver Guidance of August 1996" (as updated in August 1997), all requests for waivers scheduled for implementation in the beginning of the 2009-2010 school year must have been submitted to the USDE no later than April 1, 2008. To meet this federal deadline, LEAs must have submitted all federal waiver requests to the NJDOE and its county office for comment by February 1, 2009. 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 II, Part D
- Title III, Part A
- Title IV, Part A

Home
Top of Section

Section II
Consolidated Application Process

(Click link to return to table of contents)

Laying the Foundation

Prior to completing the *NCLB* application, all LEAs, including Abbott districts, 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 and achieve the performance measures under each program area. (The state's Core Curriculum Content Standards are discussed in more detail in Section III of this manual). The program plans are based on the LEAs/school(s)' needs assessments. The plan includes performance indicators, research-based activities, and a plan to evaluate the progress toward meeting the program plan's goals.

LEAs are required to assess their needs annually and refine, improve, strengthen, discontinue or replace programs and strategies. During the FY 2010 *NCLB* application process, LEAs/schools are required to report on the actual achievement of the performance targets identified in the FY 2009 *NCLB* application.

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

- Identify participants and convene the LEA application development committee;
- Assess the accomplishments relative to the measurable objectives established in the prior year's *NCLB* application;
- 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 priority problems;
- Identify the professional development needs of staff;
- Consult with nonpublic school representatives;
- Align the covered programs with the five (5) performance goals and indicators (see Section III of this manual);
- Set LEAs/school(s)' performance targets, focusing on student achievements that are measurable;
- Utilize the Title IV principles of effectiveness;
- Identify research-based strategies and activities that can be utilized to address the LEAs/school(s)' priority problems;
- Ensure compliance with the requirements of the covered programs; and
- Prepare the *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 (CCCS and statewide standards), a review of district and school progress in closing the achievement gap, and the determination of district progress in ensuring that all teachers are highly qualified. This includes professional development and technical assistance needs as they apply to the district'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 district and school needs have been identified and prioritized, grant resources should be targeted, as appropriate, to meet these needs and priorities.

For Title II-D, LEAs may identify their educational technology needs using the NJDOE's annual Technology Survey (April 2008). Although LEAs are not required to have schools identify their needs, they are asked to consult with schools and prioritize grant resources based on the identified needs.

For Title IV, LEAs identify the needs of their schools and students and must target services and activities to schools and students with the greatest needs.

The needs assessment must include nonpublic school students and teachers served through the funding sources included in this 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. The *NCLB* program activity plans should be developed/updated annually based on annual needs assessments and to determine the effectiveness of the implemented activities under each program and should have measurable two-year targets. Evaluations must provide data to guide in the updates for performance targets, activities, etc. Evaluation results must be reported on the "FY 2009 Performance Reporting" screen of the grant application to demonstrate progress toward the previous year's proposed targets. New grant funds should target the needs identified in the district's *NCLB* needs assessment and/or school improvement plan(s), and be budgeted for applicable activities, based on the reevaluation process.

Schools in Need of Improvement

A comprehensive assessment of the schools that have been classified as in need of improvement must be conducted. Following this assessment, which includes a thorough data analysis and needs assessment, the school must develop an improvement plan as part of its Title I Unified Plan. If an outside vendor is hired to help

develop this plan, the vendor must have expertise in educational research specific to school improvement and reform and have a proven record of successfully conducting critical research.

The results of the needs assessment must be provided to school staff and parents, as well as the data analysis process used, how the results were determined, and how staff can continue the process of data analysis as they continue the school improvement process.

The analysis should answer the following questions:

1. What contributes to the disparity in the belief of staff, administrators, and support staff that all children can achieve the CCCS and actual student performance?
2. What needs to be changed for the teaching approach to be cohesive, focused, and linked to school improvement strategies and student attainment of the CCCS? Are current strategies based on scientific research? What scientifically based strategies will match the school's identified needs?
3. What needs to be included for professional development to be linked to improving student's learning and attainment of the standards?
4. What needs to occur for the parents and the community to work together to assist in improving student outcomes that are in line with the improvement objectives?

To answer these questions, three (3) years of data (both qualitative and quantitative) should be reviewed and may include the following:

- State and local assessment results;
- A review of curriculum alignment;
- Classroom observations;
- Parent, and, where appropriate, student surveys and interviews;
- School demographics by gender, race, language groups, and special education;
- Other descriptive data;
- Enrollment, attendance and graduation rates, school climate, and dropout data; and
- Reports on incidents of violence and vandalism, drug and alcohol use, and other risk behaviors. The disaggregation of data by grade, race, and socio-economic background, disabled, and LEP should address patterns and areas in need of improvement that will be addressed in a plan with clear goals and benchmarks for improvement.

District Program/Activity Plan Development

Comprehensive program activity plans are required for each *NCLB* title. Program activity plans for *NCLB* are a logical subset of the LEA's overall district and/or school(s) plan. Specifically, the *NCLB* aspects of the plan must cover the areas outlined below. For Title I schools operating approved schoolwide programs (SW), schools newly applying for schoolwide status, Schools in Need of Improvement (SINIs), these activities reflect the Title I Unified Plan.

Please refer to individual title sections below for further information.

- Title I, Part A
- Title I, Part D
- Title II, Part A
- Title II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, 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 II, Part D
- Title III, Part A

Parental Involvement

All parental involvement activities must be supported in the comprehensive needs assessment and selected as a priority problem to be addressed using federal funds. The parental activities must be listed in the program plan with baseline data and annual performance targets identified in the context of student achievement outcomes. Funded programs and activities must be scientifically based.

Please refer to individual title sections below for further information.

- Title I, Part A
- Title II, Part A
- Title III, Part A
- Title IV, Part A

Application Overview

The FY 2010 *NCLB* consolidated application remains fully electronic and includes the Needs Assessment as part of the consolidated application. The Title I Unified Plans will be uploaded to the application through the EWEG system for Title I schools operating approved schoolwide programs (SW), schools newly applying for schoolwide status, and Schools in Need of Improvement (SINIs). The Title I, Part D, Subpart 1 and Subpart 2 plans will be also uploaded to the application through the EWEG system.

LEAs will be able to access the EWEG system through the New Jersey Homeroom Page at http://homeroom.state.nj.us/. Nonpublic School documentation and directions for completing the Title I Unified Plan and the Title I, Part D, Subpart 1 and Subpart 2 plans also are posted on the NJDOE Web site.

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

The FY 2010 *NCLB* grant encompasses the project period from **September 1, 2009, to August 31, 2010,** and covers the programs listed below:

- 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 II, Part D: *Enhancing Education Through Technology*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III – Immigrant:
- Title IV, Part A: *Safe and Drug-Free Schools and Communities Act*
- Title V, Part A: *Innovative Programs*
- Title VI, Part B: *Rural and Low-Income School Program*

Board Approval

Prior to submitting the FY 2010 *NCLB* application to the NJDOE, the LEA must obtain approval from the Board of Education. A copy of the board resolution or board minutes must be submitted ***only*** if the board approval occurs ***after*** submission of the application. In that case, a copy of the resolution or minutes must be sent under separate cover to the Office of Grants Management (OGM). **Please note:** the Grant Acceptance Certification (GAC) process is **no longer required** upon the approval of the application. Consequently, the district goes before its Board of Education **one time** 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). The board approvals must meet the requirements of Title IV, Part A [NCLB §4114(d) (5)].

Application Description

The FY 2010 *NCLB* Consolidated Formula Subgrant application consists entirely of an on-line application, submitted through the Electronic Web-Enabled Grant (EWEG) system. This electronic system has necessitated some changes to the previous

consolidated application format. Accordingly, some of the electronic application screens have been added, some deleted, some have been combined, and others revised.

EWEG Application Overview

LEAs access the EWEG system through the New Jersey Homeroom Page at http://homeroom.state.nj.us/. After the applicant selects *NCLB* from the Application screen, the "District Select" screen will open. It is from this screen that the applicant creates the application by clicking on the 'Create Application' button.

Users will open an application by clicking on the radio button to the left of the listing for that application. The screen will refresh itself, 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

Users will click on the **"Open Application"** button to access the *NCLB* application. The application will open by first displaying the **"Overview"** tab of the *NCLB* Consolidated section of the application. 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 *NCLB* Consolidated section contains tabs for the sections of the application that relate to the application as a whole. Information regarding the individuals responsible for the application is entered under the **"Contact Information"** tab. The **"Allocation"** tab in this section opens a screen that shows the total district and nonpublic school amounts for each title's allocation. The LEA may also use this screen to transfer funds from one title to another using the *NCLB* flexibility provisions. LEAs wishing to refuse funds under individual titles will complete information under the **"Refusal of Funds"** tab. If funds under a title have been refused, the applicant will be unable to budget these funds in that title. The **"Assurances"** tab lists the areas of compliance that the LEA **must accept** before funds are issued. Prior to submitting the application via the "Submit" tab, the LEA 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" button.

The *NCLB* Needs Assessment information remains a part of the *NCLB* Consolidated Formula Subgrant application. The Needs Assessment information 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 tab – Performance Reporting subtab, 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. The "Allocation Detail Nonpublic" tab for every title, other than Title I, 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 school is refusing services. A check placed in a **"Services Refused"** check box will subtract that school's allocation from the total allocation. This screen will also display the status of the Affirmation of Consultation Form for all schools accepting services. Finally, each title section also has a **"Budget"** tab as well as **"Budget Detail"** subtabs that will collect information specific for that title.

Applicants 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 districts are required to "reserve" are listed in Step 4 of the process.

Title I districts must also complete the checklist identified by the **"Parental Involvement"** tab. Please note that copies of four (4) parent letters must be uploaded to EWEG if they apply to the served schools. The specific letters are identified on the checklist.

For any LEA 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 *NCLB* application. The links for both template plans are found on the NJDOE Web site at: www.nj.gov/education/grants/entitlement/nclb/.

Note: *Prior to submission of the 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 NCLB application, the LEA must submit the signed Nonpublic School Participation Refusal forms to the Office of Grants Management (OGM).*

Title I Unified Plan

For Title I Schools Approved for Schoolwide Programs; Schools Newly Applying for Schoolwide Status; and Schools in Need of Improvement: The Title I Unified Plan which must be submitted electronically as an attachment to the *NCLB* application, eliminates duplication and combines elements from the following required plans:

- The *No Child Left Behind Act of 2001* (*NCLB*) Consolidated Application
- Title I Schoolwide (SW) Program Plan
- Title I School in Need of Improvement (SINI) Plan
- Title I SINI Corrective Action Plan (Year 4)
- Title I SINI Plan for Restructuring (Year 5)

- District Plan to Support Title I SINIs
- Elements for schools receiving SIA, Part A funds
- Elements for schools receiving SIA, Part G funds

All elements in the Title I Unified Plan must be addressed, as appropriate. The Title I Unified Plan must be developed/updated annually using two-year measurable targets.

Note: The District in Need of Improvement Plan is now a separate plan; it is no longer part of the Title I Unified Plan.

Consortia

LEAs may choose to offer services as a consortium. The lead LEA submits an application as the applicant (and a participant) and the joining LEA(s) is designated a participant. The applicant LEA requests the total grant to be applied to the consortium; the NJDOE pays the total consortium grant funds to the applicant LEA. 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.

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 may also apply in collaboration with a college or community-based organization.*

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

- **Title I** serves all students, including LEP students and students with disabilities, assuring that they will meet the 100 percent (100%) proficiency goal. To meet this goal, 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.
- **Title IV** requires LEAs to use Title IV, Part A funds to develop, implement, and evaluate comprehensive programs and activities in coordination with other school and community-based services and programs [§4115(b)].

Collaboration

During both the development of the *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 "Participants in Consultation and Collaboration in Application Development" section of the *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 in need of improvement must establish a school improvement committee of stakeholder groups to collaborate on the development of the Title I Unified Plan. For continuity, some members of the school improvement committee should also serve on the School *NCLB* Committee and, if applicable, the schoolwide stakeholder group.

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.
Note: *A hold harmless clause identifies minimum funds required for nonpublic school professional development. The LEA allocation notice and the NCLB application directions provide detail.*

Title V requires consultation with parents, teachers, administrative personnel, and with other groups such as librarians, school counselors, and pupil services personnel. Consultation is required during planning, design, and implementation of Title V programs.

Nonpublic School Collaboration

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 must also 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 II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, Part A
- Title VI, Part B

Application Submission

The FY 2010 *NCLB* consolidated application consists entirely of an online application, which is completed and submitted through the Electronic Web-Enabled Grant (EWEG) system. Completed applications must be submitted as follows no later than **September 14, 2009**:

- The Title I Unified Plan for schools in need of improvement (SINIs), schools operating an approved schoolwide program, and/or schools newly applying for schoolwide status is submitted electronically as an attachment to the *NCLB* application for those districts required to submit this document.
- The Title I, Part D Subpart 1 and Subpart 2 plans will be uploaded electronically as attachments to the *NCLB* application.
- Districts will have the ability to establish their consortium information directly through the EWEG system, rather than submit the consortium designation forms to the Office of Grants Management (OGM).
- At the time of submission of the *NCLB* application, copies of the signed Nonpublic School Participation Refusal forms must be submitted to the OGM at the following address:

New Jersey Department of Education
Office of Grants Management
Application Control Center
P.O. Box 500
Trenton, NJ 08625-0500
Attn: *NCLB* Consolidated Formula Subgrant

Please note: The Affirmation of Consultation with Nonpublic School Officials form is no longer required to be submitted to the OGM; however, the LEA must maintain a copy of this form in its records and provide a copy to the NJDOE upon request.

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 FY 2010 project period (i.e., September 1, 2009).

Amendments

If substantive changes to the program plan or grant expenditures are anticipated after the *NCLB* application has been approved by the NJDOE, the LEA is required to submit a FY 2010 Amendment Application to the NJDOE for approval. 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 board minutes must be forwarded under separate cover. Amendments to the application must be submitted

online through the EWEG system no later than June 30, 2010, and will be approved on or about August 31, 2010.

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

- Changes between Expenditure Categories (measured cumulatively throughout the fiscal year) in excess of ten percent (10%) of the total award, by title, or $50,000 (original application budget or approved carry-over budget), whichever is less. *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.

Consortium Administration

LEAs will continue to establish consortium information directly through the Electronic Web-Enabled Grant (EWEG) system, rather than submitting consortium designation forms to the Office of Grants Management (OGM).

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 on 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 participant LEAs' information, 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.

Final Reports

The NJDOE is responsible for fiscal and program oversight of the federal grant programs. As such, all grants must be closed out with a final reporting of *NCLB* expenditures for the approved programs and activities. LEAs are encouraged to round off expenditures for reporting purposes. The report 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 *NCLB* application. Additionally, nonpublic schools are required to report results of their *NCLB*-sponsored activities to the LEA for inclusion in the final report.

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 *NCLB* plan using the best available data and prepare to revise them accordingly.

Beginning with FY 2005, final reports are submitted through EWEG for review and approval. In accordance with the *Tydings Amendment*, unused funds from the FY 2009 *NCLB* application may be carried over for use in the next project period, i.e., FY 2010. Although carryover is permitted, with restrictions, LEAs are encouraged to use their funds during the fiscal year for which they are approved. **Please note: Title V Part A funds <u>may not be carried over</u> from FY 2009 for this title.**

Carryover Requirements

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

Title I, Part A

Not more than 15 percent (15%) of a district's Title I, Part A allocation [excluding School Improvement Allocation (SIA) funds] 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. Additionally, the LEA must be able to document that it has faithfully implemented the Title I programmatic and fiscal requirements. The fifteen percent (15%) limit applies to districts that receive $50,000 or more in Title I, Part A

funds. All funds that a district cannot carry over revert back to the state to be reallocated [§1126 & 1127].

In general, districts should obligate and liquidate their Title I funds during the grant project year. If funds must be carried over, districts 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 carry-over 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 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 Sec. 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 Sec. 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 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-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 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, choice-related transportation and supplemental services, homeless children, etc.) in accordance with Sec. 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 Sec. 200.77 reservations or adding them to the funds for school attendance areas, or both.

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

- **School Choice/SES:** Provided that the district can document that it has met all demand from parents and students for choice-related transportation and

supplemental educational services, any unused portion of Title I funds reserved for this purpose may be reallocated to other purposes either during the year in which the reservation was made (by filing an amendment) or, subject to the fifteen percent (15%) limit, in the following year (*Supplemental Educational Services Non-Regulatory Guidance*, August 2003, K-20).

- **LEA Professional Development:** Districts may also carry over funds not expended under the five percent (5%) LEA professional development reserve. This reserve, which is intended to help teachers and paraprofessionals meet the highly qualified requirements, may not be fully expended if all teachers and paraprofessionals have met the criteria for highly qualified. When this is the case, the LEA may use the remainder of the reserve for other professional development activities during the project period (subject to amendment approval, if applicable) or carry it over for other Title I services.

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:

- **DINI Professional Development:** The district in need of improvement (DINI) ten percent (10%) reserve for professional development must be used for its intended purpose. It may not be diverted for other purposes, even in the carryover year. Any carryover amount is in addition to the subsequent grant's requirement for a ten percent (10%) reserve if the district remains in improvement status.

- **SINI Professional Development:** If a school in need of improvement (SINI) is served with Title I, Part A funds, ten percent (10%) of the school's allocation must be used for professional development at the school level. This reserve must be used for its intended purpose. If any of the reserve is carried over to the next project period, it would be in addition to the subsequent year's reservation for SINI professional development if the school is served and still in improvement status.

- **Parental Involvement:** The one percent (1%) parental involvement reserve must also retain its original intent if the district does not meet its spending target and carries some of this funding over to the next project period. This would be in addition to the subsequent year's reservation for parental involvement.

Tracking Funds

It is important for districts 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.

SIA Funds

These funds are not subject to the fifteen percent (15%) restriction. Any and all SIA funds may be carried over subject to the *Tydings Amendment*, that is, obligated by the following August 31 and liquidated by the following November 30.

Title IV, Part A

Not more than twenty-five percent (25%) of the **Title IV** funds allocated to the LEA for FY 2008 may remain available for obligation in FY 2010, unless the NJDOE approves, in advance, a request in accordance with *NCLB* §4114.

Nonpublic Schools

Carry-Over funds that were originally allocated for nonpublic schools must be used for those nonpublic schools during the Carry-Over project period.

Carry-Over Process

Funds designated to be carried over from FY 2009 into FY 2*010* will become available in the LEA's FY 2010 *NCLB* application **once the FY 2009 *NCLB* Final Report has been fully approved**. Upon approval of the FY 2009 *NCLB* Final Report, carryover funds will be budgeted either as part of the FY 2010 *NCLB* application or through an amendment to the FY 2010 *NCLB* application. Carryover funds will not be budgeted in the FY 2009 *NCLB* Final Report.

If the LEA has unexpended funds (amount on the FY 2009 *NCLB* Final Report Expenditure Summary as 'Amount of Carryover') and elects to carry the funds over for expenditure in FY 2010, the applicant must budget these carryover amounts by amending the FY 2010 application, if that application has final NJDOE approval. Any carryover funds not expended must be refunded to the NJDOE. The applicant LEA would enter the amount of funds to be returned under the Expenditures tab, per title, in the cell labeled '**Additional funds to be returned to NJDOE**' and 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. School districts, 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 page for the applicable title from the FY 2009 *NCLB* Final 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 board minutes must be submitted under separate cover.

NOTE: If a Title I school in need of improvement is "skipped," the school will be ineligible for SIA funds. The district must, therefore, officially "refuse" these funds.

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 *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) The FY 2010 *NCLB* application is submitted by the LEA through the Electronic Web-Enabled Grant (EWEG) system no later than **September 14, 2009**. ***Please Note:*** *Board approval required prior to submission*.
   - The FY 2010 *NCLB* Consolidated Application is submitted online through the EWEG system.
   - At the time of submission of the *NCLB* application, the LEA must submit the signed Nonpublic School Participation Refusal forms to the Office of Grants Management (OGM).
   - The completed Title I Unified Plan(s) and the Title I, Part D Subpart 1 or Subpart 2 plans are submitted as electronic attachments to the *NCLB* applications for those districts required to submit these documents.
   - Certain parent notification letters must also be submitted as attachments.

     Once the above items are submitted, the application is considered to be "successfully submitted in substantially approvable form." LEAs may begin to obligate funds as of the date their application is received by the NJDOE in substantially approvable form. (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)

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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 released.
5) The LEA is notified by an e-mail from the EWEG system that the Consolidated Subgrant Application has NJDOE approval.
6) Upon final, NJDOE approval of the Consolidated Subgrant Application, the LEA may begin submitting reimbursement requests for payment through the EWEG system. LEAs are instructed to submit 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 approval, payment of the grant funds is made to the LEA.

***NOTE*:** FY 2010 *NCLB* payments will be held if final reports for previous grants have not been submitted as required.

Allocation Refusal

The LEA or nonpublic school may choose not to apply for its allocation under one or more of the programs by completing the appropriate refusal form. LEAs wishing to refuse funds under individual titles must complete the "Refusal of Funds" screen of the *NCLB* application. If funds have been refused under a given title, the applicant LEA 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 (provided on the NJDOE Office of Grants Management Web site) must be submitted to the Office of Grants Management prior to or in conjunction with the submission of the LEA's *NCLB* consolidated application.

When SIA funds are allocated, it will be determined which Title I schools in need of improvement were "skipped" by the district. "Skipping" an eligible school in need of improvement is interpreted as refusing all SIA funds to which that school would be entitled if it were not "skipped." The board must approve this refusal of SIA funds and a signed refusal form must be submitted to the NJDOE.

Approvals, Disapprovals, and Procedures for Appeal

The NJDOE approves applications that meet the statutory requirements. Upon approval, the LEA is notified by an e-mail from the EWEG system that the **Notification**

of Grant Award and **Grant Acceptance Certificate (GAC)** are available. The LEA must then obtain board approval for *acceptance* of the funds and indicate the date of board approval in the GAC. The NJDOE then issues payments to the LEA after the GAC has been completed and submitted 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 LEA 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 is responsible for *submitting,* in a timely manner, all Amendment Applications, Final 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).

Home
Top of Section

Section III
Federal and State Regulations and Priorities

(Click link to return to table of contents)

The parameters within this 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

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. *NCLB* mandates the development and implementation of standards, assessments, and accountability for three subject areas: mathematics, reading/language arts, and science. The state's academic standards, the Core Curriculum Content Standards, are assessed using the New Jersey Assessment of Skills and Knowledge (NJASK 3-8), the High School Proficiency Assessment (HSPA), and the Alternate Proficiency Assessment (APA) for proficiency in these three (3) primary *NCLB* subject areas. The following timetables for implementation of standards and assessment are articulated in the *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 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.

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. *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 eleven (11) 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.

More detail on the monitoring and audit process is presented elsewhere in this section under "State Regulations and Priorities."

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 II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, 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 *NCLB* titles in the consolidated application require the use of scientifically based programs. Title II, Part D requires that programs be based on "relevant research." Any program implemented with *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://www.nrepp.samhsa.gov/find.asp.
- "The Catalog of School Reform Models" at www.nwrel.org/scpd provides a listing of school reform models and instructional programs.
- "Center for Substance Abuse Prevention Model Programs" offered by the Center for Substance Abuse at http://modelprograms.samhsa.gov.
- 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 www.nctm.org.
- National Institute for Literacy at www.nifl.gov.
- National Reading Panel at http://www.nationalreadingpanel.org/
- The National Research Center on English Learning & Achievement at http://cela.albany.edu/.
- 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://www.whatworks.ed.gov/.
- NJDOE: Office of Reading First Approved Programs and Materials at http://www.state.nj.us/njded/readfirst/programs.

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

Accountability Provisions

The *No Child Left Behind Act of 2001 (NCLB)* maintains the same general accountability structure, based on standards, assessments, AYP, and school improvement, as the 1994 *ESEA* reauthorization. However, the *NCLB Act* includes the following changes that significantly strengthen that structure:

- Requiring annual assessments to cover all children in grades 3 through 8, and grade 11;
- Tightening AYP requirements by specifying a minimally acceptable rate of progress to ensure that all groups of students—disaggregated by poverty, race and ethnicity, disability, and limited English proficiency—reach proficiency by 2014 (See "Adequate Yearly Progress" elsewhere in this section);
- Requiring state and local report cards on progress in helping all students meet challenging state academic standards;
- Requiring LEAs to offer students in Title I schools identified for improvement, corrective action, or restructuring, the option of attending a better public school, so that no student is left behind;
- Requiring LEAs to allow students attending chronically failing Title I 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;
- Mandating the fundamental restructuring of any Title I school that fails to improve over an extended period of time, including reopening the school as a charter school or turning over school operations to a nonpublic company with a demonstrated record of effectiveness; and
- Providing rewards and incentives to schools and teachers that succeed in narrowing achievement gaps or exceeding AYP.

Adequate Yearly Progress

In accordance with *NCLB*, states are required to develop and implement a single statewide accountability system to ensure that schools make adequate yearly progress (AYP). New state progress standards were set using data from 2002 as the baseline for *NCLB* benchmarks. All student subgroups (racial and ethnic categories, LEP, economically disadvantaged, and disabled), in addition to the total school population, must meet these benchmarks in order for a school or district to make adequate yearly progress. If any one subgroup in a school does not reach its target, the school will have failed to make AYP for that year. Failure to make AYP for two (2) consecutive years in the same content area will identify a school as "in need of improvement." Using the

"safe harbor" provision, a school can make AYP if a subgroup reduces the failure rate by at least ten percent (10%).

Each state is required to define AYP in a manner that does the following***:***

- Applies the same high standards of academic achievement to all public elementary school and secondary school students in the state;
- Is statistically valid and reliable;
- Results in continuous and substantial academic improvement for all students;
- Measures the progress of public elementary schools, secondary schools, LEAs, and the state, based primarily on the academic assessments; and
- Includes separate, measurable, annual objectives for continuous and substantial improvement for all students and subgroups.

