

Washington Consolidated Performance Review Report FY 2023

Commendations
4

Met Requirements
35

Recommendations
8

Action Required
18

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U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Avenue, SW
Washington, DC 20202

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GENERAL INFORMATION

OVERVIEW OF THE CONSOLIDATED PERFORMANCE REVIEW

The 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 Washington Office of Superintendent of Public Instruction (OSPI) that occurred on February 13 – February 17, 2023. 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, Education of Migratory Children;
- 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 Academic Enrichment (SSAE) Program; and
- Elementary and Secondary School Emergency Relief (ESSER) funds.

The 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 urgent attention by the SEA and will be revisited until the State has remedied the issue.

Section III highlights the areas where the State has exceeded requirements and is commended on the grant administration and fiscal management (i.e., those areas categorized as “met requirements with commendation”).

Section IV 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 V identifies those areas where the Department has quality implementation concerns related to grant administration and fiscal management (i.e., those areas categorized as quality concerns, “met requirements with recommendations”). In these instances, the Department is determining that the State is currently 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; ESSER;

#

FEDERAL FUNDING¹

\$

Title I, Part A	\$ 282,409,293 ²
Title I, Part B	\$ 7,713,809 ³
Title I, Part C	\$ 38,126,160
Title II, Part A	\$ 34,114,260 ⁴
Title III, Part A	\$ 19,586,387 ⁵
Title IV, Part A	\$ 20,188,153 ⁶
ESSER I	\$ 216,892,447 ⁷
ESSER II	\$ 824,852,290 ⁸
ARP ESSER	\$ 1,853,788,024 ⁹

Dates of Review

SEA: February 13, 2023 – February 17, 2023; Subrecipients: February 21, 2023 – March 1, 2023.

ED Reviewers

Dan Behrend (Management Support Office)
 Leticia Braga (Office of School Support and Accountability)
 Adyel Duran (Office of School Support and Accountability)
 Chris Fenton (Office of State and Grantee Relations)
 Jessenia Guerra (Office of Migrant Education)
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 Deirdra Hilliard (Office of Safe and Supportive Schools)
 Erin Hudson (Management Support Office)
 Sarah Laven Jones (Office of State and Grantee Relations)

¹ FY 2022 funds included above (<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 that flow to a State. States and other entities may also receive funds from grants that are awarded on a competitive basis.

² <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/title-i-part-a-program/funding-status/>

³ <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/grants-for-state-assessments/funding-status/>

⁴ <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/instruction-state-grants-title-ii-part-a/funding-status/>

⁵ <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/english-language-acquisition-state-grants/funding-status/>

⁶ <https://oese.ed.gov/offices/office-of-formula-grants/safe-supportive-schools/student-support-and-academic-enrichment-program/awards/>

⁷ <https://oese.ed.gov/files/2020/04/ESSER-Fund-State-Allocations-Table.pdf>

⁸ https://oese.ed.gov/files/2021/01/Final_ESSERII_Methodology_Table_1.5.21.pdf

⁹ https://oese.ed.gov/files/2021/06/Revised-ARP-ESSER-Methodology-and-Allocation-Table_6.25.21_FINAL.pdf


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 Bryan Thurmond (Office of School Support and Accountability)
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Subrecipients Participating in the Desk Review

Auburn School District
 Bridgeport School District
 Kennewick School District
 Kent School District
 Mount Vernon School District
 Sunnyside School District

Current Grant Conditions

Title I, Part A	OSPI 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 B	Not Applicable
Title I, Part C	Not Applicable
Title II, Part A	Not Applicable
Title III, Part A	Not Applicable
Title IV, Part A	Not Applicable
ESSER	OSPI has fifteen conditions and five assurances on its ESSER grant awards. Conditions 1-7, 11, 12 and 15 are related to allocations and period of availability. Condition 8 relates to allowable uses. Conditions 9 and 10 relate to SEA assurances to meet the maintenance of effort and maintenance of equity requirements, respectively. Conditions 13 and 14 outline reporting requirements. OSPI also has 5 assurances and certifications. Assurance 1 relates to compliance with OMB Standard Forms 424B and D. Assurance 2 relates to restrictions and disclosures regarding lobbying. Assurances 3 and 4 relate to the General Education Provisions Act



(GEPA). Assurance 5 relates to Uniform Guidance. There are also considerations for grant funds spent on conferences and meetings. Finally, there are cash management requirements and FAQs for grantees and subgrantees.

