

FY22 Monitoring Trends and Mitigating Risk

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Senior Director of Compliance Division of Federal Programs and Oversight

Aug. 18, 2022





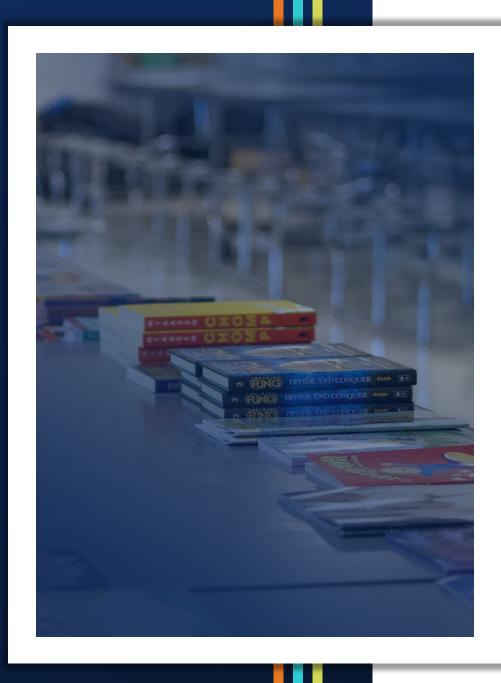




Co-Presenters

- Laura Dunn | IDEA Compliance Manager
- Michael Gateley | Perkins Compliance Manager
- **Rob Mynhier** | *Finance Consultant*

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Agenda

- Overview
- Common Trends
 - -ESSA
 - IDEA
 - Perkins V
 - Fiscal
 - Other
- Activities
- Resources
- Updates
- Conclusion

BESTALL

We will set all students on a path to success.

ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE

200 20 20 X 5 EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL

STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS

Overview Geneva Taylor



FY22 Monitoring Processes

- Results-Based Monitoring
 - On-Site (beginning in FY23 known as Level 3A)
 - Virtual On-Site (*beginning in FY23 known as Level 3B*)
 - Desktop (beginning in FY23 known as Level 2)
 - Self-Assessment (beginning in FY23 known as Level 1)
- IEP Monitoring
- CEIS Monitoring
- CCEIS Monitoring
- Focus Monitoring



Recognition

- Trends can help your LEA mitigate risk, even if your LEA has not received findings or corrections in this area.
- We all have different areas of expertise.
- We all have a different number of years in our positions.
- Identify an area that you do well.
- Identify an area that you would like to improve.

Throughout the presentation...

- Minimize distractions.
- Take notes.
- Reference this slide deck
 - ePlan > TDOE Resources > Federal Programs and Oversight (FPO) > Federal Programs Professional Development > 2022 ESSA/ESSER Conference > Preconference Aug, 18, 2022
- Ask questions! Use the Q&A feature to ask a question.
- Identify an area (or areas) that you could help improve in your LEA.

ESSA Trends Geneva Taylor





ESSA Monitoring Components

- Title I, Part A Improving Basic Programs
- Title I, Part A Students in Foster Care
- Title I, Part C Education of Migratory Children
- Title II, Part A Supporting Effective Instruction
- Title III, Part A English Language Acquisition
- Title III Immigrant Students
- Title IV, Part A Student Support and Academic Enrichments
- Title IX, Part A Education for Homeless Children and Youth
- ESSA Title I, Part A Targeted Assistance
- ESSA Title V, Part B Rural Education Initiative

Title I, Part A – Improving Basic Programs

- 1. Not having an invitation, agenda, and sign-in sheets as proof of meeting to develop the **family engagement policy**.
- 2. Listing **barriers to enrollment** in student handbook (SSN, birth certificate required)
- 3. Lack of evidence of training school administrators on requirements of **Title I meetings**.



Title I, Part A – Students in Foster Care

 Lack of training to all appropriate school-level enrollment personnel and administrators on the requirements of educational stability for students in foster care.



