



# Student, School and Family Support Bureau Guide



***All Students Ready for Success:  
College, Career, Life, Secure in their  
Identity and Healthy***

***2023-2024***

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### QUESTIONS?

**New Mexico Public  
Education Department  
Student, School and  
Family Support Bureau**

**(505) 470-1758**

**Please visit the  
[PED SSFS web site](#)  
for more information  
and staff directory.**

## ► Introduction: Student, School & Family Support Bureau SSFS

The SSFS Bureau of the New Mexico Public Education Department (PED) administers the following Elementary and Secondary Education Act (ESEA) grants:

### 1. Title I Part A: Improving the Academic Achievement of the Disadvantaged

The Title I Part A program helps students in high poverty schools meet the same high academic standards expected of all children. Funding is distributed to districts based on poverty as determined by the US Census Bureau. Funds are to be used to address students' specific educational needs as described in schools' needs assessment.

"The purpose of this program is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps." *ESSA, Section 1001*

### 2. Title I Part D: Education of Neglected or Delinquent Children and Youth

The Title I Part D program improves educational services in institutions for neglected or delinquent children and youth so that these children have the opportunity to meet the same high academic standards all children are expected to meet.

### 3. Title V Part B: Rural and Low Income Schools (RLIS)

The Rural and Low-Income Schools program provides funds to rural LEAs that serve concentrations of children from low-income families. RLIS funds support a range of activities to assist students in meeting the state's high academic standards.

### 4. Reading, Achievement, Math, and School Culture (RAMS)

The Reading, Achievement, Math, and School Culture (RAMS) program is a school improvement initiative in collaboration with the Special Education Bureau. RAMS began in the 2014-15 school year and now serves 88 schools across the state.

**Note:** The Title I Part C program, Education of Migratory Children is now administered by the Student Success and Wellness Bureau.

**Note:** The Title IV Part A program is now administered by the Safe and Healthy Schools Bureau.

## ▶ Annual Reporting

Due	Document	Submission Method
October	<p><b><u>Title I Part D End of Year Report</u></b> Information is collected regarding prior-year participation of children in LEA &amp; state agency Title I Part D programs.</p>	Web-based system
December	<p><b><u>Comparability Report</u></b> Documents an LEA's compliance with the comparability provisions of Title I. An LEA is considered to have met this requirement if it can demonstrate that it distributes state funding comparably across all schools in the LEA.</p>	Web EPSS
December	<p><b><u>Local Neglected and Delinquent Child Count Survey</u></b> Establishes counts of children in local facilities for neglected or delinquent children. The count is used to determine following-year funding levels for these programs.</p>	Web EPSS
May	<p><b><u>Consolidated Application for Title I Funds</u></b> Describes how an LEA or charter LEA will utilize Title I funds in the following school year. This document will contain the LEA's program budgets and supporting program narratives. This application is required for funding purposes.</p>	SharePoint
May	<p><b><u>RLIS Application</u></b> Describes how an LEA will utilize RLIS Program funds in the following school year. This document will contain the LEA's program budgets and supporting program narratives. This application is required for funding purposes.</p>	Web EPSS
May	<p><b><u>State Agency Neglected and Delinquent (ND) Application</u></b> Describes how a state agency will utilize Neglected and Delinquent (ND) Program funds in the following school year. This document will contain the state agency's program budgets and supporting program narratives. This application is required for funding purposes.</p>	Web EPSS
May	<p><b><u>Reading, Achievement, Math, and School Culture (RAMS) Application</u></b> Describes how a school will utilize RAMS Program funds in the following school year. This document will contain programmatic and professional development narratives. This application is required for funding purposes.</p>	Web EPSS

## Ongoing Program Data Collection

New Mexico is required to submit data to the Federal government through Education Data Exchange Network (EDEN) and the Consolidated State Performance Report (CSPR). The SSFS Bureau requires LEAs to submit data through the Student Teacher Accountability Reporting System (STARS) during the following five reporting periods:

### Primary Reporting Dates

Reporting Period	Day	Submission Date
First	40	2 <sup>nd</sup> Wednesday in October
Second	80	December 1 <sup>st</sup>
Third	120	2 <sup>nd</sup> Wednesday in February
Fourth	End-of-Year	As per your district
Ancillary		Summer (as applicable)

The data submitted aligns with the types of Title I Programs in your LEA. The following is the full data set and may not apply to all LEAs:

1. Title I, Part A Schoolwide Students, including preschool
2. Title I, Part A Targeted Students
3. Title I, Part A Students the LEA serves in private schools
4. Title I, Part D (T1 D) Delinquent Students

*It is important to enter information correctly, completely and in a timely fashion.*

For STARS technical support call the STARS help desk at 505-827-6502.

## General Program Monitoring Documentation

In addition to the annual reporting requirements, the SSFS Bureau establishes a monitoring system for the year that requires LEAs to upload local program documentation for further compliance review. This documentation is submitted via the PED Web EPSS and Monitoring system.

## ► Program Monitoring

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The Uniform Administrative Requirements at 2 CFR Part 200.331 requires that state educational agencies monitor the activities of grant sub recipients to ensure that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of grant applications, and that performance goals are achieved.

The SSFS Bureau utilizes a combination of the following monitoring methods to meet this obligation.

1. **Desktop monitoring** requires grantees to submit compliance documentation via Web EPSS at cycles set by the SSFS Bureau.
2. **Onsite monitoring** is conducted based on district selection utilizing risk-based criteria.
3. **Fiscal monitoring** takes place through the review of district/charter LEA reimbursement requests in the Operating Budget Management System (OBMS). In this monitoring process, districts/charter LEAs are required to submit documentation that supports expenditures made with grant funds.

## ► District Documentation to Keep on File

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All current year Title I Part A documents must be accessible at the district and/or Title I Part A

*Keep documents*  
***FIVE***  
*years.*

building(s). LEAs are required to keep Title I Part A documents for five years. After five years, documentation may be disposed of at the LEA's discretion, unless there are legal issues, or an on-going audit, in which case districts should keep the documentation until issues are resolved. The following is suggested documentation to keep on file:

- Comprehensive Needs Assessment.
- Title I Schoolwide plan.
- Approved Consolidated Application with state approved program budget.
- Title I program budgets for each school site.
- Application assurances.
- Carryover Justification Form.
- LEA Supplement Not Supplant (SNS) Compliance Form.
- Title I inventory.
- Current written documentation describing how the LEA is organized to coordinate and implement the parent and family engagement requirements to help schools and parents and family members build capacity for effective parent and family engagement.
- District Title I parent and family engagement policy.
- Each Title I school parent and family engagement policy, annual meeting agenda and sign-in sheets, as well as other planned parent/family meeting agendas and sign-in sheets.
- Title I school-parent compacts from each school.
- Master list of students served by Title I-A funded targeted assistance programs.

- Semi-annual employee certifications (employee time documentation) for staff in Title I schools implementing a school-wide program.
- Semi-annual employee certification (employee time documentation) for single cost objective administrative positions.
- Personnel Activity Report (PAR) for multiple cost objective positions (time sheets and schedules for split-funded staff).
- Letters and/or evidence of meaningful consultations with officials of private schools located within district boundaries, including a copy of the private school Title I plan (if services provided for private schools).
- Private school program evaluation.
- LEA policy for managing Title I related complaints (a separate policy governing Title I is not necessary when the LEA complaint procedure policy is overarching and includes all educational programs in the district).
- Neglected/Delinquent (Title I Part D) site plan.
- LEA set-aside program descriptions and budgets (e.g., district Title I summer school, district Title I services for children who are experiencing homelessness).



## ► Parent and Family Engagement

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### 1. LEA parent and family engagement policy

Districts and schools must, with the involvement of parents with children in Title I schools, develop written parent and family engagement policies that meet the requirements of section 1116 of ESSA. LEA policies must be distributed to Title I parents in an understandable and uniform format. Policies must be evaluated annually, with meaningful involvement of parents. The evaluation process includes identifying needs of parents and family members to assist in their child's learning and to address identified barriers to greater family participation. Strategies are identified and the LEA policy is revised, as necessary.

### 2. School parent and family engagement policy

Each Title I school must develop, together with parents, a written parent and family engagement policy that is agreed upon by the parents. Parents must be notified of the policy in a uniform format and in a language the parents can understand. The school policy must be made available to the local community and updated periodically to meet the changing needs of the parents and school.

### 3. School-parent compact

Schools must develop, with parents, a school-parent compact. The compact is a part of the school parent and family engagement policy and must outline how parents, school staff and students will share the responsibility for improved student academic achievement.

### 4. Parents' right to know – student achievement

Schools must provide parents information on the level of achievement of their student in each of the state academic assessments.

### 5. Parents' right to know – teacher and paraprofessional qualifications

At the beginning of each school year, a school district must notify the parents of each student attending any school in the district of their right to request information regarding the professional qualifications of their child's classroom teacher and paraprofessional.

If a parent requests this information, the LEA must provide such information upon request, in a timely manner, in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. The information must include:

- whether the teacher has met PED qualification and licensing criteria for the grade levels and subject areas in which the teacher currently provides instruction;
- whether the teacher is working under an internship license or waiver;
- whether the teacher is teaching in their field of discipline of the teacher's certification; and
- whether the paraprofessional is providing services to their child, and if so, their qualifications.

In addition, schools must provide timely notice if a student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

**6. Title I Part A meetings**

A Title I school must hold annual meetings to provide parents information about the school's participation in Title I Part A programs. Schools must explain program requirements, the parents' right to be involved, and the importance of regular, ongoing parent-teacher communication. Schools must also provide parents with information about the curriculum used in the school, the forms of assessment used to measure student progress, and the achievement levels of the challenging state academic standards. Meetings must be held at a convenient time. Schools must offer a flexible number of meetings, and may use Title I funds to provide supports such as transportation and/or childcare.

**7. Annual report cards**

LEAs must disseminate a district report card to parents with information related to student achievement on academic assessments, accountability and teacher quality.

**8. Written complaint procedures**

LEAs must disseminate to parents of students, and to designated private school officials or representatives, adequate information about written complaint procedures for resolving issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs.

9. **English Language Learner (ELL) – language instruction educational programs**

Not later than 30 days after the beginning of the school year, districts must inform parents of ELL students participating in a Title I Part A-funded language instruction educational program, as determined under Title III, of the:

- reasons for the identification;
- level of English proficiency, how the level was assessed, and the status of the child’s academic achievement;
- methods of instruction used in the program and the methods of instruction in other available programs;
- how the program will meet the educational strengths and needs of their child;
- how the program will help their child learn English and meet age-appropriate academic standards for grade promotion and graduation;
- exit requirements, including the expected rate of transition into classrooms not tailored for ELL students, and expected rate of graduation for secondary students;
- in the case of a child with a disability, how the program meets the objectives of the child’s individualized education program (IEP); and
- rights they have as parents, including written guidance of the right to remove their child from the program and their right to decline services or to choose another program if available.

**Note:**

[Please click here to access checklists, resources, toolkits, and guides related to family engagement.](#)

## ▶ ESEA Consolidated Application

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The ESEA Consolidated Application provides a way for LEAs to apply for federal funds from several ESEA programs. Through the consolidated application process, LEAs are permitted to consolidate funds for administrative activities for ESEA programs in the LEA. The application is completed each spring to receive funding in the following school year.

