

Florida Consolidated Performance Review Report FY 2023

Commendations
0

Met Requirements
17

Recommendations
4

Action Required
24

Final Report
4/13/2023



U.S. Department of Education
Office of Elementary and Secondary Education
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GENERAL INFORMATION

OVERVIEW OF THE CONSOLIDATED PERFORMANCE REVIEW

The U.S. Department of Education’s (Department’s) Office of Elementary and Secondary Education (OESE) established the consolidated performance review process to conduct oversight of and provide assistance to State educational agencies (SEAs) as they administer K-12 formula grant programs. The goals of the consolidated performance review process are to conduct a review of key programs through a single, streamlined process that results in improved and strengthened partnerships between the Department and States, and encourages States to develop and effectively implement integrated and coherent consolidated State plans. To accomplish these goals, the consolidated performance review process is organized into cross-cutting sections that review fiscal and programmatic requirements across OESE programs, and program-specific sections that consider how the SEA implements specific programs.

This Consolidated Performance Review Report summarizes the findings from the review of the Florida Department of Education (FDOE) that occurred on November 14-18, 2022. The review covered:

- Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), Improving Basic Programs Operated by Local Educational Agencies (LEAs);
- Title I, Part B of the ESEA, State Assessment Grants;
- Title I, Part C of the ESEA, Migrant Education;
- Title II, Part A of the ESEA, Effective Instruction State Grants;
- Title III, Part A of the ESEA, the State Formula Grant Program for English Language Acquisition and Language Enhancement;
- Title IV, Part A of the ESEA, Student Support and Enrichment Program
- Title V, Part B, Subpart 2 of the ESEA, Rural and Low-Income Schools; and
- Elementary and Secondary School Emergency Relief Fund (ESSER I, II, & ARP ESSER); Governor’s Emergency Education Relief Fund (GEER I & GEER II); and Emergency Assistance to Non-Public Schools (EANS)

This report is based on information provided through the review process and other relevant qualitative and quantitative data. The primary goal of this review was to ensure that implementation of the programs is consistent with the fiscal, administrative, and program requirements contained in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance: 2 Code of Federal Regulations (C.F.R.) Part 200), the Education Department General Administrative Requirements (EDGAR), and the ESEA. The review addressed the administration of fiscal and programmatic components through two domains: (1) financial management and cross-cutting requirements and (2) program-specific requirements.

NAVIGATING THE CONSOLIDATED PERFORMANCE REVIEW REPORT

This report contains five sections. Section I contains a snapshot of information pertinent to the grant activities for the respective State. Section II is a summary of the State’s performance on each indicator reviewed for each covered program. For each indicator, the Department assigns one of four ratings. “Met requirements with commendation” represents high-quality implementation where the grantee is exceeding expectations; “met requirements” indicates that no instances of noncompliance were identified; “met requirements with recommendations” indicates there are quality implementation

concerns and some improvements could be made to ensure the grantee continues to meet expectations; and “action required” indicates there are significant compliance or quality concerns that require attention by the SEA and will be revisited until the State has remedied the issue.

Section III identifies those areas where the Department has significant compliance and quality concerns and for which corrective action is required. For those issues, the report outlines the current practice, the nature of noncompliance, and the required action.

Section IV identifies those areas where the State has met the requirements but where the Department has concerns related to the State’s implementation of the grant administration or fiscal management (*i.e.*, those areas categorized as quality concerns, “met requirements with recommendations”). In these instances, the Department had determined that the State is complying with requirements but that improvements could be made to improve the efficiency or effectiveness of operations. Identified issues are grouped according to relevant area and requirement, with citations provided. For each issue listed, the Department will provide a recommendation for improvement but is not requiring the State to take any further action.

Overview of Visit



COVERED GRANT PROGRAMS OF THIS REVIEW

Title I, Part A; Title I, Part B; Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A, Title V, Part B, Subpart 2; as well as ESSER, EANS, and GEER



FEDERAL FUNDING¹

Title I, Part A	\$907,251,212
Title I, Part B	\$15,091,929
Title I, Part C	\$20,990,260
Title II, Part A	\$113,849,034
Title III, Part A	\$51,185,896
Title IV, Part A	\$67,509,629
Title V, Part B, Subpart 2	\$2,740,202
ESSER I	\$770,247,851
ESSER II	\$3,133,878,723
ARP ESSER	\$7,043,370,152
GEER I	\$288,776,981
GEER II	\$75,798,940

Dates of Review

SEA: November 14-16, 2022
Subrecipients: November 17, 2022 – December 2, 2022

ED Reviewers

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¹ FY 2021 funds (<https://www2.ed.gov/about/overview/budget/statetables/index.html>) are from OESE-administered programs that allocate funds to States using a statutory formula. The totals do not reflect all Department funds awarded to a State. In addition to other formula funds awarded to each State, States and other entities may also receive funds from grants that are awarded on a competitive basis.

**Subrecipients
Participating in the
Desk Review**

Miami-Dade County School District
Lake Wales Charter School
Glades County School District

**Current Grant
Conditions**

Title I, Part A:	FDOE has two conditions on its Title I grant award. The first is related to the State’s academic content assessments and the second is related to the State’s English language proficiency assessments
Title I, Part C:	None
Title II, Part A:	None
Title III, Part A:	None
Title IV, Part A:	None
Title V, Part B, Subpart 2:	None
GEER/ESSER/EAN	None

Summary Status of Fiscal & Program Monitoring Indicators

STATUS KEY



Met requirements with commendation

High quality implementation & compliance



Met requirements

No instances of noncompliance identified



Met requirements with recommendation

Satisfactory compliance with quality concerns



Action required

Significant compliance & quality concerns

FINANCIAL MANAGEMENT & CROSS-CUTTING

Topic	Status
Accounting Systems and Fiscal Controls	● ● ● ○
Cash Management and Payment Systems	● ● ● ○
Period of Availability and Carryover	● ○ ○ ○
Internal Controls	● ● ● ○
Audit Requirements	● ● ● ○
Records and Information Management	● ● ● ○
Equipment and Supplies Management	● ● ● ○
Personnel	● ● ● ○
Procurement	● ● ● ○
Indirect Costs	● ● ● ○
Charter School Authorization and Oversight	● ● ○ ○
Local Applications and Plans	● ● ● ○
Risk Assessment	● ● ● ●
Subrecipient Monitoring	● ○ ○ ○

CROSS-CUTTING FINANCIAL AND PROGRAMMATIC

Topic	Status
Allocations	● ○ ○ ○
Allocations #2	● ○ ○ ○
Supplement, Not Supplant (SNS)	● ● ● ○
Maintenance of Effort (MOE)	● ○ ○ ○
Comparability	● ● ● ○
Equitable Services	● ○ ○ ○

Data Quality	
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TITLE I, PART A & TITLE I, PART B

Topic	Status
State Assessment Requirements	
Statewide Accountability System	
Identification of Schools	
Support for School Improvement	
1003 School Improvement	
State and Local Report Cards	
Schoolwide Programs	
Targeted Assistance Programs	
Parent and Family Engagement	
Direct Student Services	
Optional Public-School Transfer	
Educational Stability for Students in Foster Care	
Other Title I Requirements	
Best Interest Determinations	
LEA Points of Contact, Transportation Procedures	
SEA Collaboration with Child Welfare Agency	

TITLE II, PART A

Topic	Status
SEA Level Use of Funds	
LEA Level Use of Funds	

TITLE III, PART A

Topic	Status
Language Instruction for English Learners and Immigrant Students	
Immigrant Subgrants	

TITLE V, PART B, SUBPART 2

Topic	Status
Financial Management	
Program Administration	

GEER/EANS & ESSER

Topic	Status
Financial Management	
Program Administration	

Action Required

Cross-Cutting Financial & Programmatic

PERIOD OF AVAILABILITY AND CARRYOVER

REQUIREMENT SUMMARY

Description: The SEA may only charge a grant program for allowable costs incurred during the period of availability and any pre-award costs that have been authorized by the Department. Unless the Department authorizes an extension, the SEA shall liquidate all obligation incurred under the award not later than 120 calendar days after the end date of the performance period. If the SEA fails to obligate all funds by the end of the award year, it can “carryover” the remaining funds for a period of one additional fiscal year. Any funds not obligated by the end of the carryover period shall be returned by the SEA to the Federal government as an unobligated balance.

Uniform Guidance 2 C.F.R. §200.309 and §200.343(b) EDGAR 34 C.F.R. §76.707 and §76.709

ISSUE

If an SEA or LEA does not obligate all available funds during the first year of availability, the entity may obligate any remaining funds during a carryover period of one additional fiscal year. (34 C.F.R. 76.709). An SEA must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the period of availability. Under §412(b) of the General Education Provisions Act (GEPA), also known as the Tydings Amendment, grants issued for a fiscal year may be made available for obligation on the basis of an academic or school basis. (20 U.S.C. 1225b). As a result of these requirements, many Federal programs – including the Title I, Title II, and Title III programs – have a total period of availability of 27 months (from July 1st of the award year to September 30th of the carryover year) and a subsequent liquidation period of 120 days (October 1st through January 28, or thereabouts).

Documentation provided prior to the review, as well as conversations with both FDOE and LEA staff during the review, indicated that FDOE utilizes a period of availability for the Title I, Title II, and Title III programs that totals 12 months rather than the full 27 months allowed under GEPA. FDOE indicated that they provide 12 months and require LEAs to request additional months, which is referred to as a “rollover.” Although FDOE did not indicate that they restrict LEAs from using the full 27 months, it was clear that there is an extra process and burden on the LEAs to request the time. LEAs interviewed during the review indicated that they would make different decisions if they were aware that they could use the full 27 months. An SEA must ensure that LEAs have the full 27 months to obligate or encumber

program funds from the Title I, Title II, and Title III programs to maximize LEA spending and prevent the return of unobligated balances.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide the Department with evidence that it has updated its policies and procedures to allow LEAs the full 27 months of the period of availability for the covered programs for both current awards and future awards, with a subsequent 120 days allowed for liquidation of the obligations. These updated policies should allow LEAs to access the full 27-month period of availability and subsequent 120-day liquidation period without having to request additional time after the initial 12 months. FDOE must also provide evidence that it has communicated this change to its LEAs.

SUBRECIPIENT MONITORING

REQUIREMENT SUMMARY

Description: An SEA shall monitor LEAs and any other entities, including external providers, receiving federal funds from programs to ensure that all applicable fiscal and programmatic performance goals are achieved and that subawards are used for authorized purposes and in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

Uniform Guidance 2 C.F.R. § 200.332(d)

ISSUE

The Uniform Guidance section 2 C.F.R. 200.332(d) requires that an SEA monitor LEAs receiving Federal funds from programs to ensure that all applicable fiscal and programmatic performance goals are achieved and that subawards are used for authorized purposes and in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards. However, during the review FDOE noted that its subrecipient monitoring indicators focus primarily on programmatic requirements.

Additionally, FDOE could not document or describe how it ensures that LEAs are monitored for compliance with Federal fiscal requirements that apply to the programs that were covered during the review. FDOE indicated that financial information is monitored through ongoing processes such as single audits, grant reimbursement requests, and application reviews. However, in order to ensure compliance with fiscal requirements under 2 C.F.R. 200.332(d) FDOE needs to include fiscal monitoring in its subrecipient monitoring efforts.

Furthermore, while FDOE indicated that its monitoring activities during school year 2022-2023 would encompass the Title I, Part A educational stability provisions for students in foster care, the subrecipient monitoring instrument provided by FDOE did not include reference to these Title I, Part A requirements. Neither LEA that the Department interviewed could identify when FDOE had last monitored the LEAs for implementation of the Title I, Part A educational stability requirements for students in foster care.

