



# FY24 Monitoring "Flags": Ways to Reduce Non- Compliance and "Undesired Emergencies"

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## FPO Compliance Team

*Division of Federal Programs and Oversight*

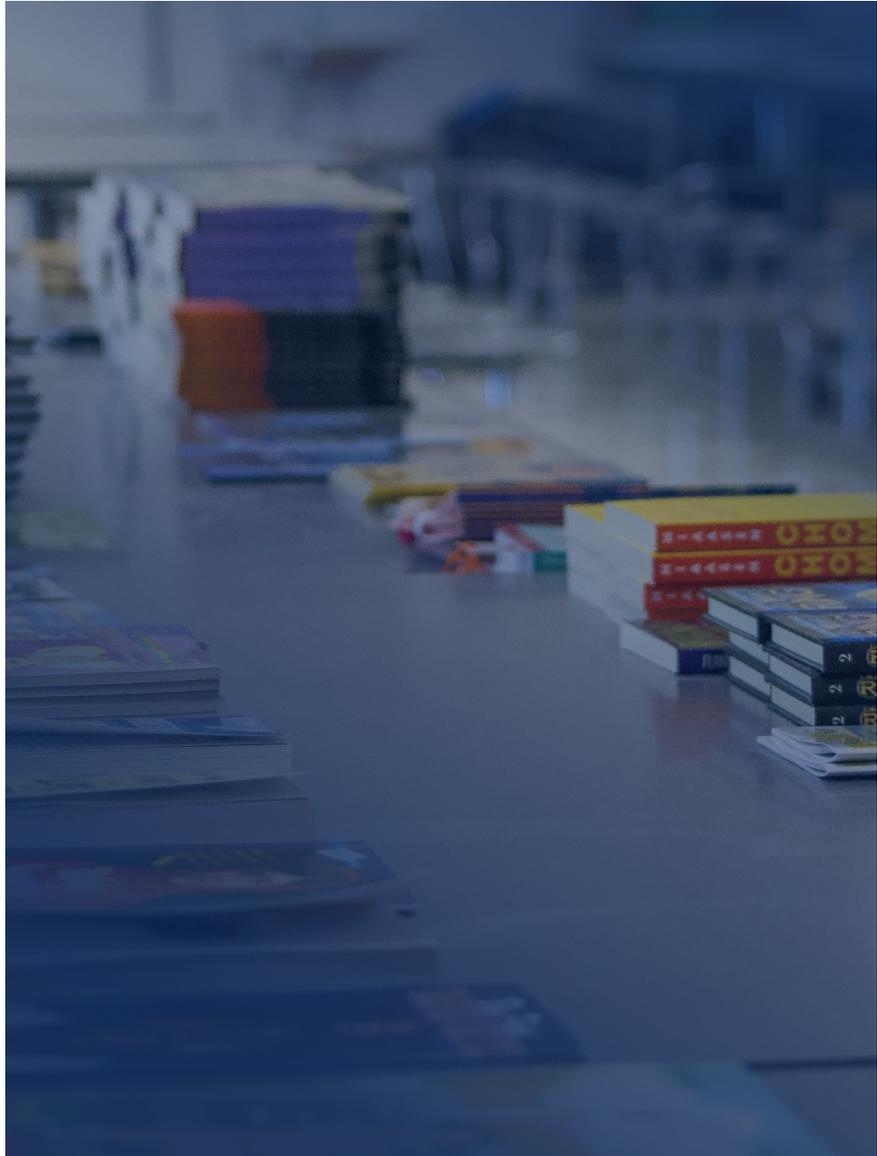
August 20, 2024





# Co-Presenters

- **Geneva Taylor** | *Senior Director of Compliance and Operations*
- **Teri Manning** | *ESSA Compliance Manager*
- **Michael Gateley** | *Perkins V Compliance Manager*
- **Laura Dunn** | *IDEA Compliance Manager*



# Agenda

- Overview
- Common Trends
  - Every Student Succeeds Act (ESSA)
  - Individuals with Disabilities Education Act (IDEA)
  - Strengthening Career and Technical Education for the 21st Century Act (Perkins V)
  - Elementary and Secondary School Emergency Relief (ESSER) Funds (3.0)
    - Fiscal
    - Other
- Activities
- Resources
- Updates
- Conclusion