### **Programs included in the Consolidated Application:**

- **Title I, Part A:** Improving the Academic Achievement of the Economically Disadvantaged
- **Title I, Part D:** Education of Neglected or Delinquent Children and Youth
- **Title II, Part A:** Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders
- **Title III, Part A:** Language instruction for English Learners and Immigrant Students
- **Title V, Part B, Subpart 2:** Rural and Low Income Schools Program (RLIS)

Within the application, a district informs the SSFS Bureau which schools have been selected to be its Title I schools. This is accomplished by providing funding to the school and by selecting a Title I program model to implement at the school.

### **Charter Schools – Local (Dependent) and State**

In New Mexico, there are school districts with charter schools that have been authorized by the local school board. These charter schools must be included in the district application on the same basis as the district's other public schools.

Charter schools authorized by the New Mexico Public Education Commission (PEC) are considered independent LEAs and must submit their own ESEA Consolidated Application directly to the PED.

### **Private Non-Profit Schools**

School districts with eligible private, nonprofit schools within the school district must maintain communication with officials in those schools, at a minimum, on an annual basis. School districts are required to inform eligible private school officials annually about their eligibility to participate in applicable federal programs. The private school representative's signature is required to confirm consultation.

## **Consolidated Administration (Administrative pool)**

An administrative pool is a flexibility opportunity within ESEA that allows districts to conceptually consolidate their administrative funds from various ESEA programs. ESEA funds for administrative positions in this pool can only be used to administer ESEA grants. For the purposes of time documentation, ESEA consolidated administration is considered a single cost objective and as such an employee only needs to complete a semi-annual certification that indicates the employee worked solely on ESSA Consolidated Administration for the period covered by the certification.

If staff in the administrative pool have other responsibilities outside of administering ESSA grants, they must be paid from another, non-ESSA, funding source in proportion to the time the employee spends on those activities. An employee in this situation is considered to be working on multiple cost objectives and must keep Personnel Activity Reports (PARs) documenting his or her activity. PARs must be prepared at least monthly and be created after the work has been completed.

An LEA may also use funds in the pool for administrative activities designed to enhance the effective and coordinated use of funds under the programs whose funds are consolidated, such as:

- Coordination of programs whose funds are consolidated with other Federal and non-Federal programs;
- Dissemination of information regarding model programs and practices; and
- Technical assistance under programs whose funds may be consolidated.

## ► Life Cycle of a Grant

Grants managed by the Student, School, and Family Support Bureau generally progress through a yearly cycle.

<b>SPRING</b>	<ul style="list-style-type: none"><li>● Preliminary awards are provided to LEAs (including state charters) in the spring for the upcoming school year. These preliminary awards are based on estimates of the State’s award provided by the USDE.</li><li>● Based on this estimate, LEAs complete an application describing how the LEA proposes to use the award. This application is typically due in May of each year. Budgets aligning with this application are submitted at this time through the PED OBMS system.</li></ul>
<b>SUMMER</b>	<ul style="list-style-type: none"><li>● Each LEA’s application goes through a review process during the summer months, and upon final PED approval, documentation of approval is sent to the LEA. Staff reviewing these applications will contact LEA staff for clarification or to request additional information necessary to approve the application.</li></ul>
<b>WINTER</b>	<ul style="list-style-type: none"><li>● Final awards for each LEA are calculated. Districts must adjust their budgets to account for amounts carried over or unspent from the previous year, and for final awards. LEAs will receive carryover letters from the PED informing them of the amount that must be budgeted. Along with the updated budget, a description of how the LEA proposes to use these funds must be provided.</li></ul>

Throughout the school year, PED staff conducts required monitoring of LEA programs. This occurs through desktop reviews, on-site reviews and reviews of requests from the LEA for reimbursement for expenditures.

## ► Budget Basics

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### Provisions that apply to various Student, School, and Family Support Bureau grants:

Title grants are subject to the provisions of Title I, Parts A and F, and Title VIII, as applicable, of the ESEA, as amended by the ESSA, and the General Education Provisions Act (P.L. 103-382). These grants are also subject to the Title I Regulations in 34 CFR Part 200 and the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 76 (except 76.650 – 76.662), 77, 81, and 82, and 2 CFR 3485, and the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards in 2 CFR Parts 200 and 3474.

**Overarching Guidelines on Use of Funds** – Costs *must be* reasonable, necessary for the performance of the program, and allocable. Costs also must be allowable meaning that they address the broad program goal of improving student achievement in high-poverty schools.

- A cost is **reasonable** if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
- A cost is **allocable** to the grant if the goods or services involved are chargeable or assignable to the grant in proportion to the benefits received.
- A cost is **allowable** if used to address the specific *educational needs* of Title I schools identified by the needs assessment. Funds are intended to support strategies and activities designed to raise the achievement of low achieving students. Funds may not be used for non-educational activities such as building maintenance and repairs, landscaping, custodial services, and general district/school administrative functions.
- Costs must comply with the federal Uniform Guidance at [2 C.F.R. § 200](#) which streamlines and consolidates government requirements for receiving and using federal awards. [Click here to access the full guidance document.](#)

The following examples of un-allowable costs do not meet the criteria noted above:

- Food and refreshments for district or building staff meetings or trainings
- Building construction
- Sporting equipment for athletics
- Costs associated with awards banquets, ceremonies, celebrations or social events
- Gifts or promotional items
- Building landscaping or maintenance costs
- Costs associated with general school functions.
- Decorations
- Non-educational field trips

## Supplanting

LEAs shall use Title I funding only to supplement the funds that would, in the absence of funds, be made available from State and local sources for the education of students in Title I schools, and not to supplant such funds.

**To demonstrate compliance** an LEA shall demonstrate that the methodology used to allocate State and local funds to each Title I school ensures that it receives all of the State and local funds it would otherwise receive if it were not a Title I school.

LEAs provide an assurance and a description of the methodology used to distribute state and local funds in the Title I application. The PED SSFS Bureau will conduct follow-up monitoring during the school year to review the LEA's methodology and to confirm that the methodology has been implemented.

### ***What this means:***

- Districts must have a method for allocating State and local funds to all schools that ensures that Title I schools get their fair share of State and local funds. Districts cannot reduce state and local funding to Title I schools because they get Title I funds.
  - When this test is met, any Title I funding allocated to Title I schools is considered supplemental.
  - Expenditures must be allowable. Meaning all expenditures must be listed in the school's schoolwide plan, and they must be necessary, reasonable, and allocable to the grant.
- For *district-level expenditures*, Title I schools must benefit from district-level State and local funding in an equitable manner. Districts **cannot** pay for something in non-Title I schools with State or local funds and pay for the same thing in Title I schools with Title I funds.



## Carryover

Carryover BARs cannot be processed until official carryover memos have been issued by the PED Administrative Services Division (ASD).

The following carryover provision applies to Title I Part A only:

For those districts with an award greater than \$50,000, 15% of the Title I award may be carried over (a waiver of this requirement may be requested once every three years). The percentage is determined by comparing end of year expenditures (or first quarter of following year if necessary) against official final Title I award for that fiscal year.

For Example:

- 1) A SY 2019-20 district award is \$100,000 plus carryover of \$10,000 from 2018-19.
- 2) The expectation is that at least \$95,000 is spent by either the end of the fourth quarter of 2019-20 or end of the first quarter of 2020-21.
- 3) This total is calculated by taking 15 percent of the award ( $\$100,000 \times .15 = \$15,000$ ) and subtracting it from the award. ( $\$100,000 - \$15,000 = \$85,000$ ) and adding the 2018-19 carryover of \$10,000. ( $\$85,000 + \$10,000 = \$95,000$ ).

Note that the PED may provide a waiver of the Title I carryover limitation **only once every three years**.

## Equipment

When Title I funds are used to purchase equipment, the equipment:

- is the property of the LEA's Title I program. This includes equipment purchased by the LEA for use by a private school;
- may be housed and used in schools/sites where children are served by the Title I program;
- must be noted on a LEA maintained equipment inventory; and
- must include a notation indicating the building/location of Title I equipment. This includes equipment in participating private schools.

If the equipment has an acquisition cost of greater than \$5,000, the purchase must be pre-approved by the Student, School, and Family Support Bureau. The form for approval can be found on the bureau webpage and should be signed by a Title I contact and returned to the LEA for record keeping. **The form must be approved before the purchase is made.** When the date of purchase is before the PED signed and dated pre-approval form, **reimbursement will be denied.**

Examples:

- A district purchases ten \$1,000.00 laptops (ten units), each to be placed in a separate classroom for use by teachers to develop parent correspondence, worksheets, etc. The intended purpose of the ten units is that they be used independently. Therefore they are ten separate units and prior approval is not required.
- A district purchases twenty computers, software licenses and two printers, and each item costs less than \$800.00. They are purchased to equip a single computer lab. All items together will cost \$15,000.00. The intended purpose of the twenty units is that they be used collectively as a computer lab. Prior approval is required.

When equipment must be relocated, sold or is determined to be obsolete:

1. If the Title I funded equipment is housed in a building that is no longer receiving a Title I allocation, that equipment should be moved to a location served by Title I.
2. Obsolete equipment should be marked as such, disposed of according to LEA policy and the date of process noted on the equipment inventory.
3. Records should be maintained for five years after any transfer/disposal of equipment from the Title I program.

## **Additional Budget Considerations**

- 1) Any increase and/or transfer BAR must include written documentation with sufficient justification. This provides bureau staff with the information necessary to determine if the proposed use of funds is allowable.
- 2) BARs and reimbursement requests for which required documentation is not received will be delayed or disapproved.
- 3) Ongoing communication between district federal programs staff and the business manager is crucial for the effective and efficient management of federal programs.

## ► Time Documentation

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Time documentation is required for all employees paid from federal funds as required by 2 CFR section 200.430. There are two types of time documentation, semiannual employee certifications and personnel activity reports (PARs) which may also be referred to as time and effort reports.

**Semiannual certifications** must be prepared at least semiannually and must be signed by the employee or the employee's direct supervisor, having direct knowledge of the work performed by the employee. An example of a semiannual certification is included at the end of this guide.

**PARs** must account for all activity for which an employee is paid, not just a specific cost objective. PARs must be completed after the work is finished, be prepared at least monthly, and be signed by the employee. PARs should reflect variations in daily activities that are common among split-funded staff who may work many hours on a specific cost objective during a certain time of year, and fewer hours at other times. A sample PAR is included at the end of this guide.

For employees paid with federal funds and who are split funded, an accounting of the actual hours worked on the separate cost objectives is required at least annually to adjust funding to actual hours worked. The percentage of salary charged to the federal fund must match the actual percentage of time spent on the federal cost objective, not just the budget estimate.

For the purposes of time documentation, ESSA consolidated administration is considered a single cost objective and as such an employee only needs to complete a semi-annual certification that indicates the employee worked solely on ESSA Consolidated Administration for the period covered by the certification. For instance, a director in charge of Titles I, II, III and IV with no other responsibilities would complete a semi-annual certification and not a PAR.