Also, while FDOE has initiated a Universal Monitoring System, the first round only covered four topic areas that do not account for most requirements under Title III, Part A. The SEA noted during the on-site interview that it is possible it will rotate topic areas yearly and then revisit prior topics, but this is still undetermined. Additionally, LEAs selected for the more in-depth on-site monitoring through FDOE's risk assessment may not be recipients of Title III, Part A funds. As such, FDOE could not demonstrate how it meets its obligation to monitor its subgrantees for compliance with Title III requirements.

FDOE met requirements for all ESSER and GEER programmatic and program fiscal sections of the monitoring review. Florida has secured a contract to develop tools and perform ARP ESSER reviews. Subrecipient protocols and processes were under development at the time of the review. The Department will follow up, as needed, to ensure FDOE continues to meet subrecipient monitoring requirements for ARP ESSER and other programs.

REQUIRED ACTION

Within 60 business days of receipt of this report, FDOE must provide to the Department a plan and a timeline to implement a post-award fiscal monitoring process to ensure compliance with fiscal requirements of applicable Federal statutes, regulations, and the terms and conditions of Federal awards for LEAs that receive subgrants under the covered Federal programs, during the next fiscal year. The process outlined in the submitted plan must result in FDOE monitoring the following fiscal elements: procedures for documenting personnel expenditures (time and effort documentation), procurement procedures, equipment management and inventory procedures, and LEA procedures for determining cost allowability, in addition to any other fiscal topics or requirements FDOE determines should be covered. The plan and timeline for implementing a post-award fiscal monitoring process must also include the LEA identification procedure, a description of planned monitoring activities, and any other information necessary to sufficiently describe its design and implementation.

Additionally, the plan must also include details as to how it will monitor LEA compliance with:

- Title I, Part A requirements related to the educational stability of students in foster care. This plan should indicate, among other requirements, how FDOE will monitor that LEA staff participate in making best interest determinations when students enter foster care or experience a change in foster care placement, and how FDOE will monitor that LEAs have written transportation procedures governing how transportation will be provided, arranged, and funded for students in foster care.
- Title III, Part A statutory requirements.

Cross-Cutting Financial & Programmatic

ALLOCATIONS

REQUIREMENT SUMMARY

Description: SEAs shall ensure that, when subawarding funds to LEAs or other subrecipients, it makes subawards in accordance with applicable statutory requirements (including requirements related to the process for subawarding funds and the amounts to be subawarded to individual subrecipients).

ESEA §§ 1003, 1003A, 1004(a)(1), 1113, 1124, 1124A, 1125, 1125A, 1126(b), 1201, 1202, 1203, 2101, 2102, 3111, 3114, 3115, 5221(b)(3), 5222, 8201, 8203, 8305 Title I Regulations 34 C.F.R §§ 200.72-200.75 and § 200.100 EDGAR 34 C.F.R. §§ 76.50-51, § 76.300, and § 76.789 Uniform Guidance 2 C.F.R. § 200.332(a)

ISSUE

Under ESEA section 2102(a)(2), for the Title II, Part A funds available for LEAs under ESEA section 2101(c)(1) an SEA must allocate:

- 20 percent of these funds to LEAs based on the relative number of individuals ages 5 through 17 who reside in the area the LEA serves based on the most recently available data from the U.S. Census Bureau (Census Bureau) or equivalent data derived by the SEA for LEAs for which Census estimates are not available; and
- 80 percent of these funds to LEAs based on the relative numbers of individuals ages 5 through 17 who reside in the area the LEA serves and who are from families with incomes below the poverty line (based on the most recently available data from the Census Bureau or equivalent data derived by the SEA for LEAs for which Census Bureau estimates are not available).

The documentation provided showing the procedures FDOE uses to calculate Title II, Part A allocations for LEAs indicates that FDOE allocates Title II, Part A funds as follows:

- 20 percent of these funds to LEAs based on LEAs' full time equivalent (FTE) enrollment, and
- 80 percent of these funds to LEAs based on LEAs' free and reduced-price lunch (FRPL) count.

For most LEAs, the FRPL count is not equal to the numbers of children in poverty as estimated by the Census Bureau. Therefore, FDOE's use of LEAs' FRPL data for Title II, Part A allocations is incorrect. Instead, FDOE must use LEAs' poverty estimates from the Census Bureau or its derived poverty estimates for LEAs, such as its charter school LEAs, for which data from the Census Bureau are not available. Similarly, FDOE's use of the FTE enrollment counts in the Title II, Part A formula for LEAs for which population estimates from the Census Bureau are available is incorrect because enrollment reflects the membership of the LEAs rather than the number of individuals ages 5 to 17 who reside within the LEA boundaries. For LEAs such as the charter school LEAs for which data from the Census Bureau are not available, FDOE may use FRPL data to derive a Census equivalent poverty count and the enrollment data as a proxy for population.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide the Department with evidence that it has revised its procedures to calculate Title II, Part A allocations consistent with ESEA section 2102(a)(2), as described above, including methodologies for deriving Census equivalent population and poverty counts for LEAs, such as charter LEAs, for which Census data are not available. FDOE must also provide revised FY 2021 and FY 2022 Title II, Part A calculations that show the differences between the revised calculations and the previous calculations for each LEA.

ALLOCATIONS #2

REQUIREMENT SUMMARY

Description: SEAs shall ensure that, when subawarding funds to LEAs or other subrecipients, it makes subawards in accordance with applicable statutory requirements (including requirements related to the process for subawarding funds and the amounts to be subawarded to individual subrecipients).

ESEA §§ 1003, 1003A, 1004(a)(1), 1113, 1124, 1124A, 1125, 1125A, 1126(b), 1201, 1202, 1203, 2101, 2102, 3111, 3114, 3115, 5221(b)(3), 5222, 8201, 8203, 8305 Title I Regulations 34 C.F.R §§ 200.72-200.75 and § 200.100 EDGAR 34 C.F.R. §§ 76.50-51, § 76.300, and § 76.789 Uniform Guidance 2 C.F.R. § 200.332(a)

ISSUE

Under 34 C.F.R. 76.789(b) SEAs are required to use current-year data to calculate Title I, Part A; Title II, Part A; and Title III, Part A allocations for charter school LEAs that are new or significantly expanded. FDOE did not provide evidence showing that it is using current-year data to calculate allocations for such LEAs.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide the Department with evidence demonstrating that its allocation procedures for Title I, Part A; Title II, Part A; and Title III, Part A include use of current-year data for new and significantly expanded charter school LEAs.

MAINTENANCE OF EFFORT

REQUIREMENT SUMMARY

Description: An SEA shall ensure that each LEA amount of funding is not less than 90% of the amount available the preceding year.

ESEA § 8521 Regulations 34 C.F.R. §§ 299

ISSUE

ESEA sections 1118(a) and 8521(a) provide that an LEA may receive funds under Title I, Part A for any fiscal year only if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of State and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. FDOE provided its business rules that indicated that when calculating MOE determinations, the comparison years are the “current” year to the “previous” year when calculating aggregate expenditures and “expenditures per FTE.” For purposes of determining MOE, and SEA or LEA must use the “preceding fiscal year,” or the 12-month fiscal period most commonly used in a State for official reporting purposes, prior to the beginning of the Federal fiscal year in which funds are available (34 C.F.R. 299.5(c)).

Additionally, as stipulated in 34 C.F.R. 299.5(b), the following programs are covered by the ESEA maintenance of effort (MOE) requirement:

- Title I, Part A;
- Title I, Part D;
- Title II, Part A;
- Title III, Part A, Subpart 1 (except for ESEA section 3112);
- Title IV, Part A;
- Title IV, Part B;
- Title V, Part B, Subpart 2; and
- Title VI, Part A, Subpart 1.

FDOE’s “Bureau of Federal Educational Programs (BFEP) Maintenance of Effort (MOE) Requirements Guidance” only lists Title I, Part A; Title III, Part A; and Title V, Part B as covered programs.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide the Department evidence that FDOE has revised its procedures for determining compliance with MOE consistent with requirements in ESEA sections 1118(a) and 8521(a) and 34 C.F.R. 299.5(b-c), including that it calculates MOE based on final expenditure data for the correct years and applies the requirement to all programs listed in 34 C.F.R. 299.5(b).

EQUITABLE SERVICES

REQUIREMENT SUMMARY

Description: An SEA shall ensure that LEAs use Federal funds to provide benefits to eligible children enrolled in private schools and to ensure that teachers and families of participating private school children participate on an equitable basis. Where applicable, the SEA shall ensure that it uses Federal funds for State-level activities to provide benefits to eligible students and educators.

ESEA §§ 1117; 8501
 Regulations 34 C.F.R. §§ 200.62-67; 299.6; and 299.9
 EDGAR C.F.R. § 76.661

ISSUE

ESEA section 8501(c) requires that LEAs engage in meaningful consultation with private school officials to discuss how to provide equitable and effective programs for eligible private school children through the provision of Title III, Part A-funded equitable services. One of the LEAs that was interviewed provided evidence that it did not consult with private school officials about available Title III, Part A equitable services during the first year the LEA received Title III, Part A funding. FDOE did not provide evidence that, once it learned that the LEA had not consulted with private schools about the availability of Title III, Part A equitable services, it conducted technical assistance for the LEA indicating that it must immediately initiate such consultation with non-public schools. FDOE also provided no evidence that it ensured that the LEA provided appropriate Title III, Part A equitable services if the private schools indicated that such services were desired. It is unknown whether this problem extends beyond the single LEA in question, but the lack of evidence provided raises concerns that the requirements of ESEA section 8501(c) are not being met.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department a plan and a timeline for how the State will ensure that LEAs engage in timely and meaningful consultation with private school officials regarding how Title III, Part A services will be provided and will be responsive to the needs of private school students, leaders, and teachers, as required by ESEA section 8501(c).

Title I, Part A; Title I, Part B

STATE ASSESSMENT REQUIREMENTS

REQUIREMENT SUMMARY

Description: An SEA must administer required statewide assessments and report on participation and achievement for those assessments. An SEA must also use State Assessment Grant funds only for allowable uses of funds consistent with sections 1201(a)(1) and (a)(2).

ESEA §1201(a), §1111(b)(2)(B) EDGAR 34 C.F.R. §§200.1-200.10

ISSUE

Single Statewide Assessment

It is unclear whether FDOE requires all public school students to take the same assessment statewide in mathematics, as required under ESEA section 1111(b)(2)(B). The State administers Algebra I and Geometry end-of-course high school mathematics assessments, but it is not clear that all students must take both assessments or how it ensures this occurs.

During the desk review, FDOE indicated that for its Academic Achievement indicator for high schools, it uses a “single snapshot” at the end of each year to ensure all students are included in the denominator for its end-of-course mathematics assessments. Specifically, FDOE stated that it does not have a cohort model to track whether every student takes Algebra I and Geometry; the participation rate is the number of students in each of the course that has a required end-of-course mathematics assessment who took the test divided by the number enrolled in the course on the day of testing. Because the State does not use a cohort-based model (e.g., basing the indicator and participation rate on all students in grade 11), the State does not ensure all students are included in both assessments in high school. In addition, it appears that, if a student takes multiple mathematics end-of course assessments during a single school year, the student is only included once in calculation of the Academic Achievement indicator.

Eighth Grade Math Exception

ESEA section 1111(b)(2)(C) allows a State to exempt an 8th-grader from the State’s grade 8 mathematics assessment and instead assess the student with the State’s high school end-of-course mathematics assessment if the State meets certain other requirements (including administering an advanced assessment to such students in high school) and has been approved to exercise this flexibility as part of its approved ESEA consolidated State plan.

FDOE extends the flexibility allowed under the 8th-grade math exception to lower grades for mathematics and reading/language arts. Absent an approved waiver from the Department, for grades 3 through 7 in mathematics and for all grades in any other subject, a State must administer the same grade-level assessment to every student.