SECTION II

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 ¹⁰	Status
Accounting Systems and Fiscal Controls	● ● ● ● ○
Cash Management and Payment Systems	● ● ● ● ○
Period of Availability and Carryover	● ● ● ● ○
Internal Controls	● ● ● ● ●
Audit Requirements	● ● ● ● ○
Records and Information Management	● ● ● ● ○
Personnel	● ● ● ● ○
Procurement	● ● ● ● ○
Equipment and Supplies Management	● ● ● ● ○
Indirect Costs	● ● ● ● ○
Charter School Authorization and Oversight	● ○ ○ ○ ○
Local Applications and Plans	● ● ● ● ○
Risk Assessment (External)	● ● ● ● ○
Subrecipient Monitoring	● ● ● ● ○

CROSS-CUTTING FINANCIAL AND PROGRAMMATIC

Topic	Status
Allocations	● ○ ○ ○ ○
Maintenance of Effort (MOE)	● ○ ○ ○ ○

¹⁰ The Department also monitors for “Charter School Authorization and Oversight” but this topic is not applicable in Nebraska because the State does not currently have any charter schools.

Equitable Services	
Data Quality: Internal Controls and Data Review Process	
Data Quality: U.S. Department of Education Feedback Process	

TITLE I, PART A & TITLE I, PART B

Topic ¹¹	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	
Optional Public School Transfer	
Title I-Specific Fiscal Requirements	
Other Title I Requirements	
Educational Stability for Students in Foster Care – SEA Collaboration with Child Welfare Agency	
Educational Stability for Students in Foster Care – Best Interest Determinations	
Educational Stability for Students in Foster Care – Immediate Enrollment	
Educational Stability for Students in Foster Care – SEA Foster Care Point of Contact	
Educational Stability for Students in Foster Care – LEA Points of Contact	
Educational Stability for Students in Foster Care – LEA Transportation Procedures	
Educational Stability for Students in Foster Care – Subrecipient Monitoring	

TITLE I, PART C

Topic	Status
Identification and Recruitment (ID&R)	
Provision of Services	
Program Evaluation	

¹¹ The Department also monitors for “Direct Student Services” but this topic was not applicable in Washington.

TITLE II, PART A

Topic	Status
Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders: SEA-Level Funds	● ○ ○ ○ ○
Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders: SEA-Level Funds	● ○ ○ ○ ○
Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders: LEA-Level Funds	● ○ ○ ○ ○

TITLE III, PART A

Topic	Status
Language Instruction for English Learners and Immigrant Students	● ○ ○ ○ ○

TITLE IV, PART A

Topic	Status
Monitoring	● ● ● ● ○
Technical Assistance	● ● ● ● ○
Performance Reporting and Evaluation	● ● ● ● ○
LEA Applications	● ● ● ● ○
SEA Subgranting	● ○ ○ ○ ○
General Provisions	● ● ● ● ○
SEA Use of Funds	● ● ● ● ○
LEA Use of Funds	● ● ● ● ○
Financial Management	● ● ● ● ○

ESSER AND ARP ESSER

Topic	Status
Budgeting of the State Reserve and Subawards	● ● ● ● ○
Allocations/Sub-Award Process	● ● ● ● ○
CARES Act/Transparency Act Reporting	● ● ● ● ○
Risk Assessment	● ● ● ● ○
Subrecipient Monitoring	● ● ● ● ○
Maintenance of Effort	● ● ● ● ○
Maintenance of Equity	● ● ● ● ○
Equitable Services	● ● ● ● ○

SECTION III

Met Requirements with Commendation

Financial Management & Cross-Cutting

INTERNAL CONTROLS

REQUIREMENT SUMMARY

Description: Description: An SEA and its LEAs must establish and maintain a system of effective internal controls over Federal awards that provides reasonable assurance that the SEA is managing Federal awards in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards. These internal controls should be in accordance with guidance stated in the "Standards of Internal Control in the Federal Government" (GAO Green Book) or the "Internal Controls Integrated Framework" (Treadway Commission).

Uniform Guidance 2 C.F.R. § 200.303

COMMENDATION

Staff from several LEAs referenced helpful internal controls guidance and technical assistance from both the Office of the Washington State Auditor (SAO) and Washington Office of Superintendent of Public Instruction (OSPI).