If staff in the administrative pool have other responsibilities outside of administering ESSA grants, they must be paid from another, non-ESSA, funding source in proportion to the time the employee spends on those activities. An employee in this situation is considered to be working on multiple cost objectives and must keep PARs. If a director is responsible for Title I, Title III and IDEA B, a PAR is required as IDEA B is not part of the ESSA, and is a separate cost objective.

Teachers and paraprofessionals paid with federal funds and whose responsibilities lie within a single cost objective need only complete the semi-annual certification. Instructional staff working in a Title I schoolwide program are considered to be working on a single cost objective.

In Title I targeted assistance programs there is further flexibility for split-funded employees with predetermined schedules, such as teachers and paraprofessionals, to use an alternative to PARs for time documentation. Rather than a PAR, such employees may use an artifact such as a teacher's course schedule to document the time and effort. An individual documenting time and effort

under the substitute system would be permitted to certify time and effort on a semiannual basis, provided the LEA's substitute system meets the requirements below.

### **Requirements for Alternative System of Time and Effort Reporting**

To use alternative methods of time and effort reporting, the district must certify that only eligible employees will participate in the substitute system and that there are sufficient controls to ensure that the system used to document employee work is accurate. This certification should be on file with the district and available upon request.

#### **System Guidelines**

(1) To be eligible to document time and effort under the substitute system, employees must –

- a. Currently work on a schedule that includes multiple activities or cost objectives that must be supported by monthly personnel activity reports;
- b. Work on specific activities or cost objectives based on a predetermined schedule; and
- c. Not work on multiple activities or cost objectives at the exact same time on their schedule.

(2) Under the substitute system, in lieu of personnel activity reports, eligible employees may support a distribution of their salaries and wages through documentation of an established work schedule that meets the standards under section (3). An acceptable work schedule may be in a style and format already used by an LEA.

(3) Employee schedules must:

- a. Indicate the specific activity or cost objective that the employee worked on for each segment of the employee's schedule;
- b. Account for the total hours for which each employee is compensated during the period reflected on the employee's schedule; and
- c. Be certified at least semiannually and signed by the employee and a supervisory official having firsthand knowledge of the work performed by the employee.

(4) Any revisions to an employee's established schedule that continue for a prolonged period must be documented and certified in accordance with the requirements in section (3). The effective dates of any changes must be clearly indicated in the documentation provided.

(5) Any significant deviations from an employee's established schedule, that require the employee to work on multiple activities or cost objectives at the exact same time, including but not limited to lengthy, unanticipated schedule changes, must be documented by the employee using a personnel activity report that covers the period during which the deviations occurred.

## ► Using Title I Funds for Administrative Costs

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### Building Administrators and Superintendents – Issues:

- If a district has a small number of small schools that only warrant a part-time principal, the district might hire a person who works less than full time as a principal in each of its smaller schools and then takes on other duties such as teaching classes or administering the district’s program. Staff must be sure to maintain *time documentation*.
- In most circumstances, the position of school principal or superintendent would be a full-time position paid entirely with state or local funds in the absence of federal funds.
- Can a full-time principal/superintendent effectively perform the duties of a Title I administrator?
- If treated as a supplement to full-time operational salary, must be able to clearly document that Title I administrative duties are in addition to the principal responsibilities and the individual maintains *time documentation*.

### When is it appropriate to charge the Title I grant for budget support?

- What is the basic responsibility of the business office and what is specific to the Title I grant that requires additional budget support?
- Keeping in mind the issue of necessary and allocable, how is service level increased by charging fiscal support to the federal grant? In the absence of federal funds, how would fiscal support compensation be paid?
- Consistent treatment: are all grants being treated the same? If paying for additional Title I support, is the district doing the same for IDEA, Perkins, and other grants?
- Are time records being maintained?

In general, salaries of administrative and clerical staff should be treated as “indirect” unless all of following are met:

- Such services are integral to the activity
- Individuals can be specifically identified with the activity
- Such costs are explicitly included in the budget
- Costs not also recovered as indirect

Business Office Functions (**not** a direct charge against the grant):

- Budget
- Purchasing
- Accounts payable
- Payroll including ACA reporting
- Cash requests/backup for RfR information requests
- BARs

Title I budget support (direct charge against the grant):

- Work with Title I program staff to establish building level Title I budgets
- Work with Title I program staff to review proposed expenditures for program compliance
- Complete Title I comparability report
- Assist Title I program staff in completing the annual Title I application

A key factor for charging the compensation for fiscal personnel to the Title I or other federal grant is the support would need to be continuous and consistent throughout the fiscal year, thus demonstrating the need to charge the federal grant.

For example, regarding the preparation of the application for Title I or establishing the building-level Title I budgets, the support would have to reach farther than the initial application. The amount of fiscal support necessary would require maintenance and monitoring of the application and building-level budgets throughout the year, and the time provided by the fiscal support person would need to be supported through time record documentation in accordance with the Uniform Guidance (200.43CFR).

## ► Evidence-Based Interventions (EBI)

### 1. Information regarding Evidence-Based Interventions (EBI)

Educators often use the well-established and commonly used practices and strategies that they have seen others use—including their own teachers—never questioning whether these practices are supported by evidence. In fact, some of these practices have been shown to be ineffective or have no data to support them.

To improve the quality of instruction students receive and the outcomes that students achieve, the field of education has been making great efforts for a number of years to implement evidence-based practices or programs (EBPs) and evidence-based interventions. In general, an EBP is one whose effectiveness is supported by rigorous research. In other words, research shows that the practice or program works.

CATEGORY ONE:			CATEGORY TWO:
<i>Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes.</i>			<i>Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes.</i>
Tier 1	Tier 2	Tier 3	Tier 4
STRONG EVIDENCE	MODERATE EVIDENCE	PROMISING EVIDENCE	“STRONG THEORY”
<i>Based on at least 1 well-designed and well-implemented experimental study.</i>	<i>Based on at least 1 well-designed and well-implemented quasi-experimental study.</i>	<i>Based on at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.</i>	<i>Includes ongoing efforts to examine the effects of such activity, strategy, or intervention.</i>

Source: Policy Brief ESSA and Evidence: Why it Matters

### 2. Difference between evidence-based practices and evidence-based programs

Although the terms evidence-based practices and evidence-based programs have been used interchangeably, experts in the field, as well as practitioners, are beginning to differentiate between them.

- **Evidence-Based Practice:** Skills, techniques, and strategies that have been proven to work through experimental research studies or large-scale research field studies.
- **Evidence-Based Program:** A collection of practices that, when used together, has been proven to work through experimental research studies or large-scale research field studies.

### 3. Additional information regarding Evidence-Based Interventions

Below are links to Evidence Based Intervention Clearinghouses:

- What Works Clearinghouse: With over 700 publications available and more than 12,000 reviewed studies in the online searchable database, the WWC identifies studies that provide credible and reliable evidence of the effectiveness of a given practice, program, or policy and disseminates summary information and free reports online. [Click here to access resources from What Works Clearinghouse.](#)
- Best Evidence Encyclopedia: A free web site created by the Johns Hopkins University School of Education’s Center for Data-Driven Reform in Education (CDDRE) that gives educators and researchers fair and useful information about the strength of the evidence supporting a variety of programs available for students in grades K-12. Results First Clearinghouse Database: This one-stop online resource provides policymakers with an easy way to find information on the effectiveness of various interventions as rated by eight national research clearinghouses. [Click here to access resources from Best Evidence Encyclopedia.](#)
- Evidence for ESSA: A free, authoritative, user-centered database to help anyone – school, district, or state leaders, teachers, parents, or concerned citizens – easily find programs and practices that align to the ESSA evidence standards and meet their local needs. [Click here to access resources from Evidence for ESSA.](#)
- Results for America Evidence in Education Lab: [Click here to access the Resource Page from Results4America](#)
- Results for America Our Work: [Click here to access the Evidence in Education Lab page from Results4America.](#)

#### Recommended Websites:

- [Bestevidence.org](#)
- [Evidenceforessa.org](#)
- [Results4america.org](#)



## ► Using Title I Funds for Incentives, Rewards, Field Trips, Food

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### Student Rewards/Incentives

Use of Title I funds to support the purchase of rewards/incentives is allowable only if the expenditures are:

- **Reasonable, necessary, and allocable**
- Of nominal value (approximately \$15 per person, per school year)
- Tied to educational achievement
- Provided only for things such as improved academic performance, attendance, and/or behavior
- Provided only after the fact, not as incentives in advance

Examples of **allowable** uses of funds for rewards/incentives:

- Nominal door prizes as an incentive for parents to attend a Title I meeting
- Pizza or ice cream certificates for increased attendance, meeting educational goals, etc.
- Educational books or games
- Certificates of appreciation to students or parents for specific achievements
- Inexpensive high interest books to take home for the parent and child to read together
- Materials for the parent and child to make simple educational games, manipulatives, etc. during parent involvement events to then take home and continue to use

Examples of **un-allowable** uses of funds for rewards/incentives:

- Providing all parents who attend a meeting with a nominal door prize or gift
- Any type of cash incentive
- T-shirts/Book bags/Baseball caps, athletic uniforms or other school “spirit” apparel with school or District logos
- Giving away bikes, iPads, or other high priced items
- Providing gift cards to students/parents when there is the possibility that it could be used for something other than an educational item

## Field Trips

Use of Title I funds for **entertainment is not allowable**. If Title I funds are used for field trips, the trip must be for an educational purpose linked to goals and strategies described in the school's 90-day plan and integrated into lesson plans and other instructional activities in order to increase academic achievement.

If a Request for Reimbursement includes expenditures for field trip(s), a lesson plan must be included as supporting documentation with the request.

## Food

- Use of Title I funds for food must be for an educational purpose. Providing food for events such as class parties, end of year events, etc. where there is no activity during the event that supports or reinforces academic achievement is **not** allowable.
- Use of Title I funds to purchase food while on educational field trips is allowable. However, districts should look into the use of the regular school lunch program whenever possible. If using Title I funds, the cost of meals must be reasonable.
- If a Request for Reimbursement includes an expenditure for food provided during a parent or family engagement activity, an agenda and sign in sheet must be included as supporting documentation with the request.
- Food for classroom instruction must be aligned to common core state standards.

## ► School-Based Culture

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### **Allowable uses of Title I funding to support school climate interventions, programs or activities that foster safe, healthy and supportive school environments**

#### **Allowable**

SEAs are charged with implementing ESSA, and ensuring that LEAs are utilizing evidence-based interventions, programs, practices and strategies in schools.

Use of funds for school climate interventions, programs or activities should reflect one of the highest three levels of evidence (Strong, Moderate, and/or Promising) defined in ESSA.

***Only evidenced-based interventions, programs, practices and strategies that meet the ESSA tiers of evidence will be approved.*** The PED will not provide a list of potential evidence-based interventions. It is incumbent upon the LEA to demonstrate that the selected intervention falls into one of the three ESSA tiers of evidence in Category 1 ([see page 23](#)).

LEAs must select an evidenced-based intervention that addresses the root causes concerning safe, healthy and supportive school environments. It is suggested that LEAs utilize available data such as Youth Risk and Resiliency Survey (YRRS) data or the Opportunity to Learn data from the school report card. The YRRS can be found at [www.youthrisk.org/](http://www.youthrisk.org/).