The NJDOE Consolidated State Application Accountability Workbook is posted on the Web site at: http://www.nj.gov/njded/grants/nclb/. This document details full accountability requirements. "Understanding Accountability" is a document which outlines the steps for calculating AYP. The "AYP Calculator Worksheet" is an interactive Excel program that helps districts to calculate AYP. These documents can be accessed at http://www.nj.gov/education/grants/nclb/guidance/understanding.pdf.

Schools identified as in need of improvement end their school improvement status after making AYP for two (2) consecutive years in the same content area. If a school makes AYP for one (1) year, the school is in "hold" and does not move down the improvement continuum. A school in hold must continue to implement the interventions. For example, a school in Year 3 Hold continues to implement the interventions for schools in Year 3. If a school is in hold and does not make AYP the following year, it comes out of hold and goes back to the previous status. A school in Year 3 Hold, for example, that misses AYP, goes back to Year 3 status and continues to implement the interventions for Year 3.

NCLB/Title I
School Improvement Continuum Chart

Year	Status	Interventions for Title I Schools
Year 1	**Early Warning** – Did not make AYP for one year	None
Year 2	First year of **school in need of improvement** status. Did not make AYP for two consecutive years in the same content area.	Parent notification, public school choice (or supplemental educational services), school improvement plan, technical assistance from district.
Year 3	Second year of **school in need of improvement** status. Did not make AYP for three consecutive years in	Parent notification, public school choice, supplemental educational services, school improvement plan,

	the same content area.	technical assistance from district.
Year 4	Third year of school in need of improvement status – **corrective action**. Did not make AYP for four consecutive years in the same content area.	Parent notification, public school choice, supplemental educational services, school improvement plan, technical assistance from district and state, corrective action, participation in CAPA.
Year 5	Fourth year of school in need of improvement status – **school restructuring plan.** Did not make AYP for five consecutive years in the same content area.	Parent notification, public school choice, supplemental educational services, school improvement plan, technical assistance from district and state, development of restructuring plan (governance).
Year 6 and above	Fifth year of school in need of improvement status – **implementation of restructuring plan.** Did not make AYP for six consecutive years in the same content area.	Parent notification, public school choice, supplemental educational services, school improvement plan, technical assistance from district and state, implementation of restructuring plan.

***Note**: Schools not identified as in need of improvement using data from the 2001-2002 school year will be measured using data for subsequent years. Requirements for schools identified using the new baseline will be on a different time line. Data will be evaluated annually to identify newly designated schools in need of improvement and existing schools no longer in improvement status (see parental involvement and notification screen in the NCLB application).*

Parental Notification

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

- **Schools in Need of Improvement**: LEAs must notify parents of all students enrolled in a Title I school identified for school improvement, corrective action, and/or restructuring. The notification must be in an understandable and uniform format and, to the extent practicable, in a language or other mode of communication the parents can understand. The notification must include the following:
  - Explanation of what the identification means and how academic achievement in the school compares to other schools served by the LEA;
  - Reasons for the identification;
  - Explanation of what the identified school is doing to address the problem of low academic achievement;

- Explanation of what the LEA and state are doing to help the school address the low academic achievement;
- Explanation of how parents can become involved in addressing the academic issues that caused the identification of the school; and
- Explanation of the choice option or the availability of supplemental education services.

Please refer to the sample letters found in Appendix F.

- **Title I School Choice**: Parents must be notified prior to the start of a school year if the Title I school their child attends is classified as in need of improvement. The parents must be informed of their right to request that their child be transferred to a high performing school within the LEA. **Note**: If choice is not an option in the first year of improvement, supplemental educational services must be offered.
- **Supplemental Educational Services**: Required in the second year of improvement status, SES must be offered to eligible children if school choice is not an option. Parents have the right to select the provider from the list of state approved providers.
- **Dangerous Schools**: Parents must be notified if their child attends a school designated as "persistently dangerous" or if their child is a victim of a violent criminal offense (as determined by state law) while on school grounds, that they can request their child attend a safe public school within the district.
- **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 must also be notified if a teacher who is not "highly qualified" is instructing their child for four or more 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 (more detail is provided in Section X under "Parental Notification Requirement").
- **Assessment Results**: LEAs must provide parents information on their child's achievement level on state academic assessments.

Please refer to individual title sections below for further information.

- Title I, Part A
- Title I, Part D
- Title II, Part A
- Title II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, 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. For more information see "Allocation Refusal" in Section II of this manual.

If the LEA "skips" (does not serve) an eligible Title I school in need of improvement, Title I SIA grant funds for which the school might be eligible will not be awarded. In effect, the LEA is refusing Title I SIA funds for this particular school.

Please refer to individual title sections below for further information.

- Title I, Part A
- Title I, Part D
- Title II, Part A
- Title II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, 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. If the LEA fails for two consecutive years to make progress toward meeting the annual objectives, then the LEA must develop an

"improvement plan." If, after the third year of the plan developed under *NCLB* §1119, detailed above, for increasing the percentage of highly qualified teachers, the LEA has failed to make adequate yearly progress [as defined in *NCLB* §1111(b) (2) (B)], the LEA must enter into an agreement with the NJDOE on its use of Title II, Part A funds under which the NJDOE will do the following:

- Develop (in conjunction with the LEA, teachers, and principals) professional development strategies and activities based on scientifically based research that the LEA will use to meet the NJDOE annual measurable objectives for improving teacher quality;
- Require the LEA to use these professional development strategies and activities; and
- Prohibit the LEA from using Title I, Part A funds for any new paraprofessionals, except under certain limited instances.

In addition to these measures, the NJDOE must (in conjunction with the LEA) provide funds directly to one or more schools served by the LEA. The funds for these professional development activities will be taken from the LEA's Title II, Part A allocation. These funds must be used to enable teachers at these schools to choose professional development activities that are coordinated with other reform efforts at the schools.

Highly Qualified Teacher

Under Section 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:

- As required by Title I, Part A, LEAs must use a minimum of five percent (5%) of their Title I allocation for professional development activities to ensure teachers and paraprofessionals meet the qualification requirements;
- General Title I funds may be used to support ongoing training for teachers and paraprofessionals;
- Additional Title I funds must be reserved for professional development activities for schools designated as in need of improvement;
- 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 II, Part D may be used for Internet Safety;
- 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;
- Title IV, Part A funds may be used for professional development and training in alcohol, tobacco, and other drug use and violence prevention, education, early identification and intervention; and
- Title V, Part A funds may be used for training instructional personnel.

State Regulations and Priorities

State Statutes and Regulations

- *N.J.A.C.* 6A:24 provides requirements for Urban Education Reform Regulations in the Abbott Districts.
- *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.

Core Curriculum Content Standards

In accordance with the *New Jersey Administrative Code* (*N.J.A.C*.) Title 6A, Chapter 8, the Core Curriculum Content Standards (CCCS) in seven content areas were revised, approved and adopted by the State Board of Education in spring 2004. In addition, two (2) new content areas were added and adopted by the state board to bring the total to nine (9).

The nine (9) content standards include the following: visual and performing arts; comprehensive health and physical education; language arts literacy; mathematics; science; social studies; world languages; technological literacy; and career education and consumer, family and life skills.

The standards revision process was part of an overall plan that included the creation of a long-term assessment plan that meets both state and federal objectives of aligning the statewide assessment-program with the core curriculum content standards. This involved development of amendments to the standards and assessment regulations that codify the assessment plan, new high school graduation requirements, and alignment of the regulations to new federal requirements under Title I.

Both the original 1996 Core Curriculum Content Standards and the revised standards in language arts literacy, mathematics, science and the other content areas are in accordance with Title I, Part A of the *ESEA*. These standards are mandated for *all* elementary and secondary school students in public education institutions within the state, including children served by Title I, Part A of *ESEA*. As stated in the *New Jersey Administrative Code* (*N.J.A.C.*) Title 6A, Chapter 8, these standards:

- Define what all students should know and be able to do by the end of their public school education; and
- Enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system of "thorough and efficient" public school instruction.

Copies of the 2004 CCCS can be found on the following NJDOE Web site at: *www.state.nj.us/njded/cccs/*.

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 CCCS provides students, teachers, and parents with important information about student achievement. The New Jersey assessment program is currently designed to test students in mathematics and 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) tests 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 replaces the Grade Eight Proficiency Assessment originally designated the Early Warning Test (EWT). Both continue the state's support of *NCLB*. Assessments at grades 3, 5, 6, and 7 were added in response to *NCLB* mandates and, in the case of NJ ASK3, to support the early literacy initiatives of the NJDOE.

Achieving proficiency in language arts literacy (LAL) and mathematics on the High School Proficiency Assessment is required for a high school diploma in New Jersey, just as passing the *HSPT* had been previously. In accordance with the requirements of *NLCB*, 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 Special Review Assessment (SRA) is an alternate test for meeting the HSPA requirement. End-of-course algebra I and II tests are also planned.

At present, all of 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 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 all assessment programs, student scores place them in one of three (3) 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 to be provided. 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.

The state uses assessment results to determine AYP baselines. *NCLB* encourages reasonable adaptations and accommodations for LEP students and students with disabilities, and New Jersey provides them, as widely documented in the NJDOE's informational and training materials. The NJDOE made considerable effort to disseminate information about the statewide assessment programs through the NJDOE Web site, at http://www.nj.gov/njded/assessment/.

State Educational Priorities

The NJDOE is required by the USDE to adopt its five performance goals and associated performance indicators as the basis for New Jersey's consolidated state plan application to the USDE and this consolidated application for LEAs. The development of this application is intended to encourage program coordination and collaboration, shared decision-making, and comprehensive planning to advance systemic improvement in New Jersey's schools. Local and state initiatives are to be coordinated with and enhanced by these federal grant funds.

Monitoring Federal Formula Programs

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

- Integration with the state monitoring system;
- Title I monitoring programs include the Title I audit, SES provider monitoring, and Title I program and fiscal technical assistance;
- Single audit; and
- LEA Final Reports.

State Monitoring System
In compliance with New Jersey state law, *N.J.S.A*. 6A:30, Subchapter 3 – Procedures for the Evaluation of the Performance of Each Public School District, LEAs undergo a comprehensive evaluation every three (3) years based on specific criteria and indicators that include instruction and program, personnel, fiscal management, operations and governance. The evaluation includes a self assessment or district performance review (DPR) in each of the above-listed areas. The results of the district's DPRs are evaluated, which may include onsite verification. The Commissioner of Education then places the district on a performance continuum, based on the outcome of the weighted quality performance indicators.

Corrective Action
Districts that satisfy less than eighty percent (80%) of the weighted quality performance indicators are required to implement improvement activities. The NJDOE will conduct an in-depth evaluation of any district that only satisfies fewer than fifty percent (50%) of the performance indicators. The Commissioner of Education may determine that the NJDOE should conduct an in-depth evaluation of any district that satisfies between fifty percent (50%) and seventy-nine percent (79%) of the performance indicators.

The NJDOE may provide districts with technical assistance, including training, to improve performance and increase local capacity in areas of need as identified through the in-depth evaluation. Intervention by the NJDOE becomes progressively more intensive and may include partial or full State intervention if warranted.

Title I Monitoring Programs
Please refer to Title I section.

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.

LEA Final 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 expenditures for the approved program objectives and activities. For additional information on final reports, see the 'Final Reports' section of this manual.

Abbott Districts

Abbott Implementation: Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott Districts.

Each Abbott district must develop a two-year report on instructional priorities to address the requirements in *N.J.A.C*. 6A:10A and the *NCLB* requirements. The district's two-year report on instructional priorities must include those priorities agreed to by the district and the department in face-to-face meetings that are conducted annually. All programs and services included in the district's report must be based on need, supported by evidence and in accordance with the district's priorities. In addition, schools must develop two-year reports on instructional priorities and annual school budgets that are based on need, supported by evidence, consistent with *NCLB* and aligned with the district's plans. Abbott districts complete annual needs assessments that are also consistent with the *NCLB* needs assessments.

Federal funds in this consolidated grant may be blended at the school level. To blend these federal funds at the school level, a school *must be approved as a Title I schoolwide program*. The list of schools approved to operate a Title I schoolwide program is provided at http://www.nj.gov/education/title1/program/programs.shtml. This designation permits schools to combine federal funds, providing that the intent and purpose of each federal program is met and consistent with supplement, not supplant, rules (see Section IV).

Schools identified as low-performing pursuant to *N.J.A.C*. 6A:10A implement the Intensive Early Literacy (IEL) program. The IEL core program includes curriculum and instruction that address the following: the Core Curriculum Content Standards (CCCS) and the early childhood expectation; continuous literacy assessment of students' needs; an emphasis on small-group instruction in designated learning centers; at least a 90-minute uninterrupted literacy block for K-3; and a classroom library of at least 300 titles that meets the needs of all students.

High-performing schools have the option of retaining or discontinuing implementation of their whole school reform models. Schools that are dissatisfied with their whole school reform models, or whose models have failed to improve student performance, may write to the Commissioner documenting their dissatisfaction with their models and request approval for the implementation of an alternative whole school reform model. For additional information related to Abbott districts, please refer to NJAC 6A:10A and the guidance document at http://www.nj.gov/njded/abbotts/.

Home
Top of Section

Section IV
Fiscal Regulations and Responsibility

(Click link to return to table of contents)

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 *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 project budget. The "Budget Detail" pages delineate and clarify budgets for the purpose of reviewing and monitoring the projects' 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 *NCLB* funds with other federal, state, or local funds and no commingling of funds is permitted among titles included in the *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 *NCLB* §1114. A schoolwide program school may combine funds and resources from other federal, state and local education programs (except Reading First) 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 - see Section VI).

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 100 (100%) percent 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 (see Section III in this manual) on the specific requirements for submitting time sheets for schoolwide program employees. Also included in Appendix D of this manual is additional information on schoolwide programs. Information on schoolwide programs is included in Appendix F in this manual. LEAs interested in schoolwide programs and combining funds using the EWEG *NCLB* application process, may contact the OGM for assistance.

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 (September 1, 2009) 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 project period for the FY 2010 *NCLB* Application is September 1, 2009, to August 31, 2010. All funds must be obligated by August 31, 2010, and liquidated by November 30, 2010. To carry over funds, additional screens of the Final Report must be completed and submitted for approval by the NJDOE. Carry-Over funds not obligated by the LEA at the end of the project period for which funds were allocated or approved for carry over by the NJDOE must be returned to the NJDOE with the final report.

Fiscal Year Calendar			
Fiscal Year	*Project Period*	*Obligation Deadline*	*Liquidation Deadline*
2008 carry-over	9/1/08 – 8/31/09	August 31, 2009	November 30, 2009
2009	9/1/08 – 8/31/09	August 31, 2009	November 30, 2009
2009 carry-over	9/1/09 – 8/31/10	August 31, 2010	November 30, 2010
2010	9/1/09 – 8/31/10	August 31, 2010	November 30, 2010

Pre-Award Costs

Pre-award costs are those incurred prior to the effective date of the federal subgrant award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary to fulfill the required service to comply with the proposed delivery schedule or period of performance. <u>These costs may not be incurred prior to July 1 and are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the NJDOE.</u> All requests to incur pre-award costs must be made in writing to the Office of Grants Management (OGM) and must specify the requested costs as well as a rationale for these costs.

<u>Obligation</u> – 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

If an obligation is for . . .	***then the obligation is made. . .***
(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 (2007) were not less than ninety percent (90%) of the expenditures for the second preceding fiscal year (2006). 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 B, subpart 3 (Even Start Family Literacy Program)
- Title I, Part C (Migrant Education Program)

- Title I, Part D
- Title I, Part F (Comprehensive School Reform Program)
- Title II, Part A
- Title II, Part D
- Title IV, Part A
- Title IV, Part B (21st Century Community Learning Centers)
- Title V, 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 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 June 1 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 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. 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.

- Although there is no limitation on the number of grade spans the LEA may use, the number should match the basic organization of schools in the LEA. For

example, if the LEA's organization includes elementary, middle, and high schools, the LEA would have three (3) grade spans.

- If there is a significant difference in the enrollments of schools within a grade span (i.e., the largest school in the grade span has an enrollment that is two times the enrollment of the smallest school in the grade span), the LEA may divide grade spans into a large-school group and a small-school group.

- The comparability requirement does not apply to the LEA that does not have more than one (1) building for each grade span. The LEA may also 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 or student/instructional staff salary ratios. For example, the LEA may do one of two (2) things:

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.

OR

2. Compare the average instructional staff salary expenditure per student in each program school with the average instructional staff salary expenditure per student in schools not participating under Part A. A Part A school is comparable if its average is at least ninety percent (90%) of the average of schools not participating in Part A programs.

Note: *Staff salary differentials for years of employment are not included in comparability determinations. The LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services.*

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, a 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. Additionally, Title II, Part D includes an assurance that financial resources provided under the Ed Tech program will supplement and not supplant state and local funds.

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. This rule also applies to Title V, Part A. 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 may also exclude the excess costs of providing services to children with disabilities.
- Schoolwide Programs and Targeted Assistance Schools operating Schoolwide Programs under Title I (Parts A and C): 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 (see **Section III** of this manual) 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 and, in particular, listed in Appendix D. 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.

Capital Expenses

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

Salaries

Purchase orders for items funded by Title I 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 – LEA's

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
    - 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 II, Part D

A minimum of twenty-five percent (25%) of Title II, Part D funds for educational technology are required to be used to provide ongoing, sustained, intensive high-quality professional development. The district must provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology, to do the following:

- Access data and resources to develop curricula and instructional materials;
- Enable teachers to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators and to retrieve Internet-based learning resources; and

- Lead to improvements in classroom instruction in the core academic subjects that effectively prepare students to meet challenging state academic content standards, including increasing student technology literacy and student academic achievement standards.

The twenty-five percent (25%) minimum allocation requirement for professional development does not apply to a district that seeks a waiver if it demonstrates that ongoing, sustained, intensive high-quality professional development is already being provided to all teachers in core academic subjects in the integration of advanced technologies, including emerging technologies, into curricula and instruction. Professional development must be based on a review of relevant research. See the Educational Technology Professional Development Waiver in the *NCLB* application.

The seventy-five percent (75%) of the funding is to be used to implement other activities consistent with the purposes of Title II, Part D and the district's local technology plan. Program elements and authorized activities are described in Appendix D of this manual.

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 *NCLB* Title III Immigrant funds.

Title IV, Part A

The cap on funds for the following security-related expenses is twenty percent (20%) of the Title IV allocation in total [*NCLB* §4115(b) (2) (E)] as follows:

- Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies;
- Reporting criminal offenses committed on school property;

- Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment; and
- Supporting safe zones of passage activities, including bicycle and pedestrian safety programs that ensure that students travel safely to and from school.

The twenty percent (20%) described above, plus an additional twenty percent (20%) [or up to forty percent (40%) of the Title IV allocation] may be used for the hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities implemented in schools.

Title IV funds may be used for the security-related activities described above only to the extent that an LEA does not receive funding for those activities from other Federal agencies. These activities are subject to the Principles of Effectiveness [*NCLB* §4115(a)].

Title V, Part A

Title V is currently unfunded, and funds are not available for carryover. No funds may be transferred to or from this title.

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 [*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 [*NCLB* §9526]. (Please see Nonpublic Section for more information).

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.

Title IV, Part A

Medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, a crime, or who illegally use drugs are unallowable costs. Consistent with this prohibition, LEAs may not use Title IV funds to pay for drug tests conducted either as part of the required medical examination of students suspected of being under the influence of alcoholic beverages or other drugs on school property or at school functions, as set forth in *N.J.S.A*. 18A:40A-12 and *N.J.A.C*. 6A:16-4.3, or for any other component of the required medical examination of students suspected of being under the influence. This prohibition does not preclude the LEA's use of Title IV funds for drug tests, such as those permitted under *N.J.S.A* 18A:40A-22 *et seq.* and *N.J.A.C.* 6A:16-4.4, or other locally authorized drug tests that are conducted outside of and that are separate and distinct from the required medical examination for students suspected of being under the influence, pursuant to *N.J.S.A*. 18A:40A-12 and *N.J.A.C*. 6A:16-4.3. Per *NCLB* §4115(b) (2) (E) (xiv), "Consistent with the Fourth Amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to test or inspect" is permitted. The prohibitions set forth above are consistent with items 14, 15, 16 and 17 of the Title IV, Part A section of the Assurances and Certification of the *NCLB* application.

Title V, Part A

The LEA may not use Title V, Part A funds to contract with a for-profit agency, organization, or institution to operate programs or conduct programmatic activities. However, this does not preclude the LEA from contracting with an individual or a for-profit corporation or other organization to purchase specific goods or services (e.g., equipment and materials, computer hardware and software, audit services, evaluation services, professional development services) to assist in carrying out a program.

Administrative Costs

Administrative costs are permitted, with the following restrictions:

- A maximum of five percent (5%) of each grant award of **Titles I, II-A, II-D, and V** may be used for administrative costs (A district may request an exception to use more than five percent (5%) for Title I SES administrative purpose) ;
- For **Titles III and IV** the maximum is two percent (2%); and
- No administrative funds may be used from **Title I School Improvement**.

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 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 noninstructional 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 *NCLB* application's "Administrative Costs Budget Detail" screen).

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 EWEG. 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 a district business administrator needs clarification of whether an item should be classified as equipment or supply, the district'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* of 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 percent (20%)** must be budgeted for FY 2010. *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 *NCLB* flexibility provisions (*NCLB* §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

The LEA (unless identified for improvement or subject to corrective action) may transfer not more than fifty percent (50%) of its eligible allocated funds to other eligible programs per *NCLB* §6123 (see chart below).

Programs	Transfer Funds From	Transfer Funds To
Title I, Part A		X
Title II, Part A	X	X
Title II, Part D	X	X
Title IV, Part A	X	X
Title V, Part A	X	X

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

LEAs identified for improvement (those with schools in need of improvement) may transfer not more than thirty percent (30%) of eligible funds to other eligible programs, providing the transferred funds are used only for schools in need of improvement.

The LEA identified for corrective action that has schools in need of improvement may not transfer funds under this authority.

LEAs may provide notice to use this transfer option using the *NCLB* online application completed and submitted through the 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 under the *NCLB* 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 [*NCLB* §6212]. This authority allows eligible LEAs to use funds from certain *NCLB* programs for other programs. Eligible LEAs may use the application to apply.

Programs	Transfer Funds From	Transfer Funds To
Title I, Part A		X
Title II, Part A	X	X
Title II, Part D	X	X
Title III		X
Title IV, Part A (&B)	X	X
Title V, Part A	X	X

Further information on REAP flexibility requirements under *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 nonpublic school students in FY 2009, any carryover funds for services to nonpublic school students may be used for both public and nonpublic school students on an equitable basis in the carryover project period. If, however, the LEA did not provide equitable services for nonpublic school students in a timely manner in FY 2008 and, as a result, there are funds remaining that should have been expended for services to nonpublic school students, the carryover funds must be used for those nonpublic school students during the carryover project 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 [*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

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).*

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 www.whitehouse.gov/omb/circulars/a087/a087-all.html. There is also a link from the NJDOE Web site: Click on "Links" then "OMB Circulars."

Home
Top of Section

Section V
Nonpublic Schools

(Click link to return to table of contents)

Introduction

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 *NCLB* §1120 (Title I), §5142 (Title V) and §9501-9504 (Title IX, General Provisions which covers Titles II-A, II-D, III, and IV) 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, *and* if the nonpublic school has completed a NJDOE Nonpublic School Enrollment form. The LEA is responsible for applying for federal funds through the *NCLB* application, and the nonpublic school is responsible for submitting the Nonpublic School Enrollment Form on which the allocation information is based. Questions regarding the Nonpublic School Enrollment form should be directed to Emily Mackinnon, Office of Student Achievement and Accountability at (609-943-4283). For Title I, 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.

Except for Title V, 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 V, the nonpublic school may notify the NJDOE that it wishes to receive Title V services, per *NCLB* §5142(a) (2). For Title I or Title II-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 *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 *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 *NCLB* application

and prior to the LEA submitting any amendments to the approved *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 and teachers 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 are also 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 project period, nonpublic schools that have received services must report an evaluation of the activities to the LEA which will

allow the LEA to include this information in the subsequent year's planning. 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, 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 carry-over funds are spent, including, but not limited to, the following:

- Add carry-over funds to the district's 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 carry-over 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 are exempt from the nonpublic school consultation requirement because the LEA is responsible for the nonpublic students that reside in its jurisdiction.

Title I Requirements for Services for Children in Nonpublic Schools

Eligible LEAs receiving Title I funds are responsible for providing services to *all* eligible nonpublic school students residing in the eligible school attendance area. Title I 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 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 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. 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 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 program for participating nonpublic school students;

- Provide timely, equitable special education 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 programs;
- 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 funds;
- Use Title I funds to meet the needs of participating special education students in nonpublic schools; 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.

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*.

If a nonpublic school does not respond to the initial written invitation to participate, and/or any subsequent LEA requests to finalize participation in the Title I program, it is recommended that the LEA send a follow-up invitation letter, return receipt, to the nonpublic school. In this letter, the LEA should inform the nonpublic school officials that if they do not respond within thirty (30) days of receipt of the letter, they have forfeited their opportunity to participate in the Title I program for the current grant year. The letter should also inform the nonpublic school officials that they will receive an invitation to participate in the Title I program the following grant year.

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 must also include:

- The extent of the Title I 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 <u>total</u> 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 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 10/15/08 ASSA data when completing the Title I Eligibility page for the 2010 NCLB Consolidated Application, these data should also 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."

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

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.

Third-Party Contractors

LEAs are responsible for the provision of 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 EWEG. 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 Title I 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 funds generated on the basis of the number of either public or nonpublic school children by the end of the project period (9/1 – 8/31)? The district may do the following:
   - Add unspent carryover funds to its current year allocation and distribute these funds to participating attendance area schools in accordance with allocation procedures outlined in Sec. 1113 of Title I 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 any of the activities supported by the required reservations in Sec. 200.77 (such as professional development, parent involvement, neglected and delinquent) 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.

