Louisiana Believes

LASAFAP
March 3, 2023

Agenda

I. Federal Program Updates
- Non-Public Equitable Services
- Public School Choice
- ESSER Funding
- ESSER ARP Data Reporting SFY22
- ESSER Late Liquidation
- ARAP
- 2023-24 Super App
- 2022-23 Redesign Funding

II. IDEA Updates

III. Question & Answer

Believe to Achieve

The Department recently released *Believe to Achieve: Educational Priorities*. This priorities plan serves as the Department's roadmap to improving outcomes for all Louisiana children.

Believe to Achieve includes the Department's new belief statements, state data to help track progress toward Louisiana's six critical goals, and the new priorities that will direct the LDOE's efforts as they work toward achieving the critical goals. Each priority outlines focus areas for the key actions and initiatives.

ACCESS *Believe to Achieve*

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Federal Program Updates

Non-public Equitable Services: Expending Carryover Funds

Work Group Update

- On February 13, a workgroup met to discuss potential solutions to assist non-publics in expending the equitable services carryover funds.

- The workgroup was presented with various ideas and suggestions for cross collaboration and cross district professional development.

- All schools systems should take time now to assess the carryover amounts and the funding expiration dates and plan accordingly.

- Send any feedback or questions to State Ombudsman Daphne Flentroy - Daphne.Flentroy@la.gov

Remaining Funds/Carryover Allocation Timeline

FY (Funding Year)	1st 12 Months (Year 1)	2nd 12 Months (Year 2)	*Final 3 Months (Which is the federal grant cycle of 27 months)*
2019 - 2020	7/1/19 - 6/30/20	7/1/20 - 6/30/21	7/1/21 - 9/30/21 **IS EXPIRED**
2020 - 2021	7/1/20 - 6/30/21	7/1/21 - 6/30/22	7/1/22 - 9/30/22 Carryover Waiver Expires 9/30/23
2021 - 2022	7/1/21 - 6/30/22	7/1/22 - 6/30/23	7/1/23 - 9/30/23
2022 - 2023	7/1/22 - 6/30/23	7/1/23 - 6/30/24	7/1/24 - 9/30/24

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Public School Choice

Public School Choice

Public School Choice under ESSA refers to the option that a school system **may** provide to all students in a struggling school to transfer to a higher performing school. However, in Louisiana, school systems with struggling schools are **required** to offer school choice.

As noted in the Louisiana's ESSA State Plan on page 63, Louisiana will continue its long standing policy of requiring LEAs to offer public school choice to schools that are **F-rated** ("academically unacceptable").

Public School Choice Requirements

In accordance with ESSA and state plan requirements, school system providing school choice will need to comply with the citation under **Section 1111(d)(1)(D)**.

- School systems are **required** to give priority to the lowest achieving children from low-income families.
- A student who uses the option to transfer to another public school **must** be enrolled in classes and other activities in the same manner as all other students at the public school.
- School systems are **required** to permit a student who transfers to another public school to remain in that school until the student has completed the highest grade in that school.
- School systems may spend 5 percent of its Title I allocation for public school choice transportation.

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Public School Choice Oversight

The primary purpose of state agency oversight is to ensure school systems comply with federal grant requirements in an effort to promote more effective programs and spending.

Monitoring the implementation of federal programs and the use of federal program funds is an essential function of the Department.

The agency will provide public school choice oversight through two methods.

State Agency Oversight:

1. **SuperApp Data Collection**

2. **Statewide Monitoring**

ESSER Funding

ESSER II Funding: Drawdown

ESSER II: Drawdown

ESSER II Funding Availability: 1/5/2021 - 9/30/23
- Note: Pre-awards costs are allowable for expenses incurred from March 13, 2020.

Drawdown
- Any remaining balance in Formula, Incentive, and/or School Choice will be reverted to ED
- Begin assessing the amount of funding left for drawdown and planned expenditures through 9/30/23
  - If there appears to be funding that will be unexpended:
    - Amend the Achieve! in order to be in a posture to submit claims on or before November 15, 2023
    - Review any ESSER III expenditures that have not yet been reimbursed that could be coded back to ESSER II funding

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Construction/Renovation Projects

ESSER II and III - Construction

Construction is authorized under Title VII of the ESEA (Impact Aid) and therefore is an allowable use of GEER and ESSER funds under sections 18002(c)(3) and 18003(d)(1) of the CARES Act, sections 312(c)(3) and 313(d)(1) of the CRRSA Act, and section 2001(e)(2) of the ARP Act.