Examples of allowable uses are:

- Licensed counselors and licensed social workers
- Truancy coaches that meet the PED criteria
- School-based mental health programs
- Positive behavioral intervention and supports models
- Bullying prevention programs/training
- Teaching tolerance/inclusive practices programs
- Crisis prevention training
- Suicide prevention/recognition programs
- De-escalation training
- Mental/behavioral health training
- Social-emotional curriculum development/training
- Restorative justice programs
- Natural helpers or peer support mental health programs

**NOTE:** LEAs receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.

**Not Allowable**

Any types of physical security items (infrastructure) or staff are not allowable. Examples of unallowable uses are:

- School resource officers, safety officers or security personnel
- School hardware and infrastructure such as:
  - Security systems
  - Door locks
  - Security cameras
- Walkie-talkies, radios, cell phones

[Click here to access sample school climate surveys sponsored by the US Department of Education.](#)

It is important to understand that the goal of using funding in this area is to improve school culture and climate under Section 1111 of the Every Student Succeeds Act (ESSA).

If you have any questions about a possible expenditure, please contact the Title I staff member assigned to your LEA.

## ► Site Allocation Rules

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Districts must allocate Title I funds to participating schools in rank order based on the percentage of children from low income families in each school. In determining what per-child amount to allocate, the district should consider the purpose of Title I funding – The purpose of this program is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. The per-child amount must be large enough to provide a reasonable assurance that the school can operate a Title I program of sufficient quality to achieve this purpose.

**IMPORTANT NOTE:** While there is no specific cap on the amount of money an LEA can reserve for LEA-managed initiatives, the bulk of Title I, Part A funds generally should be allocated to schools because Title I, Part A is designed to be a school-based program.

### **Greater than 75% poverty**

All schools at or above 75% poverty must be served. Districts may opt to serve only those schools and no others. A district is not required to allocate the same per-child amount to each school. However, per-child amounts in schools with higher poverty rates must be equal or greater than the per-child amounts in schools with lower poverty rates.

### **New ESSA Exception for High Schools**

An LEA may, but is not required to, continue to serve (in rank order of poverty) high schools with poverty percentages between 50 percent and 75 percent before it either serves other schools with a poverty percentage of 75 percent or below or begins to rank and serve schools by grade span. In other words, an LEA may serve high schools with 50 percent or more poverty before it serves any elementary or middle schools with a poverty percentage at or below 75 percent.

### **Less than 75% Poverty**

After serving all schools over 75% poverty, the district has the option to rank remaining schools by grade span groupings (e.g., K-5, 6-9, 10-12) or bands of poverty, or proceed with the district wide ranking regardless of grade level.

A district that opts to serve schools below 75% poverty using grade span groupings may determine different per-child amounts for different grade spans so long as those amounts do not exceed the amount allocated to any school above 75% poverty. Per-child amounts within grade spans may also vary as long as the per-child amounts in schools with higher poverty rates are equal or greater than the per-child amounts in schools with lower poverty rates. A district may choose to fund more than one grade span or may choose not to fund an entire grade span.

A district may choose to fund schools in specific bands of poverty, e.g., 100%-75%, 74%-50%, 49%-35%. When doing this, a district will fund a band of schools in a higher band at a higher per-child amount than lower poverty bands.

A district may opt to serve schools down to the 35% poverty level. The district may serve schools with poverty averages lower than 35% if their overall district poverty average is below 35%. Specific funding rules must be followed if a district chooses to fund a school below 35% or below the district poverty average (contact PED Title I office for guidance).

## ➤ New ESSA Authority to Use Feeder Patterns to Determine Poverty percentages for Secondary Schools

For determining the number of children from low-income families in a secondary school, an LEA may estimate that number by applying the average percentage of students from low-income families in the elementary school attendance areas that feed into the secondary school to the number of students enrolled in the secondary school.

Before an LEA may use feeder patterns to determine the poverty percentage of secondary schools the LEA must notify its secondary schools to inform them of the option. A majority of its secondary schools must approve the use of feeder patterns.

### **Additional Considerations**

Districts with an enrollment of less than 1,000 students or single attendance area districts (only one school per grade span) are not required to rank schools nor are they required to allocate funds to schools in rank order. Each participating school should however receive an allocation that the school can operate a Title I program of sufficient quality to achieve this purpose.

Grandfather provision: One additional year of funding may be provided to schools that were funded in the previous year but no longer meet the requirements to qualify to be a Title I school.

## ➤ LEAs may use one of the following six options for the purpose of rank ordering its schools for purposes of Title I Site allocations:

- Option 1 - Use 80-day or 120-day direct certification pre-multiplier data for all schools, CEP, non-CEP, and schools that do not participate in the National School Lunch Program (NSLP).
- Option 2 - Use 80-day or 120-day direct certification pre-multiplier data for CEP schools and schools that do not participate in the NSLP, AND the number of students identified by direct certification plus the number of students identified for free lunch only through NSLP household applications (or income verification forms that use the same poverty measures as NSLP forms) for non-CEP schools, including standard and Provision 2 schools.
- Option 3 - Use 80-day or 120-day direct certification post-multiplier data for CEP schools and schools that do not participate in the NSLP, AND the number of students identified by direct certification plus the number of students identified for free and reduced lunch through NSLP household applications (or income verification forms that use the same poverty measures as NSLP forms) for non-CEP schools, including standard and Provision 2 schools.
- Option 4 – Use 80-day or 120-day direct certification post-multiplier data for CEP schools and schools that do not participate in the NSLP, AND the higher of a school’s (1) number of students identified by direct certification x 1.6 or (2) the number of students identified by direct certification plus the number of students identified for free and reduced lunch through NSLP household applications (or income verification forms that use the same poverty measures as NSLP forms) for non-CEP schools, including standard and Provision 2 schools.
- Option 5 - Use 80-day or 120-day direct certification post-multiplier data for all schools, CEP, non-CEP, and schools that do not participate in the NSLP.
- Option 6 – An LEA may elect to use a single form to collect household income information to (1) determine eligibility for school meals in non-CEP schools; and (2) distribute other education funding (Title I-A) in CEP schools and in schools that do not participate in the NSLP. In accordance with the United States Department of Agriculture (USDA) SP-54-2016, single forms developed for this purpose must:
  - Contain all information required on the school meals application;
  - Include a clear, concise, and prominent disclaimer indicating households with students attending CEP schools are not required to submit the form for their student to receive meals benefits; and
  - Clearly specify which fields must be completed for students attending CEP vs. non-CEP schools.

## ▶ Comparability

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Comparability is a Title I fiscal requirement that is intended to ensure Title I schools are provided state and local educational resources that are equitable or comparable to those received by schools not participating in Title I. Title I schools are compared against non-Title I schools regarding student/teacher ratios or per pupil expenditures. The Title I Comparability Report is due to the SSFS Bureau in December of each year.

Comparability was codified into law in 1970 in response to early actions by school districts that either shifted state funds away from Title I schools or failed to provide comparable services to Title I schools.

### Comparability components

- School districts have the option of comparing schools with like grade spans and also may split the grade spans into large and small schools.
- District charter schools must be included in comparisons.
- School districts that do not have more than one building for each grade span are exempt from comparability but must complete Form A of the report.
- School districts may also exclude schools with 100 students or fewer from its comparability calculations.
- Also excluded from comparability determinations are staff salary differentials for years of employment, state and local funds expended for bilingual education, as well as services to children with disabilities.

Forms for demonstrating comparability are provided each year:

FORM A: This summary is required for every district and must include a list of every school in the district (including charters and alternative)

FORM B: Calculations

## ► Program Consultation and Planning

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Program planning for Title I targeted assistance and schoolwide programs is best consolidated within the overall school district planning process. Both schoolwide and targeted assistance planning requirements are provided in the following sections.

Each school district or charter school has the responsibility of ensuring that a plan has been developed that meets the Title I program requirements. Planning requirements may be addressed in a school's 90-day Plan; however the 90-day Plan must be completed intentionally to meet Title I program requirements. Districts and schools must document where the required components can be found and be prepared to provide this documentation upon request.

Timely and meaningful consultation with stakeholder groups is a planning process requirement, section 1112(a)(1)(A). Timely and meaningful consultation provides stakeholders with the opportunity to provide input *prior to* program decisions being made. Informing stakeholders about decisions that have already been made would not be considered timely and meaningful consultation. It is unlikely that a single consultation event can satisfy the timely and meaningful consultation requirement. To ensure timely and meaningful participation with the required groups, there should be multiple meetings (depending on the size of the award) that can begin prior to the Title I application being released in SharePoint. Maintain sign-in sheets and agendas from consultation events. The required stakeholder groups for consultation include: *teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in an LEA that has dependent charter schools), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents.*

A description of the LEA's consultation process is a required component of the Title I Application. A description of the method by which the LEA determined how Title I funds will be used (e.g., comprehensive needs assessment) is also required. The narrative should give evidence of a thoughtful, intentional planning process whereby Title I funds are allocated in a way that supports the district's overarching goals for student outcomes. The description should name the data that was used, the overall picture that the data presented and how the proposed use of funds will meet the district/schools' needs. Title I funds should not be treated as a static funding source that is allocated to the same purpose year after year without data-driven analysis. Title I program planning should be an integral part of the district's overall program planning so that Title I funds are used to materially increase student success.



## ► Schoolwide Program Guidelines

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A Title I Part A schoolwide program model is based on the belief that students will benefit most when schools improve the instructional program in totality. The schoolwide option allows Title I funds to support the entire student population, rather than supporting only those students identified as at-risk. The schoolwide model enables schools to utilize Title I funds along with other federal, state, and local programs to upgrade a school's entire program. A school must either have a poverty level of at least 40%, be grandfathered in, or request a schoolwide waiver to implement a schoolwide program model.

Each school implementing a schoolwide model must have a schoolwide program plan. The plan may be encompassed within Web EPSS or the NM 90-Day Plan. The requirements of the schoolwide program plan (section 1114 (b)) are that the plan:

- 1) is developed during a one-year period (unless the LEA determines the school does not need a year to develop its plan, or if the school is amending an existing plan)
- 2) is developed with parents, community members, teachers, principals, other school leaders, paraprofessionals, administrators, district representatives, to the extent feasible tribes and tribal organizations, and specialized instructional support personnel, technical assistance providers, school staff, students, and others as appropriate
- 3) remains in effect as long as the school is operating a schoolwide program, except that the plan is regularly monitored and revised
- 4) is understandable and available to the public
- 5) *may* be developed in coordination with Federal, State, and local services, resources, and programs
- 6) is based on a comprehensive needs assessment that considers, in particular, the needs of students who are at-risk of failing to meet the State's challenging academic standards; and
- 7) includes a description of:
  - a. strategies the school will implement to address school needs including how the strategies will
    - i. provide opportunities for all students to meet the State's challenging academic standards
    - ii. strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum
    - iii. address the needs of all students, particularly those at risk of not meeting the challenging State standards

## ► Schoolwide Program Plan and the NM 90-day Plan

The NM DASH Annual and 90-day Plans can meet the Title I schoolwide planning requirements of the ESSA if the planning processes are completed intentionally to meet those requirements. The seven ESSA requirements for schoolwide planning are listed below (ESEA section 1114(b)), together with how those requirements can be satisfied by the NM DASH Plans.