**BEST FOR ALL**

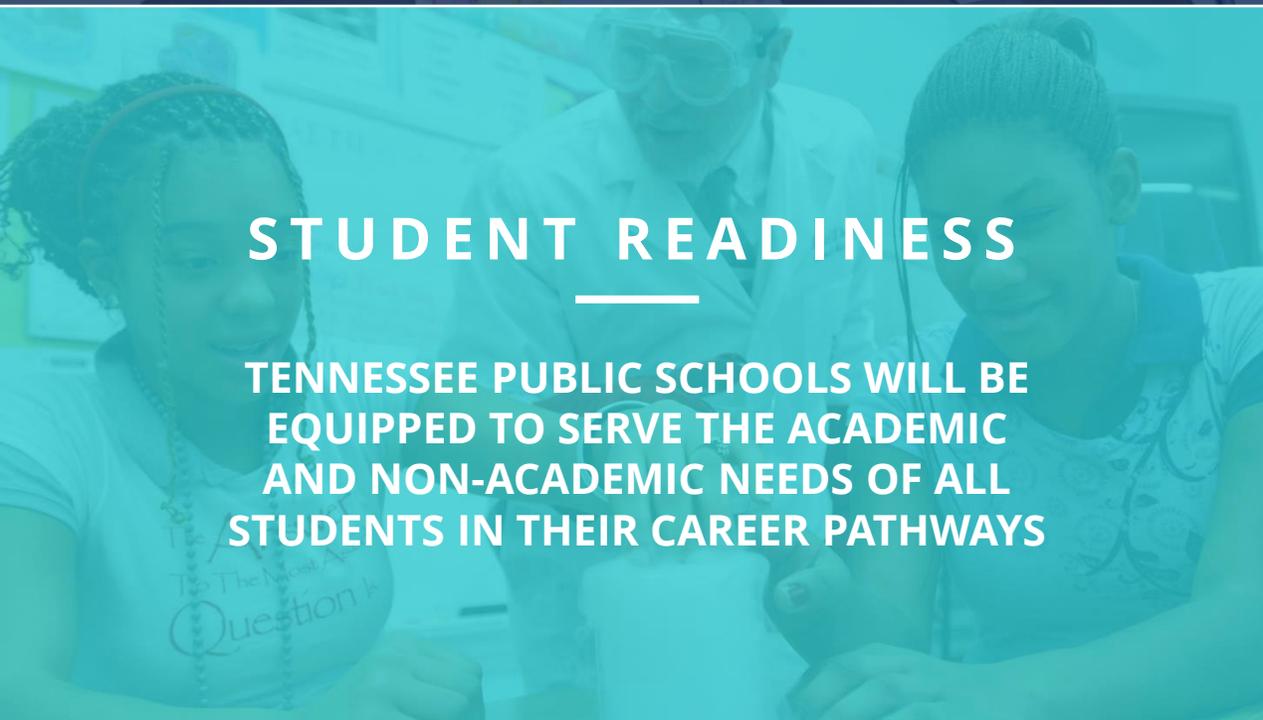
We will set all students on a path to success.



## ACADEMICS

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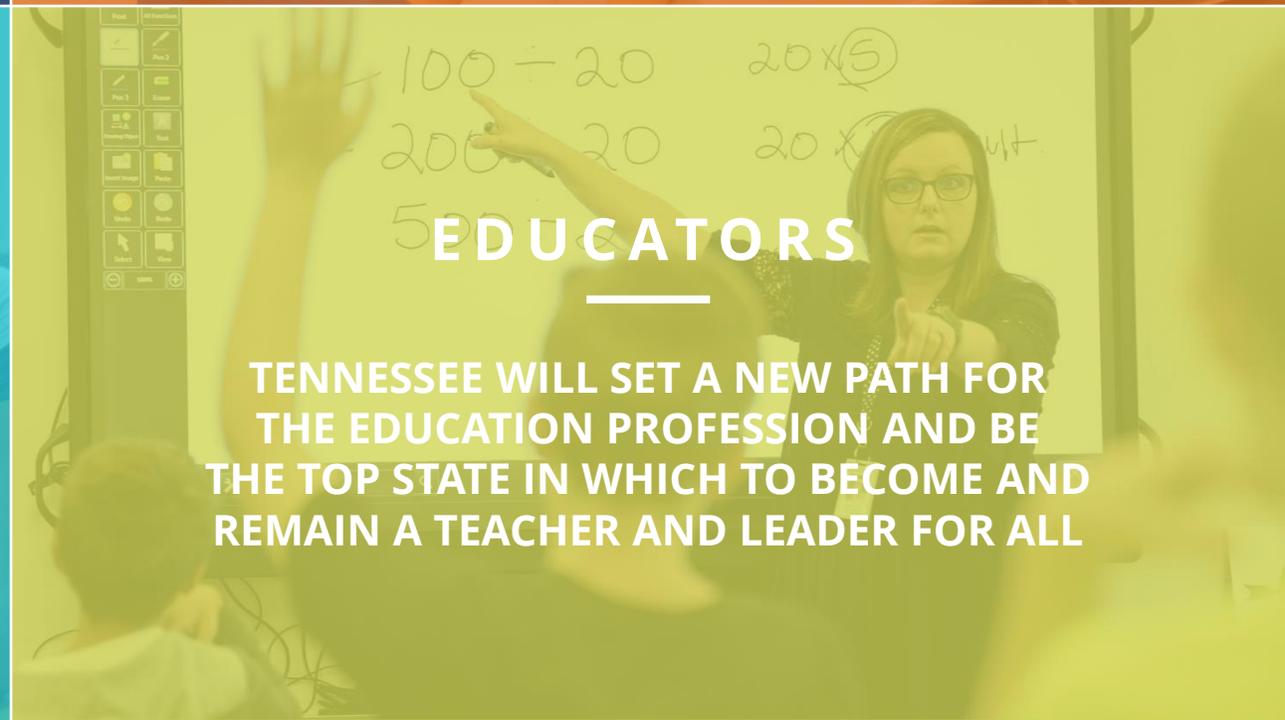
ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



## STUDENT READINESS

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



## EDUCATORS

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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

# Overview



# FY24 Monitoring Processes

- Results-Based Monitoring (RBM)
  - Level 3 (*In-Person*)
  - Level 2 (*Virtual with interview component*)
  - Level 1 (*Virtual; no interview component*)
- Individualized Educational Program (IEP) Monitoring
- Coordinated Early Intervening Services (CEIS) Monitoring
- Comprehensive Coordinated Early Intervening Services (CCEIS) Monitoring
- Focus Monitoring



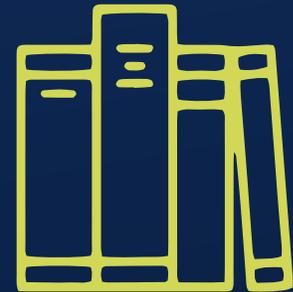
# Recognition

- Trends can help your local education agency (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.
- Identify an area (or areas) that you could help improve in your LEA.