LEA staff appreciated the SAO self-assessment checklists and corresponding online guidance on various topics related to internal control (e.g., segregation of duties) and grants management. They also complimented OSPI's communication to share information about the SAO resources and OSPI resources on related topics through email alerts and trainings. LEA staff also mentioned finding it helpful to follow guidance from OSPI to use OSPI's subrecipient monitoring checklists as an annual self-assessment to identify potential gaps in LEA policies and procedures.

The Department commends the SAO and OSPI on developing these helpful resources and actively encouraging LEAs to use them.

Title I, Part A & Title I, Part B

SCHOOLWIDE PROGRAMS – CONSOLIDATION OF FUNDS

REQUIREMENT SUMMARY

Description: 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.

ESEA § 1603(a)(1)(C)

COMMENDATION

In February 2020, OSPI released updated guidance entitled *Unlocking Federal and State Program Funds to Support Student Success*, which clearly describes ESEA provisions around the consolidation of funds in Title I programs (pages 122-123). In 2020, OSPI also published an updated *Title I, Part A Fiscal Handbook*, which also provides information on the option to consolidate Federal, State, and local funds in a schoolwide program (pages 22-28). This guidance details Federal, State, and local funds that may be included or excluded from consolidation and provides practical information on how to budget and report when consolidating funds. OSPI has also developed schoolwide plan templates that include a section for the school to clearly list any funds that the school is consolidating (component 4). OSPI indicated that, in practice, it believes many of the schools that list other funds they are using to support the schoolwide plan are braiding or coordinating funds rather than consolidating funds. The State has been communicating with LEAs and schools about the option to utilize a single accounting subcode when consolidating funds. OSPI provided evidence of its clear communications with LEAs regarding the option to consolidate Federal funds in a schoolwide program.

OTHER TITLE I REQUIREMENTS – EARLY CHILDHOOD EDUCATION SUPPORT AND COORDINATION

REQUIREMENT SUMMARY

Description: As applicable, each LEA receiving Title I funds shall coordinate activities with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Additionally, each LEA must support, coordinate, and integrate Title I services with early childhood education programs at the LEA or individual school level, including plans for the transition of participants in such programs to local elementary school programs.

ESEA §§ 1112(b)(8), 1113(c)(5), 1114(b)(7)(iii)(V), 1115(b)(2)(C), and 1119

COMMENDATION

In April 2022, OSPI published updated guidance entitled *Funding Early Learning Activities in Washington State with Title I, Part A Funds*. OSPI's guidance is comprehensive, practical, and is clearly related to OSPI's LEA applications and plans for Federal funds.

First, OSPI's guidance includes information on the relevant Title I early childhood education requirements including the following examples:

- When using Title I funds for preschool programs, that program must meet the Head Start education performance standards, as required by ESEA section 1112(c)(7). (Page 5 of OSPI's guidance.)
- An LEA may reserve Title I funds to provide early childhood education programs for eligible children as allowed by ESEA section 1113(c)(5). (Page 7 of OSPI's guidance.)
- An LEA that receives Title I funds is required to coordinate with Head Start programs and, if feasible, other early learning programs that serve children who will attend the LEA, regardless of whether the LEA uses Title I funds to operate an early education program, as required by ESEA section 1119. (Pages 5, 11, and 21 of OSPI's guidance.)

OSPI's guidance also describes additional funding sources available to support and coordinate early childhood education activities. This includes Federal programs such as ESEA programs (Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; Title V, Part B, Subpart 2) and Head Start. The additional funding sources also include State funds, such as the State's Learning Assistance Program (LAP), which provides funds consistent with the intents and purposes of Title I, Part A of the ESEA, and the Early Childhood Education and Assistance Program (ECEAP). The State includes a funding matrix with a list of activities on the vertical axis and the funding sources on the horizontal axis to indicate which activities may be funded by different sources.

OSPI's guidance also provides practical examples on how an LEA may operate and support early learning activities using Title I funds consistent with ESEA requirements. For example, OSPI includes LEA-specific examples on the use of Title I funds for transition activities by program time. As another

example, OSPI suggests that as a part of a needs assessment, the LEA consider the following questions:

- What preschool and early learning programs (public and private) exist in your community?
- Do the children in your community have equitable access to early learning programs? What gaps exist?
- Are there effective programs that you may want to extend or replicate?
- What skills are children excelling at or lacking when entering kindergarten?
- How do you plan, and work with early learning and community leaders in your area?
- What resources and time can you put into this effort?

