



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 4, 2022

Honorable Dr. Penny Schwinn
Commissioner
Tennessee Department of Education
710 James Robertson Parkway
Nashville, TN 37243

Dear Commissioner Schwinn:

I am pleased to inform you that all action required areas identified by the U.S. Department of Education (the Department) in **Report 1** of its monitoring review from April 19-23, 2021, have been completed. As a reminder, this performance review report was broken into two separate parts: Report 1 and Report 2. Report 1 covers the Financial Management & Cross-Cutting portion of the review; Title I, Part C; CARES Act funds, and Title V, Part B, Subpart 2. Report 2, covers Title I, Part A; Title I, Part B; Title VII, Part B of the McKinney-Vento Homeless Assistance Act; Title II, Part A; and Title III, Part A. This letter confirms that the covered programs in Report 1 have been resolved

Department staff from the Office of Elementary and Secondary Education (OESE) recently conducted a review of the submissions of documentation and information from TDOE to resolve the actions required. See the table below for a brief summary of the information provided:

Tennessee Department of Education, Report 1 Corrective Actions			
Action Required	Summary of documentation submitted	Further action required	Status
<i>Title I, Part C</i> Provision of Services-Priority for Services	TDOE submitted its updated MEP Service Delivery Plan and communications with the LEAs.	No further action required	Resolved & closed
<i>Title I, Part C</i> Identification and Recruitment	TDOE submitted a list of steps it had taken to review and evaluate the identification and recruitment practices of individual recruiters. TDOE held several meetings to improve their review and evaluations of recruitment efforts. TDOE provided documented evidence of these meetings and the formation of	No further action required	Resolved & closed

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– Quality Control	updated practices. They also included updated worksheets to be used for recruitment.		
<i>Title V, Part B, Subpart 2</i> Goals and Objectives	TDOE provided sufficient documentation of its LEA data collection process as well as examples of how it measures each LEA’s progress toward the State’s RLIS goals.	No further action required	Resolved & closed
<i>Title V, Part B, Subpart 2</i> Use of Funds	TDOE provided sufficient documentation that it has made the needed adjustments to select technical assistance documents by removing or updating spending requirement and supplement and not supplant language, as well as evidence of working with LEAs that previously received incorrect information.	No further action required	Resolved & closed

Additional details are provided in the corrective actions description below.

I look forward to continuing to partner with you and your staff to support the implementation of federal programs. If you have any questions, please do not hesitate to reach out to Jameel A. Scott at: Jameel.Scott@ed.gov.

Sincerely,

Mark Washington
Deputy Assistant Secretary for Administration

Patrick Carr
Rural, Insular & Native Achievement
Programs
Director

Laura Jimenez
Office of State and Grantee Relations
Director

Tara Ramsey
Office of Migrant Education
Acting Director

Fiscal Review Resolution Report

Title I, Part C

Provision of Services- Priority for Services

Requirement Summary:

In providing Title I, Part C-funded services, priority must be given to migratory children who have made a qualifying move within the previous 1-year period and who— (1) are failing, or most at risk of failing, to meet the challenging State academic standards; or (2) have dropped out of school.

ESEA § 1304(d)

Issue:

ESEA section 1304(d) requires that priority for Title I, Part C-funded services be given to migratory children who have made a qualifying move within the previous 1-year period and who— (1) are failing, or most at risk of failing, to meet the challenging State academic standards; or (2) have dropped out of school. TDOE’s Migrant Education Program (MEP) State Service Delivery Plan (SDP) contains the correct statutory definition of priority for services (PFS) on pg. 45, and the Associate Director of TDOE’s sole MEP-funded local operating agency expressed a clear understanding of PFS during the monitoring review. However, the SDP includes the following definition of “educational disruption” as part of PFS:

The TN MEP defines educational disruption as the following: a student has moved in the preceding 12 months, changed schools or missed a "significant" amount of school time (e.g., ten days or more) during the regular school year due to the child's or family's migrant lifestyle.

The inclusion of this definition and reference to “educational disruption” in the process for determining PFS status is misleading as this language is not part of the statutory definition of PFS. In order to be considered PFS, a migratory child must have made a qualifying move within the previous one-year period, but there is no requirement that the child’s education was disrupted. Further, an educational disruption without a qualifying move would not meet the PFS criteria.

Required Action:

Within 60 business days of receiving this report, TDOE must provide evidence that it has:

1. Updated its MEP SDP to remove the definition related to “educational disruption” from its description of priority for services. The process for determining PFS status must align with the definition of PFS in ESEA section 1304(d).; and
2. Communicated the updated information on which migratory children have priority for services to MEP-funded staff.