Title I, Part C – Education of Migratory Children

 Lack of a written process to identify, code, and serve students who are Migrant students according to the federal definition.



Title III, Part A – English Language Acquisition

- No written procedure for how the LEA provides translation and/or interpretation to family members.
- Not ensuring students have ESL service times in alignment with WIDA scores and not including transition times between EL classes.
- ILP templates not including all requirements.



Title III – Immigrant Students

 Lack of procedure outlining the process to identify, code, and serve immigrant students.



Title IX, Part A – Education for Homeless Children and Youth

- Out of date or incomplete contact information on "Educational Rights of Homeless Children and Youth" posters.
- Incomplete dispute resolution process.





ESSA Action Steps to Correct Trending Non-Compliance

- The LEA indicated it uses students or family members to provide translation and interpretation services.
- However, translation and interpretation are requirements under Title I, Part A (ESSA § 1112). Further, the U.S. Department of Justice factsheet states that "Schools must provide translation and interpretation from appropriate and competent individuals and may not rely on or ask students, siblings, friends, or untrained school staff to translate or interpret for parents."
- The LEA must ensure it has a written procedure for translation and interpretation for EL families and must ensure all school leaders and applicable staff are aware of the procedure.



ESSA Action Steps to Correct Trending Non-Compliance

- Develop a sign-in and agenda template to ensure needed details are captured: meeting title, date, start and end times, signature, and role
- Review registration packets, enrollment forms, and handbooks to remove barriers to enrollment and replace with a list of document options for students.
- Save training documentation and merge together in a PDF file.
- Ensure processes followed are in writing.



ESSA Action Steps to Correct Trending Non-Compliance

- Check ESL service times for alignment with WIDA scores.
- Check ESL schedules for transition times between classes.
- Correct out-of-date or incomplete contact information on "Educational Rights of Homeless Children and Youth" posters.
- Complete the dispute resolution process.



IDEA Trends Laura Dunn





IDEA Monitoring Components

- IDEA, Part B
- IDEA, Part B Preschool
- Student with Disabilities Detained in Jails

IDEA, Part B

- Lack of procedures that align with TN SBE Rule 0520-01-09-.23 Isolation and Restraint for Students Receiving Special Education Services, specifically around timelines, time constraints, and reporting incidents to the department.
- Refer to October 2020 update of TN SBE.



IDEA, Part B

 No documentation of a certified gifted teacher that meets the employability standards as outlined in TN SBE Rule 0520-02-06-.02(2) and/or a plan of consultation in place with a certified gifted teacher outside of the LEA.



IDEA, Part B

 Insufficient evidence that the discipline procedures outlined in 34 CFR § 300.530 are being followed concerning students with disabilities (SWDs) regarding suspension and expulsion.



IDEA, Part B - Preschool

 Insufficient evidence the discipline procedures outlined in 34 CFR § 300.530 are being followed concerning SWDs ages 3-5 regarding suspension and expulsion.



IDEA, Part B - Preschool

 Insufficient evidence preschool students with disabilities are being served by a teacher with an endorsement covering the work assignment as outlined in TN SBE Rule 0520-02-03-.11.



Students with Disabilities Detained in Jails

 An LEA with a jail within its geographic boundaries must work in coordination with the county-operated detention center to provide special education and related services to adult detainees with disabilities who are legally mandated to receive an education (TN SBE 0520-01-09).





IDEA Action Steps to Correct Trending Non-Compliance

- Written procedures
 - Isolation/Restraint
 - Discipline (including 3–5-year-olds)
 - Gifted Education
 - Memorandum of Understanding (MOU) with jails



IDEA Action Steps to Correct Trending Non-Compliance

- Proper endorsements
 - a certified gifted teacher that meets the employability standards (TN SBE Rule 0520-02-06-.02(2)) and/or
 - a plan of consultation in place with a certified gifted teacher outside of the LEA.
 - evidence preschool students with disabilities are being served by a teacher with an endorsement covering the work assignment (TN SBE Rule 0520-02-03-.11).