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 Student Achievement and Accountability which will then 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 application submitted to the NJDOE?
   - The nonpublic school official has access to the EWEG system to view the application for information on the amount of funds and the use of the funds. To view the application, log on under "public access" on the screen at: http://206.230.234.37/NJDOEGMSWebv01/StaticPages/Logon.aspx?ReturnUrl=%2fNJDOEGMSWebv01%2fStaticPages%2fOrgSelect.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 the Appendix E.

Title III, Part A

Title III allocates funds for limited English proficient students (LEP) and immigrant students enrolled in nonpublic schools. Allocations are based on the reported numbers of LEP students enrolled in the nonpublic schools based on the Nonpublic School Enrollment Form. 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 to the LEA during the annual February immigrant count. Only LEAs that have experienced a two percent (2%) increase in the number of immigrant students, as compared to the average of the two (2) preceding years, are eligible to receive supplemental immigrant funds.

Title IV, Part A

Nonpublic schools must receive programs, services and activities under the LEA's program plan for the use of Title IV-A funds. The LEA's allocation is based, in part, on the relative enrollment in public and nonpublic elementary and secondary schools within the boundaries of the LEA. LEAs must consult with nonpublic schools and other representatives and organizations in the development of its application for Title IV-A funds. Additionally, the LEA must consult with nonpublic schools and other representatives and organizations on how to best coordinate the LEA's funded activities with other related strategies, programs and activities being conducted in the community.

Title V, Part A

Equitable participation provisions of Title V, Part A require the LEA to spend equal per-pupil amounts for services to public and nonpublic school students. The funds must benefit the specific needs of nonpublic school students, not the nonpublic school or general needs of students enrolled in the nonpublic schools. LEAs may not use funds for class-size reduction purposes in a nonpublic school; however, they may use funds to provide professional development for nonpublic school teachers.

According to *NCLB* §5142(a)(2), if the LEA refuses to participate, the nonpublic school should notify the NJDOE Office of Grants Management (OGM) that it wishes to participate. The NJDOE will make arrangements for the provision of services and materials through contracts with nonprofit agencies or organizations to the same extent as would have occurred if the LEA had participated.

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 must also 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 nonpublic school students in FY 2008, any carry-over funds for services to nonpublic school students may be used for both public and nonpublic school students on an equitable basis in the carry-over project period. If, however, the LEA did not provide equitable services for nonpublic school students in a timely manner in FY 2008 and, as a result, there are funds remaining that should have been expended for services to nonpublic school students, the carry-over funds must be used for those nonpublic schools students during the carry-over project period. Additional information on Flexibility and Accountability authorities under the *NCLB* Act can be found at the following Web site: 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 [*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.

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 [*NCLB* §9501].

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 *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 and the NJDOE, Office of Educational Support Services, Nonpublic School Services prior to closing. If the nonpublic school provides the Office of Educational Support Services with information by April 1 regarding the schools to which the students are transferring, adjustments may be made to the allocations of the receiving schools. LEAs will not receive allocations for these 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 submits a Nonpublic School Enrollment Form, including a nonprofit tax identification number. This form must be completed in accordance with the procedures and timelines of the Office of Educational Services. No funding will be calculated for schools that have not submitted a Nonpublic School Enrollment Form.

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 *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. 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 district 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 sections 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 –

1. Are used only for proper grant program purposes; and
2. 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 –

1. The equipment and materials/supplies are no longer needed for the grant program purposes; or
2. 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.

Home
Top of Section

Section VI

Title I, Part A

(Click link to return to table of contents)

Key Elements

Title I, Part A funds assist low-performing students in eligible schools. Funding allocations to LEAs are determined by the number of free-lunch students in a district. 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 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 schoolwide program plan; however, the key elements listed below still apply. 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 2005-2006 school year;
- Instructional paraprofessionals currently employed and paid through Title I must meet new requirements by the end of the 2005-2006 school year;
- Annual testing of reading and math in grades 3 through 8 will begin in FY 2006 with testing of science in elementary, middle and high school to follow in FY 2008;
- Disaggregation of assessment data by subgroups;
- Expansion of the adequate yearly progress (AYP) definition for schools to reach 100 percent proficiency by 2014;
- Application of sanctions for schools and districts designated as in need of improvement;
- Public school choice and supplemental educational services required for Title I schools designated as in need of improvement;
- Additional requirements for providing information to parents including the Parents' Right-to-Know and parental involvement policy;
- Professional development required for teachers and other staff to address academic content and instructional strategies;
- Schoolwide programs for schools with at least forty percent (40%) poverty must contain required components as included in the Title I Unified Plan; 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.

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 [*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 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. Therefore, the LEA would include in its school count any students who are exercising the choice option and transferring from a school identified as in need of improvement. Title I funds and services do not follow a child who transfers from a Title I school identified for improvement to a non-Title I 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 [*NCLB* §1124].

Determining the Title I Eligibility of School Attendance Areas

NCLB §1113 contains requirements for identifying eligible school attendance areas, selecting eligible attendance areas, and allocating Title I 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 except pre-K, 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 exercising public school choice are counted in the school of residence;

- 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, using the districtwide grade span poverty averages for the relevant grade span grouping. This method is not allowed if there is a school with a poverty rate of more than seventy-five (75%) percent.
- LEAs with no school attendance areas above seventy-five percent (75%) may use either option, above;
- 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.

Methods for Qualifying Attendance Area in Accordance with *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 may also 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 (except schools with seventy-five percent [75%] poverty, which must receive a higher per-pupil amount). 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 district has a specific grade span which does not overlap any other school's grade span in the district. 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 #4)*
   - 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 district poverty percent.
   - If the LEA has no school attendance areas above seventy-five percent (75%) poverty, the LEA may rank district-wide 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 private 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 private school children if the waiver is granted, including a description of how it consulted with private 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 EWEG.

(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).

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.

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

Per-Pupil Expenditure
The total Title I allocation, excluding Title I School Improvement Accountability Grant funds, but *including Title I, Part* D, is used as the basis for determining the per-pupil expenditure (PPE).

- If LEAs are using the Flexibility Provisions to transfer funds to Title I, the total Title I allocation must include the transferred funds. This becomes the base amount.
- The base amount is used for all calculations including reserves for professional development, parental involvement, public school choice, and supplemental educational services.

The total Title I allocation is divided by the total number of low-income pupils. The resulting figure is the PPE. All eligible schools may use the same PPE; however, lower ranked schools may not have a higher PPE than higher ranked schools.

Below Thirty-Five Percent (35%) Poverty
If any school attendance areas served are below thirty-five percent (35%), a one-hundred twenty-five percent (125%) calculation is used for the APPE for all served schools.

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.

- 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 less than seventy-five percent (75%) 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 *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.

In determining the amount of alternate funds that must be expended for a skipped school, a skipped school in corrective action or restructuring (Year 4 and above) must be funded based on the fifteen percent (15%) prohibition rule. (See details in the Eligibility Step 4 Reserve Instructions.)

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.

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 additional school attendance areas are added as a result of "skipping," the nonpublic school students residing in those areas are not eligible for Title I services. In all cases, nonpublic school students are <u>ineligible</u> for supplemental educational 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.

Distribution of Remaining Funds

Any remaining program funds should be distributed based upon the criteria indicated under Eligible Schools above or prorated among eligible schools. Note that lower ranked schools may not have a higher PPE than higher ranked schools.

Reserve Funds

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

- **Neglected and Delinquent Students** as a result of the **Title I, Part D, Subgrant 2** allocation**;**
- **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.

- **LEA Professional Development** at a minimum of five percent (5%) of the LEA's Title I allocation, which is required to assist teachers and paraprofessionals to become "highly qualified;"

- **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 ninety-five percent (95%) must be used for school level activities and five percent (5%) allowed for district level activities;
- **Schools in Need of Improvement – Professional Development,** as required, must reserve ten percent (10%) of the school's allocation; and
- **Schools in Need of Improvement,** if identified, must set aside twenty percent (20%) of the total allocation for the purposes and in the proportions described below:
    - **Intradistrict Public School Choice Transportation:** For schools in need of improvement, when school choice is an option, a minimum of five percent (5%) of the LEA's total allocation, but not more than twenty percent (20%) in combination with supplemental educational services (SES), must be set aside for implementing the intradistrict school choice transportation requirement.
    - **Supplemental Educational Services:** For schools in need of improvement, a minimum of five percent (5%) of the LEA's total allocation, but not more that twenty percent (20%) in combination with intradistrict public school choice transportation, must be set aside for SES; and
    - **Districts in Need of Improvement** must reserve at least ten percent (10%) for professional development. The professional development reserve for schools in need of improvement may be applied toward this ten percent (10%) requirement.

Funds *may* be reserved for the following:

- **Limited English Proficient** to support both supplemental academics, as well as English language support services;
- **Administrative Services (including nonpublic school Capital Expenses, if applicable):** There is a maximum amount of five percent (5%) that may be used for administrative costs;
- **Preschool Programs;**
- **District-wide Instructional Programs** such as summer school; and
- **Teacher Incentives and Rewards** for schools in need of improvement may be funded at a maximum of five percent (5%).

Single Accountability System

Under *NCLB*, New Jersey has adopted a Single Accountability System. All students must be academically proficient in language arts literacy (LAL) and mathematics by 2014. Using state assessment results plus a secondary indicator and student test participation rate, adequate yearly progress (AYP) is calculated to identify schools that meet the state's academic benchmarks and those that do not. When schools do not make AYP in consecutive years in the same content area, they become schools in need of improvement. The elements below provide additional information about the accountability system requirements under *NCLB*.

- Requires a single, statewide accountability system for all LEAs and public schools, Title I and non-Title I-funded. LEAs and schools not receiving Title I funds are not subject to the school improvement provisions of *NCLB* §1116(c), but are subject to state administered/imposed sanctions.
- Tightens the definition of AYP to include annual statewide measurable objectives for improved achievement by all students, as well as specific subgroups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and LEP students. The overall goal is for all students to meet the "proficient" level no later than twelve (12) years after the 2001-2002 school year (2014). AYP is based primarily on state assessments. One additional academic indicator is required and other indicators are permitted, but they may not be used to reduce the number or change the identity of schools otherwise subject to improvement under §1116. New Jersey uses attendance as the elementary and middle school levels' secondary indicator and drop-out/graduation rates for high schools. Each student subgroup must meet the statewide achievement goal for a school to make AYP. If a subgroup does not meet the state goal, it can be considered to have made AYP if the percentage of students in that subgroup not reaching the proficient level falls by at least ten percent (Safe Harbor). At least ninety-five percent (95%) of each subgroup must participate in state assessments.
- Requires state reports to the public each year. Also requires annual state performance reports to the USDE, to be transmitted in summary form to Congress.
- Provides for penalties to states that do not meet the accountability requirements of *NCLB*. The USDE may withhold funds if a state has not fulfilled these requirements.

Public Reporting/*NCLB* Reports

The NJDOE must prepare and disseminate an annual *NCLB* Report. The LEA must disseminate the information to all parents of students attending its schools in an understandable and uniform format and, to the extent practicable, provide it in a language that the parents can understand. The LEA must also make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies [*NCLB* §1111(h)(2)(A)].

The *NCLB* Report includes:

- The number, name, and percentage of schools identified for school improvement under *NCLB* §1116(c) and how long they have been identified;
- Information that shows how students served by the LEA achieved on the statewide academic assessment compared to students in the state as a whole;
- The percentages of students not tested;
- Graduation rates or attendance rates, if applicable;
- Professional qualifications of teachers; and
- Assessment data that are disaggregated by gender, major ethnic and racial groups, limited English proficiency status, migrant students, children with disabilities as compared with other students, and economically disadvantaged

students as compared to those who are not economically disadvantaged [*NCLB* §1111(b)].

For each school:

- Disaggregated assessment data compared to state and district;
- Graduation rates or attendance rates, if applicable;
- Whether the school has been identified for school improvement; and
- The ways students' achievements on the statewide academic assessments and other indicators of AYP compared with that of students in the LEA and state as a whole.

The NJDOE may include any other appropriate information.

Parental Involvement

To encourage parent involvement, LEAs must implement programs, activities, and procedures after consultation with parents. The LEA must distribute a written parent involvement policy that describes the parental involvement efforts, including plan development and school activities [*NCLB* §1118(a) & (e)]. 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. 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

There are certain requirements in *NCLB* 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 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.
- **Parental Involvement Policy**: The district and school parental involvement policy 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.
- **Schools in Need of Improvement**: Schools in need of improvement are required to notify parents of the school's improvement status, the availability of school choice, and the opportunity to enroll eligible students in supplemental educational services and the opportunity to participate in the development and implementation of the school's Title I Unified Plan and Restructuring Plan.

Highly Qualified Teachers and Paraprofessionals

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).

In addition, Title I requires each SEA receiving Title I, Part A funds to develop a plan to ensure that all teachers teaching in core academic subjects within the state are highly qualified. The SEA also must establish annual measurable objectives for each LEA.

Funding Sources for Instructional Staff

Several options are available for funding teacher and paraprofessional training as follows:

- As required by Title I, Part A, LEAs must use a minimum of five percent (5%) of their Title I allocation for professional development activities to ensure their teachers and paraprofessionals meet the qualification requirements;
- General Title I funds may be used to support ongoing training for teachers and paraprofessionals;
- Additional Title I funds must be reserved for professional development activities for schools designated as in need of improvement;
- 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; and
- Title III, Part A funds may be used for professional development of teachers and other instructional personnel designed to enhance the instruction of LEP students.

Paraprofessionals

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) will be 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; and
- 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 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.

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]. Districts and schools must use the annual needs assessment to determine the priority problems and schedule professional development to support solutions to these problems.

A minimum of 5% of the district's Title I allocation must be reserved for professional development. These funds are used to ensure that all teachers are highly qualified. Funds not required for this purpose are used for other eligible professional development activities to address the problems identified in the district's needs assessment. (Schools and or districts in need of improvement have additional professional development reserves).

District Program/Activity Plan Development

All students are expected to reach proficiency on state assessments. Schools must close all achievement gaps across subgroups of students, assuring that each group meets the same benchmarks as they move toward meeting the federal Title I goal of one hundred percent (100%) proficiency. 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 parent involvement; and 4) focus on high student achievement. Therefore, a district activity plan should include the instructional process and services by which all children will achieve proficiency including the following groups: racial/ethnic, LEP, disabled, and economically disadvantaged. Schools implementing targeted assistance programs must develop plans to address the academic achievement needs of identified students. Schoolwide program plans must address all of the required Title I Schoolwide components, which are incorporated into the Title I Unified Plan.

Needs Assessment

Districts must conduct an annual needs assessment to determine the priority problems that will be addressed in the program plan for the *NCLB* Consolidated Application. Special attention should be paid to the needs of disaggregated student subgroups that are measured in the state assessments. The following sources of information will help districts conduct the needs assessment:

- State and local assessment results;
- A review of curriculum alignment;
- Classroom observations;
- Parent, and where appropriate, student surveys and interviews;
- Evaluation of programs and strategies employed the prior year, including prior year's performance targets and actual outcomes;
- School demographics by gender, race, language groups, and special education;
- Other descriptive data;
- Enrollment, attendance and graduation rates, school climate, and drop-out data; and
- Reports on incidents of violence and vandalism, drug and alcohol use, and other risk behaviors.

Priority Problem Selection

From the needs assessment, priority problems are selected for the following year's plan. Each priority problem is described in detail with information on the following:

- Which schools will be targeted;
- Data sources used;
- CAPA recommendations, if applicable;
- AYP indicators missed;
- Root causes; and
- Person responsible for implementing plan

Program/Activity Plan Elements

In general the LEA plan must include the following information about each program element:

- Academic achievement targets and measurement tools; and
- Research-based programs and strategies to provide additional educational assistance to low-performing students.

The strategy the LEA uses will coordinate Title I programs with other federal programs to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program. These programs include Title II, Part A that provides professional development for teachers and principals, and, if appropriate, for pupil services personnel, administrators, parents, and other staff; Title III that serves LEP students; and preschool and reading programs serving the lower elementary grades.

Data Collection

The *NCLB* law requires the collection of data on the prior year's performance from LEAs receiving Title I funds. This information contributes to the State Performance Report that the NJDOE is required to submit to the USDE. The collection of data will be obtained using the EWEG collection system for the Title I Performance Report.

LEAs are required to collect demographic data for participating students for the preceding school year by race, gender, grade level, special services group, and type of service. Additionally, to comply with *NCLB*, information on staff qualifications is required. The NJDOE also tracks the number of students participating in school choice and supplemental educational services. LEAs are encouraged to establish an internal data collection process to facilitate the reporting of accurate data [*NCLB* §1111(b)].

Title I Schools in Need of Improvement

In compliance with the Title I requirements under *NCLB* §1116, New Jersey has established a comprehensive accountability system, which includes identifying schools in need of improvement. Criteria to identify schools are based on the current state assessment program. To enable New Jersey to best meet the intent of the federal accountability requirements, schools that do not meet state standards for two (2) consecutive years in the same content area are identified as in need of improvement.

Improvement Continuum

Upon identification, schools in need of improvement must implement certain requirements outlined in the *NCLB* legislation.

Year 1 – Early Warning
When a school does not make AYP for one (1) year, it goes into early warning status. The school should address the identified areas of deficiency to avoid going into improvement status the following year.

Year 2 – School Choice
After a school has been designated as in need of improvement, that is, not made AYP in the same content area for two (2) consecutive years, the LEA/school must do the following:

- Notify parents of children attending the school of the status of the school and the option for school choice (if choice is not an option, supplemental educational services (SES) must be offered);
- Provide technical assistance to the school;
- Develop priority criteria for honoring requests to transfer students to another school within the district that is not in need of improvement or classified as persistently dangerous;
- Develop a school improvement plan, now incorporated into the Title I Unified Plan.
- Provide professional development opportunities in accordance with *NCLB* requirements.

Year 3 – Supplemental Educational Services (SES)
If a school in need of improvement has implemented its improvement plan and has not made AYP for three (3) consecutive years, the LEA/school is required to do the following:

- Notify parents of the status of the school;
- Continue to provide technical assistance to the school;
- Continue to offer the public school choice option;
- Revise the school improvement plan, now incorporated into the Title I Unified Plan
- Provide professional development opportunities in accordance with *NCLB* requirements; and
- Make tutoring and other supplemental educational services available to eligible students.

Note: *When both school choice and supplemental services are offered, parents may have the option to select which of the two they would prefer for their child.*

Year 4 – Corrective Action
If a school in need of improvement has implemented its improvement plan and has not made AYP for four (4) consecutive years, the LEA is required to do the following:

- Notify parents of the status of the school;
- Continue to offer school choice, SES, technical assistance, and professional development;

- Revise the school improvement plan, now incorporated into the Title I Unified Plan, to include one of the following options:
    - Replace the school staff that are relevant to the failure to make AYP;
    - Institute and fully implement a new curriculum grounded in scientifically based research, including providing professional development to support implementation;
    - Significantly decrease management authority at the school level;
    - Appoint one or more outside experts to advise the school on how to address issues affecting the school's ability to make AYP;
    - Extend the school year or school day;
    - Restructure the school's internal organization; and
- Participate in an intensive school review conducted by a school support team trained by the state. New Jersey's review is called Collaborative Assessment and Planning for Achievement (CAPA).

Year 5 – Planning for Restructuring

If a school in need of improvement has implemented its improvement plan and has not made AYP for five (5) consecutive years, the LEA is required to do the following:

- Publish and disseminate information regarding corrective action to the public and parents and allow their input on the decisions and development of a restructuring plan;
- Continue to offer public school choice and supplemental educational services;
- Plan and implement a major restructuring of the school's governance in accordance with *NCLB* regulations and consistent with New Jersey practice and statutes, including one of the following:
    - Implement any major restructuring of the school's governance that is consistent with the principles of restructuring set forth in *the No Child Left Behind Act of 2001 (NCLB)*;
    - Reopen the school as a public charter school as defined by and consistent with state statute and regulation [*N.J.S.A* 18A:36 A-1 et seq., and *N.J.C.A* 6A];
    - Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make adequate progress (consistent with existing contractual provisions and applicable statutory protections in Title I, 8A); and
- Continue to provide technical assistance to the school.

Year 6 and Above – Restructuring

If a school in need of improvement has not made AYP for six (6) consecutive years, the LEA is required to implement the restructuring plan developed the previous year. The LEA must also do the following:

- Continue to offer public school choice and supplemental educational services; and
- Continue to provide technical assistance and professional development to the school.

Note: *Also see School Improvement Information Sheet at:* *http://www.nj.gov/njded/title1/accountability.*

Schools in Need of Improvement Required Components

Schools identified for improvement must respond to certain sanctions, which include developing a school improvement plan incorporated into the Title I Unified Plan, offering school choice and supplemental educational services (SES), and notifying parents of the school's status and the options available for their children.

Needs Assessment

A comprehensive needs assessment must be completed annually for each school in need of improvement to identify priority problems. Following this assessment, which includes a thorough data analysis and needs assessment, the school must develop an improvement plan. If an outside vendor is hired, the vendor must have expertise in educational research specific to school improvement and reform and have a proven record of successfully conducting critical research.

The results of the needs assessment must be provided to school staff and parents, including the data analysis process used, how the results were determined, and how staff can continue the process of data analysis in the school improvement process.

The analysis should answer the following questions:

- What contributes to the disparity in the belief of staff, administrators, and support staff that all children can achieve the CCCS and the actual student performance results?
- What needs to be changed for the teaching approach to be cohesive, focused, and linked to school improvement strategies and student attainment of the CCCS? Are current strategies based on scientific research? What scientifically based strategies will match the school's identified needs?
- What needs to be included for professional development to be linked to improving students' learning and attainment of the standards?
- What needs to occur for the parents and the community to work together to assist in improving student outcomes that are in line with the improvement objectives?

The disaggregation of data by grade, race, and socioeconomic background, disabled, and LEP should be used to identify performance patterns and areas in need of improvement that will be addressed in a plan with clear goals and benchmarks for improvement.

Title I Unified Plan

Within three (3) months of being identified for improvement, a school must develop a plan showing what programs and strategies will be adopted to improve teaching and learning. The school must consult with a school improvement plan committee, which includes parents, school staff, district representatives, and outside experts. After the

plan is written, it must be reviewed by a team of peers, who provide input on ways to strengthen the plan. The Title I Unified Plan is then approved by the district. Note: A Unified Plan must also be developed for schools operating approved schoolwide programs.

A peer review guide is posted on the Title I Web site at: http://www.nj.gov/education/title1/program. The completed, peer-reviewed Title I Unified Plan must be uploaded as an attachment to the *NCLB* Application through the EWEG system along with Excel budget sheets.

Improvement Plan Elements

The school improvement plan is incorporated into the Title I Unified Plan and must address the problems identified in the needs assessment, contain measurable goals, and address the essential elements listed below.

- Core academic subjects and the strategies used to teach them – the plan must reflect activities and strategies grounded in scientifically based research to address deficiencies in teaching and learning in core academic subjects' areas. For example, activities used to enhance early literacy should embrace the five (5) scientifically based research strategies of: 1) phonemic awareness, 2) phonics, 3) vocabulary development, 4) reading fluency, and 5) reading comprehension. Schools in need of improvement may also consider the adoption of a comprehensive school reform model to facilitate the implementation of scientifically based research strategies. While the model alone cannot address every identified need of the school or substitute for a well-developed improvement plan to effect systemic change, the model can provide the external structure and support needed for some schools.

- Professional Development – professional development must be provided to help school staff improve their skills. Activities must be high-quality, meaning sustained and classroom-focused. Professional development activities in the plan should directly address those areas of academic concern that placed the school in improvement status and incorporate the alignment of teaching and learning strategies with academic content standards and assessment. Training should address data analysis skills and scientifically based instructional strategies.

  The delivery of professional development strategies must allow for increased teacher participation and include teacher mentoring activities and programs. The teacher mentoring component is added to support the statutory requirement of recruiting and retaining highly qualified teachers. Ten percent (10%) of a school in need of improvement's Title I allocation must be obligated to support these professional development activities.

- Parental Involvement – the school improvement plan must address parental involvement on two (2) levels. First, the plan must describe how the school will

comply with the requirement to notify parents of the school's status. Second, the plan must specify the strategies that the school will use to promote effective parental involvement.

- Technical Assistance – the LEA is required to provide technical assistance to its schools in need of improvement and submit a plan that details its support. LEA efforts must focus on strengthening and improving teaching and learning and address those issues that prevented the school from making AYP. Technical assistance must include scientifically based research approaches on:
    - Data analysis;
    - Identification and implementation of instructional strategies; and
    - Budget analysis.

The LEA assistance should be aligned to the improvement plan (Title I Unified Plan) of each school and consider the unique challenges faced by each school in need of improvement.

- Other Required Elements as Appropriate – additional sections related to highly qualified staff, resource allocation and budget, schools in corrective action and restructuring, district components, SIA, Part A, and SIA, Part G.

NCLB Consolidated Application Program/Activity Plan

Each school in need of improvement that is funded with Title I money must complete a program/activity plan to identify how the funds will be expended. Programs and activities must address the areas identified in the needs assessment as priority problems and complement the Title I Unified Plan. The activities must be described on the *NCLB* Consolidated Application and meet the following criteria:

- Scientifically Based Research: Incorporate scientifically based strategies that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified as needing improvement;
- Student Proficiency: Address the school's core academic subjects that have the greatest likelihood of ensuring that all subgroups of students enrolled in the school will meet the state's proficiency level of achievement on the state's academic assessments by 2014;
- Measurable Objectives: Establish specific annual, measurable objectives for continuous and substantial progress by each subgroup of students to ensure they will meet the state's proficiency level of achievement on the state's academic assessments by 2014;
- Professional Development: Provide professional development using at least ten percent (10%) of the funds made available to the school under *NCLB* §1113 for each fiscal year that the school is in school improvement status;
- Parental Options: Account for funds reserved to implement school choice and SES; and
- Parent Involvement: Describe the use of reserved funds to implement parent involvement activities that strengthen eligible students' academic achievement.

Professional Development

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.

