

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
CONDITIONS ON TITLE I, PART A WAIVERS FOR NEW JERSEY**

14-Day Notice Requirement (34 C.F.R. § 200.37(b)(4)(iv))

This waiver is granted on the condition that New Jersey will:

- Ensure that each local educational agency (LEA) taking advantage of the waiver provides public school choice notice to parents of students attending schools that cannot exit improvement, corrective action, or restructuring for the 2009–2010 school year at least 14 days prior to the start of the 2009–2010 school year;
- Ensure that each LEA implementing the waiver complies with the statutory requirement to provide notice of public school choice before the start of the school year (ESEA section 1116(b)(1)(E)(i));
- Encourage all LEAs within the state to provide notice of public school choice as early as possible and, ideally, at least 30 days before the start of the school year;
- Ensure that its assessment schedule and test vendor contract for the 2009–2010 school year (and all subsequent school years) will permit LEAs within the state to provide notice of public school choice sufficiently in advance of, but no later than 14 days before, the start of the 2010–2011 school year (and all subsequent school years);
- Ensure that its LEAs that offer public school choice earlier to students in some schools than to students in other schools reserve a portion of the available transportation slots for students who receive the later notice (*see* Question D-7 in the Department’s Public School Choice Non-Regulatory Guidance, available at: <http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf>); and
- Submit to the Department, by September 30, 2010, a report that provides:
 - The total number of LEAs within the state that had schools that could have possibly entered or exited improvement, corrective action, or restructuring for the 2009-2010 school year; and
 - The total number of LEAs within the state that took advantage of the waiver and provided some parents notice of public school choice less than 14 days before the start of the 2009–2010 school year.

Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward the 20 percent obligation (ESEA section 1116(b)(10); 34 C.F.R. § 200.48)

This waiver is granted on the condition that New Jersey will:

- Ensure that each LEA taking advantage of the waiver complies with all other statutory and regulatory requirements related to SES for the 2009–2010 school year; and
- Submit to the Department, by September 30, 2010, a report that provides the name and NCES District Identification Number for each LEA taking advantage of the waiver.

“Set-aside” calculations — Excluding Title I, Part A ARRA funds from an LEA’s 20 percent obligation and from an LEA’s professional development obligation (ESEA sections 1116(b)(10), 1116(c)(7)(A)(iii); 34 C.F.R. §§ 200.48(a)(2), 200.52(a)(3)(iii))

Each of these waivers is granted on the condition that New Jersey will:

- Only implement the waiver for an LEA that provides assurances to New Jersey that:
 - The LEA will comply with its statutory and regulatory obligations for the set-aside with respect to its regular Title I, Part A allocation;
 - The LEA will use the funds freed up by the waiver to address needs identified based on data;
 - The LEA will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”;
 - The LEA will submit an application for Title I, Part A funds (LEA application) or, if necessary, an amendment to its existing LEA application that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs;
- Not approve an LEA’s application or amendment to an LEA’s application unless or until it determines, based on the LEA’s description, that the LEA has satisfied its obligation to identify needs based on data and address those needs using evidence-based strategies;
- Not approve an LEA to implement the waiver unless or until the LEA has an approved application (or amended application) that includes the required description of the data and evidence;

- If necessary, require an LEA seeking to implement the waiver to amend its application in accordance with the SEA’s usual process for changing an LEA’s application;
- Comply with its obligation under 34 C.F.R. § 200.47(a)(1)(ii)(B)(1) to post on its website the 20 percent obligation for each LEA and ensure that this information accurately reflects each LEA’s implementation of the waiver; and
- Submit to the Department, by September 30, 2010, a report that provides:
 - The name and NCES District Identification Number for each LEA implementing each of the waivers; and
 - The name and NCES District Identification Number for each LEA that requested but was denied permission to implement each of the waivers.

“Set-aside” calculation — Excluding Title I, Part A ARRA funds a school’s professional development obligation (ESEA section 1116(b)(3)(A)(iii); 34 C.F.R. § 200.41(c)(5))

This waiver is granted on the condition that New Jersey will:

- Only implement the waiver for an LEA that provides assurances to New Jersey that:
 - The LEA will ensure that its schools comply with their statutory and regulatory obligations for the set-aside with respect to the funds that are not “factored out” in accordance with Question C-9 in the Department’s Non-Regulatory Guidance on Title I, Part A Waivers (available at: www.ed.gov/programs/titleiparta/title-i-waiver.doc);
 - The LEA will ensure that its schools use the funds freed up by the waiver to address needs identified based on data;
 - The LEA will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”;
 - The LEA will ensure that its schools will implement the waiver in accordance with Question C-9 in the Department’s Non-Regulatory Guidance on Title I, Part A Waivers (available at: www.ed.gov/programs/titleiparta/title-i-waiver.doc); and
- Submit to the Department, by September 30, 2010, a report that provides:
 - The name and NCES District Identification Number for each LEA implementing the waiver with respect to its schools; and
 - The name and NCES District Identification Number for each LEA that requested but was denied permission to implement the waiver.

Calculation of per-pupil amount for SES (ESEA section 1116(e)(6); 34 C.F.R. § 200.48(c)(1))

This waiver is granted on the condition that New Jersey will:

- Only implement the waiver for an LEA that provides assurances to New Jersey that:
 - The LEA will comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular FY 2009 Title I, Part A allocation; and
 - The LEA will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”;
- Comply with its obligation under 34 C.F.R. § 200.47(a)(1)(ii)(B)(2) to post on its website the per-pupil amount for SES for each LEA and ensure that this information accurately reflects each LEA’s implementation of the waiver; and
- Submit to the Department, by September 30, 2010, a report that provides the name and NCES District Identification Number for each LEA implementing the waiver.

Waiving the carryover limitation more than once every three years (ESEA section 1127(b))

This waiver is granted on the condition that New Jersey will use its authority granted by this waiver to waive the carryover limitation in section 1127(a) more than once within three years only for an LEA that needs a second (or third) waiver because of its Title I, Part A ARRA funds.