The broad Impact Aid definition of "construction" includes new construction as well as remodeling, alterations, renovations, and repairs under which many activities related to COVID-19 would likely fall.

Note: ED discourages LEAs from using ESSER and GEER funds for new construction because
  a. may limit an LEA's ability to support other essential needs or initiatives.
  b. Remodeling, renovation, and new construction are often time-consuming
  c. Subject to a number of additional Federal requirements

ESSER II and III - Construction

While construction is generally allowable, it is the responsibility of a Governor, SEA, LEA, or other subgrantee to assure that individual costs:

   a.   comply with the Cost Principles in 2 CFR Part 200, subpart E (e.g., the cost must be "necessary and reasonable" (2 CFR §§ 200.403-200.404));
   b.   meet the overall purpose of the CARES Act, CRRSA Act, or ARP Act programs, which is "to prevent, prepare for, and respond to" COVID-19; and
   c.   are consistent with the proper and efficient administration of those programs.

Under these general principles, any construction activities, including renovations or remodeling, that are necessary for an LEA to prevent, prepare for, and respond to COVID-19 could be permissible, though the burden remains on grantees and subgrantees to maintain the appropriate documentation that supports the expenditure.

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ESSER II and III - Construction

As noted above, an LEA using ESSER or GEER funds for remodeling, renovation, and new construction must comply with additional federal requirements.

1. require prior written approval by an LEA's Governor or SEA

2. must comply with
   a. applicable Uniform Guidance requirements,
   b. Davis-Bacon prevailing wage requirements , and
   c. all of the Department's applicable regulations regarding construction at 34 CFR §§ 76.600 and 75.600-75.618

Construction/Renovation Monitoring

Supporting documentation:

- Copies of consultation with governmental agencies, architecture plans with building permits, and historic & environmental surveys
- Copies of Title & rental and insurance paperwork
- Plans for Maintenance of Operations
- Relevant RFP and solicitation documentation
- Description of process for ensuring compliance with statutory and regulatory requirements when using ESSER funds for construction purposes.
- Copies of relevant contracts showing wage agreements.
- Written statements from contractors and accompanying documentation indicating research and compliance with prevailing wages in reference to payments of contractors and subcontractors (e.g., payment ledgers, prevailing wages scale for the area)

ESSER Late Liquidation

ESSER Late Liquidation

Each of the three ESSER grants – CARES ESSER, CRRSA ESSER and ARP ESSER – has two distinct timelines:

- An **obligation period**, during which SEAs and LEAs can:
  - Enter into contracts that will be paid with ESSER funds,
  - Have employees work on ESSER activities, and
  - Take other actions described in <u>federal regulations</u>.
  - A **liquidation period**, during which SEAs can draw down ESSER funds from ED to pay off expenses incurred during the obligation period.

ESSER's obligation periods, including the "Tydings Period" which gives most ED programs one-additional year to obligate funds, ended/end on:

- September 30, 2022, for CARES ESSER,
- September 30, 2023, for CRRSA ESSER, and
- September 30, 2024, for ARP ESSER.
- These ESSER obligation deadlines cannot be extended except by Congress.

ESSER Late Liquidation

ESSER's liquidation periods ended/end on:

- January 28, 2022, for CARES ESSER (which fell on a weekend, so ED permitted drawdowns through January 30, 2023),
- January 28, 2023, for CRRSA ESSER, and
- January 28, 2024, for ARP ESSER
- These ESSER liquidation deadlines <u>can be extended by ED</u> at its discretion.

<u>How Long Can ESSER-Funded Services Continue?</u>

- Commonly been understood that **grant funded services may only occur during the obligation period**, also known as the period of availability or period of performance.
  - An <u>OMB regulation</u> requires that expenses paid with federal grant funds be incurred during the grant's budget period.
  - OMB rules require services be delivered only during the obligation period is reflected in audits conducted by ED's Office of Inspector General (OIG) of a COVID relief program for higher education.