In connection with its guidance, OSPI's consolidated Federal application requires LEAs to (1) indicate the amount of Title I funds being set aside for early learning activities (2) describe how the LEA will support, coordinate, and integrate Title I with early learning program at the LEA or school level, and (3) indicate the types of early learning activities that will be supported with Title I funds. OSPI's submitted documentation indicates that 50 out of 136 LEAs set aside funds for early learning activities, with about 30 LEAs setting aside between \$1,000 and \$100,000, 17 LEAs setting aside between \$110,000 and \$500,000 and 3 LEAs setting aside more than \$500,000. LEAs planned to use those funds for transition to kindergarten activities (32), parent and family engagement (27), professional development (25), LEA-level preschool (21), school-level preschool (12), and community-based preschool (6). In addition, both of the LEAs included in the Department's performance review indicated that they had referred to OSPI's guidance on use of Title I funds for early learning activities.

Title III, Part A

LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

REQUIREMENT SUMMARY

Description: In carrying out activities with Title III funds, the eligible entity must carry out three required activities as described in the Elementary and Secondary Education Act of 1965 (ESEA) section 3115(c), all of which must be supplemental: provide an effective language instruction educational program (LIEP) that meets the needs of English learners; 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) and (d)

COMMENDATION

The Department commends OSPI on the resources it has developed to support LEAs in using Title III funds in an allowable manner and supporting overall implementation of the program. OSPI's *Multilingual English Learners Policies and Practices Guide* (Guide) is the primary reference document. Despite being compact, it provides LEAs in Washington with thorough guidance, including the elements required to provide language instruction education programs (LIEPs), procedures for identifying and exiting ELs, allowable uses of Title III funds, and methods for involving parents and families in the education of ELs. For ease of use, OSPI makes the Guide available as both a comprehensive document and as single-subject chapters on its website. Another highlight, referenced within the Guide, is the Multilingual Family Communication Templates page, where LEAs can access pre-approved parental notification templates in approximately 40 languages.

Please note that OSPI has a required action on the Supplement, Not Supplant (ESEA § 3115(g)) topic, which may impact the Guide's Supplement, Not Supplant language.

Action Required

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), and 4306

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

Uniform Guidance 2 C.F.R. § 200.318(c)

ISSUE

OSPI did not provide documentation that it obtains or determines eligibility data for students attending charter schools and/or charter school LEAs for the purposes of calculating allocations for Federal formula programs in 2022-2023 for each grant.

According to 34 C.F.R. § 76.785 States are required to take measures to ensure that each charter school in the State receives the funds for which it is eligible under a covered program during its first year of operation and during subsequent years in which the charter school expands its enrollment.

In addition, OSPI noted that the Charter Commission is responsible for carrying out the process and requirements for charter school (or charter school LEA) closure in the State, including monitoring the process to ensure that requirements are met. OSPI relies on the Charter Commission and two contracting entities that provide advice to charters in the State to meet these requirements.

2 C.F.R. § 200.344 requires a non-Federal entity and Federal awarding agency or pass-through entity to take specific actions to complete the closeout process at the end of the period of performance. According to 2 C.F.R. § 200.345, the closeout of the Federal award does not affect certain requirements, including, but not limited to, the return of funds due, audit, property management and disposition, and records retention requirements. Because OSPI was unable to demonstrate how it ensures requirements related to the closure of charter schools are fulfilled, it was not in compliance with 2 C.F.R. §§ 200.344-200.345.

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must:

1. Implement policies and procedures to ensure that each charter school in the State receives the funds for which it is eligible under a covered program during its first year of operation and during subsequent years in which the charter school expands its enrollment; and,
2. Update its policies and procedures to clearly identify and delineate the roles and responsibilities for the closure of charter schools in the State, including how the SEA or Washington Charter School Commission will monitor the closure process to ensure that requirements are met.

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, and 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

Title I, Part A, Title II, Part A, and Title III, Part A

When determining the allocations for new or significantly expanding charter school LEAs, the State must use actual current year student enrollment and eligibility data (e.g., for Title I, Part A, and Title II, Part A, U.S. Census-equivalent count of students in poverty, and for Title III, Part A, English learner count) for the charter school LEA as required by ESEA section 4306 and [34 C.F.R. § 76.791](#). For the year the charter school LEA opens or significantly expands its enrollment, the eligibility determination may not be based on enrollment or eligibility data from a prior year, even if the SEA makes eligibility determinations for other LEAs under the program based on enrollment or eligibility data from a prior year. OSPI's procedures for Title I, Part A, Title II, Part A, and Title III, Part A are inconsistent with these requirements. For example, OSPI's procedures for allocating Title I funds involve using prior year student enrollment and poverty information from the "sending" LEA that these students would otherwise be attending.