# ESSA Trends



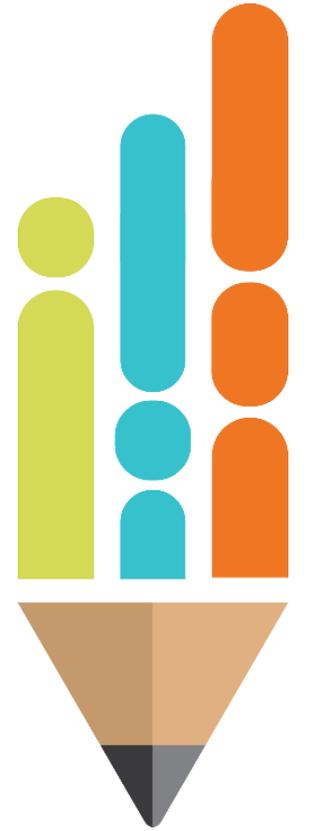


# ESSA Monitoring Components

- 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
- *Title I, Part A – Targeted Assistance*
- *Title V, Part B – Rural Education Initiative*
- *ESSA Equitable Services to Non-Public Schools*
- *ESSA Charter School Oversight*
- *ESSA Virtual School Oversight*

# Title I, Part A – Improving Basic Programs

- Not having an invitation, agenda, and sign-in sheets as proof of meeting to develop the **family engagement policy**
- Not including the **roles of participants** on the sign-in sheets
- Lack of evidence that the parent compact and family engagement policy was **jointly developed**



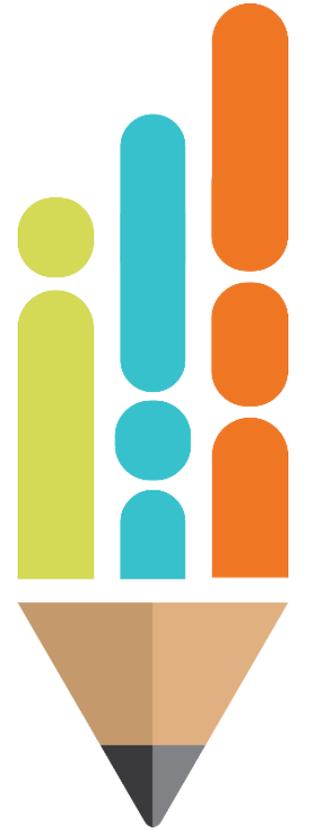
# Title I, Part A – Students in Foster Care

- Lack of **policies and procedures** for enrolling and serving 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
- Lack of a **written procedures** to distribute, collect, and submit **Occupational Surveys**.
- Lack of **written procedures** for completing the **Individual Needs Assessment (INA)**.



# 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 **English as a Second Language (ESL) service times** in alignment with assessment scores *and* not including transition times between EL classes
- **Individual Learning Plan (ILP) templates** not including all requirements
- **Parent Notification templates** not including all requirements
- **EL Reclassification procedure** not including all requirements
- **ESL training** not including all required components



# Title III – Immigrant Students

- **Lack of written 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 LEA-level dispute resolution process**
- Lack of **training** to all appropriate school-level enrollment personnel and administrators on the **requirements of identifying and enrolling students experiencing homelessness.**





# ESSA Action Steps to Correct Trending Non-Compliance

- **Issue:** 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, "**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 English Learner (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.
- 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 assessment 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 LEA-level dispute resolution process and ensure alignment with the State-level dispute resolution process.



# IDEA Trends from Results Based Monitoring



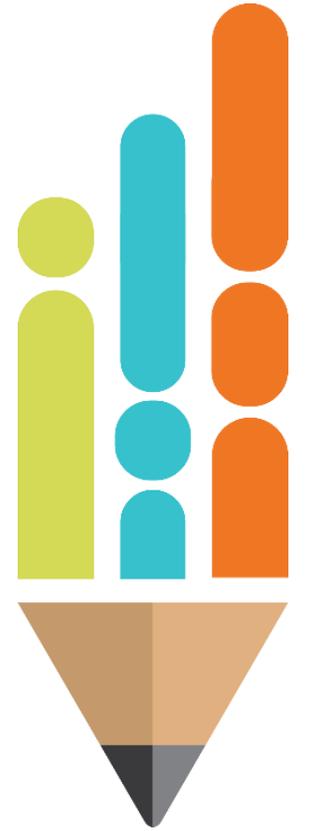


# FY24 IDEA Monitoring Components

- IDEA, Part B—General, State Eligibility, & LEA Eligibility
- IDEA, Part B—Evaluations, Eligibility Determinations, IEPs, and Educational Placements
- IDEA, Part B—Procedural Safeguards & Monitoring, Enforcement, Confidentiality, & Program Info
- IDEA State-Level Requirements
- IDEA, Part B, Preschool
- Adult Students Detained in Jails
- IDEA Equitable Services to Non-Public Schools
- IDEA Charter School Oversight
- IDEA Alternative Education Oversight
- IDEA Virtual School Oversight

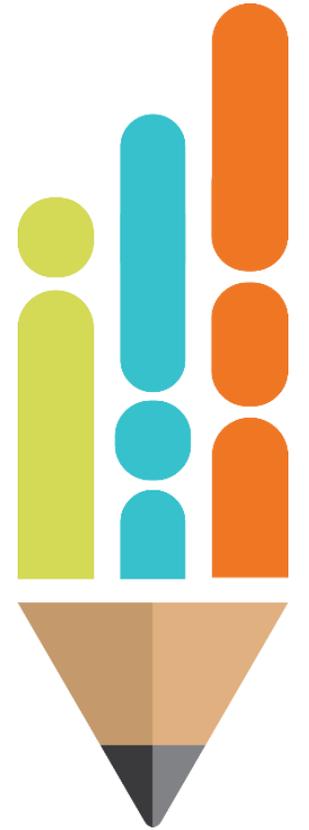
# IDEA, Part B—General, State Eligibility, & LEA Eligibility

- Inadequate evidence the LEA has written procedures for implementation of the provision of special education and related services consistent with TN SBE Rule 0520-01-09-.09(1)(g).