### NM DASH Annual and 90-day Plan Components:

- 1) Build School Core Team
- 2) Analyze Data and set Student Achievement Goals
- 3) Examine and select School Focus Areas and Conduct Root Cause Analysis
- 4) Create Desired Outcomes, Define Critical Actions and Develop Progress Indicators
- 5) Implement Plan and Monitor Progress

It is not required that the NM DASH Plans be used to satisfy the Title I schoolwide program plan. A school may develop a separate Title I schoolwide plan that meets the seven requirements in ESSA, or a school may embed those seven requirements in another plan.

### Title I Schoolwide Plan: Seven Required Components:

A school operating a schoolwide program must develop or amend a comprehensive plan that

- 1) is developed during a one-year period (unless the LEA determines the school does not need a year to develop its plan, or if the school is amending an existing plan)**

*If the school is developing new NM DASH Annual and 90-day Plans to meet the schoolwide planning requirements rather than amending existing plans, the LEA must determine that the one-year period is not necessary to develop the plan, or the school must develop its DASH Plans over the course of a one-year period.*

- 2) is developed with parents, community members, teachers, principals, other school leaders, paraprofessionals, administrators, district representatives, and may include tribes, specialized instructional support personnel, technical assistance providers, school staff, students, and others**

*A district representative and the school principal are required members of the NM DASH School Core Team. In addition, the team should have full representation from across grade levels, of the student body (including subgroups), of the community, and include a cross-section of stakeholders. School Core Team members are chosen for their expertise relevant to the needs and diversity of the students and community. If parents, community members, paraprofessionals or other administrators are not represented, the School Core Team would need to elicit input from those stakeholders on the development of the NM DASH Plans.*

**3) remains in effect as long as the school is operating a schoolwide program, except that the plan is regularly monitored and revised**

*Once a NM DASH 90-day Plan is written, a system to frequently monitor its implementation using multiple data sources, both quantitative and qualitative, is developed. As part of this monitoring process, the School Core Team reflects and responds to identified potential adjustments, shares progress with relevant stakeholders, and documents results and needed changes. This supports the critical transition to the next 90-day Plan.*

**4) is understandable and available to the public**

*NM DASH Annual and 90-day Plans are made readily available to stakeholders in a language, or languages, that are understandable to all. Regular communication of progress, as well as any needed adjustments, helps build a sense of self-efficacy, momentum and buy-in for the Plans.*

**5) may be developed in coordination with Federal, State, and local services, resources, and programs**

*In Component 4 of the NM DASH planning process, the School Core Team identifies clear timelines and resources needed to support Critical Actions, including applicable state and Federal funding sources*

**6) is based on a comprehensive needs assessment that considers, in particular, the needs of students who are at-risk of failing to meet the State’s challenging academic standards; and**

*Component 3 of the NM DASH planning process calls for deep data analysis and reflection on qualitative and quantitative evidence. This must consider the needs of the lowest achieving students to satisfy Title I schoolwide planning requirements.*

**7) includes a description of:**

- a. strategies the school will implement to address school needs including how the strategies will
  - i. provide opportunities for all students to meet the State’s challenging academic standards;
  - ii. strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum; and
  - iii. address the needs of all students, particularly those at risk of not meeting the challenging State standards.

*To satisfy the Title I schoolwide planning requirements, the Desired Outcomes created in Component 4 of the NM DASH 90-day Plan must identify specific observable change(s) in adult behavior which will generate focus and urgency toward evidence-based practices proven to increase student achievement. These best practices address the learning needs of all students in the school, particularly the needs of the lowest achieving students. Desired Outcomes must also describe change(s) in adult behavior that strengthen the academic programs of the school, increase the amount or quality of learning time, and help provide an enriched and accelerated curriculum.*

## ► Targeted Assistance Program Guidelines

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Schools ineligible for a Title I Part A schoolwide program, or that choose not to operate a schoolwide program, may use Title I Part A funds to operate a targeted assistance program model. In this model, Title I Part A funds may only be used for programs that provide services to students identified as having the greatest need for special assistance to meet the state academic achievement standards.

### Eligible Children

To determine which children are eligible to participate in a targeted assistance program, an LEA must establish multiple, educationally-related and objective criteria. School staff, in consultation with the LEA, and based on a review of all information available regarding the performance of eligible children, must use their best professional judgment in selecting students for participation.

Children from preschool through grade 2 shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures that determine which children are failing or most at risk of failing to meet state standards.

Eligible children include those who are:

- Not older than age 21, who are entitled to a free public education through grade 12;
- Not yet at a grade level for which the LEA provides a free public education (preschool); and
- Identified as failing or most at risk of failing

Certain children are considered at risk of failing to meet state standards and are thus eligible for targeted assistance services by virtue of their status. Those children are:

- Children who participated in a Head Start program, the literacy program under subpart 2 of part B of Title II, or in a Title I supported preschool at any time in the two preceding years;
- Children who received services under Part C of Title I (migrant student services) at any time in the two preceding years;
- Children in a local institution for neglected or delinquent children or attending a community day program; or
- Children attending any school in the LEA who are experiencing homelessness.

## Program Requirements

Targeted Assistance Programs must (SEC 1115(b)):

1. Determine which students will be served in the program
2. Use Title I Part A resources to help participating children meet the challenging State academic standards including by using methods and instructional strategies to strengthen the academic program of the school
3. Coordinate with and support the regular education program, which may include transition services from pre-K programs
4. Provide professional development with Title I Part A funds to teachers, principals, other school leaders, paraprofessionals, and others who work with eligible students
5. Implement strategies to increase the involvement of parents of eligible students in their academic program
6. Coordinate and integrate to the extent possible federal, state and local programs.

Special Rules:

*Targeted Assistance program funds may not be used to provide services that are otherwise required by law to be made available to the special eligible student groups described above, but may be used to coordinate or supplement such services.*

*As a funding source of last resort, Targeted Assistance program funds may be used to provide basic medical equipment (such as eyeglasses and hearing aids), to pay for a service coordinator, to provide family support and engagement services, and for professional development in meeting the comprehensive needs of eligible children.*

## ► **Title I Part D: Prevention & Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk**

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### **Program Purpose**

The general purpose of the Neglected and Delinquent programs are to improve educational services for children and youth in local and state institutions for neglected or delinquent children, providing them with the opportunity to meet the same rigorous state academic content standards that are expected of all students. The program provides needed services for children and youth to make a successful transition from institutionalization to further schooling or employment. The intent of the program is to prevent at risk youth from dropping out of school and to provide them with a support system to ensure their continued education toward a high school diploma.

This grant is subject to the provisions of Title I, Parts A, D, and F, and Title VIII, as applicable, of the ESEA, as amended by the ESSA, and the General Education Provisions Act (P.L. 103-382). These grants are also subject to the Title I Regulations in 34 CFR Part 200 and the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 76 (except for 76.650 – 76.662), 77, 81, and 82, and 2 CFR 3485, and the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards in 2 CFR Parts 200 and 3474.

### **Part D Subpart 1: State Agencies**

The program provides financial assistance to State agencies to operate programs that supplement a regular program of instruction for students in institutions for delinquent children and for youth in adult correctional facilities.

### **Part D Subpart 2: Local Institutions**

Funds are allocated for this subpart based on annual data collected on the number of children and youth (ages 5-17) living in local institutions for delinquent children for at least one day during the 30 day count period. Students who are eligible to be served are those living in local delinquent facilities who are 21 years of age or younger.

### **Neglected Facilities**

Title I Part A funds are allocated through LEAs to support public or private residential facilities, other than foster homes, that are operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law due to the abandonment, neglect, or death of their parents.

[Click here to access the Title I, Part D program guide](#)

## ► Rural and Low Income Schools Program (RLIS)

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### Program Purpose

RLIS is a formula grant made to eligible rural school districts with high concentrations of poverty. RLIS grants are intended to supplement the amount of funding that is made available to eligible districts under other ESSA programs and can be used for various purposes as allowable under these programs.

Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

- Activities authorized under part A of Title I
- Activities authorized under part A of Title II
- Activities authorized under Title III
- Activities authorized under part A of Title IV
- Parental involvement activities

[Please click here for use of Funds and Examples](#)

For Eligibility refer to section 5221 (b) Local Awards of the ESSA Manual.

This grant is issued in accordance with the provisions of Title V, Part B, Subpart 2 of the Elementary and Secondary Education Act (ESEA), as amended. This award is also subject to the provisions of the Department of Education General Administrative Regulations (EDGAR), 34 CFR Parts 77, 79, 81, 82, 97, 98, and 99, 2 CFR 3485, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200 and 3474.



### Program Purpose

Providing enriched early childhood experiences can help ensure that children in Title I schools and programs have the foundations to meet academic standards and experience success throughout elementary and secondary school. A high quality preschool experience may prevent the need for remediation by addressing children’s educational needs early. Providing preschool services to eligible children is an allowable use of Title I funds.

### Eligibility

- When supporting preschools, most districts choose to set aside funds off the top of their overall Title I award. When done this way, the district can serve students from all Title I schools or just a portion (one or more) of their Title I schools.
- If the schools where the preschool students would attend kindergarten are operating Title I *schoolwide* program models, all preschool age children that reside in the school’s attendance area are eligible.
- If the schools where the preschool students would attend kindergarten are operating Title I *targeted assistance* program models, only preschool age children that reside in the school’s attendance area *and* are at risk of failing are eligible.
- Automatic eligibility:
  - Children who participated in Head Start or a Title I preschool program at any time in the prior two years;
  - Migrant children;
  - Children who are experiencing homelessness;
  - Children who are in a local institution for neglected children.

### Selection criteria

If there are not enough available spaces to meet demand, the district or school must apply selection criteria to select those students most at risk of failing. The decision must be based on multiple, educationally-related objective criteria. Criteria would include developmentally appropriate measures of child development, teacher judgment, and interviews with parents.

### Program Requirements

All Title I funded preschool programs must follow the program requirements and the New Mexico FOCUS criteria established by the state-funded New Mexico Pre-K program.



## ▶ **Reading, Achievement, Math, and School Culture (RAMS)**

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### **Program Purpose**

The RAMS program is a school improvement initiative directed by the SSFS Bureau in collaboration with the Special Education Bureau. RAMS began in the 2014-15 school year and has added new schools each year, serving 80 schools across the state in 2018-19. RAMS is a result of the State Systemic Improvement Plan which is available online from the PED's Title I webpage.

### **RAMS Goals:**

- Increasing the number of students with disabilities in grades K-3 who score proficient in reading as evidenced by Istation
- Increasing the use of evidence-based practices (school improvement categories on the site visit tool) in RAMS schools
- Increasing student achievement in reading and mathematics as measured by the New Mexico standards-based assessments
- Reducing the number of special education referrals

**RAMS Strategies:** To achieve the goal, RAMS is focusing on the following strategies to effect whole-school improvement:

- On-going, job-embedded professional development in the areas of Response to Intervention, reading strategies, behavioral interventions and leadership;
- Coaching in reading and math instruction and Positive Behavioral Intervention and Supports (PBIS);
- Technical assistance, provided by the PED and Regional Education Cooperatives (REC) through site visits and supporting communications;
- Sub-grants for professional development to address RAMS goals;
- Parent trainings to give parents tools to support the schools' reading interventions and RAMS initiatives; and
- Sustainability plan to build capacity in RAMS schools to continue school improvement initiatives beyond the program funding period.

