

ESSA: Changing Landscape



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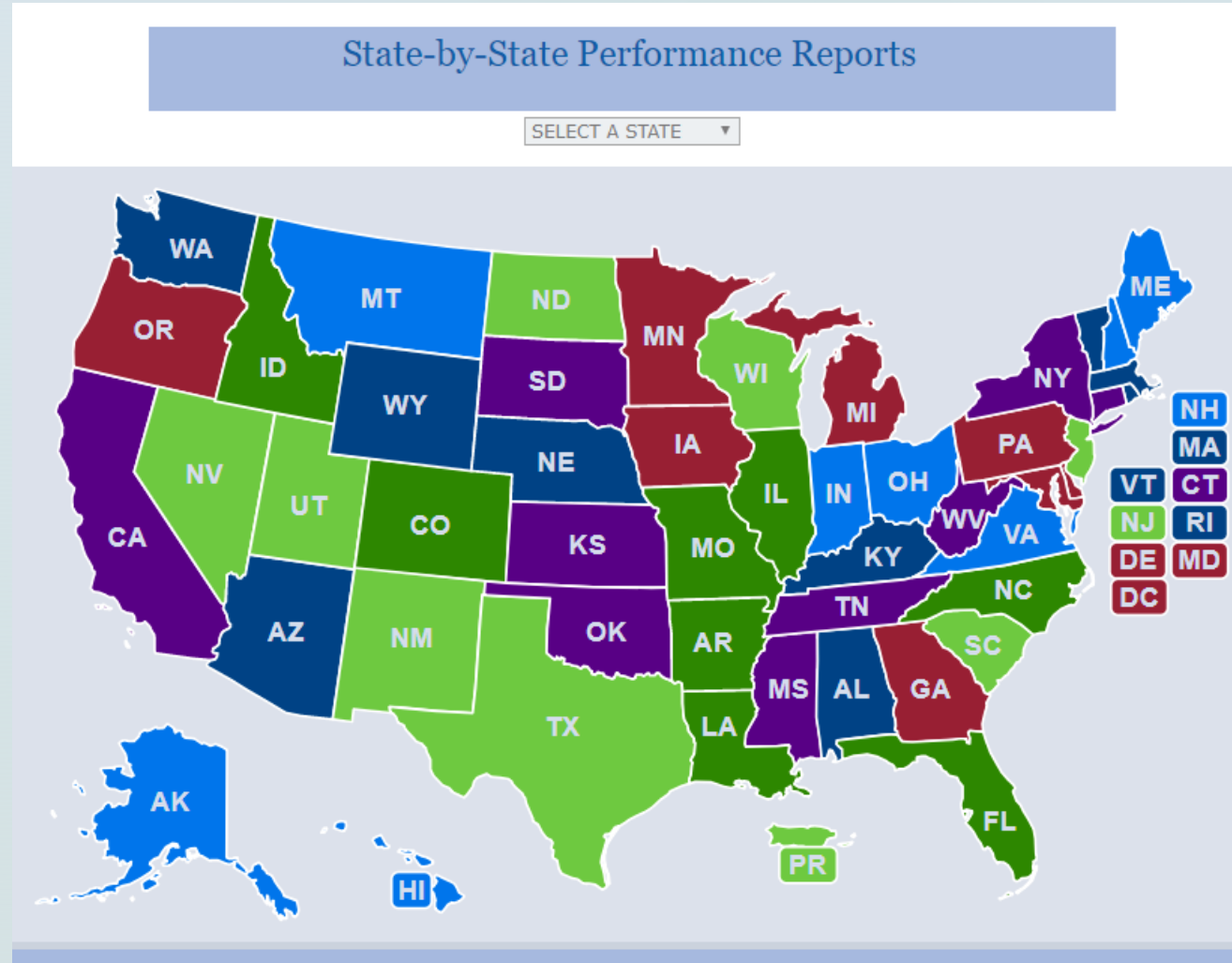
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ED's Office of State Support Monitoring – Recent Findings



SEA/LEA Review Document Topics

- A. Accounting Systems and Fiscal Controls
- B. Period of Availability and Carryover
- C. Internal Controls
- D. Audit Requirements
- E. Records and Information Management
- F. Equipment Management (*LEA Equipment and Supplies Management*)
- G. Personnel
- H. Procurement
- I. Indirect Costs
- J. Charter School Authorization and Oversight
- K. Reservations and Consolidation (*not included in LEA document*)
- L. Budgeting and Activities
- M. Allocations
- N. Risk Assessment (External) (*not included in LEA document*)

■ SEA/LEA Review Document Topics

- O. Subrecipient Monitoring (*in LEA v2*)
- P. LEA Support and Guidance
- Q. Supplement, Not Supplant
- R. Maintenance of Effort
- S. Comparability
- T. Equitable Services
- U. Data Quality (*in LEA v2*)
- V. Transparency and Data Reporting (*in LEA v2*)
- W. State Plan (*not included in LEA document*)
- X. Public School Choice (*in LEA v1*)
- Y. Indicators (*in LEA v1*)
- Z. Annual Meaningful Differentiation (*in LEA v1*)
- AA.1003(a) School Improvement (*in LEA v1*)
- AB. Support and Improvement Plans (*in LEA v1*)



A Sampling of Recent Findings



■ Accounting Systems and Fiscal Controls

- Develop written policies regarding the allowability of costs that include criteria for cost allowability, details pertaining to specific costs and program-specific considerations to help guide staff.