Title I, Part A

OSPI's procedures for calculating its allocations under Title I, Part A (Title I) were missing the following steps consistent with ESEA requirements and regulations:

- After the State adjusts the count of formula students for LEAs to account for LEA consolidations and special LEAs not on the Census list used by the Department, the State must determine whether each LEA is eligible under the Basic, Concentration, Targeted, and Education Finance Incentive Grant (EFIG) formulas consistent with the requirements in [34 C.F.R. § 200.72](#). For example, in the State's allocations for FY 2022, one LEA that received an allocation under the Basic grant has a formula count of 6 students. As a result, the LEA was not eligible for a Basic grant because it did not have at least 10 formula children as required by ESEA section 1124(b)(1) and [34 C.F.R. § 200.71](#).

- After the State determines its initial allocations based on the adjustments described above, the State must separately apply the hold-harmless provisions under each of the four formulas consistent with the requirements in [34 C.F.R. § 200.73](#). This must include determining whether an LEA is eligible under the Concentration grant in one of the four preceding fiscal years. In OSPI's procedures, it applies the general hold-harmless provision to the initial Title I allocation as a whole rather than to each of the four initial calculations separately.
- For purposes of implementing the hold-harmless protections in sections 1122(c) and 1125A(f)(3) of the ESEA for a newly opened or significantly expanded charter school LEA, an SEA must calculate a hold-harmless base for the prior year that reflects the new or significantly expanded enrollment of the charter school LEA as required by ESEA section 4306(c). OSPI's procedures do not appear to contain any procedures to address this requirement for new or significantly expanding charter school LEAs.

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must provide the Department with evidence that it has revised its procedures to calculate Title I, Part A; Title II, Part A; and Title III, Part A allocations consistent with ESEA requirements and regulations, as described above, and revised FY 2022 calculations that show the differences between the revised calculations and the previous calculations for each LEA.

The Department has been providing and will continue to provide technical assistance to OSPI in updating its procedures consistent with requirements.

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. § 299.5(b)

ISSUE

[34 C.F.R. § 299.5\(b\)](#) lists the following programs 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; Title IV, Part A; Title IV, Part B; Title V, Part B, Subpart 2; and Title VI, Part A, Subpart 1. OSPI's guidance and procedural documents (e.g., example of a letter sent to an LEA in 2019 regarding reductions for failing to meet MOE requirements) are incorrect with respect to the list of covered programs for the MOE requirement. For example, the State's guidance and procedures documents still list former programs that were authorized under the ESEA, as amended by the No Child Left Behind Act of 2001 (e.g., Even Start) and do not include all current programs to which this requirement applies (e.g., Title IV, Part A).

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must submit to the Department evidence that it has updated its guidance and internal procedures documents to include the correct list of covered programs for the MOE requirement consistent with [34 C.F.R. § 299.5\(b\)](#).

DATA QUALITY: U.S. DEPARTMENT OF EDUCATION FEEDBACK PROCESS

REQUIREMENT SUMMARY

Description: An SEA is required to have appropriate procedures in place to ensure that the data reported to the public and the U.S. Department of Education are high quality (i.e., timely, complete, accurate, valid, and reliable).

ESEA §§ 1111(h)(5), 8101(23) and (25), 8303, and 8304(a)(6)(A)

EDGAR 34 C.F.R. §§ 76.720 and 76.770

Government Accountability Office's "Standards for Internal Control in the Federal Government" (GAO Green Book)

Uniform Guidance 2 C.F.R. §§ 200.303 and 200.329(b)

ISSUE

ESEA §1111(h)(5) requires each SEA to report annually to the Department certain information required by the Secretary. Additionally, ESEA §8303 authorizes to establish procedures and criteria under which an SEA may submit a consolidated annual report (known as the consolidated State performance report or CSPR) that includes information on programs included in the report, including performance of the State under such programs and other matters as the Secretary determines are reasonable. Under 34 C.F.R. 76.720(c)(1), a State must submit such reports in the manner prescribed by the Secretary and at the quality level specified in the data instrument. As part of the procedures and criteria for reporting this data, the Department provides feedback on the quality of the data submitted. SEAs then have the opportunity to make corrections to submissions or add data quality notes.