## ► Highly Qualified Paraprofessional Requirements

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### Requirements: Educational Assistants (Paraprofessionals)

Requirements: Educational Assistants (Paraprofessionals)

All Educational Assistants (Paraprofessionals) working in Title I supported schools who have instructional support duties must have a Level 3 Paraprofessional License, having met all the requirements set forth in [NMAC 6.63.9.10](#), regardless of funding source (federal, state, or local) that supports the position.

Providing instructional support refers to activities performed by paraprofessionals who work in a Title I schoolwide program and have instructional support duties must meet these qualifications regardless of funding source (federal, state, or local) that supports the position.

Providing instructional support refers to activities performed by paraprofessionals who:

1. Provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
2. Assist with classroom management, such as organizing instructional materials;
3. Provide instructional assistance in a computer laboratory;
4. Conduct parental involvement activities;
5. Provide instructional support in a library or media center, act as a translator; or
6. Provide instructional support services under the direct supervision of a licensed teacher.

Under the direct supervision of a teacher means:

- The teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working; and
- The paraprofessional works in close and frequent proximity with the teacher.

**A program staffed entirely by paraprofessionals is not permitted.**

Close and frequent proximity does **not** mean a program in which a paraprofessional:

- Provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom; or
- Works with a group of students in another location while the teacher provides instruction to the rest of the class.

## ► Dependent Charter Schools

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This section applies **ONLY** to those charter schools which are considered to be a public school within an LEA.

There are two types of charter school governance models: dependent charter and state charter school. In New Mexico dependent charter schools are considered to be a public school within a district, not an independent LEA. This is called the “dependent” model. It means that for the purposes of federal formula grants where states sub-allocate funds to school districts, charter schools are to be viewed and treated as any other school in the district.

### Dependent Charter School Model in New Mexico

This model defines and determines the *nature* of the relationship between dependent charter schools and school districts in the implementation of certain federal funds and grants in terms of school eligibility, allocation, and basic grant oversight.

In this model the parent district is considered the LEA. LEAs have a different set of legal obligations, responsibilities and discretionary privileges than do individual school buildings; charter or regular. The LEA administration prepares and submits the federal grant application(s) and all related reports and data to the State. Individual schools forward their data to the LEAs federal program administrator.

Charter school enrollment and poverty data is included/incorporated into the LEA application and reported to the State regardless of whether it receives an allocation or not (for the purpose of establishing rank order of schools according to poverty rates in the case of Title I).

The State awards the grant to the LEA and not directly to individual schools.

The LEA must determine and calculate individual building eligibility and subsequent allocation (if eligible). In Title I, there are several options the LEA has to determine this. Some eligible schools may not receive an allocation.

*The LEA, not individual schools, is accountable for proper grant administration in all schools receiving these funds.*

For new or significantly expanding charter schools, there are specific regulatory requirements for providing student poverty data to the LEA in a timely manner so it can determine the charter school’s eligibility and allocation for Title I.

The LEA must sign a document called a statement of assurances verifying that it will follow specific federal regulations in the administration of the grant(s) at all eligible schools. Individual schools do not sign this statement.

## **Fund Reservation or Set-Asides and Indirect Costs**

A grant is awarded to and administered by the LEA on behalf of the eligible schools in its attendance areas, including eligible charter schools. Individual schools may not administer the grants separately from the LEA.

In Title I the LEA is required and entitled to reserve funds off the top of the total grant award before determining the remaining amount available for allocations to eligible schools. These are for administrative functions and services and are called set- asides. Some examples include:

- Services to children in local institutions for neglected children;
- Services to eligible private school children;
- 1% for parental involvement if the LEAs award is greater than \$500,000; and
- Optional: summer school, preschool, school improvement activities, and children experiencing homelessness.

The LEA is entitled to reserve indirect costs at an approved state-determined rate as administrative costs. Individual schools may not reserve set-asides or indirect costs from their building allocation.

Charter schools are entitled to and should receive appropriate benefit from the services, personnel and materials the LEA funds with the set-asides.

There is no requirement for determining a percentage or pro-rated “amount of benefit” to any one school in the district from set-asides, nor is there a requirement that the benefits be distributed equally or on a per child basis across all eligible schools.

There is no provision in the law for resolving disagreements (by individuals or schools) on how these funds are spent.

## **Other Considerations**

The SSFS Bureau advises that wherever actions are not specifically governed by federal regulation, LEAs allow charter schools the maximum amount of flexibility in design and administration of their Title I program. The LEA however retains an obligation for program oversight. LEAs must provide **timely and meaningful** information to charter schools regarding eligibility criteria, timelines, and other requirements of programs for which charter schools may be eligible.

## ► Services to Eligible Private School Children

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Under Title I, section 1117 of the ESEA, as amended by the ESSA, school districts are required to provide services for eligible private school students, teachers and their families that are equitable to those of the eligible public school students.

### ***How is funding for instructional services generated for private schools?***

A private school student generates funds if he/she resides within an attendance area of a participating Title I public school and meets the established low income criteria.

### ***Who can participate in Title I?***

A private school student who can participate in Title I resides within an attendance area of a participating Title I public school **and** is failing or at risk of failing state student academic achievement standards. Low-income status is **not** a basis for participation in the Title I Program.

## **Consultation**

LEA officials must conduct a timely and meaningful consultation with appropriate private school officials prior to making any decisions that could prevent eligible private school children, teachers or families from participating in Title I, and must discuss at a minimum the following:

- How are children's needs identified?
- What services will the LEA provide to teachers and families of participating children?
- How, where and by whom will services be provided?
- How will the services be evaluated?
- How will the results of the evaluation be used to improve those services?
- What is the amount of funds available for services?
- What data will determine the number of low-income children who attend the private non-profit (PNP) and who reside in a participating Title I school attendance area?
- What is the complaint process if a private school official does not agree with an aspect or outcome of the consultation?

If a private school elects to participate in Title I Services the consultation must be ongoing throughout the year. The level of involvement is dictated by the size and scope of the services provided by the LEA to eligible private school students. The LEA is considered to be the recipient of the Title I grant. In providing equitable services, the LEA is responsible for maintaining and managing funds. Private schools are not allowed to receive or expend funds.

### **LEA Services to Eligible PNP Students**

Services to eligible private school children must be secular, neutral, non-ideological, provided in a timely manner, and equitable in comparison to services and benefits for public school children. To help ensure such equity, the PED is required to designate an Ombudsman to monitor and enforce these requirements. Options for private-school services include, but are not limited to:

- Instructional services provided by public-school employees or third-party contractors
- Extended-day services
- Summer school
- Family literacy programs
- Counseling programs
- Computer-assisted instruction
- Home tutoring
- Instruction using take-home computers

### **PNP Equitable Services Quick Facts**

- 1) The scope of Title I services provided to eligible students in a private school should be comparable (but not necessarily identical) to those provided to students in public schools. The number of eligible students, available funding and student needs will determine services.
- 2) Providing a private school with supplies, materials, and resources in the absence of an instructional program is not allowed. This practice does not meet the requirement for an LEA to provide equitable services to eligible PNP students.
- 3) Any supplies (except expendables) and equipment purchased by the LEA for use in a private school remains the property of the LEA, and the LEA must maintain an inventory.
- 4) Individual students, not schools, are eligible for services and because of this, teachers paid for out of Title I funds cannot teach alongside classroom teachers.
- 5) The school district, in consultation with private school officials, administers the agreed upon program. It may not delegate responsibility for program planning, design and implementation to private school officials or staff.

- 6) Employees hired to provide services (paraprofessionals, aides and teachers) are employees of the district, must be supervised by the district, and must meet the PED licensure requirements. Paraprofessionals who provide instructional support must work under the direct supervision of a licensed public school teacher.
  - a. A paraprofessional works under the direct supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working, and (2) the paraprofessional works in close and frequent proximity with the teacher. As a result, a program staffed entirely by paraprofessionals is not permitted.
  - b. A program where a paraprofessional provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom, or a program where a paraprofessional works with a group of students in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the requirement that paraprofessionals work in close and frequent proximity to a teacher.
  - c. There are no ESSA or PED licensure requirements for contractors.
- 7) If the LEA disagrees with the views of the private school officials on the provisions of services through a contract, the LEA must provide the private schools the reasons in writing why the LEA chooses not to use a contractor.
- 8) The LEA will evaluate the services provided to eligible private school students and will use the results of that evaluation to improve Title I services.

## **October 2019 USDE Non-Regulatory Guidance**

The USDE Non-regulatory Guidance for Providing Equitable Services to Eligible Private School Children, Teachers and Families, released Oct. 7, 2019 can be found at [this website](#). Timely and meaningful consultation and documentation is required by LEA's and private school officials to provide equitable services for eligible private school children. Additionally, third party contracts may be made with religious organizations.

The PED Ombudsman for equitable services to private school children is Daniela Romero. Her e-mail address is [Daniela.romero@ped.nm.gov](mailto:Daniela.romero@ped.nm.gov)

## ► Students Who Are Experiencing Homelessness

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### Automatic Eligibility for Title I Services

Children and youth who are experiencing homelessness are automatically eligible for services under Title I Part A, whether or not they live in a Title I school attendance area or meet the academic standards required of other children for eligibility.

The services provided to students who are experiencing homelessness and attending a non-Title I school must be comparable to services received by students in Title I schools. Students experiencing homelessness may receive Title I educational or support services from schoolwide and targeted assistance programs.

Students who have been receiving services and who become permanently housed during the school year continue to be eligible for Title I Part A services for the rest of that school year.

### Determining Set-aside Amount and Use of Title I A Funds

Two guiding principles direct LEAs in the use of funds:

1. The services must be **reasonable and necessary** to assist students to take advantage of educational opportunities.
2. Title I A funds are used when no services are available from public or private sources. Other resources include, but are not limited to: food banks, public health clinics, faith communities, service clubs (e.g., Lions, Kiwanis, USDA National School Lunch Program). LEAs should seek out and network with community sources and create a list.

To determine the amount of Title I A funds to set aside for services to students experiencing homelessness, and to ensure comparability with services provided to other Title I students, LEAs may consider the following:

- examination of averages in enrollment of students experiencing homelessness during the previous two or three years and multiplying that figure with the average per-pupil cost of Title I A services for the current year;
- consideration of other state and/or Federal education grants that may be used to provide assistance; and
- existence of county, local and community resources that may be able to meet some of the students' needs.



If an LEA has completed a current needs assessment to apply for McKinney-Vento funds, that needs assessment may be used. A toolkit and guide for conducting a needs assessment is included in the list of links at the end of this section.

Title I A funds may be used to assist students who are experiencing homelessness in meeting the state's challenging academic standards.

In alignment with the two guiding principles, LEAs may use Title I A funds for students experiencing homelessness in ways not provided to other Title I students, including:

- Clothing, including when needed to meet school's dress code or participate in PE classes
- Personal school supplies
- Cost to obtain birth certificates necessary to enroll in school
- Immunizations
- Medical and dental services
- Eyeglasses and hearing aids
- Food (for student only, in emergency situations when no other sources are available)
- Counseling services to address anxiety that is interfering with a student's learning
- Fees for educational testing, such as AP, IB, and GED
- Fees for college entrance exams, such as the SAT or ACT
- Outreach services to students living in temporary residences such as shelters and motels
- Tutoring services, including in locations such as shelters
- Time for extended learning, such as before or after school, Saturdays, summer school
- Parental involvement specific to parents of students experiencing homelessness
- Additional transportation costs, when the student requires transportation to the home school or local services and other state, local or federal funds are not available.