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 district and school needs assessments and district and school plans, including Program/Activity Plans and Title I Unified Plans, if applicable;
- Draw on resources available under other programs such as *NCLB* Title IIA, 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;
- Include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices; and
- Incorporate mentoring programs for staff in SINIs. Currently many teachers leave the profession within five (5) years of beginning their teaching careers. Mentoring programs pair novice teachers with more experienced professionals who serve as role models and provide practical support and encouragement. High-quality, structured mentoring programs have a positive effect on the retention of qualified teachers.

<u>Resources</u>

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. Title I requires certain reserves for professional development activities.

- Five percent (5%) of the Title I allocation for LEA professional development. (Equitable participation must be offered to eligible nonpublic schools.)
- Ten percent (10%) of each school's allocation for schools in need of improvement (SINIs).
- Ten percent (10%) of the Title I allocation for districts in need of improvement (DINIs). The ten percent (10%) SINI reserves may be included in this ten percent (10%) calculation.

  The SINI and DINI professional development reserves are dedicated. These funds **must be used** for their intended purposes.

  Principals, teachers, and other school staff must decide how to use these funds set aside for professional development activities.

Allowable Activities

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 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 districts may conduct include the following:

- In-house trainings by outside experts or qualified, trained staff;
- Outside conferences and trainings;
- Mentoring and coaching programs by facilitators and/or teams;
- Data analysis and technology training;
- Training in strategies to instruct limited English proficient children, including appropriate language and academic support services and use of curricula and assessments;
- Training in methods of instructing students with special needs;
- Parent engagement strategies; and
- 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.

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 section 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.

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 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

Districts may serve preschool children under Title I, Part A in the following ways [Section 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 district as a whole or for a portion of the district.

  To fund a district-operated Title I preschool program, the district 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, Even Start, and Early Reading First are examples of such programs. Services may be provided in public school buildings or other appropriate public and private locations. (For serving criteria, see below.)

- If a district or school receives a School Improvement Award (SIA), the district or school may use these funds to conduct a preschool program providing the emphasis is on those areas that caused the improvement status as outlined in the school's Title I Unified Plan.

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 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, Even Start, Early Reading First, 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 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.

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

Parental Notification Requirements

Parents of students enrolled in schools designated as in need of improvement must be notified, well before the beginning of the school year, of the school's improvement status, the school choice options, and the availability of supplemental educational services. This notification must be in an easy-to-read format, and to the extent practicable, in a language the parents can understand. At a minimum, the notification must include the following:

- Schools in Need of Improvement Identification: LEAs must notify parents of all students enrolled in a school identified for school improvement, corrective action, and/or restructuring. The notification must be in an understandable and uniform format and, to the extent practicable, in a language or other mode of communication the parents can understand. The notification must include the following:
  - Explanation of what the identification means and how the school compares in terms of academic achievement to other schools served by the LEA and other schools in the state;
  - Reasons for the identification;
  - Explanation of what the identified school is doing to address the problem of low academic achievement;
  - Explanation of what the LEA and SEA are doing to help the school address the achievement problem;
  - Explanation of how parents can become involved in addressing the academic issues that caused the identification of the school; and
  - Explanation of the choice option or the availability of supplemental educational services.

  See sample letter in Appendix F.
- School Choice: Parents must be notified at least 14 days prior to the start of a school year if the school their child attends is classified as in need of improvement for two (2) consecutive years. The parents must be informed of their right to school choice, so they can request their child be transferred to another school within the LEA that is not in need of improvement or persistently dangerous. The notification must meet the following criteria:
  - Inform parents that their child is eligible to attend another public school due to the less-than-adequate performance of their current school;
  - Identify each public school, including charter schools, which the parent may select;
  - Explain why the choices made available to them may have been limited or unavailable; and
  - Describe the performance and quality of those schools of choice.

***Note**: All services must be in place by the beginning of the school year.*

Additional information can be offered, such as a description of special academic programs or facilities, availability of extended-day programs, professional qualifications of teachers, and other information of interest. Choice schools may not include other schools identified as in need of improvement or those identified by the state as persistently dangerous.

Parents must be given sufficient time to respond to their notification and allowed to communicate in a variety of ways, including standard mail, e-mail, or fax. The LEA should confirm receipt of the choice request from the parent. All services must be made available at the beginning of the school year. ***Note*: *If capacity is an issue and the district cannot offer choice, supplemental educational services (SES) must be offered to eligible students***.

- Supplemental Educational Services: For schools in need of improvement that have not met AYP for three (3) consecutive years, the LEA must offer supplemental educational services (SES) to eligible students. The LEA must notify parents of eligible students that they have the option to request supplemental educational services for their children. Parents must be provided with the list of state-approved providers and the district should identify those that serve the area. Parents must be given a reasonable time to respond to the letter and request SES.

Intradistrict School Choice

The LEA must offer school choice to all parents whose children attend a school in need of improvement. This gives parents the opportunity to transfer the student to another school within the district that is not designated as a school in need of improvement or as a persistently dangerous school. The school choice provision extends to parents of students in charter schools, as well. A charter school designated in need of improvement must offer parents the choice of sending their children to another school (public or charter school) within the LEA that is not designated as in need of improvement. If all public schools within the LEA are SINIs, the charter school must, to the extent practicable, establish a cooperative agreement with other LEAs. Public schools in need of improvement cannot designate a charter school in need of improvement as a choice option for parents. The following are choice option designs:

Open Enrollment

Some districts offer open enrollment across all the schools of the district that serve the same grades. This is the optimum choice design, allowing parents to select the school that they would like their child to attend. Magnet schools exemplify this open enrollment option. Such a policy meets full choice requirements.

Limited Choice Opportunities

For districts able to offer choice on only a limited basis, this option may apply. Generally, schools first enroll children from the local surrounding neighborhood, and

then have a limited number of class spaces available for children from other neighborhoods. When choices are limited, procedures must be followed for offering choice in a fair, non discriminatory fashion.

When choice is limited, LEAs must give priority to the lowest performers from low-income families when providing students the option to transfer. LEAs can prioritize by offering these students their first choice of schools and provide transportation first, if such funds are limited. Students may *not* be rank-ordered by parent income. The lowest performance (overall or in a specific content area) is the chief indicator for prioritizing the list.

The LEA must continue to offer school choice until the school is no longer identified for improvement that is, the school makes AYP for two (2) consecutive years. If, however, a student opts for choice, the LEA must permit the student to remain in the choice school until the student completes the highest grade in that school. If the school of origin comes out of school improvement status during the student's tenure at a choice school, the LEA will no longer be obligated to provide transportation.
A quality school choice plan should incorporate the following elements:

- Choice is viewed as an important opportunity for parents;
- Choice is an important component of the overall district educational improvement plan;
- An overriding goal is to provide students with access to quality instruction;
- Parents must be notified by the LEA that their child is eligible for public school choice sufficiently in advance of, but no later than 14 calendar days before, the start of the school year for which public school choice is being offered;
- Information is provided in a format that is easy to understand. At a minimum, the notification must include the following:
    1. Inform parents that their child is eligible to attend another public school and may receive transportation to the school;
    2. Identify each public school, which may include charter schools, that parents may select; and
    3. Include information on the academic achievement of the schools that parents may select.
- All eligible students in a school designated as in need of improvement have access to the program;
- Title I resources are used to provide the transportation for choice when needed;
- The schools provide individual student assessment results, including an interpretation of such results, to parents of participating children;
- The plan is developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals and other staff; and if the plan relates to one or more secondary schools, students from the school(s) will be involved;
- The plan is made available to parents and the public;
- The choice requirement option does not include students in schools that do not receive Title I funds;

- The program uses Title I funds only to pay for school choice transportation costs. Regular transportation costs are not allowable; and
- The LEA complies with other Title I requirements.

Districts may not use lack of capacity to deny students the option to transfer. *Every* student enrolled in a Title I school in need of improvement who wishes to transfer to a school that is not in need of improvement *must* have that opportunity. If sufficient capacity is not available, the district must create additional capacity or provide choices of other schools. If other schools within the district are not available, the LEA should make every attempt to secure space outside the district, within reason. The following conditions apply:

- Accommodations must provide a healthy and safe learning environment;
- LEAs may be selective when transferring students with disabilities to ensure the students attend a school with appropriate accommodations (location change does not require IDEA "change of placement" procedures);
- The LEA that is operating under a court-ordered desegregation plan should first determine whether it is able to offer public school choice within the parameters of its plan. If it is not able to do so, the LEA needs to seek court approval for amendments to the plan that permit a transfer option for students enrolled in schools identified for school improvement, corrective action, or restructuring. The LEA that is unable to secure changes to the plan that permit a transfer option will be out of compliance with the public school choice requirements and should notify the SEA and the US Department of Education (USDE) of its request to the court and of the court's decision. In these circumstances, the USDE would consider granting the LEA a waiver of the public school choice requirements to the extent that those requirements are inconsistent with the LEA's desegregation plan;
- Title I law supersedes local laws and policies; and
- The only type of state law that can limit or prevent school choice is a law that prohibits public school choice through restrictions on public school assignments or the transfer of students from one public school to another public school. Other laws, such as those that mandate specific student-teacher ratios, may make providing choice options more difficult, but may not be used to prohibit parental choices.

Further information may be obtained at the following Web site address: www.nj.gov/njded/title1/program/1122choicememo.shtml.

Transportation Costs

LEAs must provide appropriate transportation for choice students using up to twenty percent (20%) of their Title I allocation. This twenty percent (20%) reserve applies to a combination of choice transportation and supplemental educational services, if used, with five percent (5%) minimum for transportation. *(The reserve may not be used for administrative costs or supplemental services transportation in targeted assistance schools)*.

Districts can also use other allowable federal, state, local, and private resources to pay for choice-related transportation. They *may* exceed the twenty percent (20%) Title I reserve using these other sources or their school improvement allocation. However, it is not required. If available funds are insufficient to provide transportation to each student requesting a choice transfer, the district must give priority to the lowest-achieving eligible students from low-income families. Districts can also be resourceful. For example, an existing transportation program might be able to serve choice students. Any additional costs can be counted toward the twenty percent (20%) requirement. Title V funds can be used for choice-related transportation, but only through September 30, 2009, unless Congress appropriates additional funds for this part. Additional funds transferred into Title I or Title V under the *NCLB* flexibility provision can also be used. Funds transferred into Title I are incorporated into the base used to calculate the twenty percent (20%) requirement.

Districts that do not already provide transportation for students per state allowance may use alternatives, such as reimbursing parents for the cost of transportation or using public transportation if the student's choice school is outside the state's allowable distance.

The "supplement, not supplant" requirement applies to transportation funds. That is, if state or local law mandates transportation for an existing choice plan, Title I funds cannot be substituted for these mandated services.

Supplemental Educational Services

When choice is not an option or when a school does not make AYP for three (3) consecutive years, the district must offer the eligible students of that school the opportunity for supplemental educational services (SES). Parents of eligible students select from a list of state-approved SES providers. The district contracts with the selected provider to provide SES using Title I funds up to a calculated per-pupil amount or the cost of the services, whichever is less. Districts must reserve twenty percent (20%) of their Title I allocation to cover school choice and SES. At least five percent (5%) of this reserve must be used for SES. LEAs must ensure that some SES providers can serve students with limited English proficiency and disabilities (a list of the approved supplemental services vendors is posted on the NJDOE Web site at: www.nj.gov/education/title1/program/ss. Additionally, the USDE guidance is available at: www.ed.gov/policy/elsec/guid/suppsvcsguid.doc.

The USDE defines supplemental educational services as additional academic assistance for low-income students who attend Title I schools that have failed to make AYP for two (2) or more consecutive years. This additional academic assistance is designed to ensure that students increase their levels of academic achievement, particularly in reading, language arts, and mathematics.

The USDE has taken the stance that schools that do not improve or meet state standards must use their federal funds to get children additional help, which means paying for supplemental services including tutoring or remedial services, after school,

on weekends or during summers. This instruction must take place outside the regular school day.

Districts must arrange for the provision of supplemental educational services to eligible children from a provider on the state-approved list. This provider is to be selected by the parents of the eligible child in consultation with the school district [Section 1116(e)(1)]. Additionally, qualifying school districts are required to:

- Notify parents annually (in a clear and uniform format, and, to the extent practicable in a language the parents can understand) of the following:
  - The availability of supplemental services;
  - The approved providers whose services are available within the school district or whose services are reasonably available in neighboring school districts, within the geographic area of the LEA, and on-line providers;
  - A brief description of the services, qualifications, and demonstrated effectiveness of each approved provider to assist the parent in selecting a provider; and
  - The procedures and timelines parents must follow in selecting a provider for their child.
- Provide at least two (2) enrollment periods per school year:
- Post SES providers on the district's Web site;
- Provide sufficient time for parents to respond to the notification (minimum of 3-4 weeks);
- Contact providers selected by the parents and enter into a contractual agreement on behalf of the student;
- Monitor the responsibilities of the approved provider; and
- Monitor the progress of students receiving supplemental services.

Although LEAs can reallocate unused SES reserved funds, enrollment should be kept open sufficiently to allow eligible students to enroll. LEAs may offer SES several times throughout the school year or keep an open enrollment.

Eligibility

To determine which students are eligible for SES, districts should use the same criteria used on the *NCLB* Consolidated Application for determining Title I eligibility. If free and reduced lunch are the criteria used, certain confidentiality rules apply as stated in the *Richard B. Russell National School Lunch Act*. These rules are included in the appendices section of this manual along with information about Provisions 2 and 3 of the Act.

NOTE: *LEAs must keep on file a copy of the letter sent to parents, the provider attachment, enrollment form, and list of recipients. These documents may be requested during a site review conducted by the NJDOE.*

Corrective Action

For schools in need of improvement that have not met AYP for four (4) consecutive years in the same content area, the NJDOE and LEA identify the school for corrective

action. This identification signifies that the LEA must employ significant interventions to address the school's continued inability to make AYP (see 'Improvement Continuum' section on page 113).

While a school is in corrective action, the LEA must continue to directly provide technical assistance, or provide for technical assistance from institutions of higher education, educational service agencies or private organizations. Schools in corrective action receive further support from School Support Teams.

Additionally, the LEA must take one of the following corrective actions:

- Provide for all relevant staff appropriate scientifically based research professional development that is more likely to improve academic achievement of low-performing students;
- Institute a new curriculum grounded in scientifically based research and provide appropriate professional development to support its implementation;
- Extend the length of the school year or school day;
- Replace the school staff who are deemed relevant to the school's not making adequate progress;
- Decrease management authority at the school significantly;
- Restructure the internal organization of the school; or
- Appoint one or more outside experts to advise the school: (1) how to revise and strengthen the improvement plan it created while in school improvement status; and (2) how to address the specific issues underlying the school's continued inability to make AYP.

School Support Teams

Under *NCLB* provisions, states must use a portion of their reserved Title I, Part A funds to create and maintain a statewide system of intense and sustained support to increase the opportunity for students and schools to meet the state's content and achievement standards. An essential component of the statewide system of support is the establishment of school support teams, a group of skillful and experienced individuals given the responsibility of providing schools in need of improvement with practical, applicable, helpful assistance to increase the schools' ability to make AYP. Team composition may include all or some of the following: highly qualified or distinguished teachers and administrators; pupil services personnel; parents; representatives from higher education; representatives from educational laboratories or regional technical assistance centers; representatives from outside consultant groups and/or other individuals that the NJDOE, in consultation with the LEA, deems appropriate.

The primary responsibility of the School Support Team is to assist the school in strengthening its teaching and learning practices to increase student achievement. The School Support Team's specific tasks are to do the following:

- Review and analyze all facets of the school's operation, including the design and operation of the instructional program, and use the findings from this review to help the school develop recommendations for improved student performance;

- Collaborate with school staff, LEA staff, and parents to design, implement, and monitor an effective school improvement plan that will help the school meet its improvement goals;
- Monitor the implementation of the school improvement plan and request additional assistance from the LEA or the NJDOE as needed; and
- Provide feedback at least twice yearly to the LEA and to the NJDOE, when appropriate, about the effectiveness of the school's personnel and identify outstanding principals and teachers.

Collaborative Assessment and Planning for Achievement (CAPA)

The CAPA process is New Jersey's statewide system of intense and sustained support for corrective action in schools. Teams of skilled and highly qualified individuals conduct comprehensive on-site school reviews that include examining documentation, conducting interviews, and observing classroom sessions. All school operations are scored against nine (9) standards with numerous indicators. The CAPA team delivers a thorough report with findings and recommendations. Deficiencies cited in the CAPA report should be incorporated into the school's Title I Unified Plan.

Planning for Restructure

When schools do not make AYP for five (5) consecutive years, they must take more systemic action to change the structure of the school. The school has one (1) year to develop its restructuring plan that will be implemented no later than the beginning of the next school year. One or more of the restructure solutions can be included in the plan (see 'Improvement Continuum' section on page 113).

The LEA must continue to provide technical assistance that emphasizes: 1) the importance of improving instruction by using research-based strategies to achieve proficiency in language arts literacy and mathematics; and 2) the importance of using data to inform decision-making. If the school succeeds in making AYP in the next two (2) consecutive years, it will so longer be designated as needing improvement.

Restructuring

If a school does not make AYP for its sixth consecutive year, it must implement the restructuring plan, which could include replacing staff, operating as a charter school, or some other major restructuring of the school's governance. The restructuring plan template is available on the Title I Web site.

LEAs in Need of Improvement

LEA Annual Review

Annually, the NJDOE must review the progress of each LEA in the state that receives Title I, Part A funds to determine if the LEA's schools are making adequate yearly

progress. This process includes a review of schools' academic achievement data, as well as drop-out/graduation rate data for high schools and attendance rate data for elementary and secondary schools. If the review findings indicate significant deficiencies across the district, the NJDOE must then identify the LEA for improvement.

LEA Improvement

If the LEA does not make adequate progress for two (2) consecutive years, it is designated as "in need of improvement."
NOTE: *Single school districts in need of improvement must apply school improvement sanctions.*

NJDOE Requirements

Once the LEA is identified for improvement, the NJDOE must promptly notify the parents of each student in the LEA that the LEA has been identified for improvement. The notification must explain the reasons for the identification, how parents can participate in efforts to improve the LEA, and the corrective actions the NJDOE will take to improve the LEA.

LEA Requirements in Years One and Two

Once identified for improvement, the LEA must develop or revise an improvement plan, no later than three (3) months after being identified as "in need of improvement." The plan development must occur in consultation with parents, school staff, and other stakeholders. The District in Need of Improvement Plan template is available on the NJDOE Web site. The completed plan must be submitted using the EWEG system.

The purpose of the plan is to address those areas of deficiency in the LEA that directly impact students' ability to help the school make AYP. The plan must also focus on and analyze deficiencies in the areas of school leadership, governance, curriculum and instruction, and fiscal practices. Through the process of developing the plan, the LEA should determine why its previous efforts were not successful and provide a detailed action plan to implement the strategies in the plan. Specifically, the plan must include the following:

- Address the fundamental teaching and learning needs of the schools in the LEA, especially the academic problems of low-achieving students;
- Define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the state's definition of AYP;
- Incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic subjects;
- Include, as appropriate, extended-day and extended-year student learning activities;
- Provide for high-quality professional development for instructional staff that focuses primarily on improved instruction;
- Include strategies to promote effective parental involvement in LEA schools;
- Include a determination of why the LEA's previous plan/efforts did not result in increased student achievement;

- Specify the LEA's fiscal responsibilities; and
- Detail the required technical assistance that the NJDOE will provide.

If the LEA makes adequate progress for two (2) consecutive years, the NDJOE no longer identifies the LEA for improvement.

LEA Corrective Action in Year Three and Above

The NJDOE must take corrective action if the LEA does not make adequate progress after two (2) years of being identified for improvement. However, if the NJDOE determines that the current functioning of the LEA is detrimental to the academic success of its schools and students, the NJDOE may identify the LEA for corrective action at any time during the improvement process. Under corrective action, the NJDOE employs strategies that directly respond to serious instructional, managerial, and organizational problems in the LEA that decrease students' ability to achieve proficiency in language arts and mathematics.

NJDOE Responsibilities

Once the LEA is identified for corrective action, the NJDOE must promptly notify the parents of each student in the LEA that the LEA is in corrective action. The notification must explain the reasons for being in corrective action, how parents can participate in efforts to improve the LEA, and the corrective actions the NJDOE will take to improve the LEA. The NJDOE must also continue to ensure that the LEA receives technical assistance and takes at least one (1) of the following corrective actions, as consistent with state law:

- Defer programmatic funds or reduce administrative funds;
- Institute and fully implement a new curriculum, based on state and local content and academic achievement standards, that includes appropriate, scientifically based research and professional development for all relevant staff;
- Replace the LEA personnel who are relevant to the inability of the LEA to make adequate progress;
- Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision;
- Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board; and
- Abolish or restructure the LEA.

The NJDOE may also offer parents the option to transfer their child from a school operated by the LEA to a higher-performing public school operated by another LEA that is not identified for improvement or in corrective action.

The LEA may exit from corrective action when it makes adequate progress for two (2) consecutive years following its identification for corrective action.

Title I SIA, Part A

The School Improvement Fund, Part A (SIA Part A) authorizes funds to help the lowest-achieving schools meet the progress goals in their Title I Unified Plan and achieve adequate yearly progress. The funds are allocated to schools in need of improvement to help low-performing students achieve academic proficiency and complement the use of these schools' Title I, Part A funds.

These funds can be used to expand the programs and services being funded by Title I, Part A or can help the school address additional priority problems the school identified in its needs assessment.

Recipients of SIA, Part A funds must file an amendment to their *NCLB* Application and complete the screens under the SIA, Part A tab in addition to completing the SIA, Part A section of the Title I Unified Plan. This revised Title I Unified Plan must be uploaded as an attachment to the *NCLB* Application through the EWEG system along with Excel budget sheets.

Title I SIA, Part G

The School Improvement Fund, Part G (SIA, Part G) authorizes funds to help schools in improvement, corrective action, and restructuring to improve student achievement. In conjunction with funds reserved under SIA, Part A, these funds are to be used to leverage change, targeting activities towards measurable outcomes. Expected results from the use of these funds include improving student proficiency, helping schools make adequate yearly progress, and using data to inform decisions and create a system of continuous feedback and improvement.

SIA, Part G funds should be used to extend or expand the programs and services described in the school's Title I Unified Plan that addressed the priority problems identified in the needs assessment. One or more of the following strategies must be implemented:

1. Provide customized technical assistance and/or professional development that is designed to build the capacity of LEA and school staff to improve schools and is informed by student achievement and other outcome-related measures.
2. Utilize research-based strategies or practices to change instructional practice to address the academic achievement problems that caused the school to be identified for improvement, corrective action, or restructuring.
3. Create partnerships among the SEA, LEAs and other entities for the purpose of delivering technical assistance, professional development, and management advice.
4. Provide professional development to enhance the capacity of school support team members and other technical assistance providers who are part of the statewide system of support and that is informed by student achievement and other outcome-related measures.

5. Implement other strategies determined by the SEA or LEA, as appropriate, for which data indicate the strategy is likely to result in improved teaching and learning in schools identified for improvement, corrective action, or restructuring.

SIA, Part G recipients must file an amendment to their *NCLB* Application and complete the screens under the SIA, Part G tab in addition to completing the SIA, Part G section of the Title I Unified Plan. The revised Title I Unified Plan must be uploaded as an attachment to the *NCLB* Application through the EWEG system along with Excel budget sheets.

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.

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, Section 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.

<u>The bottom line question for supplanting is</u>: 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.

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.

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 12/17/1999

Concerns whether Title I personnel may be used as substitutes and not violate supplement not supplant. In targeted assistance schools, this is permissible if Title I personnel substitute during non-regularly scheduled teaching periods only and substitute as a normal and proportionate duty required of all teachers in that school. In

a schoolwide district, however, it would be allowable to use Title I teachers as substitutes and cancel whatever classes they were scheduled to teach.

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 [*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. For more information regarding comparability, see the Fiscal Section of this manual.

Allocation Reserves

Under *NCLB*, certain required reserves must be allocated from the district's Title I allocation. These apply to the district and to schools in need of improvement.

District Reserves

Each Title I district must reserve at least five percent (5%) of its allocation for professional development needs for instructional staff and to ensure that teachers and paraprofessionals are highly qualified.

Districts in need of improvement must use at least ten percent (10%) of their Title I allocations to provide professional development to address the needs of the instructional staff. Funds reserved for this purpose cannot be used to meet the requirements for professional development to ensure highly qualified teachers and paraprofessionals. These funds may be used for districtwide professional development and include staff from any school in the district. This is in addition to the district's five percent (5%) listed above; however, funds set aside by schools in need of improvement (as part of their individual ten percent reserve) may be included in the ten percent (10%) total.

Districts receiving Title I allocations over $500,000 must reserve one percent (1%) for parental involvement activities.

When a district has a school(s) in need of improvement, twenty percent (20%) of its allocation must be reserved for implementing school choice and/or SES. When both are offered, at least five percent (5%) of the reserve must be budgeted for each option.

Schools in Need of Improvement

These schools must use ten percent (10%) of their Title I school allocation for the purpose of providing the school's teachers and principal high-quality professional development that does the following:

- Directly addresses the academic achievement problem that caused the school to be identified for improvement;
- Meets the requirements for professional development in *NCLB* §1119 to ensure highly qualified teachers and paraprofessionals; and
- Affords increased opportunity for participating in the professional development.

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 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 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 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 or Even 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;
- Assessments to establish eligibility;
- Employment of special instructional personnel, school counselors, and other pupil services personnel;
- 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.
- Mentoring and coaching programs by facilitators and/or teams.
- Data analysis and technology training.
- Training in strategies to instruct limited English proficient children, including appropriate language and academic support services and use of curricula and assessments.
- Training in methods of instructing students with special needs.
- 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. Construction, if necessary, of school facilities. The LEA must demonstrate that the proposed construction is essential to the success of the Title I project, that it has made every effort to consider other funds to pay for the construction, and that there is no alternative space that meets the needs of the project.
- 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.

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 funds could 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. Part A funds may never be used to pay for a homeless family's rent or living expenses, for drivers' licensing test fees, or fees or equipment for extracurricular activities.

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.