Internal Controls

- Create documented procedures for identifying internal risks.
 - *Note: this is a repeat finding*
- Procedures must include the timeline for completing and responding to identified risks, the process for documenting and verifying responses and identification of responsive individuals and the process for communicating the results of the assessments to leadership and other responsive State agencies.
 - *Note: this is a repeat finding*

Records and Information Management

- Documented record retention policies, which should include:
 - Categories of required records;
 - Timelines and location for storage;
 - Procedures for archiving and disposal; and
 - Designation of individuals responsible for verifying compliance.
- Monitor to ensure documented records management policies are followed and that all applicable records are maintained and stored for required time periods.
- Documented policies to protect and safeguard PII.
 - *Note: this is a repeat finding.*

▀ Budgeting and Activities

- Develop documented procedures to ensure the State and subrecipients can only use program funds for allowable costs, as defined under the UGG including that costs are reasonable and necessary to accomplish program objectives.

Comparability

- Ensure that any LEAs that have failed to meet comparability take sufficient corrective action to address the issues and provide comparable services at Title I and non-Title I schools.
 - Includes:
 - Specific timelines for LEAs to resolve issues;
 - Types of evidence that the LEA is required to submit to demonstrate completion of any corrective action;
 - Consequences for failure to take timely corrective action; and
 - Designation of staff responsible for overseeing the process.
- *Note: this is a repeat finding*

Supplement Not Supplant

- A plan or procedures to evaluate SNS compliance
 - *Note: this is a repeat finding*
- A Plan and timeline to support LEAs to develop methodology to allocate State and local funds as required under ESSA.
 - *Note: this is a repeat finding*
- A description of how the State will monitor LEA compliance with SNS.
 - *Note: this is a repeat finding*

Dear Past,
Thanks for all the lessons.
Dear Future,
I'm ready...





USDE Actions



ESSA Title III Guidance Addendum

- Issued by ED in January 2019
- Reminds States of requirement to establish EL entrance/exit procedures and identification timeline
 - Cannot use Title III funds for identification
 - If EL has disability that precludes assessment in one or more domain, can be exited based on proficient score on remaining domains
 - Exited students may still receive language services (be sure to not exit prematurely)
- For reporting on former ELs, if State uses multiple measures to assess EL status, SEA must only include those students who meet all standardized, statewide exit procedures and no longer receive services, not all students receiving proficient on ELP assessment

➤ ESSA Flexibility Guide

- Issued by ED in October 2018
- Highlights areas where States/districts have flexibility under ESSA
 - e.g. direct student services optional set-aside, consolidated State (or LEA) admin funds, waiver authority, transferability, etc.
- ED to revive Ed-Flex program for 18-19 school year
 - Info on application process forthcoming

<https://www2.ed.gov/policy/elsec/leg/essa/essa-flexibilities-document-for-publication.pdf>

➤ Letter re: Title I Homeless Student Reservation

- July 2018 letter clarifies ESSA changes to Title I-A LEA homeless student reservation (Section 1113(c)(3))
- Key change:
 - NCLB limited funds to homeless students in non-Title I schools
 - ESSA generally requires funds to support homeless students regardless of Title I status
- LEA is not required to reserve a specific amount (may use a needs assessment for determination)

<https://www2.ed.gov/policy/elsec/leg/essa/letterforessatitleialeahomelesssetaside.pdf>



ESSA Title I, A Supplement, Not Supplant Guidance

NEW Guidance Draft Released: January
25, 2019

Open for Public Comment

■ ESSA Regulations??

- After ESSA accountability regs rescinded → NCLB regs reinstated
 - Many parts not applicable under ESSA (HQT, AYP, etc.)
 - ED working to clean up NCLB regs based on ESSA changes
- August 2018: ED rescinded portions of Title I-A, I-B, and I-C regs

<https://www2.ed.gov/policy/elsec/leg/essa/essaregulationrescissions.pdf>

Schoolwide Accountability



OIG SW Accountability



Priority Work: State and District Oversight of Schoolwide Programs

1. Providing guidance on conducting comprehensive needs assessments, developing schoolwide plans, and conducting annual evaluations.
2. Monitoring the implementation of schools' SW plans and adherence to all applicable requirements.