# IDEA, Part B—Evaluations, Eligibility Determinations, IEPs, and Educational Placements

- Inadequate evidence the LEA has written procedures for implementation of the provision of special education and related services consistent with TN SBE Rule 0520-01-09-.09(1)(g).



# IDEA, Part B—Procedural Safeguards & Monitoring, Enforcement, Confidentiality, & Program Info

- Insufficient evidence that the discipline procedures outlined in 34 C.F.R. § 300.530 are being followed concerning SWDs regarding suspension and expulsion



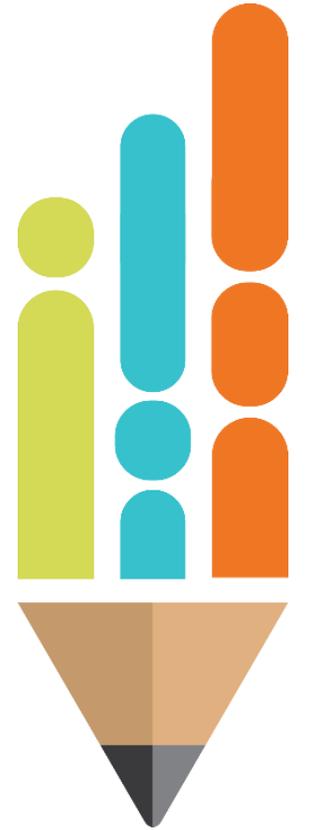
# IDEA State-Level Requirements

- 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.



# IDEA State-Level Requirements

- **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—Preschool

- Insufficient evidence preschool SWDs are being served by a teacher with an endorsement covering the work assignment as outlined in TN SBE Rule 0520-02-03-.11
- Lack of evidence that the LEA has provided the required oversight to ensure the educators have followed procedures required under 34 CFR §300.323





# IDEA Action Steps to Correct Trending Non-Compliance

- Develop and/or update written procedures.
  - Isolation/Restraint
  - Gifted Education
  - Preschool Least Restrictive Environment (LRE)
  - Endorsement/Certification Review for special educators



# IDEA Action Steps to Correct Trending Non-Compliance

- Ensure educators have proper endorsements to teach the students that are in their classroom(s).
  - 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).



# 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

- Document collaboration, such as a Memorandum of Understanding (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



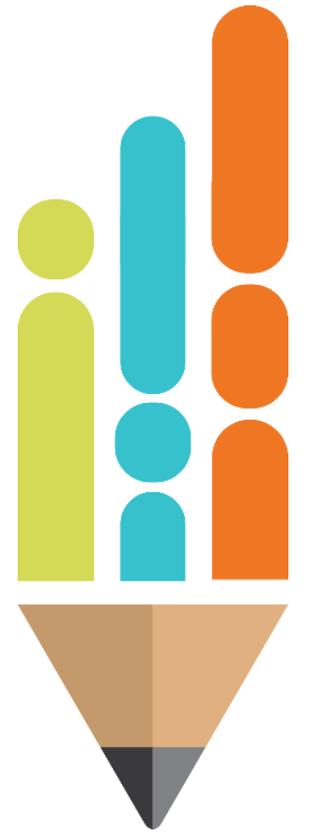


# Perkins V Monitoring Components

- Perkins V Cross-Cutting
- Effective Educators
- Students with Disabilities (SWD)
- Students in Special Populations (Non-SWD Groups)

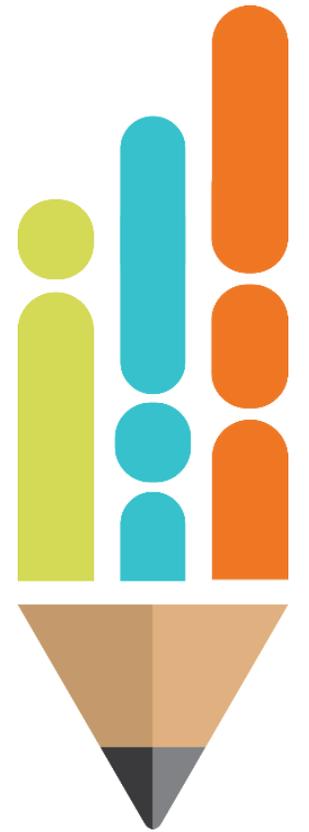
# Perkins V Cross-Cutting

- 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)&(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.



# Effective Educators

- Lacking documentation showing the LEA provided sufficient evidence for Career and Technical Education (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 ESSA § 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

- Ensure the following items are well documented:
  - Training (include proof of attendance, agenda, and training materials),
  - data collection (methods, discussions, related meetings and decision-making business rules), and
  - proof of supporting vulnerable subgroups in CTE.