Additionally, when applying the 8th-grade mathematics exception, a State is required to administer a more advanced assessment to that student in high school which must be included in the Academic Achievement indicator used in the State’s system of annual meaningful differentiation for Federal

purposes. FDOE does not require the student to take a more advanced assessment in high school, which then must be used in the Academic Achievement indicator calculation for its high school.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit:

1. Evidence that FDOE ensures that it includes all students in all of its mathematics assessments in high school, consistent with ESEA section 1111(b)(2)(B) (e.g., using a cohort model), including students who may take the end-of-course mathematics assessment in different grades.
2. For the 2023-2024 school year and future years, either: (1) a request for a waiver to extend the flexibility allowed under the 8th-grade mathematics exception to reading/language arts and to lower grades in addition to grade 8, or (2) documentation that it has revised policies and communicated that change to all LEAs that all Florida students in grades 3 through 8 must take the grade-level assessment for the grade in which the student is enrolled (with the exception of grade 8 mathematics). If it pursues option 1 here, in its request for a waiver, FDOE must clearly describe the more advanced assessments that students will be required to take in high school.
3. Evidence that FDOE revised its policies to require students who take the high school mathematics assessment in 8th grade to take a more advanced mathematics assessment in high school for the purposes of inclusion in the Academic Achievement indicator calculation for high school.

STATEWIDE ACCOUNTABILITY SYSTEM

REQUIREMENT SUMMARY

Description: An SEA must measure, on an annual basis, all required indicators for all students and each subgroup of students. For purposes of the academic achievement indicator, the SEA must ensure that at least 95 percent of all students and each subgroup of students are assessed annually on the State’s reading/language arts and mathematics assessments. A State must establish a system of annual, meaningful differentiation of all public schools in the State based on all indicators in the State’s accountability system for all students and for each subgroup of students.

ESEA §§ 1111(b)(3); 1111(c)(4)(A)-(C); 1111(c)(4)(E); 1111(c)(4)(F); 8101(23); 8101(25)

ISSUE

ESEA section 1111(4)(A)(i)(I-III) requires a State to establish measurements of interim progress and long-term goals for academic achievement, the four-year adjusted cohort graduation rate, and progress in achieving English language proficiency for all students and each subgroup. During the desk review, FDOE indicated that it did not meet its most recent measurements of interim progress or long-term goals in academic achievement, graduation rate, and progress in achieving ELP for all students and each subgroup due to a number of factors, including that the State has adopted a new strategic plan that will be fully implemented following the administration of its new assessments that it will use to set a new baseline, long-term goals, and measurements of interim progress. In addition, the measurements of interim progress and long-term goals in FDOE’s approved consolidated State plan ended in the 2019-2020 school year and, as of the time of this review, FDOE had not submitted an ESEA consolidated State plan Addendum or amendment. (The Department notes that FDOE subsequently submitted proposed amendments to its ESEA consolidated State plan that is currently under review with the Department.)

As described in the State Assessments section, FDOE did not provide evidence that it ensures that all high school students take all of the State’s required mathematics assessments that are used in the State’s accountability system nor did the State ensure all students take each required high school mathematics assessments. Therefore, because ESEA section 1111(c)(4)(B)(i) requires that the Academic Achievement indicator measure student proficiency on the statewide reading/language arts and mathematics assessments that meet the requirements in ESEA section 1111(b)(2)(B), FDOE is not correctly calculating the Academic Achievement indicator.

Finally, FDOE is administering its new Florida Assessment of Student Thinking (FAST) reading/language arts (R/LA) and mathematics assessments for the first time in the 2022-2023 school year. For the “learning gains” component of its Academic Achievement indicator, FDOE does not intend to calculate the learning gains components during this transition. During the desk review, FDOE indicated that for the 2022-2023 school year, it does not plan to include its learning gains components in the Academic Achievement indicator for high schools and the Other Academic indicator for elementary and secondary schools that are not high schools; the State indicated that it will likely include the learning gains component when it has two years of data available. As a result, Florida’s ESEA

consolidated State plan does not accurately reflect the State's accountability system. (As noted above, FDOE has subsequently submitted proposed amendments to its ESEA consolidated State plan that the Department is reviewing.)

REQUIRED ACTION

After FDOE has completed the adoption of its new strategic plan and no later than September 30, 2023, FDOE must submit an amendment to its approved ESEA consolidated State plan that establishes updated baseline data (due to FDOE's transition to a new assessment in the 2022-2023 school year), long-term goals, and measurements of interim progress.

Within 60 business days of receiving this report, FDOE must submit:

1. Evidence and/or updated business rules that demonstrate that it calculates its Academic Achievement indicator for high schools using results from its single statewide high school mathematics assessment(s) to include all students and subgroups using data from the 2022-2023 school year. To calculate the Academic Achievement indicator based on data from the 2022-2023 school year, FDOE must include assessment results for all students, including those who took its statewide assessment for mathematics in high school in a previous year (e.g., use all 10th-graders as the denominator and include in the numerator all students who passed the Algebra I or Geometry, when the student took the assessment in 9th or 10th grade). As noted above, Florida must either a) request a waiver to permit a student who takes one of the State's high school mathematics tests (Algebra I or Geometry) prior to high school to take a more-advanced mathematics assessment in high school or b) cease this practice and ensure all students take the grade-level assessment (except 8th-grade students in mathematics). If the State opts for option a, if the waiver is approved, the State will also have to provide evidence that its business rules account for students in the calculation of the Academic Achievement indicator.

IDENTIFICATION OF SCHOOLS

REQUIREMENT SUMMARY

Description: An SEA shall identify schools for comprehensive or targeted support and improvement. With respect to schools identified for comprehensive support and improvement, identification shall occur at least once every three years and must result in the identification of a subset of schools that receive Comprehensive support, as required by the statute. The schools identified for comprehensive support and improvement must include: 1) not less than the lowest-performing 5 percent of schools receiving Title I, Part A funds, 2) all high schools with a graduation rate below 67 percent, and 3) schools that receive Title I, Part A funds that were previously identified for additional targeted support and have not exited such status after a State-determined number of years. In addition, an SEA must annually identify schools requiring targeted support and improvement based on having one or more consistently underperforming subgroups of students, as determined by the State. Finally, an SEA must identify all schools requiring additional targeted support based on having one or more subgroups performing as poorly as the all students group in the lowest-performing 5 percent of schools receiving Title I, Part A funds, and the frequency of identification of which is determined by the SEA. An SEA may also identify, in its discretion, additional statewide categories of schools.

ESEA §§ 1111(c)(4)(D), 1111(c)(4)(C)(iii), 1111(d)(2)(C)-(D), 1111(d)(3)(A)(i)(II)

ISSUE

Comprehensive Support and Improvement Schools

ESEA section 1111(c)(4)(D)(i)(I) requires a State to identify not less than the lowest-performing five percent of all Title I schools for comprehensive support and improvement (CSI) using the State's methodology as described in its approved ESEA consolidated State plan. FDOE's approved CSI identification methodology is to identify any Title I school that scores below 41 percent on the Federal percent of points index. FDOE also over-identifies schools for CSI by identifying any school that earns a school grade of D or F. However, in all communication with LEAs and supporting guidance documents submitted by FDOE, the criteria for CSI identification is stated as "a school grade of D or F and/or a graduation rate of 67 percent or below." Based on the final list of schools identified based on data from the 2021-2022 school year submitted by FDOE subsequent to the review, there are 18 schools that scored below 41 percent on the Federal percent of points index but did not earn a school grade of D or F (i.e., earned a school grade of C or better). FDOE did not provide evidence that these schools were appropriately notified of their CSI designation based on the Federal percent of points index. However, the Department was able to confirm that these schools did complete a school improvement plan.

Targeted Support and Improvement Schools (Additional Targeted Support)

Under ESEA section 1111(d)(2)(C), an SEA may not exclude TSI schools from the pool of eligible schools for ATSI identification. At a minimum, a State must identify ATSI schools from among TSI schools or, at its discretion, a State may identify ATSI schools from among all public schools, including those identified for TSI.

While the State published on its website a final list of schools identified based on data from the 2021-2022 school year, which appeared to indicate that FDOE identified all schools that met the criteria for ATSI identification (e.g., including schools that met the identification criteria for TSI schools), subsequent to the review, FDOE submitted a document that indicated it excluded TSI schools from the pool of schools eligible to be identified as ATSI. By excluding TSI schools from the pool of schools eligible to be identified as ATSI, FDOE's methodology is inconsistent with statutory requirements. Excluding TSI schools from the pool of schools eligible to be identified as ATSI prevents such schools from being subject to the requirement in ESEA section 1111(d)(3)(A)(i)(II) that ATSI schools that do not meet statewide exit criteria within a State-determined number of years be identified for CSI.

REQUIRED ACTION

Within 60 business days of receiving this report:

1. FDOE must provide evidence (e.g., business rules) that it has modified its methodology for identifying schools for ATSI such that a school meeting the criteria for TSI identification is eligible for ATSI identification.
2. FDOE must provide evidence that it has notified those schools that met its Federal designation criteria (i.e., schools that scored below 41 percent on the Federal percent of points index but did not earn a school grade of D or F).
3. FDOE must modify its communication and supporting materials to LEAs to clarify that any Title I school that scores below 41 percent on the Federal percent of points index will be identified for CSI.

SUPPORT FOR SCHOOL IMPROVEMENT

REQUIREMENT SUMMARY

Description: Upon receiving notification from the State, an LEA shall, for each school identified by the State and in partnership with stakeholders, develop and implement a comprehensive support and improvement plan. The SEA shall notify an LEA of any school served by the LEA that is identified for targeted support and improvement, and the LEA shall notify such identified schools.

An SEA must establish statewide exit criteria for schools identified for comprehensive support and improvement and additional targeted support and improvement. Periodically, an SEA must review resource allocation to support school improvement in each LEA serving a significant number or a significant percentage of schools identified for Comprehensive or Targeted support and improvement and must provide technical assistance to each LEA serving a significant number of schools identified for Comprehensive or Targeted support and improvement.

ESEA §§ 1003(b)-(f); 1111(d)(1)-(2);
1111(d)(3)(A)

ISSUE

Support and Improvement Plan Development

ESEA sections 1111(d)(1)(B) and (d)(2)(B) requires that each school identified for CSI, TSI, or ATSI develop a support and improvement plan in partnership with stakeholders (including principals and other school leaders, teachers, and parents). While FDOE demonstrated that each traditional public school meets this requirement through the engagement of a School Advisory Council, FDOE clearly indicated that public charter schools are not required to have School Advisory Councils and, therefore, are not required to develop support and improvement plans in partnership with stakeholders.

ESEA section 1111(d)(1)(B)(i) and (d)(2)(B)(i) requires each school identified for CSI, TSI, or ATSI to develop a support and improvement plan that is informed by all indicators in the State's accountability system. FDOE demonstrated that each plan is informed by outcomes from the Academic Achievement indicator, the Graduation Rate indicator, the Progress in Achieving English Language Proficiency indicator, and two of its four SQSS indicators (i.e., Science and Social Studies achievement). However, FDOE confirmed that the data included in the School Improvement Plan (SIP) does not include outcomes at the "All Students" level for its other two School Quality and Student Success indicators (i.e., Middle School Acceleration and College and Career Acceleration). While FDOE provided documentation that part of the SIP guidance includes a link to the ESEA report card, which includes the required indicator data, there is no requirement that each identified school view the report card and include that information as part of the development of the plan as part of the development of the plan.

ESEA section 1111(d)(1)(B)(4) and (d)(2)(C) requires each school identified for CSI and ATSI to develop a plan that identifies resource inequities to be addressed through implementation of the plan. FDOE indicated that it does not ensure that each school meets this requirement.