IDEA Action Steps to Correct Trending Non-Compliance

- Documentation of collaboration, such as an MOU, with a jail or detention center within LEA geographic boundaries
 - Written process to serve students
 - Documentation that students receive services (TN SBE Rule 0520-01-09).

Perkins V Trends Michael Gateley





Perkins V Monitoring Components

- Information, Organization, and Initiatives
- Size, Scope, and Quality Indicators (SSQI)
- Effective Educators
- Students with Disabilities
- Students in Special Populations (Non-SWD Groups)
- Equitable Services to Non-Public Schools
- Charter Schools

Information, Organization, and Initiatives

- Lack of documentation showing an attempt to consult representatives from all required stakeholder groups to inform the comprehensive local needs assessment (CLNA)
- Lack of documentation showing evidence gained by consulting CLNA stakeholders
 - According to Perkins V §§ 134(c)(2)(D), 134 (c)(2)(E), LEAs are required to consult a diverse group of stakeholders, as defined in Perkins V, on specific topics/content for the creation and revision of the CLNA and the local application on an ongoing basis.



Size, Scope, and Quality Indicators (SSQIs)

- SSQI portfolios not meeting compliance as set out in the Tennessee state Perkins V plan
- 25% of portfolios are reviewed; greater than 75% of portfolios reviewed must meet compliance to earn a "met requirements" monitoring result
 - Perkins V § 135(b) outlines the requirements for use of funds stating they are to be used on CTE programs of sufficient size, scope, and quality.



Effective Educators

- Lacking documentation showing the LEA provided sufficient evidence for CTE educator trainings that meet the requirements of professional development (PD) as outlined in Perkins V § 3(40)
 - PD is defined as activities providing the skills to ensure student success in CTE, and that are sustained (not stand-alone, one-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and to the extent practicable evidence-based.

Students with Disabilities

- Lacking evidence that specific career guidance and academic counseling for students with disabilities throughout their secondary career is occurring consistently at all schools
 - According to Perkins V § 134(b)(3)(C), the LEA must provide a description of an organized system of career guidance and academic counseling prior to enrollment in CTE courses and throughout their CTE careers for all students, especially students with disabilities.



Students in Special Populations (Non-SWD Groups)

- Lacking evidence showing how special populations are identified, what data is collected, and how data is analyzed for gaps and barriers
- According to Perkins V § 113(b)(4)(B)(ii), LEAs must identify students in special populations and disaggregate data for the subgroups of students described in ESEA § 1111(h)(1)(C)(ii) and Perkins V § 3(48). LEAs must also identify and quantify any disparities or gaps in performance as described in Perkins V § 113(3)(C)(ii)(II), including special populations as defined by Perkins V, and the performance of all CTE concentrators served by the LEA.





Perkins V Action Steps to Correct Trending Non-Compliance

- Document:
 - training,
 - data collection, and
 - proof of supporting vulnerable subgroups in CTE.



Fiscal Trends Rob Mynhier







Fiscal Monitoring Components

- Budgets and Budget Revisions
 IDEA Use of Funds
- Travel
- Equipment
- Procurement and Contracts
- Cash Management
- Compensation/Leave
- Personnel
- General Fiscal Requirements
- ESSA Use of Funds

- Supplement Not Supplant Testing
- IDEA Use of Funds
- Perkins V Use of Funds
- ESSER (1.0, 2.0, & 3.0) Use of Funds

Budgets and Budget Revisions

- Neither Board policy nor procedures indicate the frequency upon which the budget is amended. Budget amendments should be completed regularly to ensure funds are being spent on current year students/needs (CFR §§ 200.302(b), 200.303).
- Board policies and procedures did not indicate the frequency the budgets are to be amended.
- Revisions to budgets should be completed regularly as needed to ensure funds are being spent on current year students and needs.