Authorized Activities for Schools in Need of Improvement

Title I funds directed at schools in need of improvement must be expended to support the priority problems identified in the school's needs assessment and address the elements of the school improvement plan. They may include the following:

- High-quality professional development activities for teachers, principal, paraprofessionals and other support staff that address the academic achievement area that caused the school to be identified for school improvement. Professional development must be sustained and classroom-focused and include scientifically research based instructional strategies;
- Activities based on scientific research that address and enrich the core academic areas and ensure that students achieve the state's proficiency target;
- Establishment of a mentoring program for teachers;
- Activities provided before school, after school, during the summer, on weekends and during any extension of the school year;
- Parental involvement initiatives; and
- Technical assistance to help schools analyze data from the assessments; identify and address solutions; implement professional development, instructional strategies, and scientifically based methods of instruction; and revise the school's budget and allocate resources more effectively.

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.

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 [*NCLB* §1114].

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 be highly qualified under the definition in *NCLB*.

Accountability

Schoolwide programs are subject to the school improvement provisions of *NCLB* §1116. 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. This plan must include certain elements, which have been incorporated into the Title I Unified Plan. **The Title I Unified Plan now serves as the schoolwide plan and must be submitted for approval to the NJDOE.** More information about the details that should be included in the text of the plan are identified in the Title I Unified Plan section of this chapter.

Schoolwide Plan Approval

When developing its Title I Unified Plan or annual updates to an approved plan, the school must consider how it will do the following:

- Implement all of the components of the Title I Unified Plan as applicable; and
- Use resources under *NCLB* and from other sources to implement the components.

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

Planning Requirements

The following requirements apply to school wide 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 must also 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;

- 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; and
- 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; and
- Where appropriate, the plan should be developed in coordination with programs under the *School-to-Work Opportunities Act of 1994*, the *Carl D. Perkins Vocational and Applied Technology Education Act*, and *National and Community Services Act of 1990*.

Note: *For a listing of school reform models and instructional programs, please see The Catalog of School Reform Models at http://www.nwrel.org/scpd/. Prior to selection of a program, the research associated with the program must be reviewed.*

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 Unified Plan) 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 FR 71710) explain schoolwide programs in greater detail.

Components of a Schoolwide Program

Under *NCLB* §1114(b)(1), a schoolwide program must include the following ten (10) components, which have been incorporated into the Title I Unified 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 counseling and mentoring services, 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;

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;
   - Include methods to teach children with special needs;
   - Be developed with extensive participation of teachers; and
   - Include gender-equitable education methods, techniques, and practices;
6) Strategies to increase **parent involvemen**t, such as family literacy services;
7) Strategies for assisting preschool children in the **transition from early childhood programs** such as Head Start and Even 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 assistanc**e. 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.

Note: *For a listing of school reform models and instructional programs, please see The Catalog of School Reform Models – www.nwrel.org/scpd.*

Accountability and Exemptions

Schoolwide programs are subject to the school improvement provisions of *NCLB* §1116. 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 section 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 section 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 *[Section 1114(a)(2)]*.

Tracking Funds in a Schoolwide Program

If a school in need of improvement is implementing a schoolwide program, the schoolwide program must be modified to address the issues that put the school into improvement status. The school is also obligated to allocate specific funds to address required improvement reserves. The school must spend an amount equal to ten

percent (10%) of their Title I funds on professional development, although they do not need to use Title I funds specifically. The required parental involvement activities must be implemented with the funds reserved by the LEA for that school, consistent with *NCLB* §1118.

LEA Title I expenditures, including 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.

SIA funds may not be blended into a schoolwide budget. **These funds must be tracked separately**.

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 should also 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.

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 special instructional support and assistance. Instructional services must be scientifically research based [*NCLB* §1115].

Eligible Population

To be eligible for Title I services, the student must demonstrate academic need based upon 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 twelve (12). Preschool age children who are old enough to benefit from an organized instructional program in a school or

other educational setting are also eligible. Children who are economically disadvantaged; homeless; have disabilities; migrant children; limited English proficient; and who participated in a Head Start or Even 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 that 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 language arts literacy 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 parent involvement; 7) coordinating and supporting the regular educational program, including such services as counseling, mentoring, college and career awareness and preparation; and 8) helping students to make transitions, such as those from early childhood programs to elementary school programs and from school to work.

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.

Home
Top of Section

Section VII

Title I, Part D

(Click link to return to table of contents)

Neglected and Delinquent

Title I, Part D –

- *Subpart 1, State Agency Programs*—funds are directly sent to the three (3) eligible state agencies serving this population: the New Jersey Department of Corrections, the New Jersey Department of Human Services and the New Jersey Juvenile Justice Commission.
- *Subpart 2, Local Agency Programs* – funds are awarded to LEAs to support programs that involve collaboration with locally operated correctional facilities for transitional services and programs that service at-risk students

Subpart 2 – LEA's: Purpose

Title I, Part D, Subpart 2 funds are intended to serve delinquent children and youth through age 21 who reside in locally operated correctional facilities. All children in the institution are eligible for services.

Subpart 2 Programs

Subpart 2 funds should support the following LEA programs, which are determined in collaboration with the locally operated correctional facilities:

- 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;
- 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.

LEA-operated alternative programs, drop-out prevention programs, or transition programs must serve students eligible for services under Title I, Parts A or C. If a school receiving Subpart 2 funds is not a Title I, Part A school, the following students are considered "at-risk:"

- 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.

Program Plan Development

LEAs must complete and submit the Title I, Part D, Subpart 1 (State Agency Programs) or Subpart 2 (Local Agency Programs) plan as electronic attachments to the *NCLB* Consolidated Application. These plans outline how the services will be provided. For services provided at a local correctional facility, the LEA must consult with the facility and collaborate on the appropriate services. Eligible LEAs may provide the Title I services directly to institutions for neglected and delinquent children, subcontract the services, or have the services provided by another LEA, including special services school districts and educational services commissions, through a consortium.

Evaluation and Monitoring

LEAs must evaluate the program to ensure the facility has delivered the agreed upon services. The LEA must look at data, disaggregated by gender, race, ethnicity, and age, at least once every three (3) years, to ensure the program's positive impact on the following:

- Maintaining/improving educational achievement;
- Accruing school credits that meet state requirements for grade promotion and secondary school graduation;
- Making the transition to a regular program or other education program operated by an LEA;
- Completing secondary school (or secondary school equivalency requirements) and obtaining employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and
- Participating in postsecondary education and job training programs, as appropriate.

Formal Agreements with Facilities

LEAs must have formal agreements with local correctional facilities that serve eligible students. These facilities must meet certain requirements to provide services under Subpart 2. A list of required elements is provided in the Appendices section of this manual. This list should be included with the formal agreement to ensure the facility is aware of its responsibilities under the law.

Home
Top of Section

Section VIII

Title II, Part A

(Click link to return to table of contents)

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 *IASA*-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;
- Requires LEAs failing to make progress toward meeting their measurable objectives after two (2) years to develop an improvement plan;
- Requires LEAs failing to make progress toward meeting their measurable objectives after three (3) years to enter into an agreement with the NJDOE regarding the use of the LEA's funds under this program, including developing professional development strategies and activities, and prohibiting the use of Title I, Part A funds for any paraprofessional hired after the determination is made;
- Requires the NJDOE to provide funds directly to schools after three (3) years of poor performance by the LEA to enable teachers to choose, in consultation with the school principal, the professional development activities in which they would like to participate;
- Makes supplement, not supplant requirement applicable; 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/njded/data/hqt/. 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 the NJDOE determines, based on reports submitted by LEAs describing their performance under the Title I teacher qualification requirements after these requirements have been in effect for two (2) years, that the LEA in the state has failed to make progress toward meeting its measurable objectives, the LEA must develop an improvement plan to help it meet its objectives. The NJDOE must provide technical assistance to the LEA and, if applicable, to schools within the LEA while the LEA is developing the improvement plan.

- After an additional year, if the NJDOE determines that the LEA still has failed to make progress toward meeting its measurable objectives and has failed to make Title I AYP for three (3) consecutive years, the NJDOE must enter into an agreement with the LEA on the use of the LEA's funds under this program, including developing professional development strategies and activities and prohibiting the use of Title I, Part A funds for any paraprofessional hired after the determination is made.
- In addition, after three (3) years of poor performance, the NJDOE would also provide funds directly to schools to enable teachers to choose, in consultation with the school principal, the professional development activities in which they would like to participate.

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 *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 2009 *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 who 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.

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 *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 will integrate Title II, Part A funds with funds the LEA receives through Title II, Part D to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy;

- 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) involve parents in their child's education; and d) 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 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)].

For more detailed information regarding the kinds of professional development programs that may be supported with these funds, please refer to Section XV, Appendix D – Title II, Part A – Teacher and Principal Training and Recruitment.

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 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.

Home
Top of Section

Section IX

Title II, Part D

(Click link to return to table of contents)

Key Elements

The primary goal of this part is to improve student academic achievement through the use of technology in elementary and secondary schools. The additional goals of this part are:

- To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability; and
- To encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based instructional methods that can be widely replicated.

State Waivers

Title II, Part D requires that twenty-five percent (25%) of all public school Title II, Part D funding is expended on all teachers of core academic subjects participating in ongoing, sustained, intensive, high-quality professional development that is focused on the integration of technology into the curriculum and instruction. **Please Note:** ***the entire twenty-five percent (25%) professional development amount cannot be budgeted solely for supplies and materials, unless the LEA requests and is granted a waiver from this requirement.***

The professional development requirement does not apply if the LEA successfully demonstrates to the NJDOE that it already provides professional development to all teachers in core academic subjects, based on a review of relevant research. LEAs seeking a waiver of the professional development requirement must complete the Educational Technology Professional Development Waiver provided in the *NCLB* application. The remaining funds (seventy-five percent) are to be used to implement other activities consistent with the purposes of Title II, Part D and the LEA's local technology plan.

***Note**: See the application directions for specific information about waiving this requirement.*

Data Collection

LEAs must develop a process and accountability measures that will be used to evaluate the extent to which activities funded under Title II, Part D are effective in: 1) integrating technology into curricula and instruction; 2) increasing the ability of teachers to teach; and 3) improving student academic achievement.

The annual student assessment system is one tool to determine the academic achievement of students in schools that are recipients of Title II, Part D funding. Title II-D: Enhancing Education through Technology of the *No Child Left Behind Act (NCLB)* requires that all students are technologically literate by the end of grade eight. Complimenting the federal law, the NJDOE's Technological Literacy Standards,

specifically the 8.1 Computer and Information Literacy Standards, provide standardized criteria for technological literacy across the state.

The NJ Department of Education (NJDOE) Office of Academic Standards and the Office of Educational Technology facilitated the identification of tools and strategies to address student technology proficiency. These tools serve as a guide to assist schools in addressing student technology proficiency as defined by *NCLB* and the current NJDOE standards. The process for using the recommended tools and strategies for assessing 8.1 Computer and Information Literacy is called the New Jersey Technology Assessment for Proficiency and Integration (NJTAP-IN). It is recommendation–ONLY! Each of the tools and implementation strategies that are available to districts for assessing the number of students proficient in Computer and Information Literacy are recommendations. A district may choose any tool to assess the students' technological literacy based on the NJDOE Standard 8.1. The students' results are then compared with the NJTAP-IN general rubric and a score is obtained. All scores that reflect the number of students at the end of eighth grade that are technologically proficient are tallied and reported to the NJDOE to meet the federal requirement.

Internet Safety

Title II, Part D incorporates the requirements of the *Children's Internet Protection Act (CIPA)*. These requirements apply to elementary and secondary schools that do not receive e-rate discounts and for which educational technology funding is used to purchase computers for Internet access or to pay the direct costs associated with accessing the Internet.

The Certification of Compliance with the *CIPA* form in the *NCLB* application must be signed by the LEA's Chief School Administrator and submitted with the completed application. The requirements **do not** apply to schools that receive e-rate discounts. More detail about *CIPA* is provided in the application directions.

In addition, the NJDOE School Security Unit is committed to providing information and assistance to both public and nonpublic schools on topics such as site-specific vulnerability assessments, crisis response, contingency and continuity plans, target hardening/mitigation measures and communication protocols.

Services for Children in Nonpublic Schools

Title II, Part D allocates funding specifically for supporting the integration of technology into the curricula and instruction. Funding is specified for ongoing, sustained, high-quality professional development specifically related to educational technology integration into the classrooms to improve teaching and learning. Funding is also specified for distance learning initiatives, acquiring educational technology and using educational technology to enhance parental involvement and participation in the classroom. Nonpublic school consultation must occur and funding must be used to support teaching and learning in the nonpublic school.

Please see the Nonpublic Schools section of this manual for further information.

Program Plan Development

Most New Jersey public school districts updated their technology plans as required by *NCLB* during FY 2003. However, if the LEA refused Title II, Part D funding during FY 2003 or if the LEA is a charter school that does not have a technology plan, a technology plan must be completed and approved prior to the award of funding in FY 2008. A checklist that describes all required elements may be found at www.nj.gov/njded/techno/localtech/checklist.htm. (See Appendix F in this manual for helpful resources). For information about technology plan approval, please call the Office of Educational and Informational Technology at (609) 292-9069.

Professional Development

LEAs must expend at least twenty-five percent (25%) of the Title II, Part D allocation on ongoing, sustained, and intensive high-quality professional development for all teachers that focuses on the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments. The Nonpublic school professional development expenditures are not part of the twenty-five percent (25%) professional development requirement. **Please Note:** ***the entire twenty-five percent (25%) professional development amount cannot be budgeted solely for supplies and materials, unless the LEA requests and is granted a waiver from this requirement.***

LEAs seeking a waiver of the professional development requirement must complete the Educational Technology Professional Development Waiver provided in the *NCLB* application. The remaining funds (seventy-five percent) are to be used to implement other activities consistent with the purposes of Title II, Part D and the district's local technology plan.

Allowable Costs

The district must provide professional development for integrating advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments. Teachers completing professional development should be able to:

- Access data and resources to develop curricula and instructional materials;
- Use the Internet and other technology to communicate with parents, other teachers, principals, and administrators and to retrieve Internet-based learning resources; and
- Improve classroom instruction in the core academic subjects that effectively prepare students to meet challenging state academic content standards, including increasing student technology literacy.

The twenty-five percent (25%) minimum allocation requirement for professional development does not apply to a district that demonstrates, to the satisfaction of the

NJDOE that the district already provides ongoing, sustained, and intensive, high-quality professional development that is based on a review of relevant research, to all teachers in core academic subjects in the integration of advanced technologies, including emerging technologies, into curricula and instruction. See the Educational Technology Professional Development Waiver in the *NCLB* application.

Seventy-five percent (75%) of the funding is to be used to implement other activities consistent with the purposes of Title II, Part D and the district's local technology plan. Program elements and authorized activities are described in Appendix D of this manual.

Home
Top of Section

Section X

Title III, Part A

(Click link to return to table of contents)

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: Districts may not receive a Title III award if they qualify for at least $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.

Key Elements

- Allocations to LEAs are based on the number of limited English proficient students enrolled in the district; however, districts must be eligible for at least $10,000 in order to receive a grant;
- Districts may form consortia in order to become eligible for funding;
- There is a two percent (2%) limit on administrative costs;
- Supplement, not supplant requirement applies; and
- Accountability objectives must include annual measurable objectives and adequate yearly progress for English language proficiency.

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.

Application Requirements

In developing the application, the LEA must consult with teachers, researchers, school administrators, and parents and, if appropriate, with institutions of higher education and education-related community groups and nonprofit organizations.

The LEA's Title III section of the NCLB application must describe how the LEA will accomplish the following:

- Use Title III funds to help LEP students acquire English proficiency and meet academic standards;
- Provide high-quality professional development;
- Ensure that LEP students in nonpublic schools are identified with a state-approved assessment for English language proficiency and that Title III funds are expended to supplement language assistance services for LEP students;
- Use the funds to meet all the annual measurable objectives; and
- Promote parental and community participation in programs for LEP students.

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 the NJDOE based on the limited English proficient (LEP) count submitted as part of the Application for School State Aid (ASSA). In addition, three- and four-year-old preschool LEP students enrolled in the district and LEP students that receive special education services, as reported on the annual LEP enrollment summary, are also counted for funding. 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.

Districts must qualify for a grant of at least $10,000 to apply for 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 Requirement

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 *NCLB* requires that LEP students be annually assessed to determine the program they have made in learning English. The assessment must be aligned with the state's English language proficiency, language arts literacy and content area standards. The New Jersey Department of Education has joined 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.

Districts 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 districts 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 2009-10 districts that receive Title III funds may use these funds to pay up to $15.00 per student for the ACCESS for ELLs test. For more information about the implementation of this assessment in New Jersey schools, please visit the NJDOE Web site for ACCESS for ELLs™ at http://www.nj.gov/njded/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 achievement standards aligned with the state's academic content standards expected of all students. This includes holding and sending notice of 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. Districts that have been notified they have not met the Title III AMAOs for 2008 and 2009 must complete a Title III improvement plan for FY 2010. The NJDOE provides technical assistance through "Data Retreats" to assist districts in developing improvement plans.

Data Collection

NCLB Section 3122 requires states to establish two (2) types of annual measurable achievement objectives. One is based on the percentage of limited English proficient (LEP) students, who attain English language proficiency at the end of each school year. The other is based on the percentage of limited English proficient students making progress in learning English. Districts are required to annually submit data to the

department that demonstrates the number and percentages of students who exit language assistance programs during the previous school year. This data collection, the LEP Exit Report, is conducted each fall. More specific information on the Title III annual measurable achievement objectives can be found at the following Web site: http://www.nj.gov/njded/bilingual/.

Data regarding annual student progress in learning English are received at the NJDOE from Metritech Inc., the vendor that scores and provides reports of student achievement on the ACCESS for ELLs ™ test. The NJDOE summarizes these data and provides districts with student, school and district reports that show the progress students have made in learning English in any one year.

Requirement Regarding Native Language Assessments

The *No Child Left Behind Act (NCLB)* contains a provision allowing districts to request a waiver from the requirement in *NCLB* §1111(b)(3)(C) stipulating that the academic assessment of reading and language arts of students who have attended schools in the US (not including Puerto Rico) for three (3) or more consecutive school years use tests written in English. New Jersey offers a Spanish language version of the NJASK in grades 3 through 8. This waiver provision is applicable to New Jersey schools.

Nonpublic Schools

- Title III allocates funds for limited English proficient students (LEP) and immigrant students enrolled in nonpublic schools. Allocations are based on the reported numbers of LEP students enrolled in the nonpublic schools based on the Nonpublic School Enrollment information and the annual Spring Immigrant student data collection. As in other titles, students and teachers in nonprofit nonpublic schools are eligible to participate in these programs if the LEA in which the nonpublic school is located is eligible and has submitted an approvable application or is part of a consortium. Allocations are calculated on a per-pupil basis. Public school districts are responsible for testing and identifying LEP students in nonpublic schools with Title III allocations or have the district's service provider conduct the testing using one of the state-approved English language proficiency tests in the Chapters 192/193 Programs manual. The public school district must notify the NJDOE if the Title III allocation for any of the nonpublic schools within its jurisdiction appears incorrect. Public schools must ensure that the nonpublic schools within their jurisdiction use Title III and Title III immigrant funds in accordance with the federal regulations.

Teacher English Fluency:

- Districts 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 *No Child Left Behind (NCLB)*, states are required to set aside a portion of their Title III grant to provide funding to school districts 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. To be eligible for Title III Immigrant funds, local education agencies (LEAs) must meet the following criteria:

1. LEAs must have provided data to the Office of Specialized Populations in the Spring 2009 Student Immigrant Count indicating that there were twenty (20) or more public and nonpublic immigrant students enrolled in the district's jurisdiction; and

2. LEAs must have demonstrated a two percent (2%) or greater increase in the percentage of immigrant children and youth enrolled in the public and nonpublic schools in the district in comparing the spring 2009 immigrant student count with the average immigrant enrollment reported to the Department of Education in 2007 and 2008.

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 students 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 before they can be eligible for supplemental immigrant student aid.

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.

Home
Top of Section

Section XI

Title IV, Part A

(Click link to return to table of contents)

Key Elements

Title IV, Part A, the *Safe and Drug-Free Schools and Communities Act (SDFSCA)*, of the *NCLB* is a critical part of the national effort to ensure academic success for all students. Pursuant to *NCLB* §4115(b), *SDFSCA* funds must be used to develop, implement, and evaluate comprehensive programs, services, and activities that are coordinated with other school- and community-based services and programs, and must:

- Foster a safe and drug-free learning environment that supports academic achievement; and
- Be consistent with the principles of effectiveness. [*NCLB* §4115(a) and 20 U.S.C. 7101 *et seq*].

Funded programs, services and activities must comply with the purposes of Title IV, Part A, described below, and must be designed to be consistent with the purposes for alcohol, tobacco and other drug (ATOD) programs set forth in *N.J.A.C.* 6A:16-3, Comprehensive Alcohol, Tobacco and Other Drug Abuse Programs to do the following:

- Prevent or reduce violence; the use, possession, and distribution of illegal drugs; and delinquency;
- Create a well-disciplined environment conducive to learning, which includes consultation among teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts;
- Promote the involvement of parents in activities or programs;
- Promote coordination with community groups and coalitions and government agencies; and
- Distribute information about the LEA's needs, goals, and *SDFSCA*-funded programs.

Summary of Key Features

- An allocation method based on enrollment (forty percent) and relative amount received for Title I in prior year (sixty percent);
- Funded programs, services and activities must be based on scientifically based research;
- Waiver to the scientifically based research requirement is available to implement innovative programs, services or activities that demonstrate substantial likelihood of success;
- Two percent (2%) limit on administrative funds;
- Limit on particular security activities and purchases;
- Increased accountability—performance indicators required;
- Data reporting requirements for uniform management information and reporting system; and
- Supplement, not supplant requirement applies, as well as maintenance of effort.

Fiscal Requirements

Distribution of Funds to LEAs

Funds are allocated to LEAs based on sixty percent (60%) of the relative amount they received under the Title I, Part A (Basic and Concentration) allocation from the previous year and forty percent (40%) based on the relative enrollments of public and nonpublic nonprofit elementary and secondary schools.

Nonpublic Schools

For Title IV, Part A, an allocation amount based on enrollment and poverty is calculated for each eligible nonpublic school located within the geographic boundaries of the LEA. This amount is included on the allocation notice mailed to each LEA.

Allowable Costs

The cap on funds for the following security-related expenses is twenty percent (20%) of the Title IV, Part A allocation *in total* [*NCLB* §4115(b) (2) (E)]:

- Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies;
- Reporting criminal offenses committed on school property;
- Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment; and
- Supporting safe zones of passage activities, including bicycle and pedestrian safety programs that ensure that students travel safely to and from school.

The twenty percent (20%) described above, plus an additional twenty percent (or up to forty percent of the Title IV allocation) may be used for the hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities implemented in schools.

Title IV-A funds may be used for the security-related activities described above only to the extent that the LEA does not receive funding for those activities from other Federal agencies. These activities are subject to the Principles of Effectiveness [*NCLB* §4115(a)].

Unallowable Costs

- Medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, a crime or who illegally use drugs; and
- Consistent with this prohibition, LEAs may not use Title IV funds to pay for drug tests conducted either as part of the required medical examination of students suspected of being under the influence of alcoholic beverages or other drugs on school property or at school functions, as set forth in *N.J.S.A.* 18A:40A-12 and

N.J.A.C. 6A:16-4.3, or for any other component of the required medical examination of students suspected of being under the influence.

This prohibition does not preclude the LEA's use of Title IV, Part A funds for the purchase and administration of any alcohol or other drug screening tests, including random alcohol or other drug tests, pursuant to *N.J.S.A.* 18A:40A-22 et seq. and *N.J.A.C.* 6A:16-4.4, as appropriate, as well as any other drug tests that are conducted outside of and that are separate and distinct from the required medical examination for students suspected of being under the influence, pursuant to *N.J.S.A.* 18A:40A-12 and *N.J.A.C.* 6A:16-4.3. Per *NCLB* §4115(b) (2) (E) (xiv), "Consistent with the Fourth Amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to test or inspect" is permitted.

The prohibitions set forth above are consistent with items 14, 15, 16 and 17 of the Title IV, Part A section of the Assurances and Certification of the *NCLB* application.

Supplement, Not Supplant and Maintenance of Effort

Through the supplement, not supplant requirement and maintenance of effort, funds under Title IV, Part A must be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case, may Title IV, Part A funds be used to supplant such state, local, and other non-Federal funds. The maintenance of effort requirement also applies to Title IV, Part A.

Parent Notification and Student Withdrawal

- Applicants must make reasonable efforts to inform parents of the content of programs, services, and activities, other than classroom instruction, that are funded under Title IV, Part A. Upon receipt of written notification from the parents or legal guardians of a student, the LEA must withdraw the student from any program or activity, except classroom instruction, that is funded under Title IV, Part A (*NCLB* §4153).

Planning Requirements

Parental Involvement and Community Collaboration

- The principles of effectiveness required under Title IV, Part A include the requirement for meaningful and ongoing consultation with and input from parents in both the development of the application and administration of funded programs, services, and activities [*NCLB* §4115(a) (1) (E)].

- Under *NCLB* §4114(c), LEAs are required to develop their applications through timely and meaningful consultation with parents, as well as community-based organizations, representatives of government, representatives of schools to be served (including nonpublic schools), teachers and other school staff, students

and others with relevant and demonstrated expertise in drug and violence prevention activities, such as medical, mental health, and law enforcement professionals.

- *NCLB* §4114(c) requires ongoing consultation with these representatives and organizations in order to seek advice regarding how best to coordinate such LEAs' activities under Title IV, Part A with other related strategies, programs, and activities being conducted in the community.

- A local educational agency, at the initial stages of design and development of a program or activity must consult with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in *NCLB* §4115(a).

LEAs may use an existing advisory council with appropriate representation to address ATOD issues (e.g., municipal alliances), as well as create a new advisory council for addressing both ATOD and violence issues.