Comprehensive Support and Improvement Plan Implementation

ESEA section 1111(d)(1)(B)(vi) requires the State to monitor and periodically review implementation of each CSI plan after approval for **each school** identified by the State. While FDOE meets this requirement for traditional public schools, it does not periodically review or monitor implementation of CSI plans for public charter schools. Instead, FDOE requires the charter school sponsor (i.e., the LEA) to do so. FDOE may not delegate its responsibility to monitor and periodically review the implementation of CSI plans for public charter schools to the LEA or any other entity.

Targeted Support and Improvement Plans

ESEA section 1111(d)(2)(B) and (C) requires each school identified for TSI or ATSI to develop a support and improvement plan that must be approved and monitored by the LEA. Although the SIP guide strongly encourages collaboration between the identified school and LEA, FDOE was unable to demonstrate that it ensures each LEA reviews targeted support and improvement plans for TSI and ATSI schools before approval.

Exit Criteria

ESEA section 1111(d)(3)(A)(i)(I) requires each State to establish exit criteria for all CSI schools that ensures continued progress to improve student academic achievement and school success in the State. FDOE provided inconsistent information regarding its CSI exit criteria. In its approved ESEA consolidated State plan, FDOE states that a CSI school may exit if it scores 41 percent or higher on the Federal percent points of index, earns a school grade of C or higher, and has a four-year adjusted-cohort graduation rate (ACGR) above 67 percent. In the guidance document it submitted, FDOE indicates that a CSI school may exit if it earns a school grade of C or higher. During the review, FDOE indicated that a CSI school may exit if it scores 41 percent or higher on the Federal percent of points index and has a four-year ACGR of 67 percent or higher.

Resource Allocation Review

ESEA section 1111(d)(3)(A)(ii) requires the SEA to periodically review resource allocation to support school improvement in each LEA in the State serving a significant number of CSI, TSI, and ATSI schools. FDOE indicated that it has not conducted such a review.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit:

1. Evidence (e.g., revised guidance, frequently asked questions, or SIP template) that FDOE modified its policies so that public charter schools identified for CSI, TSI, or ATSI meet the requirement to develop support and improvement plan in partnership with stakeholders, including principals and other school leaders, teachers, and parents. This may include requiring public charter schools identified for support and improvement to collaborate with School Advisory Councils in the same manner as traditional public schools or FDOE may meet this requirement through other means.
2. Evidence that FDOE revised its SIP template for CSI, TSI, and ATSI plans to be informed by all indicators in the State's ESEA accountability system to include outcomes for the two missing SQSS indicators (i.e., Middle School Acceleration and College and Career Acceleration) at the "All Students" level.
3. Evidence that the SIP template for CSI and ATSI schools includes the requirement to identify resource inequities to be addressed through implementation of the plan.

4. Evidence (e.g., revised monitoring plan and guidance) that FDOE modified its policies so that it monitors and periodically reviews each CSI plan for identified public charter schools instead of delegating such responsibility to the charter school sponsor.
5. Evidence that FDOE ensures that each LEA review targeted support and improvement plans before approval (e.g., revised monitoring protocol and communication to LEAs).
6. Either a) an amendment to its approved ESEA consolidated State plan if it wishes to modify its approved CSI exit criteria or b) provide evidence that it updated its guidance to align with the CSI exit criteria as described in its approved ESEA consolidated State plan.
7. A timeline and a plan for ensuring that the SEA completes the resource allocation review of each LEA serving a significant number of CSI or TSI schools resulting in the completion of at least one resource allocation review no later than December 2023. The plan should include procedures for periodically conducting resource allocation reviews in the future, including how FDOE will determine which LEAs serve a significant number of CSI schools and schools implementing targeted support and improvement plans (i.e., TSI and ATSI schools) and its general process for conducting these reviews (e.g., draft resource allocation protocol). FDOE must also provide evidence of a completed resource allocation review to resolve this action.

RECOMMENDATION

LEAs involved in the review indicated a need for clearer communication regarding the distinct requirements for the TSI and ASTSI school improvement plan, as well as overall communication regarding school improvement responsibilities for charter schools and their sponsor districts. The Department recommends that FDOE review its overall communication and guidance to LEAs and schools related to schools identified based on subgroup performance to ensure that the specific plan requirements are clear, as well as school improvement responsibilities for charter schools (i.e., which responsibilities are the charter school's and which are the sponsor district's).

ESEA section 1111(d)(2)(B) requires each TSI and ATSI plan to improve student outcomes for the subgroup of students that was the subject of notification. FDOE indicated that, for targeted support and improvement plans, a school may either address the subgroup that led to identification explicitly through Areas of Focus or by monitoring the impact of the Areas of Focus on the subgroup. The Department recommends that FDOE require each TSI and ATSI plan to explicitly address the subgroup that led to identification.

1003 SCHOOL IMPROVEMENT

REQUIREMENT SUMMARY

Description: An SEA shall allocate and oversee the administration of 1003(a) school improvement subgrants so that LEAs and schools can effectively develop and implement comprehensive support and improvement and targeted support and improvement plans. The SEA must also conduct a rigorous review of 1003(a) subgrant applications to ensure that LEAs include all required elements.

ESEA §§ 1003(a)-(f), 1111(d)(1)-(2)

ISSUE

Section 1003 Application

Under ESEA section 1003(e), an LEA must submit an application to the SEA that describes how the LEA will:

1. Develop comprehensive support and improvement plans under ESEA section 1111(d)(1) for schools receiving funds;
2. Support schools developing or implementing targeted support and improvement plans under ESEA section 1111(d)(2), if applicable;
3. Monitor schools receiving funds;
4. Use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the LEA will partner;
5. Align other Federal, State, and local resources to carry out the activities supported with funds; and
6. As appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans.

FDOE's application template does not require each LEA to describe how it will monitor schools receiving funds.

If an LEA uses section 1003 funds to pay for an evidence-based intervention, activity, or strategy, ESEA section 8101(21)(B) requires that the evidence-based intervention, activity, or strategy meet the first three tiers of evidence outlined in the statute (i.e., be based on strong, moderate, or promising evidence of a statistically significant effect on improving student outcomes or other relevant outcomes). FDOE addresses this requirement through its internal application review process and feedback form and an assurance in the application template that the LEA will ensure implementation of evidence-based instructional programs. However, there is no formal process to check for this requirement during the State's review of the application.

Section 1003 Eligibility

Under ESEA section 1003(b)(1)(A), LEAs with schools implementing comprehensive or targeted support and improvement activities under ESEA section 1111(d) are eligible for section 1003 funds. In its approved ESEA consolidated State plan, FDOE identifies any school with a Federal percentage of points index at or below 41 percent for CSI. FDOE chooses to overidentify schools for CSI by also including any schools whose Federal percentage of points index is at or above 41% and earns a D or F

school grade; however, only schools that are identified under ESEA section 1111(c) and (d) (*i.e.*, identified based on the Federal percentage of points index) are eligible to receive section 1003 funds. FDOE indicated that it is awarding funds to any Title I school that earns a school grade of D or F and awarded funds to at least one school following the 2018-2019 school year that did not meet its Federal definition for CSI or ATSI.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit:

1. Evidence that it updated its section 1003 (*i.e.*, “UniSIG”) application template to require each LEA to describe how it will monitor schools receiving section 1003 funds.
2. Evidence that it updated its policies (*e.g.*, UniSIG companion guide, grant award document) to only award section 1003 funds to schools that meet Federal school identification criteria.

RECOMMENDATION

The Department recommends that FDOE explicitly state in its guidance and communication to LEAs that activities funded by UniSIG should be a part of the School Improvement Plan (SIP) monitoring and reflection activities.

The Department also recommends that FDOE add an explicit check in its internal UniSIG review processes (*e.g.*, in the feedback form, in an internal checklist) for ensuring that any evidence-based interventions funded by section 1003 funds are based on strong, moderate, or promising evidence.

STATE AND LOCAL REPORT CARDS

REQUIREMENT SUMMARY

Description: An SEA and its LEAs are required to prepare and annually disseminate report cards that include all required elements to the public in a timely manner. In preparing and disseminating report cards, an SEA and its LEAs must also follow student subgroup disaggregation reporting requirements.

ESEA §§ 1003(i), 1111(h)

EDGAR 34 C.F.R. § 200.11

ISSUE

Accessibility for Parents, Family Members, and the Public

FDOE's State and local report cards for the 2021-2022 school year are accessible from a mobile device and available in two additional languages: Haitian-Creole and Spanish. The ESEA also requires report cards to be provided in a format and, to the extent practicable, in a language that can be understood by parents and family members with disabilities. Following the desk review, FDOE provided additional documentation from 2018, which includes information on how FDOE staff with visual impairments assisted report card developers in implementing a screen reader software program that enables a blind or visually impaired user to read the text that is displayed on the computer screen to ensure readability of charts and navigation. However, FDOE did not provide other, more recent evidence for any subsequent report card that demonstrates such accommodations or modifications, are made available to the public, as necessary. An SEA and LEA has an obligation under section 504 and Title II of the Americans with Disabilities Act to ensure that communications with individuals with disabilities are as effective as communications with non-disabled individuals. (28 CFR § 35.160 and 34 CFR § 104.4(b)(1)(iii)). Thus, each SEA and LEA must disseminate its annual report cards in a manner that provides parents with disabilities and individuals with disabilities who are members of the public with an equal opportunity to access the report cards.

Required Reporting Elements

The Department reviewed FDOE's State and local report cards for the 2021-2022 school year and found that the report cards do not include all required information under ESEA section 1111(h)(1)-(2).

Specifically, its report cards for school year 2021-2022 do not include the following:

- **ESEA sections 1111(b)(2)(B)(xi), 1111(h)(1)(C)(ii) and (h)(2)(C)** – Student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/ language arts, and science assessments) disaggregated **specifically for children without disabilities and non-economically disadvantaged students** (for State and LEA report cards, including school-level data).
- **ESEA sections 1111(b)(2)(B)(xi), 1111(h)(1)(C)(vii) and (h)(2)(C)** –Percentages of students assessed and not assessed in each subject (i.e., participation rates) disaggregated **specifically for**

children without disabilities and non-economically disadvantaged students (State and LEA report cards, including school-level data).

- **ESEA section 1111(h)(1)(C)(iv)** – Number of English learners achieving English language proficiency as measured by the State’s English proficiency assessment (for LEA report cards, including school-level data).
- **34 C.F.R. § 200.6(h)(5)(iii)** – Number of recently arrived English learners whose results are excluded from the State’s reading/language arts and mathematics assessments and related accountability goals and indicators (for State and LEA report cards, including school-level data).
- **ESEA sections 1111(h)(1)(C)(ix) and (h)(2)(C)** – The professional qualifications of teachers in the State including information, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, on the number and percentage of: inexperienced teachers, principals, and other school leaders and teachers teaching with emergency or provisional credentials, on State and local report cards. Specifically, FDOE’s report cards combines the categories of inexperienced teachers and teachers teaching with emergency or provisional credentials. However, ESEA sections 1111(h)(1)(C)(ix) and (h)(2)(C) require the number and percentages of (1) inexperienced teachers, principals, and other school leaders; (2) teachers teaching with emergency or provisional credentials; and (3) teachers who are not teaching in the subject or field for which the teacher is certified or licensed (i.e., out-of-field teachers) to be reported separately. During the desk review, FDOE indicated that it does not issue emergency credentials. However, to meet the requirement in ESEA section 1111(g)(1)(B) regarding educator equity, FDOE reports the number of teachers who are temporarily certified. To meet the requirement in ESEA section 1111(h)(1)(C)(ix) and (h)(2)(C), FDOE must separately report in the aggregate and disaggregated by high-poverty compared to low-poverty schools, the number and percentage of inexperienced teachers, principals, and other school leaders and teachers who are temporarily certified (i.e., teaching with an emergency or provisional credential).