ESSER Late Liquidation

How Long Can ESSER-Funded Services Continue?

- ED's <u>ESSER and GEER guidance</u>, however, advises that ESSER-funded services can continue for up to four additional years beyond the end of the obligation period.
- It is not clear to what extent this guidance can be relied on because it does not address the OMB regulation and related audit findings mentioned above.
- ED's guidance suggests it is up to SEAs to determine whether services can continue since ESSER is a state-administered program, but this is an issue of federal law that SEAs do not have authority over.
- This is an issue OMB should address since it involves an OMB regulation and has implications beyond ESSER or ED. For example, there have been recent Single Audit findings for services delivered outside the period of performance.

ESSER Late Liquidation

Extending the Liquidation Period:

- Assuming it is permissible to extend the service delivery period beyond the obligation deadline (but see unresolved concerns above), extending the liquidation period would be the soundest way to pay for extended services.
- It would permit SEAs and LEAs to maintain control of ESSER funds so they only pay for services that are actually provided.
- There *could* be a way to interpret OMB rules to permit services for as long as the liquidation period is open. This would be a novel interpretation that would benefit from OMB confirmation, but it would help to resolve concerns about the OMB regulation flagged above.

ESSER Late Liquidation

Extending the Liquidation Period:

ED's current process for extending the liquidation period is infeasible for many reasons:
- ED will only consider extensions on a transaction-by-transaction basis,
- ED will only consider extension requests close to the end of the obligation period - cannot rely on getting an extension from ED when planning ESSER services,
- ED does not consider wanting more time to perform services to be a valid reason for requesting an extension, and
- ED requires SEAs to attest to a variety of things when submitting an extension request, including on behalf of its LEAs, including (but not limited to):
  - All activities and services are allowable and were properly obligated.
  - Sufficient supporting documentation has been collected and is available and on file with the SEA.
  - LEAs covered by the extension request are "low-risk based on a review of data."

ESSER Late Liquidation

Extending the Liquidation Period:

- This process is not required by [OMB regulations](), but it does make it difficult for SEAs and LEAs to plan in advance for extended services.
  - For example, state and local procurement rules often require SEAs and LEAs to identify in the contract which funding sources will pay for the services. In those cases, SEAs and LEAs could not contract for services that extend beyond their access to ESSER funds. (There are other procurement and related barriers to consider.)

ESSER Late Liquidation

Prepaying for ESSER Services:

- ED's ESSER guidance advises that SEAs may, in certain circumstances, permit prepayment of services that will continue after the liquidation period ends, so long as the contract is entered into before the obligation deadline.
  - ED notes, however, this is neither "good stewardship" of funds nor "prudent practice." ED also warns that SEAs must consider, among other things, potential internal control and procurement issues.

- Whether or not prepayment is a reasonable option given the risks of paying for services before they are provided, ED's guidance raises a direct conflict for SEAs:
  - On the one hand, ED's guidance says an SEA could choose to permit an LEA to prepay for a multiyear software license that continues after ESSER ends

ESSER Late Liquidation

Prepaying for ESSER Services:

- On the other hand, this is a scenario ED's OIG has specifically said is unallowable. In citing an institution of higher education for prepaying for a multiyear license, OIG said:

  It is critical that grantees not prepay costs that extend beyond the grant performance period. Properly allocating costs to the grant performance period helps to protect taxpayer dollars; minimize the risk of fraud, waste, and abuse; and ensure Federal funds are used for allowable and intended purposes. (p. 23 of this PDF)

- ED's guidance is not binding and is no guarantee against audit or other enforcement action.

LDOE's Position on Late Liquidation:

Based on the information currently available, LDOE will only request Late Liquidation of ESSER funds for LEAs that need more time to submit claims for expenditures for goods/services provided within the period of availability.

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ESSER ARP
Data Reporting SFY22

ESSER Data Reporting

- The ESSER Data Reporting Application:
  - Due: Today, Friday, March 3, 2023
  - Delinquent LEAs should contact the agency as soon as possible with projected submission dates.

- Each LEA receiving ESSER funds has an assigned Grants Management team member to assist with:
  - Understanding reporting requirements
  - Creating, navigating, and working within the reporting app
  - Obtaining and providing responses to LEA-specific questions
  - Available support options include email, telephone, and Zoom.