State Statutes and Regulations

LEAs should ensure compliance with the provisions of the following statutes and regulations:

- *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.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 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.

Program Requirements

Applicants must have a comprehensive plan for ATOD and violence prevention (*NCLB* §4114) that includes performance indicators and levels of performance for each indicator for prevention programs and activities, and include the following:

- A detailed explanation of the LEA's comprehensive plan for ATOD and violence prevention, including a description of the following:
  - How the plan will be coordinated with programs under *NCLB*, and other federal, state, and local programs for ATOD and violence prevention, in accordance with *NCLB* §9306;
  - The LEA's performance measures for ATOD and violence prevention programs, services and activities, that shall consist of performance indicators for ATOD and violence prevention programs, services and activities including specific reductions in the prevalence of identified risk factors and specific increases in the prevalence of protective factors, buffers, or assets if any have been identified and levels of performance for each performance indicator;
  - How the LEA will assess and publicly report progress toward attaining its performance measures;
  - The ATOD and violence prevention activity or program to be funded, including how the activity, program or service will meet the principles of effectiveness described in *NCLB* §4115(a) and elsewhere in this section of the reference manual, and the means of evaluating such activity, program or service;
  - How the activities, programs and services will be targeted to schools and students with the greatest need;
  - A description for how the results of the evaluation of the effectiveness of the activities, programs or services will be used to refine, improve, and strengthen them; and
  - A description of the mechanisms used to provide effective notice to the community of an intention to submit an application under Title IV, Part A.

Provided below is the relevant Federal Performance Goal for Title IV-A:

Performance Goal 4: All students will be educated in learning environments that are safe, drug free, and conducive to learning.

4.1 Performance indicator: Reduce the rates of student alcohol, tobacco or other drug use.

4.2 Performance indicator: Decrease the incidents of student substance use on school grounds, including at school-sponsored functions or on school buses.

4.3 Performance indicator: Increase the age of onset of students' first use of alcohol, tobacco or other drugs.

4.4 Performance indicator: Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs.

4.5 Performance indicator: Reduce the incidents of student violence, including weapons incidents, on school grounds, including at school-sponsored functions or on school buses.

4.6 Performance indicator: Reduce the factors that place students at risk for committing acts of violence or for being victims of acts of violence.

4.7 Performance indicator: Reduce the number of persistently dangerous schools, as defined by the state.

In order to meet Title IV, Part A performance targets each LEA will select performance targets based upon the needs of the LEA identified through the required assessment of objective data and consultation with community members. LEAs also are required to assess their success in meeting these targets and in the subsequent year, plan and tailor their activities accordingly.

Principles of Effectiveness

Pursuant to *NCLB* §4115(a) and 20 U.S.C. 7101 *et seq.*, all *SDFSCA*-funded activities must comply with the principles of effectiveness described below. Funded programs, services, and activities must, at a minimum, fulfill the following principles of effectiveness:

- **Assessment of Objective Data:** Based on an assessment of objective data regarding the incidence of violence and the illegal use of ATOD in the schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal ATOD use. The analysis includes delinquency and serious discipline problems among students (including nonpublic school students who participate in the ATOD and violence prevention program) that is based on ongoing local assessment or evaluation activities;

- **Performance Measures:** Based on an established set of performance measures aimed at ensuring that the elementary and secondary schools and communities to be served by the Title IV, Part A funded programs, activities or services have a safe, orderly, and ATOD-free learning environment;

- **Evidence of Program Effectiveness:** Based on scientifically based research that provides evidence that the programs, activities or services to be implemented will reduce violence and the illegal use of ATOD;

- **Analysis of Data:** Based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in the LEAs' schools and communities that have been identified or supported through scientifically based research; and

- **Meaningful Parent Involvement:** Include meaningful and ongoing consultation with and input from parents in the development of the application and the administration of the funded programs, services or activities.

Resource Information

Note: *The following resources provide information on scientifically based methods and programs that are approvable for applications for funds under Title IV, Part A.* ***Only*** *the programs identified in the resources below are approvable as scientifically based programs under Title IV, Part A. A waiver must be submitted to request Title IV-A funding for each program, service or activity that is not identified in the following locations/resources:*

- "Blueprints for Violence Prevention Program" at: http://www.colorado.edu/cspv/blueprints/matrix.html.

- "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.

- SAMHA's "National Registry of Evidence-based Programs and Practices" at: http://www.nrepp.samhsa.gov/find.asp.

It is essential to review the research associated with these programs prior to selection. The Rutgers Safe and Drug-Free Schools and Communities (SDFSC) Project Web site at http://sdfsc.rutgers.edu/page/program provides a search engine to help you match programs with local needs. The Rutgers Web site incorporates all applicable programs from the list contained in the four (4) resources identified above. The USDE Web site also contains a search engine which provides related information.

State Waivers

To allow innovative activities or programs that demonstrate substantial likelihood of success, the LEA may apply to the state for a waiver of the requirement that all programs, services and activities funded under Title IV, Part A must be based on scientific research that provides evidence that the program to be used will reduce violence and illegal drug use [*NCLB* §4115(a) (1) (C)].

Requests for a Waiver – LEAs may request waivers to accommodate local use of funds; however, LEAs are not exempted from meeting the purposes and requirements of the Title IV-A regulations. To gain approval for using an innovative program, service or activity that is not listed on one of the five Web sites above, the LEA must satisfactorily fulfill the criteria provided below. A program, service or activity must be proven effective in achieving measurable outcomes, or the applicant must provide

sufficient evidence demonstrating that the program, service or activity has a substantial likelihood of success in achieving the applicable measurable outcome for Title IV-A identified in the Program Plan, based on the district's priority needs assessment, and will fulfill the requirements of Title IV-A.

In order for a waiver request to be considered, the request must include the following information, as appropriate:

- Program Name, Activities and Description – Cite the full title of each program, service or activity and either the name of the developer or the source of the program, service or activity; the measurable objective that each program, service or activity is intended to achieve and the priority need that each program, service or activity will measurably affect; and a detailed description of the goals and components for each program, service or activity.

- Explanation and Research Justification – For each request, include the associated *priority problem and target population* from the program plan. Provide a statement *justifying* the selection of the program, service or activity, explaining why the program service or activity has a substantial likelihood of success in addressing the priority problem. In addition, each request must include the information for either the Outcome Data Option or the Credible Theory Option explained below, as appropriate to the waiver request.

    - ***Outcome Data Option*** – If research or evaluation activities have been conducted for the requested program, service or activity, provide information that will clearly identify how each program, service or activity has achieved positive results (i.e., measurable and quantitative outcome or measurable and quantitative impact data) and the evaluation methods(s) used to determine the results (e.g., pre- and post-survey, experimental-control design). The data provided must make clear that the identified program, service or activity has a substantial likelihood of success in achieving the related measurable outcome in the application and in measurably affecting the related priority need in the district's application. Citations must be provided for all references to research literature.

or

    - ***Credible Theory Option*** – If no research or evaluation activities have been conducted for each requested program, service or activity, the justification for the request must be provided. The justification must include a clear explanation of the relevant professional literature, as it directly supports the description of the program, service or activity, which clearly indicates that the program, service or activity has a substantial likelihood of success in achieving the related measurable outcome in the application and in measurably affecting the related priority need.

Authorized Activities

Pursuant to *NCLB* §4115, activities authorized under *SDFSCA* for public and nonpublic schools include, but are not limited to, those described below. In all cases, funded programs must comply with the principles of effectiveness [§4115(a) and 20 U.S.C. 7101 *et seq.*]:

- **Age-Appropriate and Developmentally Based Activities:** Activities designed to do the following:
  - Address the consequences of violence and the illegal use of ATOD, as appropriate;
  - Promote a sense of individual responsibility;
  - Teach students that most people do not illegally use ATOD;
  - Teach students to recognize social and peer pressure to use ATOD illegally and the skills for resisting illegal ATOD use;
  - Teach students about the dangers of emerging ATOD;
  - Engage students in the learning process; and
  - Incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

- **Family and Community Activities:** Activities that involve families, community sectors (which may include appropriately trained senior citizens), and a variety of ATOD and violence prevention providers in setting clear expectations against violence and illegal use of ATOD and appropriate consequences for both.

- **Information Dissemination:** Dissemination of ATOD and violence prevention information to schools and the community.

- **Professional Development and Training:** Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to preventing ATOD use and violence.

- **ATOD and Violence Prevention Activities:** *Activities that include the following*:
  - *Planning and Organizing* – Community-wide planning and organizing activities to reduce violence and illegal ATOD use, which may include gang activity prevention;
  - *Security Equipment** – Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies;
  - *Reporting Offenses** – Reporting criminal offenses committed on school property;
  - *Security Plans or Assistance** – Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico;

- *Safe Zones of Passage* – Supporting safe zones of passage activities that ensure students travel safely to and from school, which may include bicycle and pedestrian safety programs;
- *School Security Personnel* – The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth ATOD and violence prevention activities under Title IV, Part A that are implemented in the school;
- *Mental Health Services* – Expanded and improved school-based mental health services related to illegal ATOD use and violence, including early identification, assessment, and direct group counseling services provided to students, parents, families, and school personnel by qualified mental health service providers;
- *Conflict Resolution Programs* – Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities;
- *Alternative Education Programs* – Alternative education programs or services for violent or alcohol or other drug-abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the CCCS and to reenter the regular education setting;
- *Student Assistance Practices* – Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health service providers and the training of teachers by these providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of ATOD. Programs that encourage students to seek advice from, and confide in, a trusted adult regarding concerns about violence and illegal ATOD use;
- *Truancy* – Activities designed to reduce truancy;
- *Victimization* – Age-appropriate, development based violence prevention and education programs that address victimization associated with prejudice and intolerance, that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, as well as resolve conflicts without violence;
- *Drug Testing and Locker Searches* – Consistent with the Fourth Amendment of the *Constitution of the United States*, the testing of a student for illegal alcohol or other drug use, pursuant to *N.J.S.A.* 18A:40A-22 et seq. and, as appropriate *N.J.A.C.* 6A:16-4.4, for example, or the inspection of a student's locker for weapons, alcohol or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to so test or inspect. (This does not include, however, alcohol or other drug tests conducted as part of the required medical examination of students suspected of being under the influence of alcoholic beverages or other drugs on school property or at school functions, pursuant to N.J.S.A. 18A-40A-12 and N.J.A.C. 6A:16-4.3);

- *Crisis Intervention* – Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or an alcohol or other drug-related incident that have disrupted the learning environment;
- *Transferring Student Records* – Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the *General Education Provisions Act* (20 U.S.C. 1232g), and *N.J.A.C.* 6A: 16-7.10, student records and confidentiality by the LEA to any public or nonpublic elementary or secondary school;
- *Character Education Programs* – Developing and implementing character education programs, as a component of ATOD and violence prevention programs that take into account the views of parents of the students for whom the program is intended. (See program described in Title V, Part D, subpart 3.);
- *Safety Hotline* – Establishing and maintaining a school safety hotline;
- *Community Service and Service Learning* – Community service, including community service performed by expelled students, and service learning projects;
- *Background Checks* – A nationwide background check of each LEA employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon his or her fitness to a) be responsible for the safety and well-being of children; b) serve in the particular capacity in which the employee or prospective employee is or will be employed; or c) otherwise be employed by the LEA;
- *Suicide Programs* – Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide;
- *Domestic Violence or Child Abuse Programs* – Programs that respond to the needs of students who are faced with domestic violence or child abuse; and
- *Evaluation and Data Collection* – The evaluation of any of the authorized activities and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

Note: *The cap on funds for these security-related expenses remains at twenty percent (20%) in total; however, this amount and an additional twenty percent (20%) may be used to hire and train school security personnel, per the description above. Funds may be used for the following activities only to the extent that funding for activities is not received from other federal agencies: (a) acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies; (b) reporting criminal offenses committed on school property; (c) developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans; (d) supporting safe zones of passage activities that ensure that students travel safely to and from school, including bicycle and pedestrian safety programs; and (e) hiring and mandatory training of school security personnel who interact with students in support of youth drug and violence*

prevention activities implemented in schools [NCLB §4115(c)(2)]. These activities are subject to the Principles of Effectiveness [NCLB §4115(a)].

Comprehensive ATOD and Violence Program

While the request for funds under Title IV, Part A only apply to the activities on the program plan, pursuant to Section 4114(d)(2), LEAs are required to provide detailed information on the LEA's comprehensive ATOD and violence prevention program. The district's comprehensive program for ATOD and violence prevention must include each of the six (6) prevention strategies described below. Examples of authorized activities are listed for each strategy.

Components of a Comprehensive ATOD and Violence Prevention Program

Program Strategy 1: Education

This strategy involves two-way communication and is distinguished from Program Strategy 6, Information Dissemination in that interaction between the educator or facilitator and the students or participants is the basis for the activities. This strategy aims to affect critical life and social skills, including resistance or refusal skills, critical analysis (e.g., of media messages) and systematic judgment. Services and activities in this category are designed for the general school and community populations, and not for individuals who are suspected of having or who have been identified with a problem related to alcohol, tobacco and other drugs (ATOD) or violence. Activities or services conducted and methods used for this strategy include classroom and/or small-group instructional sessions for students, school staff and parents. Examples of educational services or activities include: curriculum development or purchase, curriculum delivery or instruction, professional development, peer education programs, student prevention groups, alternative education, and community-based education.

Note: *Funding to support professional certification is not allowable*.

Program Strategy 2: Problem Identification, Support and Treatment Referral

This strategy aims at the <u>identification of students</u> who have indulged in illegal/age-inappropriate use, possession and distribution of tobacco or alcohol or the first use of illicit drugs; <u>staff</u> who has engaged in illegal drug use, possession or distribution of ATOD or are impaired by ATOD; and students or staff who have engaged in violent or destructive acts. The purpose is to provide support and reverse behavior through educational interventions or referrals to appropriate resources. This strategy also includes activities that support the choice of recovering students and school staff to maintain alcohol, tobacco or other ATOD-free lifestyles. Examples of problem identification, support and treatment referral activities include: multidisciplinary problem-solving teams, conflict resolution programs, student support groups, student support services, employee assistance programs, truancy and dropout prevention, crisis or problem referral hotlines, and alcohol or other drug testing that is consistent with the Fourth Amendment to the *Constitution*.

Program Strategy 3: Environmental
This strategy establishes or changes written or unwritten standards, codes of conduct and attitudes, thereby influencing incidence and prevalence of ATOD abuse, violence and related negative behaviors in the general population. This strategy includes activities which relate to school policies and procedures, legal and regulatory measures, service and action-oriented initiatives, support for safe zones of passage for students between home and school; programs and services that increase security in high-risk areas; and programs that promote positive school climate. Examples of environmental activities include: policies and procedures, safe zones of passage, security equipment, safety or security assessments and plans, security personnel, systems for transferring suspension or expulsion records, background checks of employees, action groups, school climate improvement, gang prevention and mentoring programs.

Program Strategy 4: School- and Community-based Process
This strategy aims to enhance the capacities of schools and communities to more effectively provide prevention, health and social services for ATOD abuse, violence or related negative behaviors. Activities under this strategy include organizing, planning, evaluating and enhancing the efficiency and effectiveness of services provided; networking and accessing services and funding for services; community team-building; interagency coordination and collaboration; coalition building; and comprehensive, integrated approaches to service delivery in schools and communities. Examples of school- and community-based process activities include: school and community planning meetings, multi-agency coordination and collaboration, parent volunteers or involvement and program evaluation.

Program Strategy 5: Alternatives
This strategy provides for the participation of target populations in activities that exclude ATOD use, violence or related harmful behaviors. The strategy is aimed at providing constructive and healthy activities which offset the attraction to ATOD use, violence, anti-social gangs and related negative behaviors to minimize or prevent these destructive behaviors. Examples of alternative activities include: before-school or after-school programs, drop-in centers and community service projects.

Program Strategy 6: Information Dissemination
This strategy provides awareness and knowledge of the nature and extent of violence or ATOD abuse, and their effects on individuals, schools, families and communities, as well as information about available prevention programs and services. This strategy is distinguished from program strategy 1 in that it is primarily characterized by one-way communication from the source to the audience, with limited contact between the two. Examples of information dissemination activities include: information services, public service announcements, health fairs or health programs and assembly programs or speakers.

Data Collection and Reporting

Data Collection

Pursuant to *NCLB* §4114(c), LEAs must assess and publicly report progress toward attaining their performance measures for Title IV, Part A funds under the *NCLB* consolidated formula subgrant. Per *NCLB* §4122, 4113(a)(6), and 4112(c)(3), each LEA receiving Title IV, Part A funds is required to submit to the NJDOE the information

at state required intervals, including the following information on LEA programs:

- The types of curricula, programs, and services provided;
- Implementation and outcomes of programs under *NCLB* §4115(b) and an assessment of their effectiveness;
- Effectiveness of parent involvement and training programs;
- The degree to which the levels of illegal ATOD use, and school violence and the illegal presence of weapons at schools have been reduced;
- The frequency, seriousness, and incidence, by school building, of violence and alcohol and other drug-related offenses resulting in suspensions and expulsions by school building;
- The age of onset, perception of health risk, and social disapproval of ATOD use and violence;
- Truancy rates by school; and
- Compliance with the Principles of Effectiveness described in *NCLB* §4115(a), which includes a requirement for funded programs to be based on an assessment of objective data regarding the incidence of violence and illegal ATOD use; an objective analysis of the current conditions and consequences regarding violence and illegal ATOD use, delinquency and serious discipline problems among students who attend the LEAs' schools; and nonpublic school students who participate in the ATOD and violence prevention program that is based on ongoing local assessment or evaluation activities.

LEAs must collect the data, at a minimum, using incident reports by school officials, anonymous student surveys and anonymous teacher surveys.

State Title IV, Part A Performance Report

Pursuant to the statutory requirement described above, LEAs are responsible for providing annual Title IV, Part A performance information to the NJDOE. The forms and system for completing and submitting the required information are accessed through an Internet-based reporting system. The Internet-based data collection format is titled *Title IV, Part A Performance Report*.

Information was provided to all chief school administrators (CSAs) in April 2002, apprising them of the Internet-based reporting system. Instructions were included with the correspondence for either establishing user accounts for individuals who do not yet have an existing account or for adding authorization for the new Title IV, Part A system

to an existing user account. In order to prepare for data entry over the Internet, CSAs were advised to have the designated Title IV, Part A account user(s) complete the *Title IV, Part A Annual Report Worksheet* that was included with the correspondence.

State Gun-Free Schools Report

Because LEAs are required to use the Internet-based Electronic Violence and Vandalism Reporting System (EVVRS), pursuant to *N.J.S.A.* 18A:17-46 and *N.J.A.C.* 16-5.3, *Incident Reporting of Violence, Vandalism, and Substance Abuse,* they are not required to submit a Gun-Free Schools Report. Use of the EVVRS will constitute compliance with the federal *Gun-Free Schools Act (GFSA)*, pursuant to section 4141, as well as the requirement to report all removals from schools imposed under *N.J.S.A.* 18A:37-7 through 12, the *Zero Tolerance for Guns Act*, and *N.J.A.C.* 6A:16-5.5, *Removal of Students for Firearms Offenses.*

Uniform Management Information and Reporting System

The following information must be reported to the NJDOE – [*NCLB* §4112(c) (3) (D)]:

- Truancy rates on a school-by-school basis;
- Frequency, seriousness, and incidence of violence and alcohol and other drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools on a school-by-school basis;
- Types of curricula, programs, and services provided by the chief executive officer, the SEA, LEA, and other recipients of funds under this subpart; and
- Incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

Definition of Terms

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.

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) The prevention, early intervention, rehabilitation referral, and education related to the illegal use of drugs. (2) The promotion of school safety, so 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.

Principles of Effectiveness: The criteria with which Title IV, Part A activities must comply, at a minimum. Included areas are: assessment of objective data, performance measures, evidence of program effectiveness, analysis of data, and meaningful parent involvement. For details, see Title IV, Part A "Program Elements" in Appendix D.

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.

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 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 II of this manual for more detail).

Resources for Further Information

Safety & Security Manual: Best Practice Guidelines, New Jersey Department of Education. Guidance for establishing plans, procedures and mechanisms for responding to emergencies and crises, in accordance with *N.J.A.C.* 6A:16-5.1 *Special Note: This manual is password protected and only available to school administrators, key school security personnel and appropriate emergency responders. A username and password are required to view the manual. Requests to access the manual can be made by contacting the NJDOE's School Security Unit in the Office of Educational Support Services at 609-292-5935 or schoolsecurity@doe.state.nj.us*.

Blueprints for Violence Prevention Program at:
http://www.colorado.edu/cspv/blueprints/matrix.html.

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://www.nrepp.samhsa.gov/find.asp.

Prevention Pathways. Center for Substance Abuse Prevention at: http://www.preventionpathways.samhsa.gov/.

Prevention Platform. Center for Substance Abuse Prevention at: http://prevention.samhsa.gov/.
Rutgers Safe and Drug-Free Schools and Communities (SDFSC) Project at: http://sdfsc.rutgers.edu/page/program.

Creating Safe and Drug-Free Schools: An Action Guide. 1997. United States Department of Education at: http://www.ed.gov/offices/OSDFS/actguid/index.html.

Substance Abuse and Mental Health Services Administration's National Registry of Evidence-based Programs and Practices at: http://www.nrepp.samhsa.gov/.

Guide to Science-Based Practices. National Clearinghouse for Alcohol and Other Drug Information, The Center for Substance Abuse Prevention, P.O. Box 2345, Rockville, MD 20847-2345.

Here's Proof Prevention Works Kit. National Clearinghouse for Alcohol and other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Keeping Score: What We Are Getting for Our Federal Drug Control Dollars? Drug Strategies, 2445 M Street, NW, Suite 480, Washington, DC 20037.

Making the Grade: A Guide to School Drug Prevention Programs: 1995. Drug Strategies, 2445 M Street, NW, Suite 480, Washington, DC 20037, at: http://www.drugstrategies.com.

New Jersey Comprehensive Health Education and Physical Education Curriculum Framework. New Jersey State Department of Education, Office of Management Services, CN 500, Trenton, NJ 08625-0500, at: http://www.state.nj.us/education/aps/cccs/chpe/.

The National Cross-Site Evaluation of High-Risk Youth Programs. National Clearinghouse for Alcohol and other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Other Government Web Sites

Safe and Drug-Free Schools Program, United States Department of Education at: http://www.ed.gov/about/offices/list/osdfs/index.html.

Centers for Disease Control and Prevention at: http://www.cdc.gov.

United States Department of Health and Human Services Healthfinder at: http://www.healthfinder.gov.

National Institutes of Health at: http://www.nih.gov.

National Institute on Drug Abuse at: http://www.nida.nih.gov.

National Institute on Alcohol Abuse and Alcoholism at: http://www.niaaa.nih.gov.

Office of National Drug Control Policy at: http://www.whitehousedrugpolicy.gov.

Other Web Sites

National Academies of Sciences, Engineering and Medicine at: http://www.nas.edu.

Collaborative for Academic, Social and Emotional Learning at: http://www.casel.org.

Home
Top of Section

Section XII

Title V, Part A

(Click link to return to table of contents)

Please Note – Title V Part A is not funded in FY 2010.

- **Title V Part A funds may not be carried over from FY 2009 for this title. If the LEA has unexpended FY 2009 Title V Part A funds, these funds must be returned to the NJDOE.**
- Recent guidance from the U. S. Department of Education (USDE) has indicated that LEAs **may not exercise the transferability authority** under Section 6123(b) of *NCLB*. Consequently, FY 2010 funds received from Title II Part A, Title II Part D, and Title IV **may not be transferred into Title V Part A**.

Key Elements

- Use of funds expanded to twenty-seven (27) broad categories including teacher quality, professional development, class-size reduction, technology and educational materials, educational reform and school improvement, special needs, parental options, literacy, early childhood and adult education, community services and involvement, and health services. Further information on these twenty-seven (27) allowable areas can be found at http://www.ed.gov/policy/elsec/leg/esea02/pg60.html#sec5131;
- Needs assessment and evaluation required to make decisions about activities for subsequent year;
- Annual evaluation report; and
- Programs/activities must be grounded in scientifically based research.

Data Collection

LEAs must annually report participation information pertaining to services provided to public and nonpublic school students and teachers and the planned allocation of funds for each of the twenty-seven (27) innovative assistance areas. The report must describe how the programs affected student achievement, and LEAs must use this data to evaluate the value of the programs for the following year.

The data obtained from LEAs are reported to the USDE and to the members of Congress via a "National Compendium of State and Local Activities." These data detail the use of Title V funds across the nation. Details for the FY 2006 data collection are being determined. LEAs will be provided with the data collection requirements upon finalization.

Distribution of Funds

Title V Part A is not funded in FY 2010

Allowable Costs

Title V has a broad range of allowable costs per *NCLB* §5131. The list of twenty-seven (27) local uses of funds is provided in Appendix D.

Unallowable Costs

The LEA may not use Title V, Part A funds to contract with a for-profit agency, organization, or institution to operate programs or conduct programmatic activities. However, this does not preclude the LEA from contracting with an individual or a for-profit corporation or other organization to purchase specific goods or services (e.g., equipment and materials, computer hardware and software, audit services, evaluation services, professional development services) to assist in carrying out a program.

Nonpublic Schools

Equitable participation provisions of Title V, Part A require the LEA to spend equal per-pupil amounts for services to public and nonpublic school students. The funds must benefit the specific needs of nonpublic school students, not the nonpublic school or general needs of students enrolled in the nonpublic schools.

The services, materials, and equipment that the LEA provides for nonpublic school students must be secular, neutral, and non-ideological. The LEA should obtain from the appropriate nonpublic school official a written assurance to this effect. The LEA should ensure that nonpublic school personnel will be informed as to these limitations and that they will be used to supplement, not supplant. The title to any equipment and materials purchased with Title V, Part A funds must remain in a public agency and not be transferred to a nonpublic school. The materials and equipment should be clearly marked as property of the LEA and the LEA should maintain an up-to-date inventory. Periodic monitoring by the LEA is also suggested and any violations on use of materials and equipment should be immediately corrected.