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide:

1. Evidence (e.g., publicly available information on FDOE’s website, internal policies and procedures) that report cards are available to be provided in an alternative format accessible to a parent who is an individual with a disability, as defined by the ADA (42 U.S.C. 12102).
2. Evidence that its State and local report cards for the 2021-2022 and 2022-2023 school years include all required elements consistent with ESEA section 1111(h).

SCHOOLWIDE PROGRAMS

REQUIREMENT SUMMARY

Description: A Title I schoolwide program is a comprehensive reform strategy designed to upgrade the educational program of a Title I school in order to improve the achievement of the lowest-achieving students. An LEA may operate a schoolwide program in a Title I school with 40 percent or more of its students living in poverty. In addition, an SEA has discretion to grant a waiver to allow an LEA to operate a schoolwide program without meeting the 40 percent poverty threshold if the SEA has determined that a schoolwide program will best serve the needs of low-achieving students in the school.

A school implementing a Title I schoolwide program must conduct a comprehensive needs assessment of the entire school, prepare a comprehensive schoolwide plan, and regularly review the schoolwide plan. To better leverage all available funding, a schoolwide program school has the flexibility to consolidate funds from Title I and other Federal educational programs with State and local funds. To support the effective implementation of schoolwide programs, States must eliminate or modify State and local fiscal accounting requirements so that LEAs can consolidate funds under schoolwide programs.

ESEA § 1114; § 1603(a); §1111(g)

Title I Regulations 34 C.F.R. §§ 200.25-200.29

ISSUE

Under ESEA section 1114(a)(1)(A), an LEA may consolidate and use Title I funds, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families. Additionally, under ESEA section 1603(a)(1)(C) each State receiving Title I funds must eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs. Finally, under ESEA section 1111(g)(2)(E), each SEA must ensure that it will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources to improve educational opportunities and reduce unnecessary fiscal and accounting requirements.

During the performance review, FDOE indicated that it is working with its LEAs and their schools to address key requirements for implementation of schoolwide programs, which includes examining the option of consolidating Federal and non-Federal funds in a schoolwide program. FDOE added that it has made this information a part of its companion guide and an LEA can decide whether they want to consolidate or not and FDOE will provide assistance, as requested. However, FDOE does not currently offer additional technical assistance to make it easier for LEAs and schools to consolidate funds in a schoolwide program.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide a plan and a timeline to develop procedures and communicate the option for Title I schools operating schoolwide programs to consolidate and use Title I funds, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school as required by the assurance in ESEA section 1111(g)(2)(E) to modify or eliminate State fiscal and accounting barriers to enable schoolwide program schools to consolidate funds (e.g., updating its preexisting guidance to discuss consolidation, adding links to the Department's resources on consolidation, and highlighting the options to consolidate funds in a schoolwide program in its presentations to its LEAs).

TARGETED ASSISTANCE PROGRAMS

REQUIREMENT SUMMARY

Description: A Title I targeted assistance program is a strategy in schools receiving funding under Title I Part A that serve eligible children identified as having the greatest need for special assistance in order for those children to meet the challenging State academic standards. A school implementing a Title I targeted assistance program must serve participating students by using resources to help eligible children meet the challenging State academic standards, use methods to strengthen the academic program to the school, and coordinate with and support the regular education program.

ESEA § 1115

ISSUE

In a school operating a Title I targeted assistance program, the staff paid with Title I funds must provide Title I services to students selected for Title I services. ESEA section 1115(d)(2) permits Title I staff also to assume limited duties beyond classroom instruction or that do not benefit Title I students that are assigned to similar personnel who are not paid with Title I funds, provided the time Title I staff spend on such duties is the same proportion of total work time assigned to similar non-Title I funded staff.

Following the desk review, FDOE submitted the document, “Similarly Situated Personnel: Title I, Part A Program Guidance.” The document refers to “supervisory duties,” but does not clearly describe the ESEA section 1115(d)(2) requirement.

REQUIRED ACTION

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

1. Notified LEAs of the ESEA section 1115(d)(2) requirement.
2. Incorporated a check of whether an LEA complies with ESEA section 1115(d)(2) into its monitoring protocol.

PARENT AND FAMILY ENGAGEMENT

REQUIREMENT SUMMARY

Description: An LEA that receives Title I, Part A funds must notify parents that they may request information on teacher and paraprofessional qualifications. Additionally, an LEA must provide parents with information regarding student academic achievement and growth, testing transparency, information regarding the State or LEA policy for student participation in any assessments and additional information. An LEA receiving Title I funds must also conduct outreach to parents and family members and implement parent and family programs and activities, which must be planned and implemented in consultation with parents. An SEA must collect and disseminate to LEAs effective parent and family engagement strategies.

ESEA §1111(g)(2)(F); §1112(e); §1116; and §8101(39)

ISSUE

ESEA section 1116(a)(2) and (b) outline the requirements for LEA and school parent and family engagement policies, respectively. While FDOE provides a one-pager that provides a brief overview of some of the requirements under ESEA section 1116, it does not outline any additional guidance or templates to assist LEAs regarding requirements for LEA parent engagement plans, school parent and family engagement policies, and school-parent compacts. The evidence submitted by FDOE during the performance review only reiterated the statutory requirements rather than describing how each LEA and school could meet the requirements. FDOE stated that part of its universal monitoring system (UMS) includes uploads of documentation to show that the LEAs and schools are meeting requirements under ESEA section 1116, adding that when it implements its tier I UMS, it provides information to its LEAs on the specific information needed to meet requirements. Further, FDOE indicated that it conducts back-to-school webinars that include guidance on the parent and family engagement strategies and requirements but did not provide information about these webinars to demonstrate the State meets this requirement.

ESEA section 1116(f) requires that LEAs and schools, to the extent practicable, shall provide opportunities for the informed participation of 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), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand. During the desk review, FDOE indicated that it is meeting this requirement by permitting LEAs to purchase up to two pieces of equipment for translation (e.g., translation headphones), including paying to translate parent meeting agendas, but did not provide information for how it monitors LEA and school implementation.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide:

1. Evidence of guidance and templates for both LEA and school parent and family engagement policies that both outline and clearly indicate that each LEA and school must describe how it will meet the requirements under ESEA section 1116(a)(2) and (b), respectively.
2. Updated monitoring procedures or processes to verify that FDOE monitors each LEA to ensure it is meeting requirements under ESEA section 1116(f).

TITLE I-SPECIFIC FISCAL REQUIREMENTS

REQUIREMENT SUMMARY

Description: An SEA may only provide Title I, Part A funds to an LEA if State and local funds will be used in schools served by Title I funds to provide services that, on the whole, are at least comparable to services in schools that are not receiving Title I funds. An SEA and its subgrantees shall ensure that funds from the Title I, Part A program are used to supplement not supplant State and local funds. An SEA shall ensure that, when subawarding funds to LEAs or other subrecipients, it makes subawards in accordance with applicable statutory requirements (including requirements related to the process for subawarding funds and the amounts to be subawarded to individual subrecipients).

ESEA §§ 1113, 1114, 1115, 1116(a)(3), 1117(a), 1118(b), 1118(c), and 4306

Title I Regulations 34 C.F.R §§ 200.64, 200.77, and 200.78

EDGAR 34 C.F.R. §§ 76.50-51, § 76.300, § 76.789, and § 76.792

Uniform Guidance 2 C.F.R. § 200.332(a)

ISSUE

Supplement Not Supplant

Under the ESEA as amended by the Every Student Succeeds Act of 2015 (ESSA), the manner in which an LEA demonstrates compliance with the supplement, not supplant requirement changed so that an LEA's methodology to allocate State and local resources to schools does not consider a school's Title I status, eliminating the cost-by-cost analysis that the ESEA previously required. ESEA section 1118(b)(3)(A) states that no LEA shall be required to identify that an individual cost or service is supplemental. FDOE has a one-page guidance document on supplement, not supplant that gives a brief overview of the requirements and an example using laptop purchases but it does not describe the current requirement to demonstrate supplement not supplant through a Title I-neutral methodology other than listing the Department's guidance.

Within-LEA Reservations and Allocations

ESEA section 8306(a)(6)(B) and 34 C.F.R. §§ 76.730-76.731, states that an LEA must keep records to show compliance with program requirements and facilitate an effective audit. Furthermore, the ESEA requires an SEA to monitor its LEAs to ensure compliance with statutory requirements (ESEA section 8304(a)(1) and (3)(B)), which would include that an LEA has a compliant methodology for allocating State and local funds, among other requirements. FDOE did not provide evidence of an LEA's methodology that it has reviewed during a recent compliance review (e.g., an LEA's staffing

pattern that shows the number of staff funded with State or local funds assigned to schools based on their enrollment and its criteria for making non-personnel resources such as supplies available to schools).

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must provide evidence (e.g., monitoring processes and/or procedures) that it monitors LEAs for the requirement to have a compliant methodology for allocating State and local funds to its schools in a “Title I-neutral” manner.

RECOMMENDATION

The Department recommends that FDOE revise its guidance to correctly describe how it checks for LEA compliance with Title I supplement, not supplant requirements consistent with requirements under ESEA 1118(b)(3)(A) (e.g., removing any examples that require an LEA to identify that an individual cost or service is supplemental).

OTHER TITLE I REQUIREMENTS

REQUIREMENT SUMMARY

Description: Any State that receives support under Title I, Part A must describe how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers and must evaluate and publicly report the progress of the SEA with regard to such description and ensure that LEAs identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.

ESEA §§ 1111(g); 1112; 1119; 1603

ISSUE

Committee of Practitioners

ESEA section 1603(b)(2) requires each State committee of practitioners to include at least one career or technical educator. FDOE indicated that it has attempted to recruit a career or technical educator but has not been able to do so.

Educator Equity

ESEA section 1112(b)(2) requires the SEA to ensure that each LEA receiving a Title I, Part A subgrant identify and address disparities that result in low-income and minority students in Title I schools having disproportionate access to ineffective, out-of-field, and inexperienced teachers. While FDOE requires certain LEAs with “turnaround” schools to ensure that the percentage of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers assigned to the school is not higher than the LEA average, this is insufficient because it does not include all LEAs with Title I schools and it does not examine differences for low-income and minority children.

ESEA section 1111(g)(1)(B) also requires the SEA to evaluate and publicly report the progress of the SEA in ensuring that low-income and minority children in Title I, Part A schools are not served at disproportionate rates by ineffective, inexperienced, and out-of-field teachers. FDOE’s report card allows the viewer to compare, among all schools, the rates of ineffective, out-of-field, and inexperienced teachers by poverty classification (high, mid-range, or low poverty school), minority classification (high, mid-range, low minority school), and by Title I status (Title I or non-Title I school). While FDOE is reporting the underlying data for ineffective, out-of-field, and inexperienced teachers, this data does not meet the requirements of ESEA section 1111(g)(1)(B) because it cannot be used to determine if progress has been made closing the gaps between Title I and non-Title I schools (e.g., a viewer is unable to determine if minority students in Title I schools are being served at disproportionate rates by out-of-field teachers compared to minority students in non-Title I schools, and if the gap between the two is increasing or decreasing.)

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit evidence that it:

1. Has selected a career or technical educator to join the committee of practitioners.

2. Ensures that each LEA receiving a Title I, Part A subgrant identifies and addresses disparities resulting in low-income and minority students in Title I schools having disproportionate access to ineffective, out-of-field, and inexperienced teachers (e.g., edits to the Title I application).
3. Evaluates and publicly reports progress in ensuring that low-income and minority children in Title I schools are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers (e.g., add to or modify report card to allow comparison of rates of low-income and minority children in Title I schools served by such teachers and low-income and minority children in non-Title I schools served by such teachers.)

EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE – BEST INTEREST DETERMINATIONS

REQUIREMENT SUMMARY

Description: An SEA must collaborate with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care and ensure LEAs receiving a Title I, Part A subgrant collaborates with the State or local child welfare agency to develop and implement procedures governing transportation for children in foster care.

ESEA § 1111(g)(1)(E) and §§ 1112(c)(5)(A)-(B)

ISSUE

ESEA section 1111(g)(1)(E)(i) requires each SEA, in collaboration with the State child welfare agency, to ensure that students in foster care remain at their respective school of origin unless it is determined to be in their best interest not to attend that school. Effective implementation of this requirement generally necessitates further collaboration between LEAs and local child welfare agencies to conduct best interest determinations (BIDs), which must “be based on all factors relating to the child’s best interest.” This includes “consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled.” FDOE has published limited information about these ESEA requirements for its LEAs and other stakeholders, and the State did not describe a process for ensuring that BIDs are based on (i) all factors relating to a student’s best interest, (ii) the appropriateness of the school of origin as a continued placement, and (iii) the proximity of the student’s new foster care placement to the school of origin.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department a plan and timeline detailing how it will ensure that BIDs conducted within the State are based on, at a minimum, (i) all factors relating to a student’s best interest, (ii) the appropriateness of the school of origin as a continued placement, and (iii) the proximity of the student’s new foster care placement to the school of origin.

RECOMMENDATION

The Department recommends that FDOE collaborate with the State child welfare agency to ensure that all LEAs and local child welfare agencies understand, and adhere to, FDOE’s requirements related to BID meetings. The Department also recommends that FDOE work with the State child welfare agency to develop new written guidance and training opportunities to ensure a shared understanding of the process for conducting BID meetings, including the involvement of staff from educational agencies in making school placement decisions. Where possible, the Department further recommends that FDOE and the State child welfare agency co-author written guidance and offer joint trainings for LEA staff and local child welfare agency staff.

EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE – SEA FOSTER CARE POINT OF CONTACT

REQUIREMENT SUMMARY

Description: An SEA must collaborate with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care and ensure LEAs receiving a Title I, Part A subgrant collaborates with the State or local child welfare agency to develop and implement procedures governing transportation for children in foster care.

ESEA § 1111(g)(1)(E) and §§ 1112(c)(5)(A)-(B)

ISSUE

ESEA section 1111(g)(1)(E)(iv) requires that each SEA “designate an employee to serve as a point of contact” responsible for collaborating with the State child welfare agency and overseeing statewide implementation of the Title I, Part A educational stability provisions for students in foster care. The ESEA prohibits the SEA’s designated point of contact from also serving as the SEA’s State Coordinator for the Education for Homeless Children and Youth (EHCY) grant program. FDOE indicated that it has not designated an SEA foster care point of contact and the two LEAs interviewed in this review were unable to identify a single point of contact at the SEA for the Title I, Part A educational stability provisions for students in foster care.

REQUIRED ACTION

Within 30 business days of receiving this report, FDOE must provide evidence that it has designated an SEA foster care point of contact who will be responsible for collaborations with the State child welfare agency and statewide implementation of the Title I, Part A educational stability provisions for students in foster care.

RECOMMENDATION

The Department recommends that FDOE update its webpage for the students in foster care program to include contact information for the designated SEA foster care point of contact.

EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE – LEA POINTS OF CONTACT, TRANSPORTATION PROCEDURES

REQUIREMENT SUMMARY

Description: An SEA must collaborate with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care and ensure LEAs receiving a Title I, Part A subgrant collaborates with the State or local child welfare agency to develop and implement procedures governing transportation for children in foster care.

ESEA § 1111(g)(1)(E) and §§ 1112(c)(5)(A)-(B)

ISSUE

ESEA section 1112(c)(5)(B) requires each LEA receiving a Title I, Part A subgrant to provide an assurance that it will, in collaboration with the relevant local child welfare agency, develop and implement written transportation procedures describing how it will provide, arrange, and fund transportation for students in foster care. FDOE’s consolidated application for Title I, Part A subgrants requires applicant LEAs to describe “the activities that will be implemented to ensure the development and implementation” of such transportation procedures; further, the application includes a required assurance relating to development of transportation procedures for students in foster care. However, during its conversation with the Department, FDOE indicated that the State does not review whether LEAs maintain written transportation procedures for students in foster care, and neither LEA that the Department interviewed has written transportation procedures governing transportation for students in foster care. FDOE has not published additional guidance related to developing or implementing transportation procedures for students in foster care.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department a plan and a timeline detailing how it will ensure that LEAs receiving Title I, Part A subgrants have written transportation procedures, developed in collaboration with the State or local child welfare agency, governing how transportation will be provided, arranged, and funded for students in foster care. FDOE must also provide a plan for how it will inform subgrantee LEAs about the Title I, Part A requirements related to transportation procedures for students in foster care.

RECOMMENDATION

The Department recommends that FDOE develop and disseminate to LEAs new written guidance and training opportunities to ensure LEAs understand the process for developing, maintaining, and implementing transportation procedures to govern how transportation for students in foster care will be provided, arranged, and funded.

TITLE II, PART A

SEA CONTINUOUS IMPROVEMENT

REQUIREMENT SUMMARY

Description: SEAs and LEAs may use Title II, Part A funds for a variety of allowable activities, including evidence-based professional development, recruitment and retention, and class size reduction. Activities must meet the purpose of Title II, Part A, which is to enhance instruction in order to improve student achievement. In carrying out activities, SEAs and LEAs must use data and engage in ongoing consultation with key stakeholders to continually improve the implementation of funded activities. LEAs must also prioritize Title II, Part A funds to schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities and that have the highest percentage of children in poverty and children who are neglected or delinquent.

ESEA §§ 2101(c)(4)(B); 2101(d)(2)(D); 2101(d)(2)(K); 2102(b)(2)(C); 2102(b)(2)(D); 2102(b)(3); 2103(b)(3); 2103(b)(3)(D); and 8101(42)

ISSUE

ESEA section 2101(d)(2)(K) requires each SEA to use data and ongoing consultation with a variety of stakeholders to continually update and improve Title II, Part A State-level activities, consistent with its approved ESEA consolidated State plan. Required stakeholders for consultation include “teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title.” (ESEA section 2101(d)(3)(A)).

During the interview, FDOE noted that it meets with various groups (principal organizations, teacher organizations, instructional leaders, superintendents) on a regular basis and looks at data with them when making decisions about how to use State-level Title II, Part A funds. However, FDOE did not provide evidence that it engages in consultation with all groups of required stakeholders in order to update and improve activities funded with State-level Title II, Part A funds. FDOE provided no evidence that other stakeholder groups, such as paraprofessionals, specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners are consulted about program activities conducted with State-level funds.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department either:

1. Evidence that it engages in consultation with the full range of required stakeholders when making decisions about how to use State-level Title II, Part A funds; or

2. If such evidence is not available, a plan and a timeline for how the State will ensure that the SEA consults with the full range of stakeholders required by ESEA section 2101(d)(3)(A) in order to update and improve the Title II, Part A program.

LEA USE OF FUNDS – MEANINGFUL CONSULTATION

REQUIREMENT SUMMARY

Description: SEAs and LEAs may use Title II, Part A funds for a variety of allowable activities, including evidence-based professional development, recruitment and retention, and class size reduction. Activities must meet the purpose of Title II, Part A, which is to enhance instruction in order to improve student achievement. In carrying out activities, SEAs and LEAs must use data and engage in ongoing consultation with key stakeholders to continually improve the implementation of funded activities. LEAs must also prioritize Title II, Part A funds to schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities and that have the highest percentage of children in poverty and children who are neglected or delinquent.

ESEA § 2101(c)(4)(B), § 2101(d)(2)(D), § 2101(d)(2)(K), § 2102(b)(2)(C), § 2102(b)(2)(D), § 2102(b)(3), § 2103(b)(3), and § 8101(42)

ISSUE

ESEA section 2102(b)(3) requires the SEA to ensure that LEAs use data and ongoing consultation with a variety of stakeholders to continually update and improve Title II, Part A activities, consistent with the State’s approved ESEA consolidated State plan. Required stakeholders for consultation include “teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title” (ESEA section 2102(b)(3)(A)).

FDOE provided no evidence that it ensures that LEAs fulfill this requirement. FDOE provided no evidence that it provides guidance to LEAs on meeting the requirement to consult with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, parents, or community partners about how to use LEA-level Title II, Part A funds or that it monitors LEAs in regard to this requirement.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department either:

1. Evidence that it ensures LEAs consult with a variety of stakeholders about updating and improving Title II, Part A-funded activities; or
2. If such evidence is not available, a plan and a timeline for how the State will ensure that LEAs consult with the full range of stakeholders required by ESEA section 2102(b)(3) in order to update and improve the Title II, Part A program.

LEA USE OF FUNDS – USE OF EVIDENCE

REQUIREMENT SUMMARY

Description: SEAs and LEAs may use Title II, Part A funds for a variety of allowable activities, including evidence-based professional development, recruitment and retention, and class size reduction. Activities must meet the purpose of Title II, Part A, which is to enhance instruction in order to improve student achievement. In carrying out activities, SEAs and LEAs must use data and engage in ongoing consultation with key stakeholders to continually improve the implementation of funded activities. LEAs must also prioritize Title II, Part A funds to schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities and that have the highest percentage of children in poverty and children who are neglected or delinquent.

ESEA §§ 2101(c)(4)(B); 2101(d)(2)(D); 2101(d)(2)(K); 2102(b)(2)(C); 2102(b)(2)(D); 2102(b)(3); 2103(b)(3); 2103(b)(3)(D); and 8101(42)

ISSUE

In the LEA application for funding, FDOE does not require LEAs to discuss or describe the research base for proposed class size reduction (CSR) activities, nor does FDOE examine the research base for Title II, Part A funded CSR interventions when monitoring. While the FDOE monitoring protocol used in the current school year does require LEAs to provide evidence that professional development activities funded with Title II, Part A funds are research-based, it is not clear that FDOE intends to ask for this information in monitoring on an annual basis, as it appears that FDOE intends to monitor for different requirements from year to year; LEAs are not also required to cite evidence that proposed professional development activities are research-based in their applications for funding. As a result, FDOE does not know if LEAs are using research-based CSR or professional development inventions, as required.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department a plan and a timeline for how the State will ensure that when LEAs spend local Title II, Part A funds for professional development and CSR purposes, the SEA ensures that these activities are evidence-based, as required by ESEA sections 2103(a)(3)(D), (E), and (P).

RECOMMENDATION

FDOE could add a requirement to its funding application that LEAs identify evidence supporting professional development, CSR, and any other activities for which an evidence base is required. FDOE could also regularly require LEAs to provide evidence that activities for which a research base is required through its monitoring protocols.

LEA USE OF FUNDS – DEFINITION OF PROFESSIONAL DEVELOPMENT

REQUIREMENT SUMMARY

Description: SEAs and LEAs may use Title II, Part A funds for a variety of allowable activities, including evidence-based professional development, recruitment and retention, and class size reduction. Activities must meet the purpose of Title II, Part A, which is to enhance instruction in order to improve student achievement. In carrying out activities, SEAs and LEAs must use data and engage in ongoing consultation with key stakeholders to continually improve the implementation of funded activities. LEAs must also prioritize Title II, Part A funds to schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities and that have the highest percentage of children in poverty and children who are neglected or delinquent.

ESEA §§ 2101(c)(4)(B); 2101(d)(2)(D); 2101(d)(2)(K); 2102(b)(2)(C); 2102(b)(2)(D); 2102(b)(3); 2103(b)(3); 2103(b)(3)(D); and 8101(42)

ISSUE

ESEA section 8101(42) defines professional development as sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. When an SEA or LEA uses Title II, Part A funds for professional development activities authorized under ESEA sections 2101(c)(4) and 2103(b)(3), the SEA must ensure that these activities meet the statutory definition. Regarding professional development funded with State-level Title II, Part A funds, FDOE provided evidence that the High Impact Teacher Program, funded by State-level Title II, Part A funds, meets the statutory professional development definition.