# Size, Scope, and Quality Indicators (SSQIs)

- SSQI portfolios not meeting compliance as set out in the Tennessee State Perkins V plan
  - Level 3= Portfolios for 25% of the programs at each participating school are reviewed
  - Level 2= Only the two POS identified in the CTE local application as the high-quality POS are reviewed
  - greater than 75% of portfolios reviewed must meet compliance
    - Finding of non-compliance written for LEA's not meeting the 75%
  - 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.



# Fiscal Trends





# Fiscal Monitoring Components

- General Fiscal
- Compensation
- Travel
- Equipment
- Procurement and Contracts
- ESSA Use of Funds
- IDEA Use of Funds
- Perkins V Use of Funds
- ESSER Use of Funds

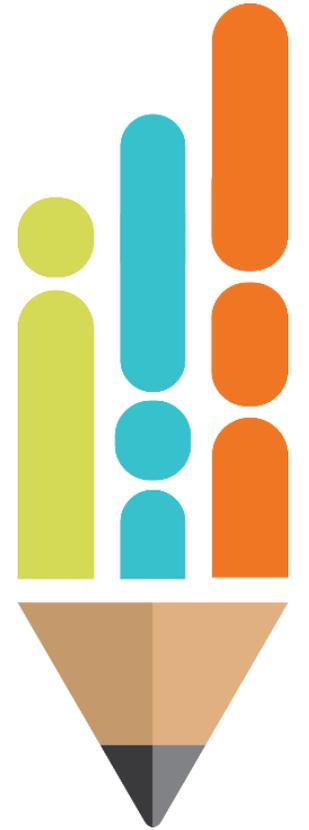
# General Fiscal Requirements

- Due to the excessive carryover amounts, current-year allocations are not benefiting current-year students (34 C.F.R. §§ 76.707-.710; 2 C.F.R. §§ 200.77, 200.309).
- If excess carryover is determined during monitoring, an LEA must provide a spend-down plan to expend the funds.



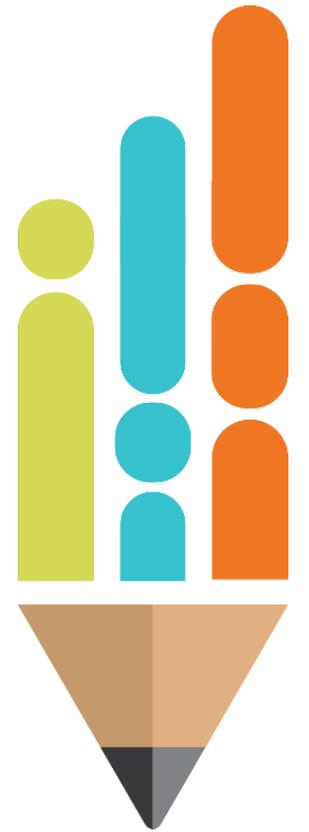
# Compensation

- 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 C.F.R. §§ 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 including stipends
  - Personnel Activity Report (PAR)/Monthly Activity for staff that is funded with more than one funding source



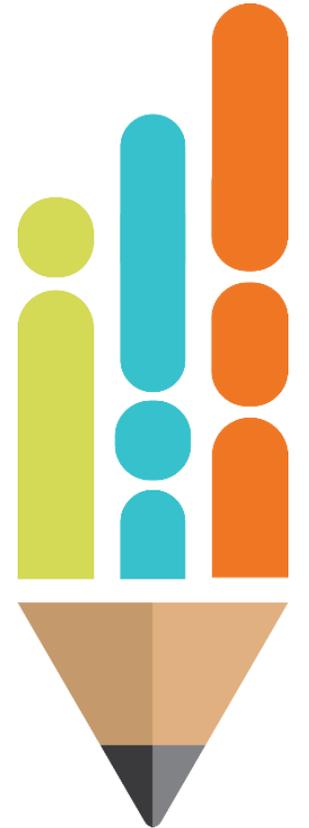
# Travel

- 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.
- According to 2 C.F.R. § 200.475, policies and procedures for travel must be clearly documented.



# Equipment

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



# Procurement and Contracts

- The approval from the federal program supervisor was not included on many documents, including travel.
  - According to 2 C.F.R. §§ 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.
  - Federal program supervisor includes ESSA, IDEA, ESSER, and CTE directors.



# ESSA and IDEA Use of Funds

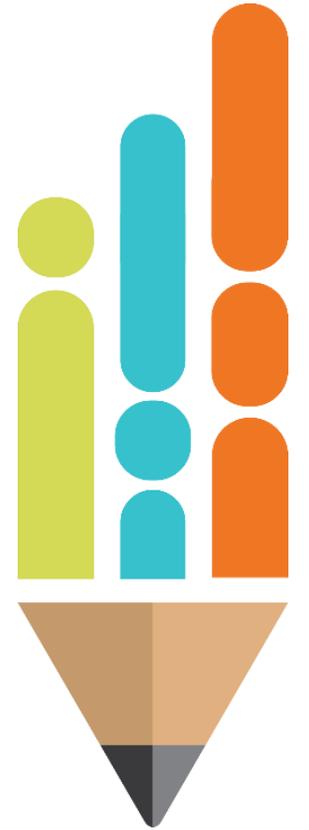
- Monitoring teams were unable to match expenditures in ePlan with submitted reimbursement request documents.
  - According to 2 C.F.R. §§ 200.300-.309, costs must be adequately documented.
  - 2 C.F.R. § 200.403 states costs must meet specific criteria to be allowable under federal awards.
  - Take advantage of templates in the monitoring instrument.