Documentation:

On November 29, 2021, TDOE submitted its updated MEP Service Delivery Plan, which demonstrated that it had removed the definition related to “educational disruption” from its description of priority for services. TDOE also provided evidence of communicating the updated information on which migratory children have priority for services to MEP-funded staff through a copy of an office hours agenda with staff (see: October 7 MEP Office Hour Agenda) during which time TDOE discussed priority for services. TDOE also submitted evidence in the form of a follow-up email sent out to all ESEA Directors

and Migrant Liaisons across the state on October 18, 2021 (see: **MEP PFS Eligibility Clarification to LEAs**).

Status: Resolved

Title I, Part C Identification and Recruitment – Quality Control

Requirement Summary:

An SEA must establish and implement a system of quality controls for the proper identification and recruitment of eligible migratory children that includes:

- Supervision and annual review and evaluation of the identification and recruitment practices of individual recruiters.
- Documentation that supports the SEA's implementation of this quality-control system and of a record of actions taken to improve the system where periodic reviews and evaluations indicate a need to do so.

Title I Regulations 34 C.F.R. § 200.89(d)(2); 34 C.F.R. § 200.89(d)(6)

Issue:

SEAs must establish and implement a system of quality controls for the proper identification and recruitment of eligible migratory children that includes supervision, annual review, and evaluation of the identification and recruitment (ID&R) practices of individual recruiters (34 C.F.R. § 200.89(d)(2)) as well as documentation that supports the SEA's implementation of this quality-control system and of a record of actions taken to improve the system where periodic reviews and evaluations indicate a need to do so (34 C.F.R. § 200.89(d)(6)). The State's MEP ID&R Plan, position descriptions, and interviews with an LEA's Statewide ID&R Manager support TDOE's compliance with the requirement to supervise individual recruiters. TDOE provided Recruiter Assessment Forms for each of their recruiters as evidence of annual review and evaluation of the ID&R practices of individual recruiters. The Recruiter Assessment Forms show that recruiters' knowledge of program eligibility was reviewed, but there is no documentation to support the SEA's review and evaluation of their recruiters' ID&R practices. For example, documentation should support how the SEA reviews and evaluates the methods used by recruiters to efficiently and effectively identify all eligible migratory children in their assigned geographic area and ways in which recruiters are maintaining proper interviewing skills.

Required Action:

Within 60 business days of receiving this report, TDOE must provide evidence that it has:

1. Reviewed and evaluated the identification and recruitment practices of individual recruiters within the preceding year;
2. Maintained documentation that supports the SEA's implementation of this quality-control system—including written procedures that describe how such reviews and evaluations will be continued on an annual basis—and of a record of actions taken to improve the system where periodic reviews and evaluations indicate a need to do so.

Documentation:

On November 29, 2021, TDOE submitted a list of steps it had taken to review and evaluate the identification and recruitment practices of individual recruiters, including:

- Evidence of a monthly meeting held to discuss the required MEP Monthly Report.
- A Monthly Report containing updates on ID&R which were all discussed during the monthly meeting.
- Evidence of a training session on January 28, 2021 (**see: Recruiting Refresh Training**), and a plan for further training sessions.
- Evidence of developing an updated process and tools for evaluating and documenting recruiter performance (**see: MEP ID&R Evaluation Process**), including a quality control plan addressing six key components.
- Evidence of an updated observation checklist to be used when conducting the oversight visits used to observe how recruiters conduct outreach and family interviews.

Status: Resolved

Title V, Part B, Subpart 2 Goals and Objectives

Requirement Summary:

An SEA must submit an RLIS application that identifies program objectives and outcomes for activities, including how the SEA will use funds to help all students meet the challenging State academic standards and a description of how the SEA will provide technical assistance to eligible LEAs. Each SEA that receives a grant under this subpart shall prepare and submit an annual report that describes the degree to which progress has been made toward meeting the objectives and outcomes described in the application, including having all students in the State meet the challenging State academic standards.

ESEA § 5223(b); § 5224

Issue:

TDOE's Rural and Low-Income School (RLIS) program goal is to provide access and opportunity for all students in four main areas: Climate and Access, Academic Achievement and Growth, College and Career Readiness, and Educators. TDOE measures its LEAs' progress towards its RLIS goals through different tasks, including promoting the use of spending flexibilities, a tagging system for LEAs to clearly align RLIS funds to TDOE's priorities in its budgeting platform, and technical assistance. TDOE funds four consultants to train and support LEAs on Inform TN, an online planning platform. Inform TN contains each RLIS LEAs' needs assessment, goals and action plans, performance reviews, alignment of RLIS fund use to goals, and a reflection period to aid in the following year's plan. TDOE and consultants review each annual plan and provide feedback to LEAs.

TDOE provided documentation outlining the types of data it collects to measure an LEA's progress towards meeting its RLIS goal. TDOE reported that it auto-populates an LEA's data on the four main areas each year and challenges LEAs to develop their annual plans around the needs identified from the data. However, TDOE did not provide the data itself and did not explain how the data is being evaluated to measure progress.