At the LEA level, however, FDOE provided no evidence that it ensures that professional development interventions selected by LEAs and funded with Title II, Part A funds meet the statutory professional development definition. During the interview, FDOE noted that it collects information about the definition through its fourth monitoring upload, but FDOE provided no evidence that this upload addresses the requirement that professional development activities meet the statutory definition. FDOE did not provide evidence that it checks on conformity of professional development interventions selected by LEAs, including those selected for the purpose of providing equitable services to private schools, to the statutory definition in the LEA application process, nor did it provide evidence that it checks for compliance in monitoring. Findings from the Department's most recent Title II use of funds survey suggest that many LEAs in Florida use Title II, Part A funds for short-term professional development, which may not be in compliance with the statutory definition of professional development if it is not part of a larger professional development plan that fully meets statutory requirements or other allowable uses of funds under section 2103(b)(3) of the ESEA.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department either:

1. Evidence that FDOE ensures that all professional development activities funded with LEA-level Title II, Part A funds meet the statutory professional development definition in ESEA section

8101(42) or evidence that the professional development falls under other allowable uses of funds in section 2103(b)(3) of the ESEA; or

2. If such evidence is not available, a plan and a timeline for how the State will ensure that all professional development activities funded with LEA-level Title II, Part A funds meet the statutory professional development definition in ESEA section 8101(42) or other allowable uses of funds under section 2103(b)(3) of the ESEA.

RECOMMENDATION

FDOE could add an assurance to its funding application that requires LEAs to attest that all Title II, Part A funded professional development will meet the statutory definition, along with a specific requirement that LEAs provide evidence of compliance in one of the existing monitoring uploads.

LEA LEVEL USE OF FUNDS – DEFINE “EFFECTIVE TEACHER” FOR CLASS SIZE REDUCTION

REQUIREMENT SUMMARY

Description: SEAs and LEAs may use Title II, Part A funds for a variety of allowable activities, including evidence-based professional development, recruitment and retention, and class size reduction. Activities must meet the purpose of Title II, Part A, which is to enhance instruction in order to improve student achievement. In carrying out activities, SEAs and LEAs must use data and engage in ongoing consultation with key stakeholders to continually improve the implementation of funded activities. LEAs must also prioritize Title II, Part A funds to schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities and that have the highest percentage of children in poverty and children who are neglected or delinquent.

ESEA §§ 2101(c)(4)(B); 2101(d)(2)(D); 2101(d)(2)(K); 2102(b)(2)(C); 2102(b)(2)(D); 2102(b)(3); 2103(b)(3); 2103(b)(3)(D); and 8101(42)

ISSUE

ESEA section 2103(b)(3)(D) permits an LEA to use its Title II, Part A funds to reduce class size by recruiting and hiring effective teachers. This requirement presumes that LEAs will not use Title II, Part A funds to hire or pay teachers for the purpose of CSR unless the LEA has previously determined that the CSR teachers are effective. During the monitoring visit, FDOE indicated that it does not ensure that teachers recruited or paid with Title II, Part A funds for purposes of CSR have been determined to be effective by the LEA before Title II, Part A funds are used. As a result, LEAs in Florida are at risk of using program funds to pay ineffective CSR teachers, which would be an unallowable Title II, Part A expenditure.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department a plan and a timeline for how the State will ensure that LEAs do not use Title II, Part A funds to hire or pay teachers for the purpose of CSR unless the LEA has previously determined that the CSR teachers are effective, as required by ESEA section 2103(b)(3)(D).

RECOMMENDATION

FDOE could address this requirement by including, as part of the LEA application for funds, an assurance that any teachers that an LEA proposes to hire or pay for purposes of CSR have previously been determined to be effective. FDOE could then include a follow-up check on such an assurance as part of its subgrantee monitoring procedures.

Title III, Part A

SUPPLEMENT NOT SUPPLANT

REQUIREMENT SUMMARY

Description: The State and its subgrantees must ensure that funds from the Title III, Part A program are used to supplement, not supplant State, local, and other Federal funds.

ESEA § 3115(g)

ISSUE

ESEA section 3115(g) requires that Title III, Part A funds be used to supplement, and not supplant, the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners (ELs) and immigrant children and youth.

As part of the evidence FDOE submitted, one LEA used its immigrant subgrant funds to contract with a language line to provide interpretation and translation services in less common languages as well as to translate the LEA's Parent Guide and other parent communication into additional languages. However, under applicable civil rights laws, SEAs and LEAs have an obligation to help ELs overcome language barriers and ensure those students can participate meaningfully in an LEA's educational programs. SEAs and LEAs also have an obligation to ensure meaningful communication with "limited English proficient" (LEP) parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity of an SEA or LEA that is called to the attention of non-LEP parents. For additional information on State and local obligations for ELs and LEP parents under civil rights laws, please consult the 2015 Dear Colleague Letter available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. Therefore, the use of Title III, Part A funds to provide these translation and interpretation services is considered supplanting. Title III funds may be used only for supplemental translation and interpretation of communications that are not provided by the LEA for all students or otherwise required as part of the LEA's civil rights obligations (e.g., an LEA may use Title III funds for translation and interpretation activities that are specific to the Title III program).

Additionally, one LEA that participated in the monitoring review submitted evidence that it used part of its Title III, Part A funds to purchase a program that provides ESOL endorsements to teachers. Upon subsequent discussion, the LEA noted that the ESOL endorsements are required for teachers. Title III funds cannot be used to cover activities undertaken to comply with SEA or LEA formal qualification requirements for teachers of ELs; Title III funds may be used only for supplemental professional development activities.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit either:

1. Evidence that guidance has been provided to LEAs on the supplement, not supplant requirements under ESEA section 3115(g) that includes guidance on translation and interpretation as well as

endorsements or certifications that are mandatory and, as such, cannot be funded out of Title III, Part A funds; or

2. If such evidence is not available, a plan and a timeline for providing such guidance, including evidence that such guidance has been disseminated to all LEAs.

RECOMMENDATION

FDOE could address this requirement, in part, by adding a table for the Title III, Part A program to Florida's ESEA Federal Programs Application Companion Guide. The Companion Guide for 2022-23 included a list of allowable and unallowable activities by program under Appendix A but does not address the Title III, Part A program.

STANDARDIZED, STATEWIDE ENTRANCE AND EXIT PROCEDURES

REQUIREMENT SUMMARY

Description: States are required to have standardized statewide entrance and exit procedures. An SEA is required to assess English learners annually for English language proficiency from grades Kindergarten through 12 with an ELP assessment. Furthermore, pursuant to the purposes of the Title III program and the definition of “English learner,” Title III funds are intended for students who, due to their English language difficulties, need support to meet the same challenging State academic standards that all children are expected to meet.

ESEA §§ 1111(b)(2)(G), 3102(1)-(2), 3113(b)(2), 8101 (20)

34 C.F.R. § 200.5(a)(2)

EDGAR 34 C.F.R. § 200.5(a)(2)

ISSUE

ESEA section 3113(b) requires that an SEA implement standardized, statewide entrance and exit procedures for English learners (ELs). Through documentation provided and interviews during the monitoring visit, FDOE indicated that the State’s rules for exiting students from EL status (*i.e.*, “6A-6.0903 Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program”) allow for an “ELL Committee Process” whereby participants analyze criteria in addition to performance on the annual English language proficiency (ELP) assessment and make a determination as to whether the student should be exited from EL status. However, the rules also state that “[t]he parents’ preference as to whether a student is determined English language proficient or not English language proficient shall be considered in the final decision” and, in further discussion with the SEA and LEAs, it appears that students may be exited or retained in EL status on the basis of parental preference. In other words, even if a student does not score proficient on the ELP assessment, the student may still be exited from EL status.

Because, under FDOE’s committee process with parental input, students with identical English proficiency levels could be treated differently (*e.g.*, one such student could continue to be identified as an EL and the other exited even if the student is not actually proficient in English), FDOE’s exit procedures are not standardized. FDOE did not provide evidence of guidance to LEAs that would lead to consistent decisions about when a parental preference to override the ELP assessment would be considered.

Please note this finding does not address compliance with requirements under Title VI of the Civil Rights Act of 1964.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit to the Department a plan and a timeline for how the State will ensure that the State’s exit procedures are standardized and implemented statewide. FDOE must also develop and disseminate guidance on this requirement to all LEAs.

PARENTAL NOTIFICATION

REQUIREMENT SUMMARY

Description: Each LEA that uses funds under either ESEA Title I or Title III to supplement its language instruction educational program (LIEP) must provide a parent of an English learner (EL) with notification that outlines their child's identification as an EL and placement in an LIEP. The ESEA requires that this notification be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for a student who enrolls after the start of the school year.

ESEA §§ 1112(e)(3)(A)–(B)

ISSUE

ESEA section 1112(e)(3)(A)–(B) requires each LEA that uses Title I or Title III funds to provide a language instruction educational program (LIEP) to provide a notification to parents of ELs that contains specific information. ESEA section 1112(e)(4) requires that this parental notification be in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand. ESEA section 1112(e)(3)(A)(viii) requires that the notification include information about parental rights, which must be provided in writing. In one LEA, staff noted that parents receive information verbally about their child's participation in the EL program during an "ELL Committee" meeting if they attend in person, but notifications are not sent out to parents or otherwise provided in writing. Thus, if a parent does not attend the ELL Committee meeting, the LEA does not provide the required parent notification, nor does the LEA provide the parental rights portion of the parent notification in writing to any parents, which is required at a minimum.

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit either:

1. Evidence that FDOE ensures that LEAs using Title III, Part A or Title I, part A formula grant funds for LIEPs issue the notification to parents required under ESEA section 1112(e)(3)(A)–(B) to all parents, including parents that do not participate in in the ELL Committee meeting (*e.g.*, by mailing the parental notification to students' homes) and that the parental notice includes all required components, including the requirement that the information pertaining to parental rights be provided as written guidance; or
2. If such evidence is not available, a plan and a timeline for how FDOE will ensure that LEAs using Title III, Part A or Title I, part A formula grant funds for LIEPs issue the notification to parents required under ESEA section 1112(e)(3)(A)–(B) to all parents, including parents that do not participate in in the ELL Committee meeting (*e.g.*, by mailing the parental notification to students' homes) and that the parental notice includes all required components, including information about parental rights, which must be provided in writing. FDOE must also develop and disseminate guidance on this requirement to all LEAs.

RECOMMENDATION

In addition to developing and disseminating guidance on this requirement to all LEAs, FDOE could address this requirement, in part, by providing sample templates adapted from LEAs or created by the SEA that include all the required components.

REQUIRED AND AUTHORIZED SUBGRANTEE ACTIVITIES

REQUIREMENT SUMMARY

Description: In carrying out activities with Title III funds, the eligible entity must carry out three required activities, all of which must be supplemental: provide an effective language instruction educational program (LIEP); provide effective professional development; and provide and implement other effective activities and strategies that enhance or supplement LIEPs, which must include parent, family, and community engagement activities.

ESEA §§ 3115(c), 3115(d)

ISSUE

ESEA section 3115(c) requires LEAs that receive Title III subgrants for English learners (ELs) to spend a portion of the Title III funds to: (1) support LIEPs, (2) provide effective supplemental professional development, and (3) provide parent, family, and community engagement activities. However, the FDOE Federal Programs Application allows LEAs to check, “No Title III Funds will be used to address [this required area].” While the SEA noted that LEAs selecting this option still complete activities aligned with section 3115(c) by using other sources of funds, the SEA must still ensure that at least a portion of the Title III, Part A formula grants are used to support each of the required activities under section 3115(c).

