



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

September 10, 2007

Dear Colleagues:

Subject: NCLB Update 08-01

Welcome to a new school year! This is the first NCLB Update for FY08. I will be e-mailing and mailing this first edition only. Please ensure that your program contact information, including e-mail address, as entered in the LEA Core Data through the Common Logon, is accurate, as it will be used to generate the recipient list for future updates.

What's New?

1. **The FY08 NCLB application** is now open. Prior to approval, the completed *Excel* spreadsheets must be submitted, including two new pages for the number of funded FTEs to NCLBConApp@azed.gov. You must also enter your budget into the Grants System..
2. **Save the Date – the Mega Conference has been RESCHEDULED for December 10-12, 2007.** The location at the Wigwam Resort remains the same. Registration will be available beginning October 1st.

Compliance reminders:

1. **Use of SAIS Data.** The ADE requires all Districts and Charter Schools to enter into the SAIS, the equivalent of free and reduced price lunch **eligibility** for allocations and accountability purposes. Currently this information should be entered as NCLB indicator 1 or NCLB indicator 2, which equate to free and reduced price lunch respectively. Failure to enter this information correctly can result in reduced allocations and inaccurate AYP determinations.

34 C.F.R. 76.722 provides the following:

A State may require a subgrantee to furnish reports that the State needs to carry out its responsibilities under the program.

Further, LEAs that fail to provide the required information will be considered to have materially failed to comply with the requirements of NCLB and may be held accountable per 34 C.F.R. 80.43 (a), which provides the following guidance:

(a) Remedies for noncompliance. If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

- (1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,*
- (2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,*
- (3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,*

- (4) *Withhold further awards for the program, or*
- (5) *Take other remedies that may be legally available.*

The ADE is currently working to develop a report which will allow districts and charter schools to verify which students have been entered into SAIS with the NCLB indicator 1 or 2 designation. A notice will be sent out as soon as this report becomes available. However, please be aware that the use of this information is strictly limited to those individuals who have a need to know/use the information for educational and reporting purposes in accordance with the Family Educational Rights and Privacy Act, FERPA. A copy of the act can be found at 34 C.F.R. Part 99 at http://www.access.gpo.gov/nara/cfr/waisidx_05/34cfr99_05.html

- 2. Time and effort reporting.** For your convenience we are attaching a copy of [OMB Circular A-87, Attachment B, § 8 \(h\)](#). Circular A-87 provides the following:

Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semi annually and will be signed by the employee or supervisory official having first hand knowledge of the work performed by the employee.

Additionally, OMB Circular A-87 provides that:

Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports that must meet the following standards:

- (a) *They must reflect an after the fact distribution of the actual activity of each employee,*
- (b) *They must account for the total activity for which each employee is compensated,*
- (c) *They must be prepared at least monthly and must coincide with one or more pay periods, and*
- (d) *They must be signed by the employee.*

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards but may be used for interim accounting purposes....

Please read the entire attachment to ensure that your district/charter school remains in compliance with this important requirement.

- 3. FY08 Constitutionally Protected Prayer Policy Certification** must be submitted by October 1, 2007. The document is accessed through the Common Logon, Academic Achievement Division Reports. LEAs are not eligible to receive NCLB funds without submission of this certification per Section 9524.
- 4. Access to Secondary Students and Student Information by Military Recruiters** per Section 9528 (a) of NCLB provides the following policy guidance for LEAs receiving NCLB funds:

(1) ACCESS TO STUDENT RECRUITING INFORMATION- Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act and except as provided in paragraph (2), each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students names, addresses, and telephone listings.

(2) CONSENT- A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described in paragraph (1) not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request.

(3) SAME ACCESS TO STUDENTS- Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employers of those students.

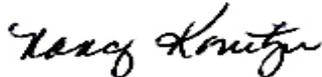
If you have question about any of these 4 compliance reminders please contact Richard Valdivia at richard.valdivia@azed.gov or at (602) 542-3270.

Program Update

- 1. New NCLB Consolidated Programs Staff** include Nadine Groenig and Noni Paris, Academic Achievement employees who have moved from other units into Title I, filling positions held by Janice Smith and Jill Andrews. Jennifer Smith is now filling Nadine's previous position with the Operations Unit and will focus on audit resolution. Three additional vacancies are expected to be filled shortly. A complete list of assignments is on the Academic Achievement and the NCLB pages on our web site. <http://www.ade.az.gov/asd/contacts/AADContacts.pdf>
- 2. Title I Distinguished Schools Applications** will be sent to those schools who qualify after the public announcement of AYP results. These Title I schools must have met AYP for at least the last two consecutive years, have a poverty level of at least 35%, score above the state's averages in reading and mathematics, and show overall growth in achievement or reduction of the achievement gap among subgroups. The selected schools will attend the National Title I Conference in Nashville in late January.
- 3. NCLB School and LEA Improvement** are now under the supervision of DAS Kimberly Allen in the newly reorganized School Improvement and Intervention Unit. The new School Improvement Director is Doug Price; Jill Andrews has assumed responsibility for LEA Improvement. Public release of AYP was September 5th. School and LEA Improvement Fall Process Workshops are scheduled for September 17-19 and September 24-26. The improvement plan requirements and availability of additional grant funds for Title I schools and LEAs will be addressed.

If you have any questions or concerns about any part of this correspondence, please contact me at nancy.konitzer@azed.gov or at (602) 542-7847.

Sincerely,



Nancy Konitzer
Deputy Associate Superintendent
Title I and NCLB Consolidated Activities

CC: NCLB Coordinator (email)
Business Manager (email)