



State of New Jersey

DEPARTMENT OF EDUCATION
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November 23, 2009

To: Chief School Administrators
Charter School Lead Persons

From: Barbara Gantwerk, Assistant Commissioner
Division of Student Services

Subject: Title I, Part A ARRA Waiver Application Process

The New Jersey Department of Education (NJDOE) received approval by the United States Department of Education (USDE) to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). This approval permits districts to apply to the NJDOE to use any or all of the waivers. The following waivers are available:

Calculation of "set-asides" for Title I, Part A funds: The following three waivers permit a local educational agency (LEA) or school, as applicable, to exclude all or part of the Title I, Part A funds it receives through the American Recovery and Reinvestment Act (ARRA) when calculating the following:

1. An LEA's obligation to spend an amount equal to at least 20 percent of its ARRA Title I, Part A funds for public school choice-related transportation and supplemental educational services (SES).
2. An LEA's obligation, if identified as a district in need of improvement, to spend 10 percent of its ARRA Title I, Part A funds for professional development.
3. A school's obligation, if identified for improvement, to spend 10 percent of its ARRA Title I, Part A funds for professional development.

Provision of Supplemental Educational Services (SES) in the first year of school improvement.

4. Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward an LEA's 20 percent obligation: New Jersey already has a policy statement requiring Title I districts to offer SES in the first year of improvement if choice is not

an option and the district cannot build capacity for choice (<http://www.nj.gov/education/title1/program/ss/policy.shtml>). This waiver permits an LEA in New Jersey to offer SES *in addition to* public school choice to eligible students in Title I schools in the first year of school improvement and to count the costs of providing SES to these students toward the LEA's 20 percent obligation.

Calculation of per-pupil amount for SES.

5. Calculation of per-pupil amount for SES: This permits an LEA in New Jersey to exclude some or all of the Title I, Part A funds it receives through the ARRA in calculating the per-pupil amount for SES.

Ability to grant LEAs a waiver of the carryover limitation.

6. Ability to grant LEAs a waiver of the carryover limitation: This allows a waiver to the carryover limitation more than once every three years for an LEA that needs the additional waiver because of the supplemental Title I, Part A appropriation provided through ARRA. The accompanying waiver application form (Waiver #6 on the application form), will allow LEA's to apply early for this carryover limitation waiver. It is intended for those LEA's that anticipate expenditures to be less than 85 percent for both the combined 2010 Title I and ARRA allocations.

New Jersey was also granted a waiver of the 14-day notice requirement for public school choice. This permits an LEA to waive the provision to notify parents of eligible students in Title I Schools In Need of Improvement (SINI) of the public school choice options at least 14 days before the start of the school year. Blanket waivers will be granted to eligible districts with schools newly identified as in need of improvement after the 2009-2010 AYP results for schools with elementary grade spans are completed. Eligible districts must sign and comply with the assurances included in the notification they will receive.

The 2009-2010 LEA Application for Title I, Part A Waivers is attached and also available at <http://www.state.nj.us/education/arra/disadvantaged/waivers/application>. Districts that want to request one or more of these waivers must submit the first page of the waiver application packet and any additional waiver application pages that pertain to the specific waivers for which they would like to apply.

More information on ARRA can be found on the NJDOE Web site:

<http://www.state.nj.us/education/arra/>. The federal regulatory guidance pertaining to the Title I, Part A waivers can be found at this USDE Web site: <http://www.ed.gov/programs/titleiparta/title-i-waiver.doc>.

Approval of certain waivers may require changes to your Title I - ARRA Consolidated application on the EWEG system. You will be notified accordingly. Additionally, districts exercising these federal waivers must submit an interim report to the NJDOE at the end of the first half of the two-year project period (August 31, 2010). Reporting details will follow. Specific USDE information on the "Conditions on Title I, Part A Waivers" is attached for your information.

Please 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)

LEA waiver applications may be submitted by mail to:

New Jersey Department of Education
Office of Student Achievement and Accountability
PO Box 500
Trenton, NJ 08625-0500

Or, they may be emailed to: arratitle1@doe.state.nj.us. All LEA waiver applications (excluding Waiver #6 – ability to grant LEAs a waiver of the carryover limitation) must be received on or before **January 6, 2010**. See “Title I, Part A ARRA Waiver Application Process” attached for more details. If you have any questions, please email them to arratitle1@doe.state.nj.us.

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Attachments

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