Travel

- According to 2 CFR § 200.475, policies and procedures for travel must be clearly documented.
- Documentation provided during the monitoring process did not clearly outline policies and procedures for travel.
- Board policy and procedures do not include mileage or expense rates.



Equipment

- Clear policies and procedures for equipment inventory management must be provided.
- Some components required to be collected and documented as part of the equipment management process were missing in the provided inventory.
 - All information must be provided on the inventory listing as required in 2 CFR § 200.313.
- Not all equipment was located.
- Equipment was incorrectly tagged.
- The LEA must review asset reports to ensure all required data is included as outlined in 2 CFR §§ 200.302(b)(4), 200.313(d)(1).



Procurement and Contracts

- According to 2 CFR §§ 200.318, 200.208, the LEA must have federal program supervisor approval as evidence that the use of federal funds is necessary, reasonable, and allocable prior to purchase.
- This language must be included in the LEA's written procurement and contract policy and procedures.



Cash Management

- Cash management policies and procedures were not included according to 2 CFR § 200.305.
- Cash management in 2 CFR § 200.305 refers to reimbursement of federal funds to the LEA.
- The LEA must have a written policy and procedure to ensure consistent cash management processes across all grants.



Personnel

- The LEA must have written procedures regarding time and effort that demonstrate a system of internal control which provides reasonable assurance that personnel charges are accurate, allowable, and properly allocated (2 CFR §§ 200.302-303).
- LEAs must provide time and effort documentation:
 - Semi-Annual Certification signed and dated by the employee or supervisor for staff that is funded 100% by one grant or activity
 - Personnel Activity Report (PAR)/Monthly Activity for staff that is funded with more than one funding source



General Fiscal Requirements

- Excess carryover has been found frequently.
- Due to the excessive carryover amounts, current year allocations are not benefiting current year students (34 CFR §§ 76.707-76.710, 2 CFR §§ 200.77, 200.309).
- If excess carryover is determined during monitoring, an LEA must provide a spend-down plan to expend the funds.



ESSA and IDEA Use of Funds

- According to 2 CFR §§ 200.300-309, costs must be adequately documented.
- 2 CFR § 200.403 states costs must meet specific criteria to be allowable under federal awards.
- Monitoring teams were unable to match expenditures in ePlan with the LEA's submitted reimbursement request documentation.

Supplement Not Supplant Testing

- LEAs could not demonstrate that their written methodology ensures that all state/local funding is distributed to schools regardless of whether schools receive Title I, Part A funding (Supplement Not Supplant) (ESSA § 1118(b)(2)).
- LEAs must follow their written methodology.



Perkins V Use of Funds

- Clear policies and procedures for equipment inventory management must be provided.
- All information must be provided on the inventory listing as required in 2 CFR § 200.313.
- Not all equipment was located.
- Equipment was incorrectly tagged.



ESSER (1.0, 2.0, & 3.0) Use of Funds

- The LEA did not provide evidence for contracts, bids, or Davis-Bacon Act using ESSER funds.
- According to 2 CFR § 200.320, documentation must be provided to ensure federal procurement methods and other laws are followed.





Summary of Fiscal Monitoring Components

- Lack of sufficient and clearly stated policies and procedures
- Policies and procedures must be present to guide the performance of duties.
- Policies and procedures must be followed.

Other Trends Geneva Taylor and Robert Taylor





Other Monitoring Components

- Cross-Cutting
- ESSA Equitable Services to Non-Public Schools
- IDEA Equitable Services to Non-Public Schools
- Charter School Oversight
- Students Served by Neglected and/or Delinquent Programs
- IEP Monitoring
- Coordinated Early Intervening Services (CEIS)
- Comprehensive Coordinated Early Intervening Services (CCEIS)