- For reporting assistance, contact the LDOE Grants Management Help Desk and ask to be connected to your assigned GM team member.

Academic Recovery and Acceleration Plan (ARAP)

ARAP

Current Status of 2022-23 Academic Recovery and Acceleration Plans:
- Approved: 162
- Not yet approved: 29

"Returned for Change" plans: Revised plans should be submitted for review no later than March 10, 2023

Review Process
- Label the upload of the revised plan using "revised" in the file name
- Highlight any changes made in the revision
- Be sure to address all reviewer comments

2023-24 Super App

2023-24 Super App: Key Dates

Application	Action	Timeline
Super App	Super App **DUE**	**January 27**
Believe!	Believe! application *for early childhood lead agencies* **DUE**	**January 27**
Super App	Clarification documents sent and Super App returned	Fri, Feb 17
Super App	Revised Super App **DUE**	**Wed, Mar 1**
Super App	Super App competitive allocations approved (April BESE) LDOE approves CIR/UIR-Academics strategies	April
Believe!	Believe! allocations approved (April BESE)	April

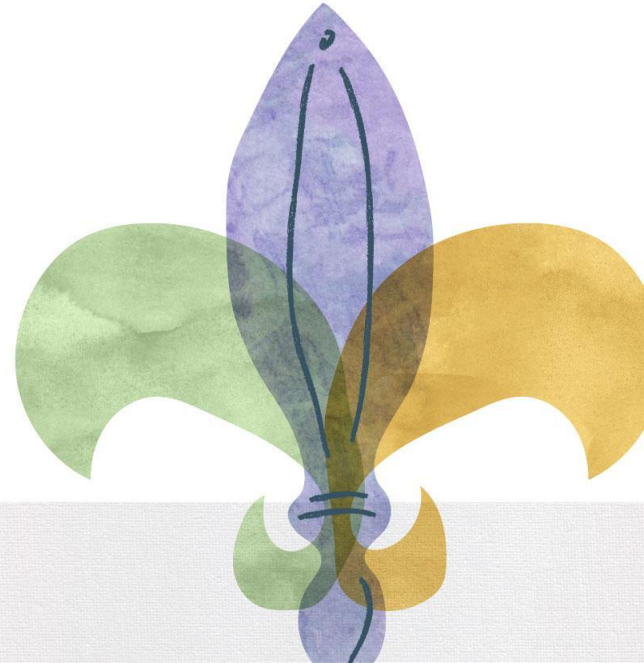Believes

2023-24 Super App: Reminders

Funding
- Competitive Funding: Loaded in eGMS after April BESE approval
- Formula Funding (ESSA, IDEA and Carl Perkins):
  - 90% of the 2022-23 Final Award Amount
  - Loaded in eGMS at the end of March

Amendment 1
- Original application was approved based on competitive portion only.
- Once funding is loaded will need to create Amendment 1 to see award amounts and budget awarded funding.
- Amendment 1 Submission Due Date: on or before July 1, 2023 to be considered substantially approved.
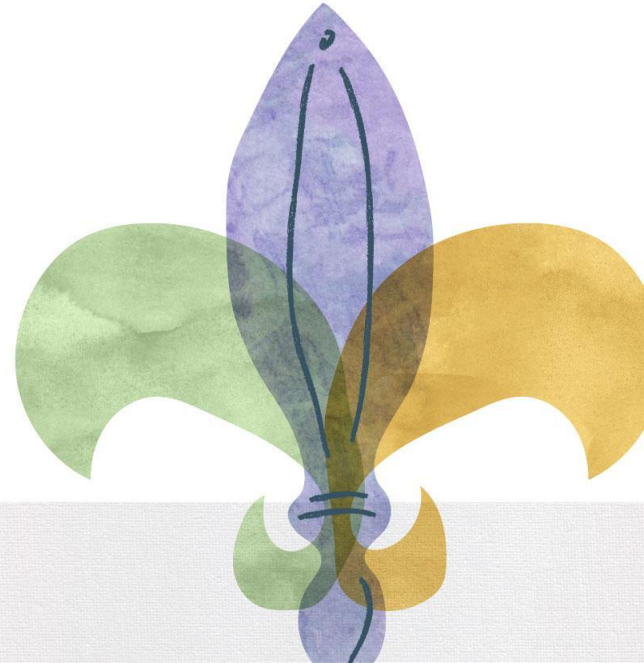
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2022-23 Redesign Funding