## LEA Homeless Liaison

Every LEA is required to have a person identified as the homeless liaison. Title I A funds may be used for part or all of the LEA's homeless liaison's salary, even if this individual does not have Title I duties. Homeless liaisons are responsible for ensuring that students who are experiencing homelessness are identified through outreach and coordination, are enrolled in school and receive services that allow them to succeed academically. For additional information regarding the responsibilities of a homeless liaison, refer to Section III Part 6 in the non-regulatory guidance in the [National Center for Homeless Education Homeless Liaison Toolkit](#) (includes needs assessment guidance).

The Education for Homeless Children and Youth Program at the PED is housed in the Student Success and Wellness Bureau. The PED Point of Contact for Homeless is Dana Malone. Her email is [Dana.Malone@ped.nm.gov](mailto:Dana.Malone@ped.nm.gov)

## ► Students in Foster Care

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### Overview of ESSA Requirements

The Every Student Succeeds Act (ESSA) includes key provisions regarding the educational stability of students who are in foster care. These provisions are intended to assist students to succeed in school by reducing the number of educational disruptions and increasing school stability. During the 2017 New Mexico legislative session, two bills (HB 411 and SB 213) were passed which emphasize ESSA provisions and add additional detail and clarification.

#### Educational Stability

Students in foster care are more mobile than their peers because of changes in foster home placement. When a student is first placed in foster care, and when a foster care placement changes to a new residence, the placement is often outside the attendance area of the student's current school (called *the school of origin*). School is often the most stable and consistent part of life for these youth. When the stability of a school setting is disrupted by sudden and frequent changes, students are impacted in multiple ways. These include, but are not limited to: social isolation and loss of relationships with supportive teachers and other adults, falling behind in school, inconsistent attendance, lowered test scores, delayed graduation or dropping out of school entirely.

#### Best Interest Determination (BID)

When a foster care placement changes to a location outside of the attendance area of the school of origin, the LEA Point of Contact, LEA staff who know the student and the Children Youth and Families Department (CYFD) staff must conduct a best interest determination, preferably through a face to face meeting when feasible, although a conference call may also be held. The purpose of the BID is to determine whether the student is best served by remaining in their school of origin to maintain educational stability and to create a transportation plan accordingly.

#### Transportation

If a BID outcome is that the student will remain in their school of origin, the LEA and CYFD must work together to ensure that the student is transported to that school. The student must not miss school while transportation is being arranged. If there are additional costs incurred to provide transportation to the school of origin, the LEA will provide transportation to the school of origin if:

- the CYFD agrees to reimburse the LEA for the cost of transportation;

- the LEA agrees to pay for the cost of transportation; or
- the LEA and the local child welfare agency agree to share the cost of transportation.

LEAs may set aside funds during the Title I application process for transportation of foster students to their school of origin. If the LEA did not set aside funds, it is still required to ensure that transportation is provided.

In situations where the foster placement is in a different school district, it is the responsibility of the district where the school of origin is located to ensure that transportation occurs. This also applies to state charter schools even if the state charter school does not normally provide transportation for students.

**All LEAs have provided written assurances to the PED that they have communicated with their local child welfare agency and have developed policies and procedures to hold best interest determination meetings and to provide transportation to a student's school of origin, when necessary.**

Although educational stability for students in foster care involves Title I funds, the Foster Care Education Program at the PED has moved to the Student Success and Wellness Bureau. The PED Point of Contact for Foster Care is Daniela Romero. Her email is [Daniela.romero@ped.nm.gov](mailto:Daniela.romero@ped.nm.gov)

For additional information and requirements of LEAs, please refer to the [\*Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care\*](#) released by the U.S. Department of Education and the U.S. Department of Health and Human Services in June, 2016.

## ▶ **Committee of Practitioners**

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Each state that receives Title I funds is required to create an advisory committee of practitioners. Membership includes local school district administrators, parents, school board members, representatives of private schools, PED staff, teachers, and representatives from Title I programs such as Migrant, N/D, etc.

### **Purpose of the Committee of Practitioners:**

- 1) Review and discuss any proposed state rule or regulation related to the fiscal or program administration of Title I.
- 2) Provide guidance on urgent or relative topics affecting federal programs.

## ► **Complaint Procedure**

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Every school district should have a complaint procedure to address issues that may arise in the implementation of Title I programs. The complaint procedure does not have to be specific to Title I but should be appropriate for Title I related complaints.

Complaints should first go through the established complaint procedure of the district from where the complaint originated. This allows the complaint to follow protocol and ensure it is properly documented. If issues are not reasonably addressed at a local level, as determined by the parties involved, then the petitioner may file a written complaint with the PED. The PED may research the matter and may make a determination based on facts presented.

PED Rule NMAC 6.10.3 Complaint Procedure establishes written procedures for receiving and resolving complaints for various federal education programs including those administered by the SSFS Bureau. School districts and charter schools must provide copies of the complaint procedure to the parents of students as described in section 6.10.3.12 of this rule, the full text of which appears on the following pages.



**TITLE 6 PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 10 PUBLIC SCHOOL ADMINISTRATION - PROCEDURAL**  
**REQUIREMENTS**  
**PART 3 COMPLAINT PROCEDURE**

**6.10.3.1 ISSUING AGENCY:** Public Education Department  
[12-31-98, 07-30-99; 6.10.3.1 NMAC - Rn, 6 NMAC 1.5.1.1, 11-30-00; A, 10-17-05]

**6.10.3.2 SCOPE:** Public education department, local educational agencies, charter schools, public agencies, or consortia of agencies.  
[12-31-98; 6.10.3.2 NMAC - Rn, 6 NMAC 1.5.1.2 & A, 11-30-00; A, 10-17-05]

**6.10.3.3 STATUTORY AUTHORITY:** Sections 22-2-1, 22-2-2, and 22-9-3 NMSA 1978; 20 US Code Sections 1681 et seq; 42 US Code Section 11432(g)(1)(c), 34 Code of Federal Regulations Parts 106 and 299.  
[12-31-98; 6.10.3.3 NMAC - Rn, 6 NMAC 1.5.1.3 & A, 11-30-00; A, 10-17-05; A, 11-30-06]

**6.10.3.4 DURATION:** Permanent  
[12-31-98; 6.10.3.4 NMAC - Rn, 6 NMAC 1.5.1.4, 11-30-00]

**6.10.3.5 EFFECTIVE DATE:** December 31, 1998, unless a later date is cited at the end of a section.  
[12-31-98; 6.10.3.5 NMAC - Rn, 6 NMAC 1.5.1.5 & A, 11-30-00]

**6.10.3.6 OBJECTIVE:** This rule establishes written procedures for:

- A. receiving and resolving a complaint from an individual or organization that the public education department or an agency or consortium of agencies is violating a federal statute or regulation that applies to an applicable or covered program;
- B. reviewing an appeal from a decision of an agency or consortium of agencies with respect to a complaint;
- C. conducting an independent on-site investigation of a complaint if the public education department determines that an on-site investigation is necessary;
- D. resolving complaints of discrimination based on sex regarding educational programs of the public education department that are alleged to be a violation of Title IX of the Education Amendments of 1972; and
- E. resolving complaints brought pursuant to the McKinney-Vento Education for Homeless Children and Youth Act (42 USC Section 11432(g)(1)(c)).

[12-31-98; 6.10.3.6 NMAC - Rn, 6 NMAC 1.5.1.6 & A, 11-30-00; A, 10-17-05; A, 11-30-06]  
[Complaints alleging violations of statutes or regulations governing special education and related services for children with disabilities are covered under Subsection H of 6.31.2.13 NMAC.]

**6.10.3.7 DEFINITIONS:**

- A. “Applicable program” means any of the following Elementary and Secondary Education Act (20 U.S.C. 2701 et. seq.) programs:

- (1) Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies);
- (2) Part B of Title I (Student Reading Skills Improvement Grants);
- (3) Part C of Title I (Education of Migratory Children);
- (4) Part D of Title I (Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk);
- (5) Title II (Preparing, Training, and Recruiting High Quality Teachers and Principals);
- (6) Language Instruction for Limited English Proficient and Immigrant Students;
- (7) Title IV (21st Century Schools (other than Subpart 2 of Part A, National Programs));
- (8) Title V (Promoting Informed Parental Choice and Innovative Programs) (other than Subpart 8 and Subpart 12); and
- (9) Part A of Title VII (Indian, Native Hawaiian, and Alaska Native Education).

B. “Covered program” means a federal program not defined as an applicable program for which the state educational agency is required to provide a complaint procedure and for which a complaint procedure is not otherwise provided by public education department rule.

C. “Department” means the public education department.

D. “Homeless children and youth” means individuals who lack a fixed, regular, and adequate nighttime residence, which includes:

- (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 such term is defined in Section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in Paragraphs (1) through (3) of this subsection.

E. “School of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

F. “LEA” means local education agency.

G. “Title IX” means Title IX of the Education Amendments of 1972, codified as 20 US Code Sections 1681 et seq, which provides in part that, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

[12-31-98; 6.10.3.7 NMAC - Rn, 6 NMAC 1.5.1.7 & A, 11-30-00; A, 10-17-05; A, 11-30-06]

### **6.10.3.8 FILING A COMPLAINT:**

A. The department will accept and investigate complaints from organizations or individuals with respect to applicable or covered programs. The complaint must:

- (1) be written;
- (2) be signed by the complaining party or his or her designated representative;
- (3) contain a statement that the department or an agency or consortium of agencies has violated a requirement of a federal statute or regulation that applies to the program;
- (4) contain a statement of the facts on which the complaint is based and the specific requirement alleged to have been violated; and
- (5) in the case of Title IX, must contain a statement that the department or any of its employees, has discriminated against the complainant on the basis of sex in regard to an education program or activity operated or managed by the department given that the department is a recipient of federal financial assistance.

B. In the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act relating to a dispute not resolved at the district level, the LEA shall forward the department's dispute resolution process form along with the LEA's written explanation of the school's decision to the department's homeless liaison within 5 calendar days of the LEA's final decision; The filing of these documents shall be deemed to satisfy the requirements of Paragraphs (1) through (4) of Subsection A of this section. The parent, guardian or student may also initiate the appeal by providing copies of these documents to the department's homeless liaison. [12-31-98; 6.10.3.8 NMAC - Rn, 6 NMAC 1.5.1.8 & A, 11-30-00; A, 10-17-05; A, 11-30-06]

### **6.10.3.9 COMPLAINTS AGAINST AN AGENCY OR CONSORTIUM OF AGENCIES:**

A. Impartial review. Upon receipt of a complaint which meets the requirements of Section 6.10.3.8 of this rule, the department will:

- (1) acknowledge receipt of the complaint in writing;
- (2) provide written notice to the agency or consortium of agencies against which the violation has been alleged;
- (3) conduct an impartial investigation which shall include a review of all relevant documentation presented and may include an independent on-site investigation, if determined necessary by the department;
- (4) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
- (5) review all relevant information and make an independent determination as to whether the agency or consortium of agencies is violating a requirement of an applicable federal statute or regulation.