LEA Number _____ LEA Name _____ Voucher# _____ Request Period _____ Same date as "Fiscal Information As Of" date entered in ePlan request. Amount _____ If amount requested does not match supporting documentation to the penny, please explain. Federal Grant _____							
<b>LEA to Complete This Section (All fields are required except Optional Notes.)</b>						<b>TDOE to Complete This Section</b>	
Account Code(s)	Line Item(s)	\$ Amount	Document Name	Page Number(s)	Optional Notes	Portion of Item(s) Purchased	Does Documentation Support Amount Requested?

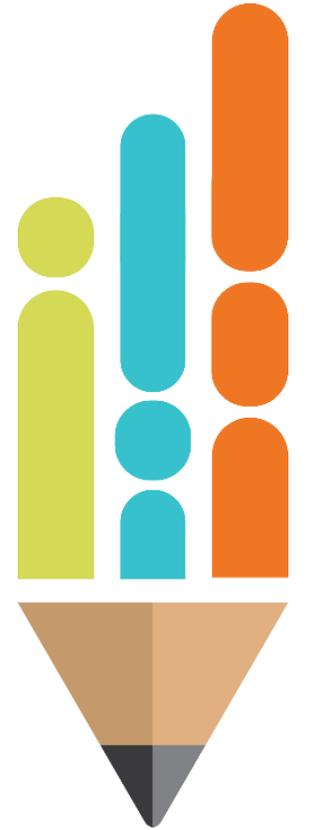
# Perkins V Use of Funds

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



# ESSER Use of Funds

- The LEA did not provide evidence for contracts and bids using ESSER Funds.
- The LEA did not provide evidence that compliance with the Davis-Bacon Act was met for construction projects.
  - According to 2 C.F.R. § 200.320, documentation must be provided to ensure federal procurement methods and other laws are followed.



# Supplement Not Supplant Testing

- LEAs could not demonstrate that state and local funds are distributed to schools equitably whether schools receive Title I, Part A funding (Supplement Not Supplant (SNS) [20 U.S.C. § 6314(a)(2)(B)].
  - LEAs must follow their written methodology.
  - The purpose of SNS testing is to determine whether all schools equitably receive state and local funding regardless of whether schools receive Title I, Part A funding.





# Summary of Fiscal Monitoring Components

- Sufficient and clearly stated policies and procedures must be present to guide the performance of duties.
  - Policies and procedures must be followed.
  - Update to align with current practices as appropriate.
  - Set time on your calendar to review at least annually.
- Proper approval by program/project director for expenditures
- Cash management policies
- Sufficient documentation for expenditures
- Equipment management



# IEP Monitoring Trends



# FY24 IEP Monitoring Components

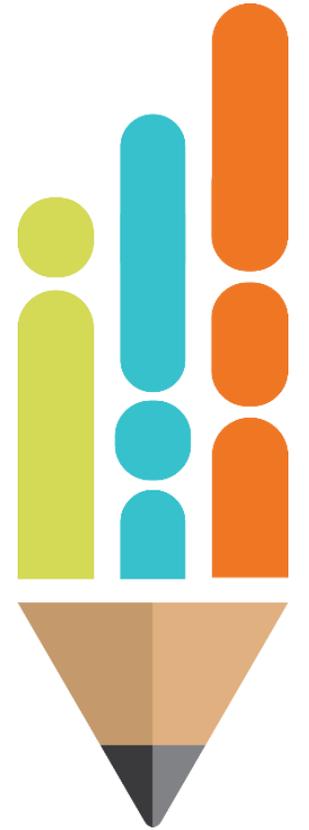


Domains	Indicators
Initial Evaluation	16
Reevaluation	13
IEP	24
Transition (age 14-15)	3
Secondary Transition (age 16+)	6

- *Each indicator is evaluated on its own merits.*

# IEP Monitoring Common Trends

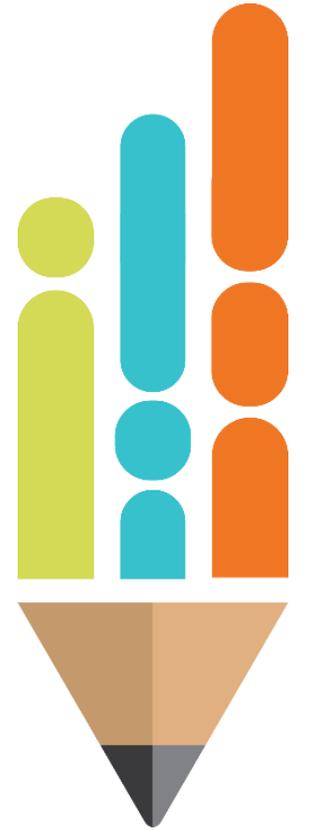
- **Adverse Impact Statements:** The statement does not describe specifically how the student's disability(ies) affect participation and progress in the general curriculum.
- **Measurable Annual Goals (MAGs):** The goal(s) do/does not contain complete measurement criteria (Frequency of Measurement).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



# Adverse Impact Statement Considerations

## 34 C.F.R. § 300.320(a)(1)(i-ii)

- Serves as the “opening statement” in determining the need and justification for special education services and supports, and **includes:**
  - observable actions or characteristics that explain or show **how** the student is specifically affected by the disability in the general education setting
  - the foundation for **Present Levels of Educational Performance (PLEPs)** and subsequent **MAGs**
  - a description the student’s disability within the context of the *curriculum*
  - a description of the student who has been made eligible in a specific disability category
  - simple, definitive language



# Adverse Impact Statement Considerations

## 34 C.F.R. § 300.320(a)(1)(i-ii)

- Serves as the “opening statement” in determining the need and justification for special education services and supports, and **omits:**
  - support/accommodations/modifications addressed in the IEP
  - comparison of student current ability or skill to same age or grade level peers.