Cross-Cutting

- The LEA uploaded an enrollment form that requires a social security number. This requirement could potentially create a barrier to enrollment for students in foster care and other subgroups. ESEA § 1111(g)(1)(E) requires "immediate enrollment even if the child is unable to produce records normally required for enrollment."
- The LEA uploaded an enrollment form where the **birth certificate** was required, and the same requirements were also listed on the website. This requirement could create a potential barrier to enrollment for some students including homeless, EL, immigrant, migrant, and foster care students. McKinney-Vento students must be provided equal access to the same free, appropriate public education, including public preschool education, as is provided to other children and youth (42 U.S.C. § 11431(1)). Schools must enroll children and youth experiencing homelessness immediately, and ensure they receive educational and related services for which they are eligible (42 U.S.C § 11432(g)(6)(A)(iii)), even if they are unable to produce records normally required for enrollment or have missed application or enrollment deadlines during any period of homelessness (42 U.S.C. § 11432(g)(3)(C)(i)).

Equitable Services to Non-Public Schools

 The LEA provided evidence on the proportionate share for parentally placed private school students; however, documentation was lacking evidence of the December proportionate share calculation to meet the requirements of 20 U.S.C. 1412(a)(10) of IDEA 2004.



Students Served by Neglected and/or Delinquent Programs

Oak Plains Academy does not have a process to collect 90-day post-discharge outcomes for the Consolidated State Performance Report (CSPR) data, as required by ESEA § 1431(a). All facilities receiving Title I, Part D, and Title I, Part A—Neglected funds must attempt to collect 90-day post-discharge outcomes as part of the CSPR process.



IEP Monitoring

- Measurable Annual Goals: 70% non-compliant statewide (1,399/1,989)
- Adverse Impact Statements: 56% non-compliance statewide (1,112/1,989)
- LEAs with the highest percentages of overall non-compliance (up to 44%) were the *least* likely to self-identify noncompliance.



IEP Monitoring

- Measurable Annual Goals: Goal(s) do/does not contain complete measurement criteria (Frequency of Measurement).
- Adverse Impact Statements: Statement does not describe specifically how the student's disability(ies) affect participation and progress in the general curriculum.
- LEAs with the highest percentages of overall non-compliance (up to 44%) were the *least* likely to self-identify noncompliance: The difference between LEA-flagged noncompliance and SEA-flagged non-compliance is factored into Risk Analysis.



CEIS Monitoring (Voluntary)

Based on the documentation provided for the CEIS monitoring, the LEA did not upload a copy of the 141 general purpose budget for the transferred funds for CEIS. According to 2 § 200.30, the LEA must provide a comparison of expenditures with budget amounts for the CEIS funds budgeted and expended for FY22.



CCEIS Monitoring (Mandatory)

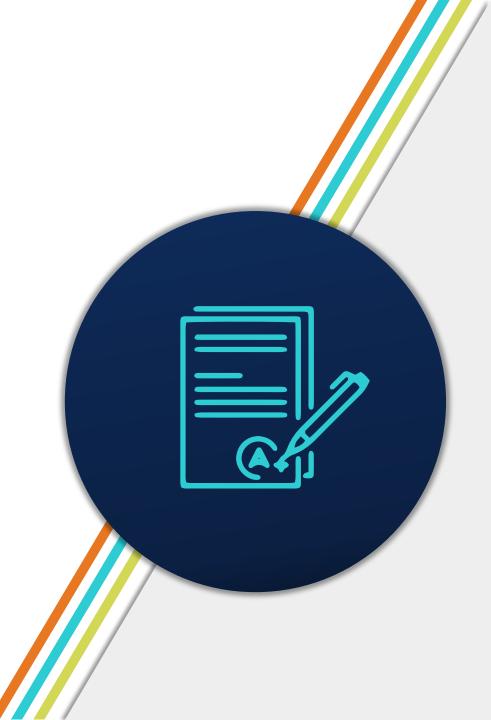
Based on the documentation provided for the CCEIS monitoring, the LEA did not upload copies of the personnel activity reports for the staff paid from the CCEIS 142 funding source. According to 2 CFR § 200.430, "the personnel activity report shall include the funding source the semi-annual certification language must include semi-annual dates for the specific time period (July 1– December 31 and January 1– June 30) for all federally paid personnel."

