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## Memorandum

**To:** District of Columbia LEA Representatives

**From:** Jeremy Skinner, Director of Teaching and Learning

**Date:** July 6, 2010

**Re:** Federal Fiscal Year 2010 Consolidated Application: Intent to Not Apply

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The Office of the State Superintendent of Education has not yet received a complete submission of Phase I of the Federal Fiscal Year (FFY) 2010 Consolidated Application from your Local Educational Agency (LEA). Your LEA may still apply for funds provided through the Consolidated Application by submitting Phase I of the application and then later Phase II of the application according to the established Phase II timeline. Instructions for the Phase I application were released on June 18, 2010; Phase II of the application was subsequently released on June 30, 2010.

**However, if your LEA intends to decline federal funding under the programs covered by the Consolidated Application, please complete the attached “Notice of Intent to Not Apply” form and submit it to OSSE at [Con.App@dc.gov](mailto:Con.App@dc.gov) by Friday, July 16, 2010.**

Please note that there are several important implications attached to declining these federal funds, particularly in declining Title I, Part A funds, as described in the memorandum below. Note also that the LEA Consolidated Application covers the following federal grants:

- Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies,
- Title II, Part A: Teacher and Principal Training and Recruiting Fund, and
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act.

If your LEA does intend to apply for these federal funds, please remember that OSSE uses the completed Phase I and Phase II portions of the Consolidated Application to review and approve eligible LEAs for funding made available through the covered programs under NCLB. The date that OSSE receives the Phase I assurances from an LEA is the date that the LEA officially enters “substantially approvable status,” giving the LEA the ability to begin obligating federal funds. Any obligation that occurs *before* an application is considered “substantially approvable” cannot be charged to federal funds covered by this year’s Consolidated Application.

If you have questions, please contact your LEA’s assigned Teaching and Learning specialist; contact information is available at: [http://www.osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/title\\_1/tal\\_points\\_of\\_contact.pdf](http://www.osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/title_1/tal_points_of_contact.pdf).



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**Memorandum Regarding the Decision to Opt Out of Federal Funding Covered by the LEA Consolidated Application**

**What type of funding is available through the LEA Consolidated Application?**

The Office of the State Superintendent of Education, as the state education agency for the District of Columbia, administers federal funding available under the Elementary and Secondary Education Act. These programs ensure that a certain level of funding is available to LEAs that meet the eligibility requirements set by law. Currently, funding for the following programs is offered through the Consolidated Application process:

- Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies,
- Title II, Part A: Teacher and Principal Training and Recruiting Fund, and
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act.

**Why does OSSE require a notice of intent?**

Because these covered programs use formulas to allocate funding proportionally to all LEAs, it is important to confirm the number of applicants that do not intend to apply so that funds can be properly allocated to eligible entities.

**What is the impact of opting out of this funding opportunity?**

Although the funding provided via the Consolidated Application provides significant financial assistance and programs to help educate students with the greatest needs, an LEA may opt to decline this funding. OSSE strongly advises LEAs to carefully weigh the consequences of doing so prior to making a decision to forfeit these resources, particularly for Title I, Part A. If an LEA declines its Title I, Part A funds, its decision would have serious consequences for funding under other Elementary and Secondary Education Act (ESEA) programs. A number of the statutory formulas for allocating funds to LEAs under other programs are based, in part, on the amount of funding they receive under Title I, Part A. In particular, a district's allocations under some additional programs may be affected; for example, Education Technology Grants (Title II, Part D, Subpart 1) are made in part based on an LEA's share of Title I, Part A funds.

It is important to note, however, that opting out of these resources does not exempt an LEA from the requirement of complying with the following ESEA provisions, including:

- Being held to the State's academic content and student achievement standards (§ 1111(b)(1));
- Assessing all students in reading/language arts and mathematics in grades 3-8 and once in grade span 10-12 (§ 1111(b)(3));
- Making adequate yearly progress (§ 1111(b)(2)); and
- Ensuring that all teachers teaching core academic subjects are highly qualified (§ 1119).

Further, if an LEA declines Title I, Part A funds but accepts *any other* ESEA funds, the LEA must:

- Comply with military recruitment provisions (§ 9528);
- Certify that it has no policies interfering with constitutionally protected prayer (§ 9524);
- Implement the unsafe school choice provisions (§ 9532); and
- Comply with Gun-Free Schools Act provisions (§ 4141).

In addition, if an LEA receives *any* federal funds through the Department of Education, the LEA must:

- Provide equal access to Boy Scouts or other similar groups for meetings (§ 9525); and
- Comply with Pro-Children Act provisions (§§ 4301-4304).



**NOTICE OF INTENT TO NOT APPLY**

for Funding for Programs Covered by the LEA Consolidated Application for Federal Fiscal Year 2010, authorized under the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001

**Name of the Local Educational Agency:**

LEA Name

By completing this form and submitting it to the Office of the State Superintendent of Education, I affirm that the above-named LEA intends NOT to apply for funding offered through the Federal Fiscal Year 2010 LEA Consolidated Application for Elementary and Secondary Education Act Programs, funds for which the LEA may be eligible. I understand that any such funds this LEA may have received will be re-allocated to other eligible LEAs.

**Name and Title of Authorized Signatory:**

Name

Title

**Authorized Signature:**

Signature

Date

**Does this LEA require board approval to make such a determination to opt out of this funding?**

- Yes  
 No

If yes, please submit a copy of the board resolution authorizing this decision to opt out of this funding with a scanned, signed copy of this form.

Please scan a signed copy and submit to OSSE via email to [Con.App@dc.gov](mailto:Con.App@dc.gov). Retain the original in your files.