SW Accountability – New OIG Finding

September 28, 2017 – Idaho Department of Education (Oversight of Online Charter Schools)

- SW Component: implementation of additional support activities (intervention services) for students who experience difficulty attaining proficient or advanced levels of academic achievement.
- The school's plan identified specific intervention that it would provide to at-risk students to increase academic achievement.

“We did not find sufficient documentation to support that [the school] provided the Title I intervention services required in its SW Plan.”

- Reviewed 32 student files (15 from 2011-2012 and 17 from 2012-2013)
“Could not confirm that any of these students received services”
 - School could not provide sufficient docs to support it provided the services.

■ ESSA School-level Uses of Funds

- IT IS IN YOUR PLAN!!
- Schoolwide/Targeted Assistance Plan
 - Educational expenses
 - Increase performance
 - Well-rounded education
 - Serving eligible students, parents and/or teachers



► Schoolwide Plans

ESSA Section 1114(b) Combines components and elements of prior requirements.

1. Developed during 1 year period (LEA can determine less time is needed);
2. Developed with involvement of parents and other members of the community (teachers, principals, school leaders, paraprofessionals, etc.);
3. **Remains in effect but shall be regularly monitored and revised as necessary based on student needs;**
4. Is available to the public in an understandable format and, to the extent practicable, in a language parents can understand;
5. Is developed in coordination with other Federal, State and local services, resources and programs;

➤ Schoolwide Plans (cont.)

6. Is based on a comprehensive needs assessment; and
7. Includes strategies that the school will be implementing to address school needs:
 - Provide opportunities for all students (including each subgroup)
 - Use methods and instructional strategies to strengthen academic program, increase amount and quality of learning time, to provide well-rounded education
 - Address needs of all children, particularly the needs of at-risk students
 - Counseling, mental health
 - Postsecondary readiness
 - Tiered schoolwide system of support (coordinated with IDEA)
 - Professional development
 - Transition from preschool to elementary programs
 - Consolidated programs



School Improvement



➤ Types of School Improvement Funding

- ESSA 1003(a) School Improvement
 - Mandatory (7%)
- ESSA 1003A (Direct Student Services)
 - Optional (3%)
- NCLB 1003(g) School Improvement Grant (SIG) Funds
 - Carryover from NCLB

■ School Improvement Funds Sec. 1003(a)

Mandatory: 7% set-aside

- To implement comprehensive and targeted support and improvement activities.
- 95% for grants to LEAs
 - Formula or Competitive Basis
 - Subgrants are for no more than 4 years (may include planning year)
- Services may be provided directly by SEA with approval of the LEA

Direct Student Services Sec. 1003A

- **Optional** 3% set-aside
 - 1% of that 3% for State Administration
 - Remainder subgranted to LEAs, with priority to LEAs with high percentage of schools identified for comprehensive or targeted support
 - 1% Outreach and communications to parents
 - 2% Administration
 - Remainder for allowable uses of funds
 - To provide funds to targeted and comprehensive identified schools
 - Consultation with LEAs

► School Improvement Funds (SIG FUNDS) NCLB 1003(g)

A State may, at its discretion, use any remaining SIG funds either:

1. Consistent with the SIG final requirements; or
2. Consistent with the requirements of section 1003 of the ESEA, as amended by the ESSA.

A State that decides to use some/all its SIG funds consistent with ESSA 1003 may permit an LEA that is currently implementing SIG to transition to the requirements of section 1003 with its remaining SIG funds.

- ED Letter, dated Jan 9, 2018

Targeted Support and Improvement Sec. 1111(d)(2)

Any school in which any subgroup of students is consistently underperforming.

- Applies to all public schools, not only Title I schools

Failure to improve:

- State discretion; and
- If Title I school and fail to improve move to Comprehensive Support and Improvement.

Comprehensive Support and Improvement Sec. 1111(c)(4)(D)

- Comprehensive support schools must include:
 1. At least the lowest performing 5% Title I schools;
 2. All public high schools in the State failing to graduate 1/3 or more of their students; and
 - At SEA discretion this may include an extended year adjusted graduation rate
 3. Title I schools in which any subgroup, on its own, would be identified as lowest-performing 5% and has not improved (as defined by the State)
- Fail to improve in 4 years (or less): State discretion re: “more rigorous interventions”

Parent and Family Engagement

People Helping People



Parent and Family Engagement Set-aside Sec. 1116(a)(3)

- The LEA shall reserve at least 1%
 - To assist schools carry out activities
 - For smaller LEAs, set-aside not required if 1% is less than \$5,000 (i.e. allocation is less than \$500,000)
 - May reserve more
- 90% must go to schools, with priority to high-need schools

Parent and Family Engagement Sec. 1116(a)(3)(D)

Change in language to add “family” after “parent”

- Use of Funds: Must perform at least one:
 - Professional development re: parent and family engagement strategies;
 - Reaching parents and family at home, in the community and at school;
 - Disseminating info on best practices;
 - Collaborating (or providing subgrants to schools to collaborate) with others who have a record of success in improving and increasing involvement; and
 - Activities consistent with LEA plan.
- There must be annual evaluations of content and effectiveness of the policy involving parents and family members

➤ Parent and Family Engagement (cont.) Sec. 1116(a),(b) and (f)

- Accessibility – to the extent practicable – and opportunities for parents and family members, including:
 - parents and family members who have limited English proficiency,
 - parents and family members with disabilities, and
 - parents and family members of migratory children.