Activity Geneva Taylor



Recognition

- You do hard work to benefit Tennessee students!
- Do you have the documentation to prove it?



Identify an area that resonated with you.

- Lack of meeting documentation (date, title, attendees)
- Lack of written procedures
- Inconsistent procedures
- Lack of training
- Barriers to enrollment



Make a plan!

 Write down some action steps that can help remedy a weakness in your LEA.



Resources and Summary Geneva Taylor





Resources

- Pull your LEA's most recent *Monitoring Results*.
 - ePlan > Monitoring Instrument > FY22 > Sections Page > Monitoring Results LEA Response
- Review risk analysis data.
 - ePlan > Data and Information > FY23 > Results-Based Monitoring Risk Analysis
 - FY23 Risk Analysis Guide
- Attend FPO Monitoring Office Hours.
 - Mondays from 1 3 p.m. CT | 2 4 p.m. ET
- Review recorded webinars and other resources in ePlan and EasyIEP.
 - Required Uploads Lists will be available soon for FY23!



Events

- ESSA/ESSER Conference
 - Aug. 31 and Sept. 1
 - Must be registered to attend
- CTE Director Virtual Learning Series
 - Topic will be Perkins V monitoring
 - Sept. 1 at 9 a.m. CT | 10 a.m. ET

Summary

- Review written policies and procedures.
- Plan to review with applicable team members on a regular (at least annual) basis.
- Swap reviewing a colleague's procedures to gain a fresh perspective.
- Review the Required Upload list for a detailed list of policies, procedures, and processes required for review.