# MAGs: 34 C.F.R. § 300.320(a)(2-4)

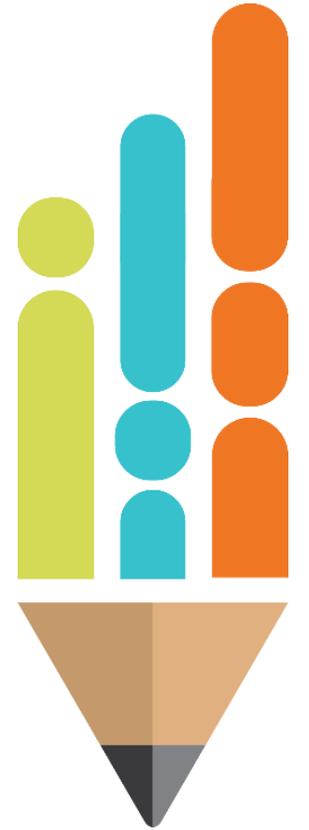
- Address each area identified as exceptional in the PLEPs;
  - Contain the criteria for mastery and method of evaluation; and
  - Include a statement of special education, related services, and supplementary aids to be provided to enable the child to advance toward attaining the annual goals.
- **Note:** Alternate assessment requires measurable goals and objectives.



# MAGs: Consideration

## 34 C.F.R. § 300.320(a)(2-4)

- Ensure IEP goals are individualized for each student.
- Students who participate in the Alternate Assessment are required to have both goals and objectives.



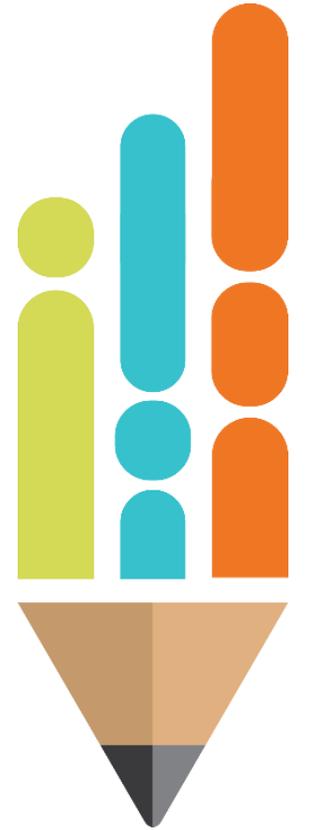
# MAGs: Relationship to Student Outcomes

- Provide consistent, measurable criteria by which progress in exceptional areas of academic and functional performance may be assessed.
- Communicate real-time progress to parents, teachers, service providers, and students.
- Ensure consistent, optimal alignment between services, supports, and student performance.



# MAGs Example

- Given a grade level literary text, (Student) will answer craft and structure questions, 3 out of 5 times, with 70% accuracy by the end of her IEP as observed by her teachers.



# Additional Areas to Consider

- **Accommodations**

- Classroom accommodations must align with assessment accommodations.

- **Services and Least Restrictive Environment (LRE)**

- Times, locations, and descriptors must align.

- **Extended School Year (ESY)**

- Must contain data source if ESY determination is made.

- **Prior Written Notice (PWN)**

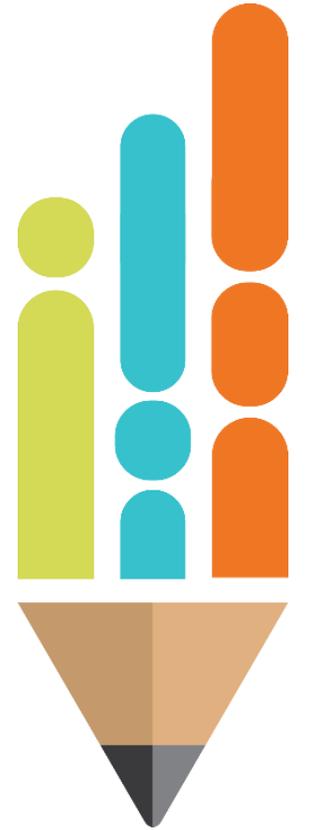
- Must contain the date of the meeting *and* the date sent to the parent.



# Additional Areas to Consider

## ▪ Re-evaluation

- Must contain at least one general education and one special education observation form
- Ensure the team decision aligns with the parental consent signature
- Must contain data for both summative and formative assessment



# Other Trends



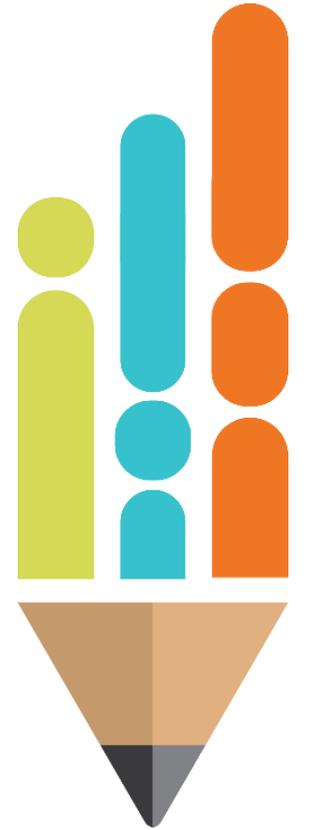


# Other Monitoring Components

- Cross-Cutting
- ESSER (1.0, 2.0, & 3.0)
- Students Served by Neglected and/or Delinquent Programs
- 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)].