Parent Notices Sec. 1112

- **“Right to Know”**
 - LEA must inform parents of Title I schools that they can request professional qualifications of their child’s classroom teachers.
- **Not Qualified Teacher**
 - Title I schools must provide parents if the student has been assigned a teacher who does not meet applicable State certification or licensure requirements for more than 4 weeks.
- LEA must notify all parents of State or local policy regarding **student participation in statewide assessments**.
 - This must include the right to opt-out, where applicable (i.e. per state/local laws).

➤ Parent and Family Engagement Policy Sec. 1116(a) and (b)

LEA-level policy and school-level policy still required!

- Describes how the LEA or school will meet the requirements of this part.
- They are similar to prior Parent Involvement Policy only now much broader to include family.

School-Parent Compact still required.

Equitable Services



■ Consultation ESSA Section 1117(b); 8501(c))

- Written affirmation that timely and meaningful consultation occurred.
- LEAs must give option that timely and meaningful consultation did not occur or that the program design is not equitable with respect to eligible private school children.
- When Disagreement, the LEA must provide in writing:
 - The basis of the disagreement,
 - The LEA's decision, and
 - The right to complain.



■ Title I, A Proportionate Share Calculation

Proportionate Share Formula (ESSA Section 1117(a)(4)):

- Determine the number of children from low-income families residing in each Title I participating attendance area who attend public and private schools.
- Figure out the proportion of children in private schools.
- Apply the private school proportion to the LEA's total Title I allocation to determine the equitable services proportionate shared.

▀ Title I, A Proportionate Share cont.

- Proportionate Share Includes:
 - Administrative costs for equitable services (reasonable and necessary out of this set-aside) (usually not more than 10%)
 - Parental Involvement (Proportionate amount of 1%)
 - Professional Development (Optional, determined through consultation).
 - All other activities for eligible private school students

★ Funds must be expended in the current fiscal year.

If there are “extenuating circumstances” then carryover is allowable for subsequent year equitable services.

- State defined.

▀ Ombudsman ESSA Section 1117(a)(3)(B); 8501(a)(3)(B)

- State Ombudsman primary responsibilities:
 - To monitor and enforce equitable services requirements under Title I and Title VIII.
 - Includes developing monitoring protocols under titles that require equitable services.
- National Network of Ombudsmen
 - Ombudsman Update (Quarterly)
 - <https://innovation.ed.gov/what-we-do/non-public-education/essa/ombudsman-corner/>



Equitable Services FAQs (Ombudsman Updates – July 2018)

- Question: When a child resides in one LEA and attends a private school in another, what are the obligations of the LEA of residence if it arranges for the LEA where the private school is located to provide equitable services under Title I?
 - Answer: An LEA in which an eligible child resides is responsible for providing Title I services to the child, but it may arrange to have such services provided by another LEA and reimburse that LEA for costs. This may include consultation and evaluation. Should have an MOU and LEA must ensure compliance with the MOU.

Equitable Services FAQs (Ombudsman Updates – July 2018) cont.

- Question: How does an LEA identify the needs of eligible students and, as applicable, their teachers and families?
 - Answer: The equitable services provisions of Title I and Title VIII require the LEA, as part of consultation with private school officials, to discuss how the needs of eligible students and, as applicable, their teachers and families will be identified
 - For programs covered under Title VIII, an LEA may request documentation, as needed, from private school officials that enables the LEA to identify students who are eligible under the applicable program and the appropriate services that meet the needs of those private school students and their teachers.
 - See sample needs assessment form in NCLB Title IX, Equitable Services Guidance.

Equitable Services FAQs (Ombudsman Updates – October 2018)

- Question: May the provision of Title I, Part A (Title I) equitable services consist of only professional development?
 - Answer: An LEA generally must provide direct instruction. Sometimes funding may not be sufficient. Accordingly, an LEA may provide professional development, if following consultation with private school officials it determines that doing so would best meet the needs of eligible private school children.
- Question: Do the percentage distribution requirements for Title IV, Part A (Title IV) apply to the private school share?
 - Answer: There is no such requirement in the statute. The distribution requirements apply only to the LEA's total allocation.