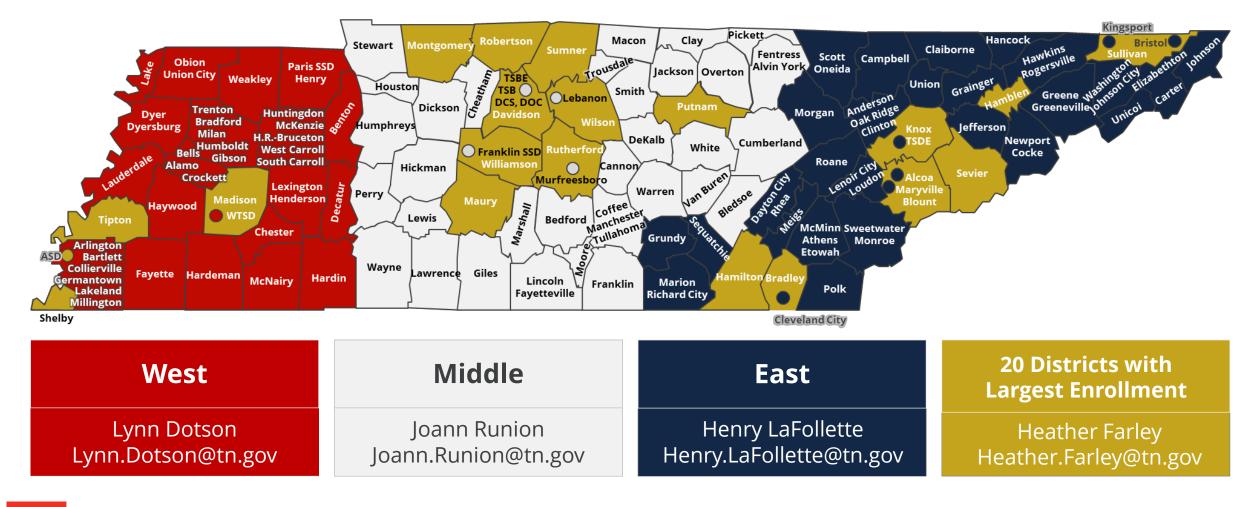


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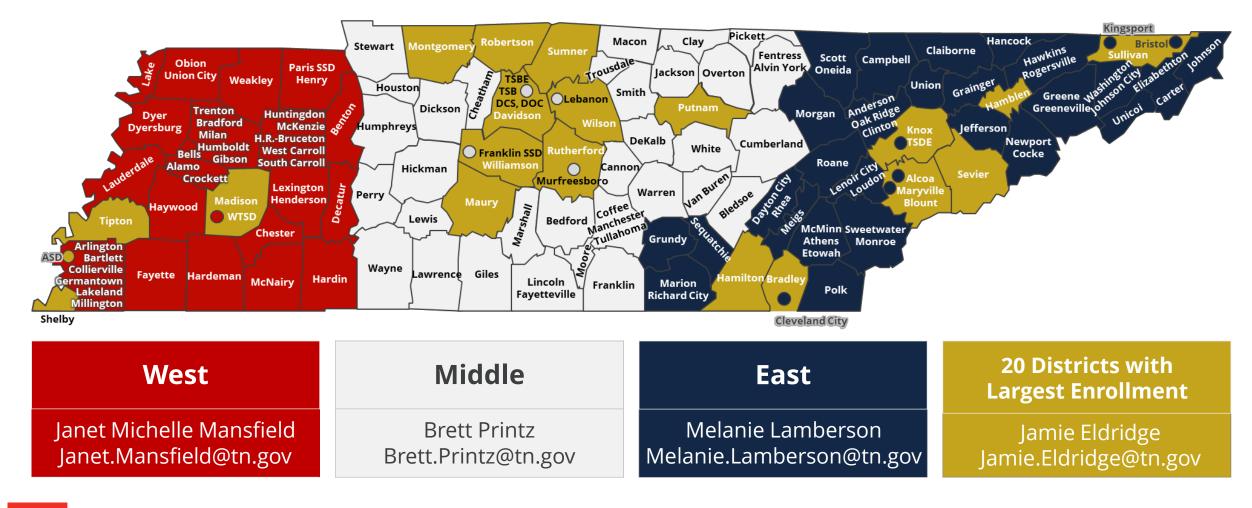


ESSA Coordinator Map



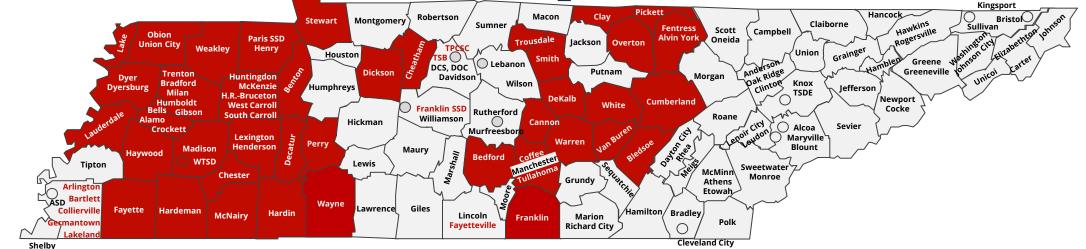


IDEA Coordinator Map





FPO Divisional Coordinator Map for ESSER Funds (effective July 1, 2022)



Julia Hudson | Julia.Hudson@tn.gov

Alamo	Chester Co.	Fayette Co.	Henry Co.	Millington	TN School for the Blind
Alvin C York Institute	Clay Co.	Fayetteville City	Hollow Rock- Bruceton	Obion Co.	Trenton
Arlington	Coffee Co.	Fentress Co.	Humboldt City	Overton Co.	Trousdale Co.
Bartlett	Collierville	Franklin Co.	Huntington SSD	Paris SSD	Tullahoma City
Bedford Co.	Crockett Co.	Franklin SSD	Lake Co.	Perry Co.	Union City
Bells	Cumberland Co.	Germantown	Lakeland	Pickett Co.	Van Buren Co.
Benton Co.	Decatur Co.	Gibson Co. SD	Lauderdale Co.	Smith Co.	Warren Co.
Bledsoe Co.	DeKalb Co.	Hardeman Co.	Lexington	South Carroll SSD	Wayne Co.
Bradford	Dickson Co.	Hardin Co.	McKenzie	Stewart Co.	Weakley Co.
Cannon Co.	Dyer Co.	Haywood Co.	McNairy Co.	TN Public Charter Comm.	West Carroll SSD
Cheatham Co.	Dyersburg City	Henderson Co.	Milan	TN School Deaf (W)	White Co.