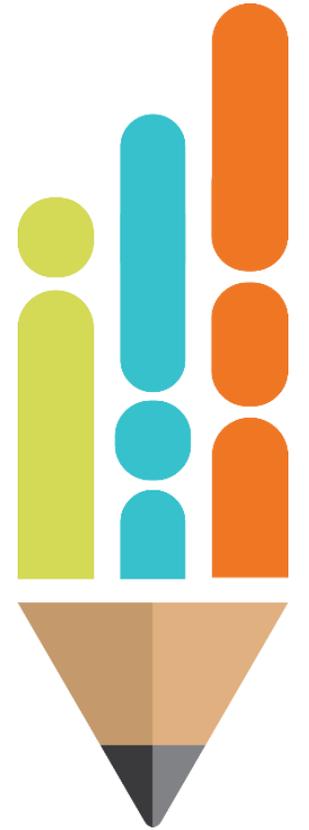
# Cross-Cutting

- There is insufficient evidence that the LEA has a current comprehensive **5-year strategic plan**.
  - Per SBE Rule 0520-01-03-03 (14), the LEA must develop a formal five-year strategic plan and submit it to the department for review and approval. The LEA must review and revise the five-year strategic plan every two (2) years.



# Relief Funding

- According to 2 C.F.R. §200.305, costs must be adequately documented for reimbursements. Supporting documents provided by the LEA did not include **evidence of expenditures that matched the reimbursement request** that was monitored for ESSER funding.
- The LEA is strongly encouraged to **develop and refine procedures to align fiscal processes** which work in conjunction to support programs and **benefit the students that generated funds.**



# Activity



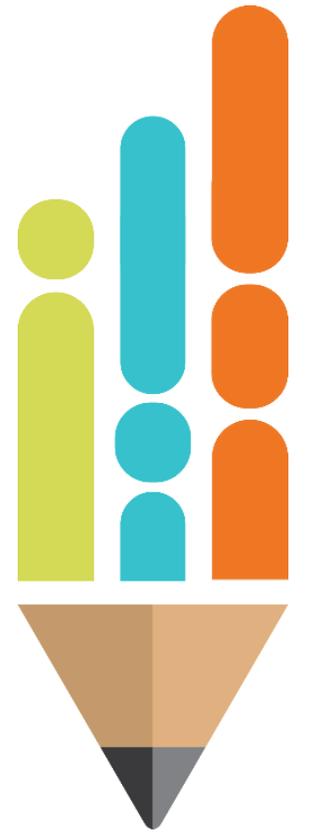
# Recognition

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



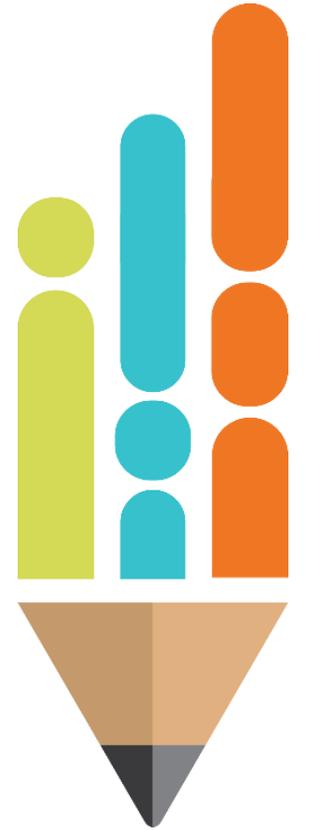
# Identify an area that resonated with you.

- 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



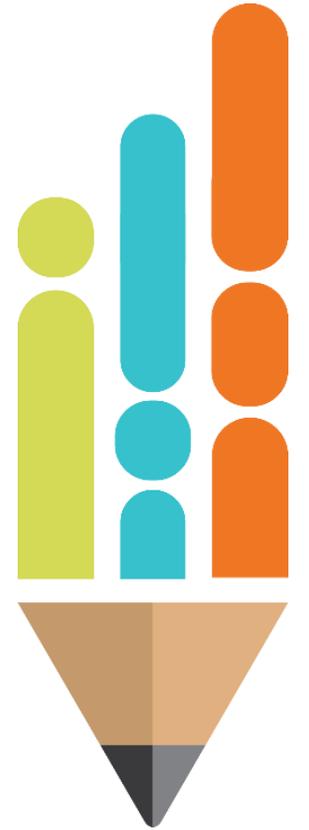


# Resources

- Pull your LEA's most recent *Monitoring Results*.
  - *ePlan > Monitoring Instrument > FY23 > Sections Page > Monitoring Results – LEA Response*
- Review risk analysis data.
  - *ePlan > Data and Information > FY24 > Results-Based Monitoring Risk Analysis*
  - [FY24 Risk Analysis Guide](#)
  - *FY25 Guide coming soon!*
- FPO Monitoring Office Hours
  - Announcements and invites coming soon!
  - IEP Monitoring Hours: Mondays 11-12 CT (12-1 ET)
  - RBM Office Hours: Fridays, 12-1 CT (1-2 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 Documentation list for a detailed list of policies, procedures, and processes required for review.



# Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

**1-800-232-5454**

Notifications can also be submitted electronically at:

**<http://www.comptroller.tn.gov/hotline>**

# Evaluation

- Please use your phone to complete an evaluation.
- Selections:
  - Today's date
  - Geneva Taylor
- In Q10, please put "1 Monitoring Flags" to differentiate this session from others.





# Thank You!

## Questions?

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