2022-23 Redesign 1003a Funding

- The 2022-23 Super App funding has availability until 9/30/23.
  - Due to the current FY21 remaining balances, Redesign funding that is currently set to end on 6/30/23, will be carried forward into the 2023-24 application

  - 6/30 Final PER: Must be submitted timely to allow for carryover

  - Current LEA GANs will be updated to reflect this change in availability

  - Note: all FY21 funds must be obligated by 9/30/23

  - Claims must be submitted on or before November 15, 2023

Periodic Expenditure Reports (PERs)

Periodic Expenditure Reports

How does PER Submission support ED requirements for Federal Funding?

- Program implementation protocols

- Data Reporting for federal funds

- Used to calculate carryover funding

- Title I Excess Funds/District notification of Title I Waiver

- Dashboard updates for Transparency

- Late liquidation application decisions

Note: The process used by the 9/30 PER for calculating carryover should be used with Non-public funding.

PERs & Reimbursement Claims

PER Submission

- Are PERs being submitted on or before deadline?
- Is there a pattern of late submission or lack of submission of PERS?

PER Submission Deadlines

- **3/31**
- **6/30**
- **9/30**
- **12/31**

Reimbursement Claims:

- Is funding being drawn down in a timely manner?
- Is there a pattern of funding only being drawn down at the end of the grant cycle?
- Does your school system average at least one reimbursement claim per quarter?

Periodic Expenditure Report Non-Compliance

Proposed Next Steps:

- January 2023: Received Stakeholder Feedback

- March 31, 2023 PER: Notificatifications scheduled to begin.
  - Notifications will be sent on a weekly basis until the delinquent PER is submitted.

- Timeline: January 2024
  - Conditions will be added to individual LEA GANs as indicated by lack of adherence to submission of PERs and Reimbursement Claims guidelines

Resources for Periodic Expenditure Reports

eGMS Login Page

TRAINING

5) Use the reviewer comments as a guide for making changes or corrections.

Tips & Reminders: Preparing the Periodic Expense Report (PER)

1) From the GMS Select page, go to the chosen Application and select Payments.
2) View Reimbursement Requests/Expenditure Reports.
3) Select Create Expense Report.
4) View the Expenditure/Obligation Summary (1st tab).
5) On the Expenditure/Obligation by EIC page (2nd tab), enter the amount of the expense(s). Press the Save Page button to retain the entered information.
6) On the Certification page (3rd tab), certify the report by checking on the Certification of Report button. Save the page.
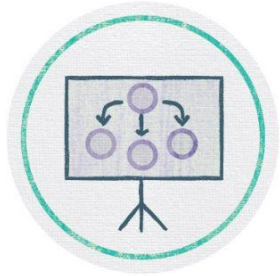
ACCOUNT INFORMATION

FSGR Library

eGMS 102

- **Provides instructions on completion of PERs**

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# IDEA Updates

Ensuring Appropriate Supports

Diverse Learner **instructional strategies** ensure that Students with Disabilities and English Learners have access to inclusive, high quality teaching and learning.

Intentional **educator development** builds capacity to implement best practices for Students with Disabilities and English Learners.

Strong partnerships through **stakeholder engagement** aligns a broad range of supports to best serve children.
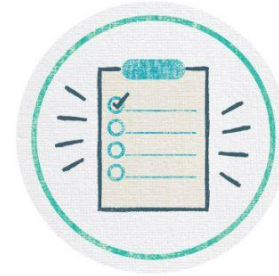
Clarity on **program compliance** through effective data collection, monitoring, and reporting provides all partners clarity on student support.