Required Action:

To comply with section 5223(b)(1) of the ESEA, within 60 business days, TDOE must provide the most recently available LEA outcome data for the RLIS program. TDOE must submit both the data collected to measure each LEA's progress towards the RLIS goals as well as a description of how the data is

evaluated to determine progress. The information TDOE provides should be on the outcomes of the four main areas of Climate and Access, Academic Achievement and Growth, College and Career Readiness, and Educators.

Documentation:

TDOE provided sufficient documentation of its LEA data collection process as well as examples of how it measures each LEA’s progress toward the State’s RLIS goals.

- *2020-21 TNReady Results for Title V LEAs:* Annual State assessment results for LEAs who accept Title V funds as the data collected to measure LEA progress.
- *FY21 InformTN Data for Title V LEAs:* Data collected from LEAs in InformTN on topics relating to the four priority areas (e.g., graduation rates, staff retention, etc.).
- *Title V Spending by Priority Area:* breakdown of LEA Title V spending by State priorities as an assessment of how LEAs are using Title V funds to meet State priorities in general.
- *FY21 Draft Title V Report:* a collection of TDOE’s analysis of LEA assessment, InformTN, and spending data (and how it relates to the SEA’s RLIS priorities). This analysis is shared with stakeholders for input.
- *Title V Spending by Program*

Status: Resolved

**Title V, Part B, Subpart 2
Use of Funds**

Requirement Summary:

All uses of RLIS funds must comply with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements* (2 C.F.R. Part 200), which include, among other things, the requirement that costs be reasonable and necessary for the accomplishment of program objectives.

RLIS subrecipient LEAs may use their grant funds for allowable activities under any of the following:

Title I-A

Title II-A

Title III

Title IV-A

Parental involvement activities.

ESEA § 5222(a)

Uniform Guidance 2 CFR Part 200, Subpart E

Issue:

TDOE tracks each LEA’s uses of RLIS funds for allowable activities through the Consolidated Funding Application (CFA). An LEA’s CFA is reviewed by TDOE’s regional coordinators, divisional coordinators, and finally TDOE’s RLIS program office. TDOE’s final review consists of checking both internal and Federal resources and collaborating with Title program teams across TDOE. Once the CFA is approved, it is entered into ePlan, TDOE’s online grants management system. ePlan prevents LEAs from drawing down funds for anything other than the approved budget, helping to ensure that LEAs’ uses of RLIS funds are consistent with their approved CFAs.

An LEA indicated that it uses RLIS funds for after school tutoring and a reading skills assessment program, consistent with ESEA section 5222(a). Although an LEA is currently using RLIS funds on

allowable activities, TDOE is providing incorrect guidance on RLIS use of funds requirements. TDOE submitted an FY 2022 Technical Application Guide and reported it was used to train LEAs on developing their CFAs each year. However, the guide incorrectly states that Title IV, Part A spending rules apply to RLIS funds. RLIS funds are not subject to the Title IV, Part A spending requirements. It also states that RLIS activities under Title III need to supplement and not supplant all other local, State, and Federal funds. However, the supplement, not supplant rule applies to all allowable RLIS activities, not just those authorized under Title III. In addition, TDOE submitted a Title V Quick Guide and FY21 Consolidated Spending Guide, both of which incorrectly state that RLIS funds may be used for activities that are allowable under Title IV, Part B. RLIS funds may not be used on Title IV, Part B allowable activities but may be used for allowable activities under Title I, Part A; Title II, Part A; Title III; Title IV, Part A; and parental involvement activities.

Required Action:

TDOE must ensure that its RLIS use of funds guidance aligns with the requirements in ESEA section 5222(a). Within 60 business days, TDOE must provide the Department with a copy of all relevant technical assistance guides updated with the correct use of funds requirements for RLIS funds described above. It must also provide documentation that the InformTN and ePlan systems have been properly updated. TDOE must also provide a plan of how the correct information will be disseminated to LEAs and update its internal procedures to keep RLIS use of funds requirements up to date.

Documentation:

TDOE provided sufficient documentation that it has made the needed adjustments, by removing or updating spending requirement and supplement and not supplant language, to the following technical assistance documents:

- *Updated FY22 Title V CFA*: added SNS language and removed Title IV spending requirement language.
- *FY22 Federal Spending Handbook: Coordinated Spending Guide* (see pgs. 32-33): added SNS language and corrected use of funds information.
- *FY22 Consolidated Funding Application Technical Guide* (see pgs. 57-59): removed incorrect SNS language and corrected use of funds information.
- *Title V, Part B Program Overview*: contains corrected uses of funds information.

Additionally, TDOE provided information on how it contacted LEAs who had received incorrect information (before adjustments were made) and worked with them to update applications as needed.

Status: Resolved