Services may be provided either directly or through a contractor, which may be a person, association, agency, or corporation, but independent of the nonpublic school or any religious organization. The LEA must supervise and have ultimate control over any contractor hired.

LEAs may not use funds for class-size reduction purposes in a nonpublic school; however, they may use funds to provide professional development for nonpublic school teachers.

According to *NCLB* §5142(a) (2), if the LEA refuses to participate, the nonpublic school should notify the NJDOE that it wishes to participate. The NJDOE will make arrangements for the provision of services and materials, through contracts with nonprofit agencies or organizations, to the same extent as would have occurred if the LEA had participated.

Public Control of Funds and Property

LEAs may *not* turn funds over to the nonpublic schools 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 [*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.

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 non-ideological [*NCLB* §9501].
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].

Program Plan Development

The purpose of Title V, Part A is to support statewide education reform efforts through the provision of funds to LEAs to be used to develop, maintain, and implement local reform initiatives. Plans for innovative programs can target several identified areas to help LEAs emphasize skill development where it is needed and the LEA's needs assessment will determine where the need is the greatest. Title V is a flexible program that is ideal to coordinate and cross-reference to other covered programs. The twenty-seven (27) allowable uses of funds are broad and overarching. Activities should be tied to promoting the CCCS, directed to allowable uses that improve student academic achievement or improve the quality of education for students, and be part of an overall education reform strategy. Title V programs must be evaluated annually and the results are to be used to make decisions about appropriate changes in the program for the subsequent year.

Home
Top of Section

Section XIII

Title VI, Part B

(Click link to return to table of contents)

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.

Home
Top of Section

Section XIV

Title IX

(Click link to return to table of contents)

General Provisions

Title IX includes many provisions that apply to some/all of the *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 – *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* 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 *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.

Home

Section XV
Appendices

(click link to return to table of contents)

Go to Section

- **A. Stevens Amendment** **208**
- **B. Definitions of Terms** **208**
- **C. Implementation Timeline** **220**
- **D. Program Requirements and Authorized Activities** **221**
  - Title I – Improving the Academic Achievement of the Disadvantaged **221**
  - Title I, Part A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part A Grant) **221**
  - Title I, Part A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part G Grant) **225**
  - Title I, Part D – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk **226**
  - Title II – Preparing, Training, and Recruiting High Quality Teachers and Principals **227**
    - Title II, Part A – Teacher and Principal Training and Recruiting **227**
  - Title II, Part D – Enhancing Education Through Technology **230**
  - Title III – Language Instruction for Limited English Proficient and Immigrant Students **233**
    - Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement **233**
  - Title IV– 21st Century Schools **236**
    - Title IV, Part A – Safe and Drug-Free Schools and Communities Act (SDFSCA) **236**
  - Title V– Promoting Informed Parental Choice & Innovative Programs **242**
    - Title V, Part A – Innovative Programs **242**
  - Title VI – Flexibility and Accountability **246**
    - Title VI, Part B – Rural and Low-Income School Program **246**
- **E. Nonpublic Schools** **247**
- **F. Title I Sample Letter to Parents** **259**
- **G. Richard B. Russell National School Lunch Act** **266**
- **H. Title I Part D, Subpart 2 Requirements for Facilities** **270**
- **I. USDE Policy Letters on Supplement, Not Supplant** **271**
- **J. The Title I Audit** **272**
- **K. Resources for Further Information** **273**
- **L. *NCLB* Complaint Policy and Procedures** **279**

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.

Adequate Yearly Progress (AYP): A series of performance goals that every school, school district, and the state as a whole must achieve within time frames specified by law in order to meet the 100% proficiency goal of the federal *No Child Left Behind Act*. AYP applies to all public schools, including Title I and non-Title I schools. Non-Title I schools must meet AYP for *No Child Left Behind*, but they are not subject to the rewards and sanctions under Title I.

To meet AYP, each school and district must meet the following criteria:

- ***95% Participation***: Students as a whole and each student subgroup with at least forty (40) students must have a participation rate of ninety-five percent (95%) or above on state assessments;
- ***Meet or Exceed Proficiency****:* Students as a whole and each student subgroup with at least twenty (20) students (thirty-five for special education) must meet the State's measurable AYP goals regarding the percentage of students scoring proficient or better on the state assessments; and
- ***Secondary Measure***: Each school, school district, and the state as a whole must show progress on an additional measure (graduation/dropout rate for high school and attendance rate for elementary and middle schools). To make safe harbor for any student subgroup, the secondary measure must also be met.

Amendment: A change made to the budget or scope of an approved application for which the LEA has received a Notification of Grant Award.

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.

Carry-Over: *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).

Capital Expenses: Costs for noninstructional goods and services incurred by LEAs in the delivery of Title I services *only* to eligible nonpublic school students as a result of the continuation of compliance with the requirements of the U.S. Supreme Court *Aguilar v. Felton* decision as overruled in *Agostini v. Felton*. The expenditure categories include: 1) the purchase, lease, or renovation of real and personal property including mobile educational units and leasing neutral sites or spaces; 2) insurance and maintenance costs; 3) transportation; and 4) other comparable goods and services, including noninstructional computer technicians.

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 of the formula programs authorized by *NCLB* and covered in the *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 2010: Refers to the 2009-2010 school year.

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 <u>charter school teacher</u>, 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 <u>elementary</u> 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 <u>middle or secondary</u> 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 *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."

Intradistrict School Choice: Children are eligible for school choice when the Title I school they attend has not made adequate yearly progress in improving student achievement, as defined by the state, for two (2) consecutive years or longer and is identified as needing improvement. Any child attending such a school must be offered the option of transferring to a public school in the same district including a charter school that is not identified for improvement or persistently dangerous.

LEA Consolidated Formula Subgrant Application: A Consolidated Application submitted by one LEA pursuant to *NCLB* §9305 for more than one federal program that demonstrates cross-program coordination, planning, and service delivery and integration of *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.

Nonsupplant Assurance: An assurance that financial resources provided under the Ed Tech program will supplement, and not supplant, state and local funds.

Nonsupplanting: The use of funds provided under *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 *NCLB*, a ***new*** paraprofessional shall meet one of the following qualifications:

- Completed at least two (2) years of study 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 *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 *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.

Principles of Effectiveness: The criteria with which Title IV, Part A activities must comply, at a minimum, include: Assessment of Objective Data, Performance Measures, Evidence of Program Effectiveness, Analysis of Data, and Meaningful Parent Involvement. For details, see Title IV, Part A "Program Elements" in Appendix D.

Nonpublic Schools: 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.

Project Period: The time period during which programs may be conducted and obligations may be authorized. The project period for the FY 2010 *NCLB* Consolidated Formula Subgrant is September 1, 2009, to August 31, 2010.

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

- o 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. (Training must be centered on using technology as part of teaching and learning in the core academic subject areas under Title II, Part D).

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.

Public School Choice: An option for parents with children attending schools designated as in need of improvement (see Section V in this manual under "Title I Schools in Need of Improvement").

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 a Notification of Grant Award.

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 (see Section VI in this manual for more information).

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 Accountability System: The state has a single accountability system for all public schools, districts and charter schools. The State Accountability System requires AYP decisions for all public schools.

Single Attendance Area: A school district with either one school, less than 1,000 students, or has only one school per grade span.

Strategic Plan for Systemic Improvement of Education in New Jersey: A document adopted by the State Board of Education on June 7, 1995, and revised in November 1999 and January 2003. It identifies goals and strategies for improving student achievement in New Jersey's schools. It describes a framework for defining and measuring the results sought and proposes major changes in state education policy designed to better enable educators to help students reach achievement goals.

Supplemental Educational Services: Additional academic instruction designed to increase the academic achievement of eligible students in Title I schools that have not

met state targets for increasing student achievement (adequate yearly progress) for three (3) or more years. These services may include tutoring and after-school services. They may be offered through public or nonpublic sector providers that are approved by the state, such as public schools, charter schools, educational service agencies and faith-based organizations. Nonpublic-sector providers may be either nonprofit or for-profit entities. States must maintain a list of approved providers across the state from which parents may select.

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.

Return to top of Section
Appendices Home
Home

C. Implementation Timeline

Following is the implementation timeline. Activities continue once implemented.

FY 2003 – School districts must prepare annual reports for parents and the public on the academic achievement of schools in the aggregate in the school district and by school.

FY 2003 – State assessment results are reported to the public.

FY 2003 – Intradistrict school choice required for Title I schools designated as in need of improvement.

FY 2003 – Newly hired Title I funded paraprofessionals must comply with quality requirements.

FY 2004 – Supplemental educational services and required expenditures for Title I schools designated as in need of improvement.

FY 2005 – Schools in need of improvement are identified for corrective action.

FY 2005 – LEAs are identified for improvement.

FY 2006 – All teachers and Title I paraprofessionals are highly qualified by end of school year.

FY 2006 – States will have developed and implemented annual assessments for grades 3 through 8 for reading and math.

FY 2006 – States have developed science standards.

FY 2008 – States implement science assessments in 3 grades—one in each grade span.

FY 2014 – All students will reach proficiency in reading/language arts and mathematics.

Return to top of Section
Appendices Home
Home

D. 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

Higher Standards: The program goal is to achieve 100 percent (100%) proficiency on state assessments. This means all students and student subgroups, including racial/ethnic, minorities, those with disabilities and limited English proficiency, must attain proficiency on state assessments.

Adequate Yearly Progress: The State will review the rate of adequate yearly progress (AYP) for schools and districts toward meeting the new federal goal of 100 percent (100%) proficiency by the year 2014. This review will include both the school and the district as a whole, as well as each subgroup of students for whom test results are disaggregated.

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 Unified Plan 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.

Gradually Increased Accountability Requirements: In addition to requiring schools in need of improvement to amend their Title I plans and set aside funds for professional development, *NCLB* requires those schools to offer intradistrict school choice to the

children enrolled in the schools. Furthermore, transportation services needed to facilitate intradistrict choice must be provided.

Each year after a school has been identified for improvement there are graduated accountability provisions that apply under the law. Schools in improvement status one year (Year 2) must offer intradistrict choice (or SES if choice is unavailable); those identified for two (2) consecutive years must offer choice and supplemental educational services; those identified for a third year are subject to corrective action and school review by a school support team (CAPA); those identified for four consecutive years must plan for school restructuring; and those that remain in improvement status yet another year or more must implement the restructuring plan including alternative governance.

Districts that do not make AYP in all grade spans for two (2) consecutive years are designated as districts in need of improvement.

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;
- Acquisition of books and school library resources;

- Employment of special instructional personnel, school counselors, and other pupil services personnel;
- 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;
- Construction, if necessary, of school facilities. The LEA must demonstrate that the proposed construction is essential to the success of the Title I project, that it has made every effort to consider other funds to pay for the construction, and that there is no alternative space that meets the needs of the project;
- 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 A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part A Grant)

A. Program Elements

Scientifically Based Research: Incorporate scientifically based strategies that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement.

Student Proficiency: Adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students as identified in *NCLB* §1111(b) (2) (C) (v) enrolled in the school will meet the state's proficient level of achievement on the state academic assessment, not later than twelve (12) years after the end of fiscal year 2002.

Professional Development: Provide professional development using at least ten percent (10%) of the funds made available to the school under *NCLB* §1113 for each fiscal year that the school is in school improvement status.

Budget Allocation: Specify how funds will be used to remove the school from school improvement status.

Measurable Objectives: Establish specific annual, measurable objectives for continuous and substantial progress by each group of students specified in *NCLB* §1111(b)(2)(C)(v) to ensure they will meet the state's proficient level of achievement on the state academic assessment not later than twelve (12) years after the end of fiscal year 2002.

Parental Notification: Describe how parents of children enrolled in a school identified as in need of improvement will be notified of this improvement status.

B. Authorized Activities

- Professional development activities for teachers, principal, paraprofessionals, and other support staff of high quality that address the academic achievement area that caused the school to be identified for school improvement;
- Activities based on scientific research that address and enrich the core academic areas and ensure students achieve the state's proficiency level;
- Establishment of a mentoring program for teachers;
- Activities provided before school, after school, during the summer, weekends and during any extension of the school year;
- Parental involvement initiatives and notification; and
- Technical assistance to analyze data from the assessments; identify and address solutions; implement professional development, instructional strategies, and scientifically based methods of instruction; and revise the school's budget and allocate resources more effectively.

Title I, Part A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part A Grant)

A. Program Elements

The School Improvement Fund, Part A (SIA Part A) authorizes funds to help the lowest-achieving schools meet the progress goals in their Title I Unified Plan and achieve adequate yearly progress. The funds are allocated to schools in need of improvement to help low-performing students achieve academic proficiency and complement the use of these schools' Title I Part A funds.

These funds can be used to expand the programs and services being funded by Title I Part A or can help the school address additional priority problems the school identified in its needs assessment.

Recipients of SIA, Part A funds must complete information in the screens under the SIA, Part A tab in addition to completing the SIA, Part A section of the Title I Unified Plan in the original, FY 2010 *NCLB* application. If the original, FY 2010 *NCLB* application has

final NJDOE approval, the LEA files an amendment to complete the screens under the SIA, Part A tab, as well as to complete the SIA, Part A section of the Title I Unified Plan. This revised Title I Unified Plan must be uploaded as an attachment to the *NCLB* Amendment through the EWEG system along with Excel budget sheets.

Title I, Part A – Improving Basic Programs for Schools in Need of Improvement (SIA, Part G Grant)

A. Program Elements

School Improvement Funds Part G are awarded to schools in the highest years of improvement status (Year 6, Year 7, and above) to leverage change and improve technical assistance under sections 1116 and 1117 of Title I, Part A. Activities must be targeted towards measurable outcomes. Expected results from the use of these funds include improving student proficiency, increasing the number of schools that make adequate yearly progress, and using data to inform decisions and create a system of continuous feedback and improvement.

Measurable Outcomes: Measurable outcomes include the following:

1. The number and percentage of students who score proficient in reading/language arts and mathematics, as measured by the SEA's assessments given annually in grades 3-8 and once in high schools, increase in LEAs and schools receiving School Improvement Funds.
2. LEAs and schools receiving School Improvement Funds make adequate yearly progress and move out of improvement status.
3. LEAs and schools receiving School Improvement Funds make decisions regarding the use of these funds based on data and create systems of continuous feedback and improvement.

School Improvement Strategies: A recipient of SIA, Part G funds must implement one or more of the following strategies it determines will be the most effective, based on data that reflect their individual circumstances, in building LEA and school capacity to improve student achievement and move schools out of improvement:

1. Provide customized technical assistance and/or professional development that is designed to build the capacity of LEA and school staff to improve schools and is informed by student achievement and other outcome-related measures.
2. Utilize research-based strategies or practices to change instructional practice to address the academic achievement problems that caused the school to be identified for improvement, corrective action, or restructuring.
3. Create partnerships among the SEA, LEAs and other entities for the purpose of delivering technical assistance, professional development, and management advice.
4. Provide professional development to enhance the capacity of school support team members and other technical assistance providers who are part of the statewide system of support and that is informed by student achievement and other outcome-related measures.

5. Implement other strategies determined by the SEA or LEA, as appropriate, for which data indicate the strategy is likely to result in improved teaching and learning in schools identified for improvement, corrective action, or restructuring.

LEAs must monitor the success of the implementation of these strategies.

B. Authorized Activities

Activities must support the school improvement strategies listed above and supplement the programs and activities in the school's needs assessment and Title I Unified Plan. Activities must be compliant with those allowable under Title I, Part A and SIA, Part A.

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 youths 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.

Return to top of Section
Appendices Home
Home

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 new *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 are coordinated with activities carried out under Title II, Part D, Enhancing Education Through Technology; 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.

Title II, Part D – Enhancing Education Through Technology

A. Program Elements

Student Achievement: Improve student academic achievement through the use of technology in elementary and secondary schools as the primary program goal.

Computer Literacy: Address the digital divide to ensure that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

Professional Development: Use not less than twenty-five percent (25%) of funds to provide ongoing, sustained, and intensive, high-quality professional development to all teachers for the effective integration of technology resources and systems with teacher training and curriculum development. Constant access to training and updated research in teaching and learning through electronic means is provided to teachers, principals, and administrators. Professional development will foster the establishment of research-based instructional methods that can be widely implemented as best practices by SEAs and LEAs. **Please note:** *the full twenty-five percent (25%) professional development amount cannot be budgeted solely on a supply and material line.*

Partnerships: Establish or expand initiatives, including initiatives involving public-nonpublic partnerships, designed to increase access to technology, particularly in schools served by high-need LEAs.

Infrastructure: Support states and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

Alignment with State Standards: Align all initiatives with the state's CCCS. Both the competitive grant funds and formula-driven funds will be facilitated with the focus on meeting all requirements of this grant, including improving academic achievement of students in Language Arts Literacy as the focus for one of the competitive grant programs.

Networks: Support of the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

Evaluation: Provide rigorous evaluation of programs, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

Parent Participation: Use technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

B. Authorized Activities

The types of activities that are required by this funding source affects all aspects of student achievement including: a) professional development for classroom teachers, school principals, library media personnel and other administrators; b) alignment to the CCCS; c) parent participation; d) adult literacy; and e) Internet safety compliance.

Types of Authorized Activities:

- Provide professional development for the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology for the following:
    - Access data and resources to develop curricula and instructional materials;
    - Enable teachers to use the Internet and other technology to communicate with students, parents, other teachers, principals, and administrators; and to retrieve Internet-based learning resources;
    - Lead to improvements in classroom instruction in the core academic subjects that effectively prepare students to meet challenging state academic content standards, including increasing student technology literacy and student academic achievement standards; and
    - Design activities to ensure that all students and teachers in schools served by the LEA have increased access to educational technology, including how the LEA would use funds (such as combining the funds with funds from other sources), to help ensure the following:
        - Students in high-poverty and high-needs schools or one or more elementary or secondary school that fails for two consecutive years to make adequate yearly progress, have access to technology; and
        - Teachers are prepared to integrate technology effectively into curricula and instruction;
- Promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by the CCCS;
- Provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the LEA to further the effective use of technology in the classroom or library media center;
- Encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources;
- Collaborate with adult literacy service providers to maximize the use of technology;

- Develop accountability measures that the applicant will use to evaluate the extent to which grant-funded activities are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet the New Jersey CCCS; and
- Acquire supporting resources, such as services, computers (desktop and laptop), software, other electronically delivered learning materials, and print resources, to ensure the successful and effective use of technology.

Return to top of Section
Appendices Home
Home

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 *NCLB* application must describe how they will do the following:

- Develop and implement programs and activities;
- Use the funds to meet all the annual measurable objectives;
- Hold elementary schools and secondary schools accountable for meeting annual achievement objectives; annually measure the English language proficiency LEP students; and make annual yearly progress of LEP students;
- 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.

Evaluation Requirements: Subgrantees must provide the NJDOE an evaluation at the end of every fiscal year that includes the following information about the children targeted by these Title III programs:

- Description of the programs and activities funded through the subgrant;
- Progress made by children in learning the English language and meeting state academic standards;
- Number and percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and
- Description of the progress made by children in meeting state academic standards for each of two (2) years after such children are no longer receiving services under the subgrant.

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 IV– 21st Century Schools

Title IV, Part A – *Safe and Drug-Free Schools and Communities Act* (*SDFSCA*)

A. Program Elements

Pursuant to *NCLB* §4115(b), *SDFSCA* funds must be used to develop, implement, and evaluate comprehensive programs, services, and activities that are coordinated with other school- and community-based services and programs, and shall:

- Foster a safe, alcohol, tobacco and other drug (ATOD)-free learning environment that supports academic achievement;
- Be consistent with the principles of effectiveness [*NCLB* §4115(a) and 20 U.S.C. 7101 *et seq.*]; and
- Be designed to be consistent with the purposes for ATOD programs set forth in *N.J.A.C.* 6A:16-3 and to do the following:
    - Prevent or reduce violence; the use, possession, and distribution of illegal drugs; and delinquency;
    - Create a well-disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of ATOD use and violence and to provide behavioral interventions as part of classroom management efforts;
    - Promote the involvement of parents in activities or programs;
    - Promote coordination with community groups and coalitions, and government agencies; and
    - Distribute information about the LEA's needs, goals, and *SDFSCA*-funded programs.

The following information provides more detail about the requirements of *SDFSCA* and the program elements:

School Plan: Requires LEAs that receive *SDFSCA* funds to have a plan for keeping schools safe and drug-free that includes appropriate and effective discipline policies, security procedures, prevention activities, a code of student conduct, and a crisis management plan for responding to violent or traumatic incidents on school grounds.

Administrative Cap: Institutes a cap of two percent (2%) on the amount of *SDFSCA* formula funds that a LEA may use to administer the program.

School Security Cap: Imposes a cap of twenty percent (20%) on the amount of *SDFSCA* funds LEAs may spend in total on specified school security-related activities; however, this amount plus an additional twenty percent (20%) may be used for the hiring and training of school security personnel who interact with students in support of youth ATOD and violence prevention activities implemented in schools [*NCLB* §4115(c)

(1)]. The use of *SDFSCA* funds is prohibited for these purposes, if funding is received for them from other federal sources.

Principles of Effectiveness: Pursuant to *NCLB* §4115(a) and 20 U.S.C. 7101 *et seq.*, all *SDFSCA*-funded activities must comply with the principles of effectiveness described below. Funded programs, services, and activities must, at a minimum, fulfill the following principles of effectiveness:

- **Assessment of Objective Data:** Be based on an assessment of objective data regarding the incidence of violence and illegal ATOD use in the schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal ATOD use that includes delinquency and serious discipline problems among students (including nonpublic school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities.

- **Performance Measures:** Be based on an established set of performance measures aimed at ensuring that the elementary and secondary schools and communities to be served by the program have a safe, orderly, and ATOD-free learning environment.

- **Evidence of Program Effectiveness:** Be scientifically based, providing evidence that the program to be used will reduce violence and illegal ATOD use.

- **Analysis of Data:** Be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in the LEA's schools and communities that have been identified or supported through scientifically based research.

- **Meaningful Parent Involvement:** Include meaningful and ongoing consultation with and input from parents in the development of the application and the administration of the funded programs or activities.

- **Uniform Management Information and Reporting System:** Establishes a new Uniform Management Information and Reporting System under which the NJDOE will collect data from LEAs and provide information to the public on school truancy rates and on the frequency, seriousness, and incidence of violence and ATOD-related offenses resulting in suspensions and expulsions by school. The NJDOE also is required to report to the public on the types of curricula, programs, and services provided by participating districts, and on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of ATOD use and violence by students attending schools in the LEA.

Supplement, Not Supplant: Requires funds under this subpart to be used to increase the level of state, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case permits supplanting of such state, local, and other non-Federal funds.

Maintenance of Effort: The maintenance of effort (MOE) requirement applies also to Title IV, Part A.

B. Authorized Activities

Pursuant to *NCLB*, §4115, activities authorized under *SDFSCA* include, but are not limited to, those described below. In all cases, funded programs must comply with the principles of effectiveness [§4115(a) and 20 U.S.C. 7101 *et seq.*].

Age-Appropriate and Developmentally Based Activities: Activities designed to do the following:

- Address the consequences of violence and the illegal use of ATOD, as appropriate;
- Promote a sense of individual responsibility;
- Teach students that most people do not illegally use ATOD;
- Teach students to recognize social and peer pressure to use ATOD illegally and the skills for resisting illegal ATOD use;
- Teach students about the dangers of emerging ATOD;
- Engage students in the learning process; and
- Incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

Family and Community Activities: Activities that involve families, community sectors (which may include appropriately trained senior citizens), and a variety of ATOD and violence prevention providers in setting clear expectations against violence and illegal use of ATOD and appropriate consequences for violence and illegal use of ATOD.

Information Dissemination: Dissemination of ATOD and violence prevention information to schools and the community.

Professional Development and Training: Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to ATOD and violence prevention.

ATOD and Violence Prevention Activities: Activities that include the following:

- *Planning and Organizing* – Community-wide planning and organizing activities to reduce violence and illegal ATOD use, which may include gang activity prevention;

- *Security Equipment** – Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies;
- *Reporting Offenses** – Reporting criminal offenses committed on school property;
- *Security Plans or Assistance** – Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico;
- *Safe Zones of Passage** – Supporting safe zones of passage activities that ensure students travel safely to and from school, which may include bicycle and pedestrian safety programs;
- *School Security Personnel* – The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth ATOD and violence prevention activities under Title IV, Part A that are implemented in the school;
- *Mental Health Services* – Expanded and improved school-based mental health services related to illegal ATOD use and violence, including early identification of violence and illegal ATOD use, assessment, and direct group counseling services provided to students, parents, families, and school personnel by qualified mental health service providers;
- *Conflict Resolution Programs* – Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities;
- *Alternative Education Programs* – Alternative education programs or services for violent or alcohol or other drug-abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the CCCS and to reenter the regular education setting;
- *Student Assistance Practices* – Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health service providers and the training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of ATOD. Programs that encourage students to seek advice from, and confide in, a trusted adult regarding concerns about violence and illegal ATOD:
- *Truancy* – Activities designed to reduce truancy;
- *Victimization* – Age-appropriate, developmentally based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;
- *Drug Testing and Locker Searches* – Consistent with the Fourth Amendment of the Constitution of the United States, the testing of a student for illegal alcohol or other drug use, for example, pursuant to *N.J.S.A.* 18A:40A-22 et seq. and,

N.J.A.C. 6A:16-4.4, as appropriate, or the inspection of a student's locker for weapons or illegal alcohol or other drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to so test or inspect. (This does not include, however, alcohol or other drug tests conducted as part of the required medical examination of students suspected of being under the influence of alcoholic beverages or other drugs on school property or at school functions, pursuant to *N.J.S.A.* 18A-40A-12 and *N.J.A.C.* 6A:16-4.3);

- *Crisis Intervention* – Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or an alcohol or other drug-related incident that have disrupted the learning environment;
- *Transferring Student Records* – Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the *General Education Provisions Act* (20 U.S.C. 1232g), and *N.J.A.C.* 6A:16-7.10, by the LEA to any public or nonpublic elementary or secondary school;
- *Character Education Programs* – Developing and implementing character education programs, as a component of ATOD and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in Title V, Part D, subpart 3;
- *Safety Hotline* – Establishing and maintaining a school safety hotline;
- *Community Service and Service Learning* – Community service, including community service performed by expelled students, and service learning projects;
- *Background Checks* – Conducting a nationwide background check of each LEA employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness to: a) be responsible for the safety and well-being of children; b) serve in the particular capacity in which the employee or prospective employee is or will be employed; or c) otherwise be employed by the LEA;
- *Suicide Programs* – Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide; and
- *Domestic Violence or Child Abuse Programs* – Programs that respond to the needs of students who are faced with domestic violence or child abuse.