REQUIRED ACTION

Within 60 business days of receiving this report, FDOE must submit either:

1. Evidence that FDOE ensures that all LEAs receiving Title III, Part A formula grant funds expend at least a portion of their funds to support each of the required activities under ESEA section 3115(c), including communication to LEAs regarding this change; or
2. If such evidence is not available, a plan and a timeline for how FDOE will ensure that all LEAs receiving Title III, Part A formula grant funds expend at least a portion of their funds to support each of the required activities under section 3115(c), including communication to LEAs regarding this change.

Title V, Part B, Subpart 2

FINANCIAL MANAGEMENT

REQUIREMENT SUMMARY

Description: SEAs must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the State's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

2 C.F.R. §§200.302-305

ISSUE

As noted in the cross-cutting section above titled “Period of Availability and Carryover,” under 34 C.F.R. §76.709 and section 412(b) of the General Education Provisions Act (GEPA) (the “Tydings Amendment”), if an SEA or subgrantee LEA does not obligate all available funds during the first year of availability, the entity may obligate any remaining funds during a carryover period of one additional fiscal year. As stated in 2 C.F.R. §200.344, an SEA or LEA must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the period of availability.

In response to monitoring questions, FDOE described its grant management platform, Florida Grants System (FLAGS), through which RLIS subgrant award amounts are logged and tracked by grant number and project number. Both FLAGS and the Florida Accounting Information Resource (FLAIR) track obligations and drawdown balances as well as subgrant award amounts for each RLIS recipient LEA. RLIS subgrantee LEAs use FLAGS to submit fund drawdown requests to the SEA, and to monitor all Federal accounts.

FDOE detailed its process for tracking, allocating, and monitoring the RLIS funds it receives. As part of its process, after the state fiscal year ends on June 30, FDOE suspends each RLIS subgrantee’s ability to draw down RLIS funds while it goes through its “reallocation process.” Through the state’s reallocation process, FDOE “reallocates” any unspent RLIS funds back to the LEA as carry over when it awards the subsequent fiscal year’s RLIS subgrants, sometime after July 1. This process results in the SEA pausing an LEA’s ability to draw down awarded RLIS funds between June 30 each year until the carryover is reallocated in the subsequent year’s RLIS subgrant award. This practice prohibits individual subgrantee LEAs from accessing RLIS grant funds for the full statutory performance period of 27 months and requires an application before the subgrantee can regain access to its carryover funding.

Further, in accordance with ESEA section 5221, RLIS funds are allocated to FDOE each fiscal year based on a specific number of eligible LEAs with a cumulative average daily attendance (ADA) that is unique to the cohort of RLIS-eligible LEAs in the fiscal year. In response to monitoring questions, FDOE described its carryover practice (which it refers to as “carry forward”), in which an LEA’s unused

RLIS funds from the prior fiscal year are added to the available balance that FDOE uses to make the subsequent year's RLIS subgrants. The process results in FDOE co-mingling RLIS funds across multiple fiscal years. Since each year's RLIS allocation to the SEA is based on a different combination of eligible LEAs and cumulative ADA, FDOE's co-mingling of RLIS funds across multiple fiscal years does not allow it to track an individual RLIS subgrantee LEA's expenditures over the full 27-month performance period.

REQUIRED ACTION

As noted in a cross-cutting finding on Period of Availability and Carryover in this report, within 60 business days of receiving this report, FDOE must provide the Department with evidence that it has updated its policies and procedures to allow current and future RLIS subgrantee LEAs the full 27 months of the period of availability for RLIS awards, with a subsequent 120 days to liquidate the obligations. The updated policies should allow LEAs to access the full 27-month period of availability and subsequent 120-day liquidation period without having to request additional time after the initial 12 months. FDOE must also provide evidence that the SEA has communicated these changes to its subgrantee LEAs.

Specific to RLIS, within 60 business days of receiving this report, FDOE must provide the Department with evidence that it has updated its RLIS carryover methodology to ensure that the SEA makes available to an LEA any RLIS funds that that LEA carried over from one fiscal year to the next (i.e., an LEA is entitled to the full 27-month period for the full amount of the award it receives each fiscal year).

Met Requirements with Recommendation

Financial Management & Cross Cutting

CHARTER SCHOOL AUTHORIZATION AND OVERSIGHT

REQUIREMENT SUMMARY

Description: The SEA provides information on OESE programs (i.e., allocations; applications; and requirements, including requirements for proper disposition of equipment and property) to all charter schools and LEAs and Charter Management Organizations (CMOs) or Education Management Organizations (EMOs) that oversee charter schools, has established internal controls related to the charter schools' relationships with their CMOs/EMOs, and has clear procedures that are systematically monitored for orderly closure, where applicable.

ESEA §§1122(c), 1125A(g)(3), 4306

EDGAR 34 C.F.R. §75.525(a) and §75.525(b)

Uniform Guidance 2 C.F.R. §200.318(c)

ISSUE

In the State of Florida, charters can be authorized by the State or by an LEA. FDOE stated that “a charter school applicant must use the model charter school application developed by the Florida Department of Education, and a sponsor must evaluate that application using the model application evaluation instrument.” Most authorized charter schools in Florida are a part of traditional LEAs, and some are charter schools that are eligible for LEA status, but only for the purposes of receiving federal funds directly.

In order to identify which charter schools have seen significant expansions in enrollment for the purposes of ensuring full and complete program allocations, FDOE requires charter schools that have experienced significant expansion to submit a significant expansion report. This report is to include the total projected number of ELs and special education students who will be enrolled.

During the review, FDOE described and provided documentation regarding its procedures for allocating funds to charter schools, both for newly opened charter schools and for charter schools that experience a significant expansion in enrollment, including steps to verify enrollment data.

However, during the review two LEAs noted that FDOE notifies them of the approval of a charter; but is less likely to provide continued information regarding school regulations and requirements. LEAs also mentioned that although they have a FDOE contact person that they could contact for questions, they would prefer more communication initiated by FDOE. In addition, there was no evidence of a clear and regular process for communicating with LEAs regarding either charter school authorization or other

information related to the ongoing operation of the State's charter schools. A more formalized process for sharing information between FDOE and LEAs would be useful to ensure both entities have the full scope of information necessary to achieve their missions.

During the review, several LEAs mentioned that they did not have a formal checklist from FDOE for procedures if there were a charter school closure. Although this is not a required document, many States have utilized similar tools to ensure requirements related to closure are fulfilled.

Lastly, during our review FDOE indicated that because LEAs have contracts with charter schools, FDOE relies on the provisions in those contracts to ensure oversight obligations are fulfilled. Therefore, the Department recommends FDOE develop a documented system of oversight for Florida's charter schools rather than relying on charter school contracts.

RECOMMENDATION

FDOE should develop a formal, regular process for sharing information with LEAs related to charter school openings and operations. Such a process would ensure that FDOE has access to needed information to successfully administer Federal programs to charter schools. Additionally, FDOE should develop written procedures for charter school closures to share with LEAs who have charter school closures. Finally, FDOE should adopt a system to ensure requirements related to charter schools are fulfilled rather than relying on contract provisions between LEAs and charter schools.

Title I, Part A

OPTIONAL PUBLIC SCHOOL TRANSFER

REQUIREMENT SUMMARY

Description: An LEA may provide all students that are enrolled in a school identified by the State for comprehensive support and improvement in accordance with ESEA section 1111(c)(4)(D)(i) with the option to transfer to another public school served by the LEA, State law. unless prohibited by The LEA must permit the student who transfers to another school to remain in that school until the student has completed the highest grade at that school. In providing students the option to transfer to another public school, the LEA must give priority to the lowest achieving students from low income families.

ESEA §1111(d)(1)(D)

ISSUE

ESEA section 1111(d)(1)(D)(i) allows an LEA to provide all students enrolled in a school identified by the State for comprehensive support and improvement under ESEA section 1111(c)(4)(D)(i) with the option to transfer to another public school served by the LEA, unless such an option is prohibited by State law. FDOE indicated that State law does not prohibit offering this option. Florida statute requires that LEAs offer “controlled open enrollment,” meaning that a parent can enroll a student in any school in the LEA that has not reached capacity. By virtue of allowing for open enrollment, FDOE meets this requirement.

However, FDOE did not demonstrate how it ensures that an LEA paying for transportation for optional public school transfer does not exceed more than 5 percent of its Title I, Part A allocation as required by ESEA section 1111(d)(1)(D)(v), or that it ensures that LEAs ensure transfer priority is given to the lowest-achieving children from low-income families as required by ESEA section 1111(d)(1)(D)(iii).

RECOMMENDATION

The Department recommends that FDOE consider tracking how many students transfer from a CSI school to ensure that transfer priority is given to lowest-achieving children from low-income families. Such data would also allow FDOE to track transportation spending should an LEA include transportation in its Title I, Part A budget.

EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE – SEA COLLABORATION WITH CHILD WELFARE AGENCY

REQUIREMENT SUMMARY

Description: An SEA shall monitor LEAs and any other entities, including external providers, receiving federal funds from programs to ensure that all applicable fiscal and programmatic performance goals are achieved and that subawards are used for authorized purposes and in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

Uniform Guidance 2 C.F.R. § 200.331(d)

ISSUE

ESEA section 1111(g)(1) requires each SEA to ensure collaboration with the State child welfare agency to promote the educational stability of students in foster care. While FDOE indicated that the SEA occasionally contacts the State child welfare agency and that the agencies recently co-presented a training on supporting students in foster care, FDOE did not provide any evidence of on-going collaboration. Further, FDOE indicated that its collaboration with the State child welfare agency are not routinized and, instead, occur on an as-needed basis.

RECOMMENDATION

The Department recommends that FDOE establish routines for communicating and collaborating with the State child welfare agency to ensure the effective implementation of the Title I, Part A educational stability provisions for students in foster care. Such routines might include, for example, regular check-ins between the SEA Foster Care Point of Contact and a designee from the State child welfare agency.

Title III, Part A

IMMIGRANT SUBGRANTS

REQUIREMENT SUMMARY

Description: In carrying out activities with Title III funds, the eligible entity must carry out three required activities, as described in ESEA section 3115(c): (1) provide an effective language instruction educational program (LIEP), which must be supplemental; (2) provide effective professional development; and (3) provide and implement other effective activities and strategies that enhance or supplement LIEPs, which must include parent, family, and community engagement activities. After timely and meaningful consultation with LEAs representing the geographic diversity of the State, an SEA must establish and implement standardized statewide entrance and exit procedures for ELs.

ESEA §§ 1112 (e) (3), 3113(b) (2), 3114(d), and 3115 (e) (e)

ISSUE

FDOE indicated, through evidence and discussion during the monitoring review, that it changed the threshold for the immigrant subgrant so that LEAs would only be eligible for the award if the immigrant count generates at least \$10,000 in funds, among other criteria. FDOE noted the change was made in order to be more consistent with the Title III, Part A formula grant and to make the amount of funding more meaningful for recipients.

The SEA has the discretion to set a threshold for the minimum amount of funds that will ensure each subgrant is of sufficient size and scope to meet the purpose of the immigrant subgrant, per ESEA section 3114(d)(2)(B). However, the Department notes that there is no requirement that the minimum threshold set by the SEA for awarding an immigrant subgrant be aligned with the minimum threshold for awarding a Title III, Part A formula grant for ELs. In fact, ESEA section 3114(d)(2)(A) requires the SEA to give equal consideration to LEAs that have experienced a significant increase in the enrollment of immigrant children and youth but have limited or no experience in serving them.

RECOMMENDATION

The Department recommends that FDOE consider providing guidance to smaller LEAs and LEAs that have not previously received grants for immigrant children and youth on how they may form a consortium to become eligible for consideration for Title III funding.