Key Work

- **Partnerships for Success** provides partners and funding support that delivers direct services to students and professional development on specialized supports.
  - $12,000 per CIR/UIRA school
  - $8,000 for each early childhood lead agency
- **Literacy** resources and supports.
- Ensuring **successful high school outcomes** and meaningful transition to set students up for success on their day after high school graduation.
- **Staffing and scheduling plans** that ensure equitable, inclusive extra time for intervention.
- Supporting the **development** of special education leaders, educators, general educators and interventionists to build capacity to support students in our state: SPED Fellow Academy, para to teacher model, and Guidance for Leading Inclusive Special Education Programs.
- **School improvement** support in school systems.

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Partnerships for Success Guide

- Letters went out to school systems for any clarifications/questions regarding the recent Super App submissions and you all have been submitting updates to your requests.
- Diverse learners made notes to systems who are eligible to request additional funds for professional development partnerships through the Partnerships for Success Guide.
- For each K-12 CIR/UIRA school, the system can request $12,000 per school
- For each early childhood lead agency, the system can request $8,000 total

Three Instructional Best Practices

FOCUS
ON CORE
INSTRUCTION

EXTRA
TIME TO
LEARN

CONTENT
STRONG
TEACHERS

Is This Allowable for IDEA Funds?

Johnny is a third grader at Pelican Elementary and is reading at a first grade level. To begin the school year he is not a student receiving special education services. Pelican Elementary is using their literacy screener data and high quality curriculum-based assessments to determine reading interventions for students. During the school day, Johnny is scheduled to an additional reading intervention period taught by a reading specialist. Mid-year, Johnny is referred and identified as eligible for special education services. At that point in the year, Johnny is pulled from this intervention because it is viewed as support for general education students, and it is determined he will be supported by a special educator or paraeducator.

Would the initial reading intervention have been an acceptable practice to fund using IDEA once Johnny was identified as a special education student?

IDEA Funding Overview

IDEA Part B 611

Must be used for the **excess costs** of special education and related services for students with disabilities **ages 3-21**.

IDEA Part B 619 Preschool

Must be used for the **excess costs** of special education and related services for students with disabilities **ages 3-5**.

CEIS

Must be used for services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. (34 CFR 300.226)

CEIS: The Basics

Coordinated Early Intervening Services (CEIS) are services provided to students who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports (Tier 2 or 3) to succeed in a general education environment. (34 CFR 300.226)

There are two paths through which a school system may reserve IDEA funds to support CEIS activities: mandatory and voluntary.
- If a school system is identified as **significantly disproportionate**, they must set aside **15 percent** of their IDEA Part B funding for coordinated early intervening services (CEIS).

Voluntary and Mandatory CEIS

Type	Voluntary CEIS	Mandatory CEIS
Grade level / ages served	Kindergarten through grade 12	Age 3 through grade 12
Groups served	General education students	General education OR general and special education
Funds	Up to 15 percent of IDEA Part B funds	Exactly 15 percent of IDEA Part B funds
Allowable Expenses	allowable expenses	

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Significant Disproportionality

To identify when significant disproportionality based on race and/or ethnicity is occurring in school systems, the Department annually collects and examines data related to the:

- **identification** of students with disabilities, including particular impairments;
- **placement** of children with disabilities in restrictive educational settings; and
- exclusionary **discipline** of children with disabilities, including suspensions and expulsions.

The Department then analyzes the likelihood that students from one race or ethnicity will be subject to a certain outcome (over identification, restrictive placement, or exclusionary discipline) relative to students from all other races and ethnicities in each school system across the state.

Example Allowable CEIS Expenditures

- mentors/coaches providing additional instructional or behavioral supports for students
- extended contracts or hours for staff providing instructional or behavioral supports for students
- any educator providing academic or behavioral intervention or staff providing professional development to increase educator capacity to provide interventions
- educational incentives
- professional development; sub pay for educators to attend
- tutors

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Proportionate Share Requirements

Each LEA must expend a proportionate share of federal IDEA funds on equitable services for parentally placed private school children with disabilities. Each LEA must, after timely and meaningful consultation with representatives of parentally placed private school children with disabilities, determine the number of parentally placed private school children with disabilities attending private schools located in the LEA.