* The cap on funds for these security-related expenses is at twenty percent (20%) in total; however, this amount and an additional twenty percent (20%) may be used to hire and train school security personnel, per the description above. Funds may be used for the following activities only to the extent that funding for activities is not received from other federal agencies: (a) acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies; (b) reporting criminal offenses committed on school property; (c) developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans; (d) supporting safe zones of passage activities that ensure that students travel safely to and from school, including bicycle and pedestrian safety programs; and

(e) hiring and mandatory training of school security personnel who interact with students in support of youth ATOD and violence prevention activities implemented in schools [*NCLB* §4115(c) (2)]. These activities are subject to the Principles of Effectiveness [*NCLB* §4115(a)].

Evaluation and Data Collection: The evaluation of any of the authorized activities and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

Return to top of Section
Appendices Home
Home

Title V– Promoting Informed Parental Choice and Innovative Programs

Title V, Part A – Innovative Programs

Please Note: Title V Part A is not funded for FY 2010.

- **Title V Part A funds may not be carried over from FY 2009 for this title. If the LEA has unexpended FY 2009 Title V Part A funds, these funds must be returned to the NJDOE.**
- Recent guidance from the U. S. Department of Education (USDE) has indicated that LEAs **may not exercise the transferability authority** under Section 6123(b) of *NCLB*. Consequently, FY 2010 funds received from Title II Part A, Title II Part D, and Title IV **may not be transferred into Title V Part A**.

A. Program Elements

- Supports local education reform efforts that are consistent with and that support statewide education reform efforts;
- Supports innovation and educational improvement, including programs to provide library services and instructional media materials;
- Supports education programs that meet the educational needs of all children, including at-risk youth; and
- Supports the development and implementation of education programs to improve school, student, and teacher performance, including professional development activities and class-size reduction programs.

Flexibility: Retains, with a few changes, the previous Title VI Innovative Education Program Strategies program that provides flexible funds to states and LEAs for innovative educational programs.

Uses of Funds: Allowable uses of funds by LEAs include: professional development and class-size reduction activities; charter schools; community service programs; consumer, economic, and personal finance education; public school choice; programs to hire and support school nurses; school-based mental health services; alternative education programs; pre-kindergarten programs; academic intervention programs; programs for CPR training in schools; small learning community programs; activities to advance student achievement; programs and activities that use best practice models; same-gender schools and classrooms; service-learning activities; school safety programs; programs that use research-based cognitive and perceptual development approaches and rely on a “diagnostic-prescriptive model” to improve students’ learning; Title I supplemental educational services; dropout prevention; parent and community involvement; support of magnet schools; gifted and talented education; and activities to advance student achievement.

Same-Gender Schools: Requires the use of specific award criteria and other guidelines, established by the USDE, for LEAs planning to use program funds to provide same-gender schools and classrooms (34CFR Part 106).

Reference the USDE Title V Guidance, Appendix A at
http://www.ed.gov/policy/elsec/leg/esea02/pg57.html.

B. Authorized Activities

Title V, Part A is subject to the general provisions of *NCLB* Title IX; the *General Education Provisions Act (GEPA)*, 20 U.S.C. 1221-1234i; and EDGAR 34 C.F.R. Parts 76, 77, 80, 81, 82, 85, 97, 98, and 99.

Innovative assistance programs must meet certain criteria:

- Be tied to promoting challenging academic achievement standards;
- Used to improve student academic achievement; and
- Be part of an overall education reform strategy.

Activities may include any of the following:

Education Reform and School Improvement

- Promising education reform projects, including magnet schools;
- School improvement programs or activities under *NCLB* §1116 and 1117;
- Programs to establish smaller learning communities;
- Activities that encourage and expand improvements throughout the area served by the LEA that are designed to advance student academic achievement;
- Programs and activities that expand learning opportunities through best-practice models designed to improve classroom learning and teaching;
- Programs that employ research-based, cognitive, and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels; and
- Supplemental educational services, as defined in *NCLB* §1116(e).

Teacher Quality, Professional Development, and Class-Size Reduction

- Programs to recruit, train, and hire highly qualified teachers to reduce class size, especially in the early grades; and
- Professional development activities carried out in accordance with Title II that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging state or local academic content standards and student academic achievement standards.

Parental Options

- The planning, design, and initial implementation of charter schools as described in *NCLB* §5131(a) (8);
- Activities to promote, implement, or expand public school choice;

- Programs to provide same-gender schools and classrooms (consistent with applicable law—see 34CFR Part 106); and
- School safety programs, including programs to implement the policy described in *NCLB* §9507 and may include payment of reasonable transportation costs and tuition costs for such students.

Technology and Educational Materials

- Technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to use technology effectively in the classrooms and the school library media centers involved; and
- Programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), academic assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic standards, that will be used to improve student academic achievement and that are part of an overall education reform program.

Students with Special Needs

- Programs to improve the academic achievement of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school;
- Programs to provide for the educational needs of gifted and talented children.
- Alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs; and
- Academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment, and counseling programs conducted during the school day (including during extended school day or extended school year programs) for students most at risk of not meeting challenging state academic achievement standards or not completing secondary school.

Literacy, Early Childhood Education, and Adult Education

- Programs to improve the literacy skills of adults, especially the parents of children served by the LEA, including adult education and family literacy programs;
- Activities to promote consumer, economic, and personal finance education, such as disseminating information on and encouraging use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing); and
- Programs to establish or enhance pre-kindergarten programs for children.

Community Service and Community Involvement

- Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage;
- Initiatives to generate, maintain, and strengthen parental and community involvement; and
- Service-learning activities.

Health Services

- Programs to hire and support school nurses;
- Expansion and improvement of school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel; and
- Programs for cardiopulmonary resuscitation (CPR) training in schools.

Return to top of Section
Appendices Home
Home

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

Return to top of Section
Appendices Home
Home

E. 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 *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 II, Part D: *Enhancing Education through Technology*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III, Part A: *Immigrant*
- Title IV, Part A: *Safe and Drug-Free Schools and Communities Act*

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

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 *No Child Left Behind Act of 2001* (*NCLB*) reauthorized federal legislation to continue to provide a variety of 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 private 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,

Principal of Nonpublic School

Enclosure

SAMPLE NONPUBLIC SCHOOL FAMILY SURVEY (Title I Only)

[**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.	

Address (required): _____

INCOME ELIGIBILITY GUIDELINES

(Effective from July 1, 2008 to June 30, 2009)

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	$10,400	$19,240	$1,604	$370	$13,520	$1,127	$260
2	$14,000	$25,900	$2,159	$499	$18,200	$1,517	$350
3	$17,600	$32,560	$2,714	$627	$22,880	$1,907	$440
4	$21,200	$39,220	$3,269	$755	$27,560	$2,297	$530
5	$24,800	$45,880	$3,824	$883	$32,240	$2,687	$620
6	$28,400	$52,540	$4,379	$1,011	$36,920	$3,077	$710
7	$32,000	$59,200	$4,934	$1,139	$41,600	$3,467	$800
8	$35,600	$65,860	$5,489	$1,267	$46,280	$3,857	$890
For each additional family member add	$3,600	$6,660	$555	$129	$4,680	$390	$90

Note: *For Title I, the same criteria must be used for both the public and nonpublic school students. If the public schools use the 10/15/08 ASSA data when completing the Title I Eligibility page for the FY 2010 NCLB application, these data should be used for the nonpublic schools. If the district uses more current data (as of July 1, 2009), the corresponding income eligibility guidelines (July 1, 2009 to June 30, 2010) can be found at http://www.fns.usda.gov/cnd/Governance/notices/iegs/IEGs08-09.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.

Note: *For Title I, the same criteria must be used for both the public and nonpublic school students. If the public schools use the 10/15/08 ASSA data when completing the Title I Eligibility page for the FY 2010 NCLB application, these data should be used for the nonpublic schools. If the district uses more current data (as of July 1, 2009), the corresponding income eligibility guidelines (July 1, 2009 to June 30, 2010) can be found at: http://www.fns.usda.gov/cnd/Governance/notices/iegs/IEGs08-09.pdf.*

Nonpublic School Forms required with submission of EWEG:

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*

FY 2010 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 2010 are at least the amount allocated for nonpublic schools in FY 2002.

According to *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 2009 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 district used for professional development. This is the Hold Harmless amount.

Step 2: Determine the amount of the FY 2009 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 2010 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 2010 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

FY 2010 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 2010 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 x 6.53% = $4,190
Nonpublic School B allocation: $64,163 x 3.14% = $2,015
Nonpublic School C allocation: $64,163 x 1.08% = $693

Public School County - LEA Code _ _ - _ _ _ _ - 10

NONPUBLIC SCHOOL PARTICIPATION REFUSAL

_____ School on _____ (date) hereby resolves not to participate in the programs checked below for Fiscal Year 2010:

___ Title I, Part A: Improving Basic Programs Operated by Local Education Agencies $ _____

___ Title II, Part A: Teacher and Principal Training and Recruiting $ _____

___ Title II, Part D: Enhancing Education Through Technology $ _____

___ Title III, Part A: English Language Acquisition and Language Enhancement $ _____

___ Title III, Part A: Supplemental Immigrant Student Aid $ _____

___ Title IV, Part A: *Safe and Drug-Free Schools and Communities Act* $ _____

It is understood that this refusal to participate in programs for Fiscal Year 2010 will not prevent the pupils and teachers from participating in any subsequent year.

_____ _____

Authorized School Administrator Signature Date

Public School County - LEA Code _ _ - _ _ _ _ - 10

AFFIRMATION OF CONSULTATION WITH NONPUBLIC SCHOOL OFFICIALS

Sections 1120(a) and 9501 of the *No Child Left Behind 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 <u>must</u> be discussed during the ongoing consultation process:

- How the needs of eligible nonpublic school children, teachers or other educational personnel will be identified by the LEA;
- What services will be offered to eligible nonpublic school children, their families, their teachers and other educational personnel;
- How, where and by whom the services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- The size and scope of the equitable services to be provided and the 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 children **(Title I only)**;
- If there are any carryover funds, consultation will occur regarding equitable participation of nonpublic school students from applicable carryover funds; 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 II – Part D
□ Title III – Part A
□ Title III - Immigrant
□ Title IV – Part A

We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible nonpublic school children, teachers or other educational personnel in the *NCLB* programs.

_____ _____
Name of LEA Name of Nonpublic School

_____ _____
LEA Official - Signature Date Nonpublic School Official – Signature Date

The LEA must maintain a copy of this form in its records and provide a copy to the NJDOE.

F: Title I Sample Letters to Parents

Title I – Parents' Right-to-Know
Sample Letter A

(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* (*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 *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
Sample Letter B

(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* (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,

SAMPLE PARENT LETTER
Schools in Need of Improvement
(To be completed and mailed to all parents of each SINI.)

Dear Parents:

We are dedicated to providing all students with the educational foundation necessary to succeed in school and in life. To ensure your child's success, we have set high standards that are reflected in what is taught in our classrooms. The *No Child Left Behind Act* (*NCLB*) requires that adequate yearly progress (AYP) in language arts literacy and mathematics be measured annually for each school in New Jersey.

AYP is based primarily on the results of the New Jersey state assessments given to students in grades 3 through 8 and grade 11. Schools must meet the state's academic proficiency benchmarks (see below), as well as other indicators such as test participation and attendance, to make AYP. These benchmarks increase on an incremental basis every three years.

Subject	**Percent of Students Proficient**		
	Elementary Grades 3, 4, & 5	**Middle Grades 6, 7, & 8**	**High School Grade 11**
Language Arts Literacy (Reading/Writing)	73%	72%	85%
Mathematics	69%	61%	74%

AYP is calculated for the total school population and for subgroups with students who have been enrolled in the school for the full academic year. The subgroups are as follows:

- Students with Disabilities
- Limited English Proficient
- White
- African-American
- Asian/Pacific Islander
- American Indian/Native American
- Hispanic
- Other
- Economically Disadvantaged

NCLB allows for a "safe harbor" provision so that schools are not penalized for a particular student group's performance being below the goal, providing sufficient progress is made. For

example, if the student group improved its performance by decreasing the number of students not proficient by at least 10 percent (10%) over the previous year, the student group would make AYP by qualifying for the safe harbor provision.

Schools that do not make AYP for one (1) year receive an Early Warning designation to alert them that students did not meet at least one of the AYP indicators. If a school does not make AYP for *two (2) or more* consecutive years in the same content area (language arts literacy and mathematics), it is designated a "school in need of improvement."

The following schools in our district have been identified as schools in need of improvement: [**LIST SCHOOLS & REASONS FOR STATUS**]. Also shown is how these schools compare academically in language arts literacy and mathematics to other schools in our district and the state. [**ATTACH *NCLB* STATE REPORT]**.

All schools in need of improvement that receive federal Title I funds must assemble a school improvement committee to develop a school improvement plan that identifies areas of need and programs and activities to help increase student achievement. As a parent, you are encouraged to contact your child's school principal to provide input to the school improvement plan.

Some of the steps we have already taken or plan to implement this year to address the problem(s) that placed your child's school in improvement status include the following: [**LIST PROGRAMS/ACTIVITIES/INITIATIVES**].

In addition, Title I schools in need of improvement must implement certain interventions. For each consecutive year these schools do not make AYP, additional interventions must be applied. The school improvement requirements that apply to your child's school are checked off below **[INDIVIDUALIZE FOR EACH SINI].**

- ❑ **Year 2 – School Choice:** Under *NCLB*, schools that did not make AYP for two (2) consecutive years must offer students the opportunity to transfer to a high-performing school within the district if capacity is available. Your child may transfer to one of the following schools [**LIST SCHOOLS**]. Attached is an information sheet on the academic record, programs, and other features of these choice schools. The school district has certain obligations to provide or pay for transportation to the choice school. If you would like your child to be considered for transfer during the [**SCHOOL YEAR**] school year, please notify the school principal in writing by [**DATE**] so we can begin arrangements for these services. You will be contacted to discuss the specifics of your request. If you wish your child to remain at his/her current school, no action on your part is required.

- ❑ **Year 2 – Supplemental Educational Services:** Our district is unable to provide the choice option due to the following reasons: [**LIST REASONS**]. In lieu of school choice, supplemental educational services (SES) is offered to income-eligible students.

- ❑ **Years 2 & 3 – Supplemental Educational Services:** These services, such as tutoring, are offered over and above those ordinarily provided in the regular classroom during the normal school day and after-school program. *Students must be income eligible to receive SES*. Parents will be notified separately if their child is eligible. SES

providers must be state-approved and posted on the NJDOE Web site at http://www.state.nj.us/education/title1/program/ss/form_renewal07.doc If you exercise this option and *your child is eligible*, the school must pay for these services, up to a threshold, using Title I funds. You will receive a list of local providers describing the services, qualifications, and evidence of effectiveness for each provider. Upon request, your child's teacher or principal will assist you in selecting an appropriate provider (School choice must also be offered in Year 3).

- ❑ **Year 4 – Corrective Action:** In addition to school choice and SES, as noted above, corrective action schools must also update their school improvement plans and describe the steps they will take to improve their students' performance. These include: 1) providing scientifically based professional development; 2) instituting a new scientifically based curriculum; 3) extending the school day/year; 4) replacing school staff; 5) decreasing management authority at the school; 6) restructuring the internal organization of the school; or 7) seeking advice from outside experts. You are encouraged to become involved with your school in this process.

  Schools in corrective action must also participate in a comprehensive school review process called Collaborative Assessment and Planning for Achievement (CAPA). During the CAPA review, teams of educators, including those from outside of the district, will examine all aspects of the school's operations. The team will issue an extensive report summarizing its findings and recommendations. These recommendations are then included in the school's improvement plan.

  Your child's school was identified for corrective action for the following reasons: **[LIST REASONS].**

- ❑ **Year 5 – Planning for Restructuring:** Because the school has not made AYP for five (5) consecutive years, the district must restructure it, developing an alternate governance plan during Year 5. In addition to school choice and SES, as noted above, one or more of the following governance alternatives may be selected:

  — Implement any major restructuring of the school's governance.
  — Re-open the school as a public charter school as defined by and consistent with state statute and regulation.
  — Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make adequate progress.

  The district develops its plan for restructuring the school in Year 5 of improvement. If this school does not make AYP for the next consecutive year, the restructuring plan will be implemented at the start of the next school year. You are encouraged to provide input to the district's deliberations during this planning year.

- ❑ **Year 6 and Above – Restructuring:** The school has not made AYP for [six (6)] consecutive years and is now in restructuring. The district, in consultation with key stakeholder groups, has selected the following governance alternative:

  — Implement any major restructuring of the school's governance.

— Re-open the school as a public charter school as defined by and consistent with state statute and regulation.
— Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make adequate progress.

In addition to school choice and SES, as noted above, this alternative along with other changes to the operations and academic programs at the school will be implemented during this school year to help increase student academic achievement. You are invited to participate during the implementation of the restructuring plan.

We want to continue serving your child, and we'll use all the resources available to us to help our students achieve. An important part of this effort involves parental involvement and support. The district and each school must develop and implement a parental involvement policy. We encourage you to become involved in this and other initiatives at your child's school by contacting [**NAME**] at [**CONTACT INFORMATION**]. Building and maintaining a high-quality school is a job for the entire community.

We will continue to communicate with you throughout the year regarding the school improvement efforts underway and hope you will join us in supporting our students and teachers as we work toward reaching our goals for next year.

Sincerely,
Chief School Administrator

G. 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 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 http://www.schoolnutrition.org/uploadedFiles/ASFSA/childnutrition/govtaffairs/nsla.pdf.

Amendments to Provisions 2 and 3 are available at:
http://agriculture.senate.gov/Legislation/Compilations/FNS/CNWRA04.pdf.

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/.

H. 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.

I: 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)].

J. 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., *NCLB*, instead of *IASA*.

11. Distribution of funds and school expenditures do not correspond with school allocations on the Title I Eligibility Page.

K. 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. *www.nwrel.org/scpd*.

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://cela.albany.edu/.

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://www.enc.org/, or contact (800) 621-5785.

Title II-D

The Northeast and Islands Regional Technology Consortium, or NEIRTEC, provides resources regarding strategies for improving academic achievement and teacher effectiveness; parental involvement; professional development; and accountability measures. www.neirtec.org.

Internet Safety

Complying with the Children's Internet Protection Act (CIPA). Mid-Atlantic Regional Technology in Education Consortium. *http://www.temple.edu/martec/*.

Adult Literacy Providers

America's Literacy Directory, National Institute for Literacy and Partners. *www.literacydirectory.org/*.

Georgia Department of Technical and Adult Education, Office of Adult Literacy. *www.dtae.org/adultlit.html.*

LINCS**,** a national electronic information and communication system for adult literacy. www.nifl.gov/lincs.

Literacy Providers: A Resource for Referral. Mid-Atlantic Regional Technology in Education Consortium. *www.temple.edu/martec.*

Maryland Adult Literacy Resource Center at: *www.umbc.edu/alrc/index/html*.

The Mayor's Commission on Literacy at: http://libwww.freelibrary.org/mcol/mcol_resources_best.htm

New Jersey Reads at: *www.newjerseyreads.org/*.

Online searchable database of adult literacy providers in the Mid-Atlantic region. *http://www.temple.edu/martec/assistance/literacy/.*

South Carolina Literacy Resource Center at: *sclrc.org/mission.htm*.

Tutors of Literacy in the Commonwealth. Pennsylvania Association for Adult and Continuing Education. http://www.pafamilyliteracy.org/able/lib/able/fieldnotes03/fn03paace.pdf

Trade Books for Adult Literacy Programs. Ohio Literacy Resource Center. *literacy.kent.edu/Oasis/Resc/Trade/index.html.*

Parental Involvement

Building a Webcentric Family and Community Network. Mid-Atlantic Regional Technology in Education Consortium. *http://www.temple.edu/martec/publications/edtechreviews/webcentric_network.rtf*.

Building School/Family/Community Connections Through Interactive Collaboration. Mid-Atlantic Regional Technology in Education Consortium. http://www.temple.edu/martec/publications/technobriefs/tbrief3.html

Parent Involvement Toolkit. US Department of Education http://www.sedl.org/connections/toolkit/.

Professional Development

Educational Technology Training Centers. New Jersey Department of Education. *www.nj.gov/njded/techno/techtran.htm.*

Internet content and professional development for K-12. *www.marcopolo-education.org/index.aspx*.

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.eplc.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

An Educator's Guide to Evaluating the Use of Technology in Schools and Classrooms. *http://www.ed.gov/pubs/After_School_Programs/Technology_Programs.html*.

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. http://www.iste.org/AM/Template.cfm?Section=NETS

Technology Planning

Evaluating and Updating Technology and Planning. National School Boards Association. *www.nsba.org/sbot/toolkit/enu.html.*

Implementing Your Plan. North Central Regional Educational Laboratory. *www.ncrtec.org/capacity/guidewww/imple.htm.*

The Learning Return on Our Educational Technology Investment. WestEd. *www.wested.org/cs/wew/view/rs/619.*

National Center for Technology Planning. *www.nctp.com/.*

Research on Computers and Education: Past, Present and Future. Northwest Educational Service District. *http://www.esd189.org/tlp/documents/TotalReport3.pdf.*

Technology Planning Tools. Santa Cruz Office of Education, Technology Information Center for Administrative Leadership.
http://www.portical.org/tools/tech_planning_tools.html

Title IV

A Guide for the Development of a Districtwide School Safety Plan. 2001. New Jersey Department of Education.
http://www.state.nj.us/njded/educators/school_safety_man.pdf .

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/index.html.

Center for Substance Abuse Prevention Model Programs.
http://nrepp.samhsa.gov

Creating Safe and Drug-Free Schools: An Action Guide. 1997. United States Department of Education. www.ed.gov.

CSAP's Guide to Science-Based Practices. National Clearinghouse for Alcohol and Other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Exemplary and Promising Safe, Disciplined and Drug-Free Schools Programs 2001. United States Department of Education. www.ed.gov.

Here's Proof Prevention Works Kit. National Clearinghouse for Alcohol and other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Keeping Score: What We Are Getting for Our Federal Drug Control Dollars? Drug Strategies, 2445 M Street, NW, Suite 480, Washington, DC 20037.

Making the Grade: A Guide to School Drug Prevention Programs. 1995. Drug Strategies, 2445 M Street, NW, Suite 480, Washington, DC 20037.

Municipal Alliance Committee: Information Guide for Developing Educational Outreach Programs. 1993. Governor's Council on Alcoholism and Drug Abuse, CN 345, Trenton, NJ 08625-0345.

New Jersey Comprehensive Health Education and Physical Education Curriculum Framework. 1999. New Jersey State Department of Education, Office of Management Services, CN 500, Trenton, NJ 08625-0500.

Safe and Drug-Free Schools Program. USDE. http://www.ed.gov/about/offices/list/osdfs/index.html?src=mr.

The National Cross-Site Evaluation of High-Risk Youth Programs. National Clearinghouse for Alcohol and other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345. http://www.health.org/govpubs/FO36/.

Other Government Web Sites

www.cdc.gov
www.healthfinder.gov
www.nih.gov
www.nida.nih.gov
www.preventiondss.org
www.modelprograms.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

Return to top of Section
Appendices Home
Home

L. *NCLB* Complaint Policy and Procedures

New Jersey Department of Education
No Child Left Behind (NCLB)
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 of 1965 (ESEA)* as amended by the *No Child Left Behind Act of 2001 (NCLB)*.

Statutory Requirement

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 programs. For a list of major programs included in the *Elementary and Secondary Education Act of 1965* (*ESEA)* as amended by the *No Child Left Behind Act of 2001 (NCLB)* and covered under this complaint policy and procedure, see Appendix D.

Frequently Asked Questions

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 NJDOE has violated the law in the administration of education programs required by the *NCLB*. An allegation may be submitted in writing or electronically. If a complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail.

What information should a complaint include?

A complaint shall identify:

1. The alleged *NCLB* 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?

Many problems and disagreements can be resolved by contacting the school principal or district superintendent of schools. If efforts at the local level are not successful, complainants may follow the procedures outlined below.

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 department to the attention of the County Superintendent. A list of the County Offices of Education and County Superintendents can be found at http://www.nj.gov/education/counties/ 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 Chief of Staff at:

New Jersey Department of Education
Office of the Chief of Staff
P.O. Box 500
Trenton, New Jersey 08625-0500
(609) 292-4442

or

The complainant must submit a written complaint to the United States Department of Education (USDE) Secretary at:

Secretary of the United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4611

However, it is requested that the complainants first contact the NJDOE Chief of Staff to resolve the issue.

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 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, 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*; 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, NJODE 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 Chief of Staff?

When a written complaint is received, the Chief of Staff assigns the investigation of this complaint to the Office of Student Achievement and Accountability. This Office 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, 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 Office of Student Achievement and Accountability 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 County Superintendent coordinates the investigation of the complaint. When the investigation is complete, the 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 of Student Achievement and Accountability coordinates the investigation of the complaint. When the investigation is complete, the Chief of Staff notifies the complainant in writing regarding the outcome of the investigation.

How are violations by the NJDOE resolved?

If a violation has occurred, the Chief of Staff identifies and imposes the appropriate consequences or corrective actions as required by regulation to resolve 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 actions as required by regulation to resolve the complaint.

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 United States Department of Education Secretary at:

Secretary of the United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 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.