B. Decision. A written decision, which includes findings of fact, conclusions, and the reasons for the decision and which addresses each allegation in the complaint, shall be issued by the secretary of education or designee and mailed to the parties within sixty (60) calendar days of receipt of the written complaint. In the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act, the decision must be issued within thirty (30) calendar days. Such decision will further include:

- (1) procedures for effective implementation of the final decision, if needed, including technical assistance, negotiations, and, if corrective action is required, such action shall be designated and the decision shall include the time line for correction and the possible consequences for continued noncompliance;



(2) a statement of the right to request the secretary of the United States department of education to review the final decision at the secretary's discretion; complaints regarding participation by private school children must be appealed to the secretary no later than thirty (30) days after the department issues its decision; an appeal regarding participation by private school children must be accompanied by a copy of the decision and a complete statement of reasons supporting the appeal.

C. Failure or refusal to comply. If the agency or consortium of agencies fails or refuses to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance may be effected by the department by any means authorized by state or federal statute or regulation. The department will retain jurisdiction over the issue of noncompliance with the law or regulations and will retain jurisdiction over the implementation of any corrective action required.

D. Informal resolution.

(1) Nothing herein shall preclude the availability of an informal resolution between the complainant and the agency or consortium of agencies, nor shall this rule preclude or abrogate the availability of any administrative hearing opportunities as provided for by federal statute or regulation.

(2) In the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act, each district shall have a written policy for concerned parties to resolve disputes, and every effort should be made to resolve the dispute at the district level. The district level procedure must adhere to the following parameters:

(a) The dispute resolution process shall be as informal and accessible as possible and the process should be able to be initiated directly at the school of choice as well as at the district level or with the LEA homeless liaison. Every LEA is required to have a homeless liaison.

(b) When a dispute arises over school selection or enrollment, pending resolution of the dispute, the homeless child or youth must be immediately enrolled in the school in which the child or youth is seeking enrollment, and provided all services to which student is entitled.

(c) The district must create and provide a simply stated notice of rights and provide that notice of rights to the student, parent or guardian, in a language the student, parent or guardian can understand. The notice of rights shall contain:

(i) contact information for the LEA homeless liaison and the state coordinator, with a brief description of their roles;

(ii) a step by step description of how to make use of the dispute resolution process;

(iii) notice of the right to immediately enroll in the school of choice pending resolution of the dispute and notice that immediate enrollment includes full participation in all school activities;

(iv) notice of the right to obtain the assistance of advocates or attorneys;

(v) notice of the right to appeal to the department if the district-level resolution is not satisfactory;

(vi) the timelines for resolving district and department-level appeals;

(vii) notice of the right to provide written or oral documentation to support their position; and

(viii) a simple form that parents, guardians or the student can complete and return to the school to initiate the process.

(d) The school with the dispute must provide notice of the dispute to the LEA's homeless liaison using the department's dispute resolution process form which requires the following information:

- (i) school name, address, phone and fax number;
- (ii) student's name, identification number, grade, and address;
- (iii) parent, guardian or complaining party's name, relationship to student, address, and phone number;
- (iv) whether student lives in a shelter;
- (v) name of school child or youth chooses to be enrolled in pending resolution of dispute;
- (vi) whether school enrolled in is school of origin;
- (vii) reason for complaint;
- (viii) signature of parent guardian or complaining party; and
- (ix) the principal's actions on the complaint.

(e) The district will have 10 calendar days to review its initial determination and make a final decision as to the position taken.

(f) The district's final decision must be in writing and must state all factual information upon which it is based and the legal basis in support thereof. If the final decision of the district is adverse to the parent, guardian or student, the decision, along with the department's dispute resolution process form, must be forwarded by the LEA homeless liaison to the department's homeless liaison within 5 calendar days of issuing its final decision.

[12-31-98; 6.10.3.9 NMAC - Rn, 6 NMAC 1.5.1.9 & A, 11-30-00; A, 10-17-05, A, 11-30-06]

### **6.10.3.10 COMPLAINTS AGAINST THE DEPARTMENT:**

A. If the complaint concerns a violation by the department and meets the applicable requirements of 6.10.3.8 NMAC, the secretary of education or designee will appoint an impartial person or impartial persons to conduct an investigation.

B. Investigation. The person or persons appointed pursuant to this section will:

- (1) acknowledge receipt of the complaint in writing;
- (2) undertake an impartial investigation which shall include a review of all relevant documentation presented and may include an independent on-site investigation, if necessary;
- (3) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
- (4) review all relevant information and make an independent determination as to whether the department is violating a requirement of an applicable federal statute or regulation.

C. Decision. A written decision, including findings of fact, conclusions, and the reasons for the decision and addressing each allegation in the complaint, shall be issued by the person or persons appointed pursuant to this section and mailed to the parties within sixty (60) calendar days of receipt of the written complaint. The decision will include a statement of the right

to request the secretary of the United States department of education to review the final decision at the secretary's discretion. Complaints regarding participation by private school children must be appealed to the secretary no later than thirty (30) days after the decision is issued. An appeal regarding participation by private school children must be accompanied by a copy of the decision and a complete statement of reasons supporting the appeal.

D. Nothing herein shall preclude the availability of an informal resolution between the complainant and the department, nor shall this rule preclude or abrogate the availability of any administrative hearing opportunities as provided for by federal statute or regulation.  
[12-31-98; 6.10.3.10 NMAC - Rn, 6 NMAC 1.5.1.10 & A, 11-30-00; A, 10-17-05]

**6.10.3.11 EXTENSION OF TIME LIMIT:** An extension of the time limit under 6.10.3.9 NMAC and 6.10.3.10 NMAC of this rule will be permitted by the secretary of education or designee only if exceptional circumstances exist with respect to a particular complaint.  
[12-31-98; 6.10.3.11 NMAC - Rn, 6 NMAC 1.5.1.11 & A, 11-30-00; A, 10-17-05]

**6.10.3.12 NOTICE TO PARENTS:** Public school districts, charter schools and agencies will disseminate, free of charge, adequate information about the complaint procedures to parents of students, and appropriate private school officials or representatives.  
[6.10.3.12 NMAC - N, 11-30-00; A, 10-17-05]

**6.10.3.13 CONFLICTS:** If any statute or regulation governing any federal program subject to this rule affords procedural rights to a complainant exceeding those set forth in this rule, such statutory or regulatory right(s) shall be afforded to the complainant. In acknowledging receipt of the complaint in such a case, the secretary of education or designee shall identify the procedures applicable to that complaint.  
[12-31-98; 6.10.3.13 NMAC - Rn, 6 NMAC 1.5.1.12 & A, 11-30-00; A, 10-17-05]

**HISTORY OF 6.10.3 NMAC:**

**PRE-NMAC HISTORY:** The material in this Part is derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 85-1, Complaint Procedure, filed April 17, 1985 and State Board of Education (SBE) Regulation No. 94-4, Complaint Procedure, filed October 3, 1994.

## ▶ **Sample: Semiannual Certification**

**Sample Semiannual Certification:** *This is an example. There is no requirement to use this particular form.*

### **Single Program Cost Objective Semiannual Certification**

Month: \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Position: \_\_\_\_\_

Cost Objective: \_\_\_\_\_

I hereby certify that for the period of \_\_\_\_\_ through \_\_\_\_\_ I spent 100% of my time on the above stated cost objective. This report is a confirmation of the total activity and the actual effort expended for the period indicated.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

Completion of this form is required for all federally funded employees working on a single cost objective. Employees must complete this form semiannually. This form must be kept within the program files to support allocation of cost to the applicable grants.

# ► Sample: Personnel Activity Report (PAR)

Sample PAR: This is an example. There is no requirement to use this particular PAR form.

Name:												<b>Leave Balances Effective (last paycheck)</b>					
Project ID:												<b>January 0, 1900</b>					
ID #:												<b>Sick:</b>		<b>Personal Hol.</b>		<b>0.00</b>	
Department:												<b>Annual:</b>		<b>Admin. Comp:</b>		<b>0.00</b>	
Period Start:												<b>Regular Comp</b>		<b>Holiday Comp</b>		<b>0.00</b>	
Period End:												Total Leave 0 Hours					
<b>Week 1</b>		<b>Sat 01/00</b>		<b>Sun 01/01</b>		<b>Mon 01/02</b>		<b>Tue 01/03</b>		<b>Wed 01/04</b>		<b>Thu 01/05</b>		<b>Fri 01/06</b>		<b>Total</b>	
Project ID		D/I	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	
Cost Objective 1		D					REG		REG		REG		REG		REG		0.0
Cost Objective 2		D					REG		REG		REG		REG		REG		0.0
Cost Objective 3		D					REG		REG		REG		REG		REG		0.0
		D															0.0
		D															0.0
		D															0.0
<b>SUBTOTAL</b>			<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>
<b>Week 2</b>		<b>Sat 01/07</b>		<b>Sun 01/08</b>		<b>Mon 01/09</b>		<b>Tue 01/10</b>		<b>Wed 01/11</b>		<b>Thu 01/12</b>		<b>Fri 01/13</b>		<b>Total</b>	
Project ID		D/I	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	Hrs	Code	
Cost Objective 1		D					REG		REG		REG		REG		REG		0.0
Cost Objective 2		D					REG		REG		REG		REG		REG		0.0
Cost Objective 3		D					REG		REG		REG		REG		REG		0.0
		D															0.0
		D															0.0
		D															0.0
<b>SUBTOTAL</b>			<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>
<b>TOTAL</b>			<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>
I certify that to the best of my knowledge, time reported here is true and correct:																	
Employee										Date							
Supervisor										Date							

[Please click here to access a sample PAR form.](#)

## ► Glossary of Acronyms

ASD	Administrative Services Division
BID	Best Interest Determination
CFR	Code of Federal Regulations
CLRI	Culturally and Linguistically Relevant Instruction
CNA	Comprehensive Needs Assessment
CSPR	Consolidated State Performance Report
CYFD	Children Youth and Families Department
EBI	Evidence-Based Interventions
EDGAR	Education Department General Administrative Regulations
EOY	End-of-Year
EPSS	Educational Plan for Student Success
ESEA	Elementary and Secondary Education Act
ESSA	Every Student Succeeds Act
GEPA	General Education Provisions Act
LEA	Local Education Agency
MEP	Migrant Education Program (Title I Part C)
N&D	Neglected and Delinquent Program (Title I Part D)
NMAC	New Mexico Administrative Code
NMDASH	New Mexico Data, Accountability, Sustainability, and High-Achievement
OBMS	Operating Budget Management System
PAR	Personnel Activity Report
PBIS	Positive Behavioral Interventions & Supports
PEC	New Mexico Public Education Commission
PED	Public Education Department
PNP	Private Not for Profit schools
RAMS	Reading, Achievement, Math, and School Culture
REC	Regional Education Cooperative
RLIS	Rural and Low-Income Schools
SEA	State Education Agency
SSFS	Student, School, and Family Support Bureau
SRSA	Small, Rural School Achievement Program
STARS	Student Teacher Accountability Reporting System
USDE	United States Department of Education