Discussion Points During Consultation:
- child find process
- proportionate share funding amount
- how special education and related services will be provided

Leveraging Funding: Two Main Questions

- As a school system, what are your strategies to improve outcomes for students with disabilities?
- How are you leveraging funds to accomplish your goals?
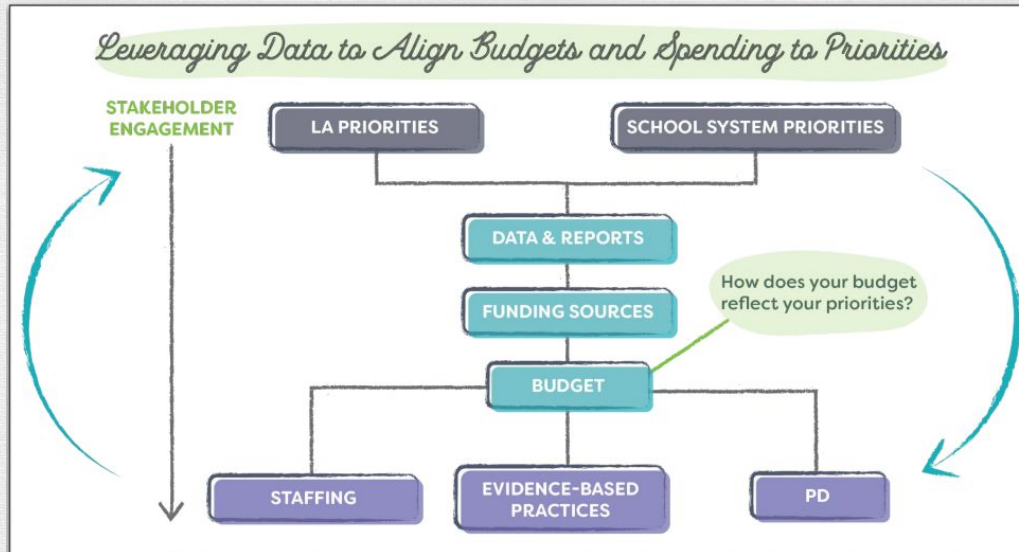
Guidance for Leading Inclusive Special Education Programs: Leveraging Data to Align Budgets and Spending to Priorities

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Cameras in Special Education Classrooms

The Department is collecting an implementation update on cameras in special education classrooms across the state.
- How much funding has been spent to purchase cameras for sped classrooms?
- How many parent requests have been made?
- How many parent requests have been approved? denied?
- How many cameras have been installed?

The Department will provide an update to BESE in April and again over the summer.

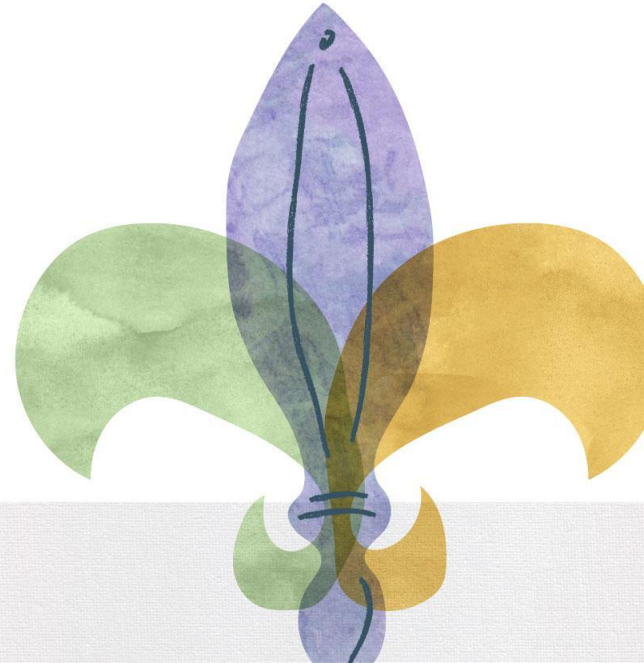The Department will also require a similar reporting update in egms closer to the end of the school year.

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FFY 2023
IDEA State Set Aside Funding Priorities Survey

The Department is seeking feedback on funding priorities from members of various special education stakeholder communities. This feedback will help the Department better understand what activities the public views as important as we develop the comprehensive IDEA grant application for the 2023-2024 school year.

This <u>survey</u> should take no more than five minutes to complete and does not request any personally identifiable information.

Question & Answer

Contact Information

For more information or questions contact:
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