Jerri Beth Nave | Jerri.Nave@tn.gov

ASD	Cocke Co.	Hancock Co.	Lebanon SSD	McMinn Co.	Rhea Co.	Sweetwater
Alcoa	Davidson Co. (MNPS)	Hawkins Co.	Lenoir City	Meigs Co.	Richard City	Tipton Co.
Anderson	Dayton City	Hickman Co.	Lewis Co.	Monroe Co.	Roane Co.	TN School Deaf (E)
Athens	Elizabethton	Houston Co.	Lincoln Co.	Montgomery Co.	Robertson Co.	Unicoi Co.
Blount Co.	Etowah	Humphreys Co.	Loudon Co.	Moore Co.	Rogersville	Union Co.
Bradley Co.	Giles Co.	Jackson Co.	Macon Co.	Morgan Co.	Rutherford Co.	Washington Co.
Bristol	Grainger Co.	Jefferson Co.	Madison Co.	Murfreesboro City	Scott Co.	Williamson Co.
Campbell Co.	Greene Co.	Johnson City	Manchester City	Newport	Sequatchie Co.	Wilson Co.
Carter Co.	Greeneville	Johnson Co.	Marion Co.	Oak Ridge	Sevier Co.	
Claiborne Co.	Grundy Co.	Kingsport	Marshall Co.	Oneida	Shelby Co.	
Cleveland	Hamblen Co.	Knox Co.	Maryville	Polk Co.	Sullivan Co.	
Clinton	Hamilton Co.	Lawrence Co.	Maury Co.	Putnam Co.	Sumner Co.	

TN Department of Education

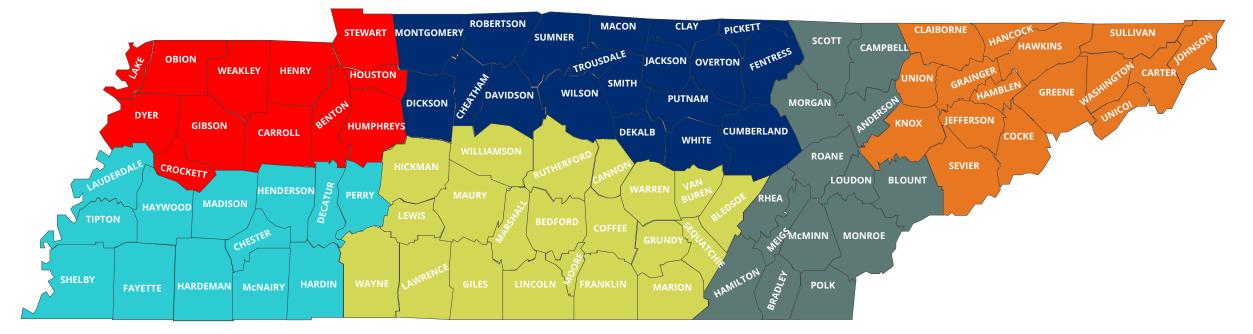
IEP Monitoring and Perkins Specialist Map





Regional Fiscal Consultant District Map

As of 8/16/2022



1	2	3	4	5	6
Vacant	Holly Kellar Holly.Kellar@tn.gov (731) 991-4234	Rob Mynhier Robert.Mynhier@tn.gov (615) 238-1008	Taffe Bishop Taffe.Bishop@tn.gov (423) 677-1405	Vacant	Jill Lewis Jill.Lewis@tn.gov (629) 259-1645



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1-800-232-5454

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http://www.comptroller.tn.gov/hotline



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