In recent years, OSPI has not submitted timely, complete, accurate, valid, and reliable data. OSPI stated that it has had a variety of staffing challenges over the past two years which have affected the capacity of the SEA to submit high quality data. For example, OSPI did not submit timely data for the CSPR Part 1 Manual Entry in December of 2022 and did not submit timely data for several ED*Facts* file specifications (FS) for school year 2021-2022 data (FS 199, 200, 201, 202, 205, 206, and 212). OSPI acknowledged that it has had a difficult time submitting all the required CSPR data elements required in accordance with established deadlines, noting staffing issues as a major factor. When asked about its process to respond to feedback on data quality from the Department, OSPI wrote that it has a review process, but initially did not provide any documentation of this process. OSPI stated that it has a spreadsheet that tracks data quality issues, and these are assigned to different data stewards. The SEA provided follow-up documents showing the assignment of data stewards to different data. However, OSPI did not submit a formalized process document such as a standard operating procedures document showing a procedure for responding to the Department's data quality feedback.

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must submit evidence of a formalized process to address data quality feedback from the Department to ensure data submitted to the Department are of high quality.

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

Through its COVID-19 State plan Addendum approved on [June 14 2022](#), OSPI indicated that it was formally administering WIDA as its new English language proficiency (ELP) assessment beginning in the 2021-2022 school year. Prior to the 2021-2022 school year, OSPI administered ELPA21. However, OSPI indicated at the performance review that in addition to WIDA, OSPI administered the braille version of ELPA21 for visually impaired English learners (ELs) in the 2022-2023 school year and indicated that it plans to continue administering the braille version of ELPA21 in future school years.

Under ESEA section 1111(b)(2)(G), all ELs must participate in an annual ELP assessment that is aligned with the State's ELP standards. In addition, the ESEA requires that the annual ELP assessment be uniform, valid, reliable, and statewide, and provide coherent and timely information to parents about each student's attainment of the State's ELP standards (34 C.F.R. §200.6(h)(1)-(2)). OSPI's administration of ELP assessment from two different vendors (i.e., WIDA and ELP21) is inconsistent with ESEA section 1111(b)(2)(G) and 34 C.F.R. §200.6(h)(1)-(2).

REQUIRED ACTION

Within 60 business days of this report, OSPI must submit to the Department evidence that it will administer the braille form of an ELP assessment from the same vendor it uses for its regular ELP assessment (e.g., the braille form of WIDA in the 2023-2024 school year consistent with ESEA section 1111(b)(2)(G) and 34 C.F.R. §200.6(h)(1)-(2)).

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), and 8101(25)

ISSUE

Different Methodology for System of Annual Meaningful Differentiation

In its approved ESEA consolidated State plan, OSPI’s alternative methodology for annual meaningful differentiation for schools with only non-tested grades consists of two parts:

- Accountability indicator data (if available, based on the N size of 20 over 3 years); and
- A review of school improvement plans.

Specifically, when evaluating accountability indicators for these schools, OSPI will use the same 1–10 scale used for OSPI’s accountability framework. School improvement plans will be evaluated on a four (1–4) point scale using a rubric scoring process. Any school that receives a “1” in the improvement plan evaluation and has an indicator score(s) below the uniform threshold will be identified for comprehensive support and improvement (CSI). For any school that receives a “1” and has an indicator score(s) below the uniform threshold in one or more subgroups, the school will be identified for targeted support and improvement (TSI).

During the performance review, OSPI indicated that it reviews school improvement plans for all preschool through grade 2 (P-2) schools and provides feedback regarding the school improvement plans to those schools. However, OSPI noted that P-2 schools are not being identified for CSI, TSI, or additional targeted support and improvement (ATSI). In addition, OSPI did not describe how it reviews available indicator data consistent with its different methodology or provide any documentation that demonstrates the results of any review of school improvement plans for schools with only non-tested grades using its different methodology. OSPI has not demonstrated that schools with only non-tested grades are not included in the system of annual meaningful differentiation and, if applicable, identified for support and improvement, as required under ESEA section 1111(c)(4)(C) and (D).

Written Documentation for Valid Cohort Removals for Adjusted Cohort Graduation Rate

Under ESEA section 8101(23)(B) and (25)(B), a school or LEA must have written confirmation that a student has transferred, emigrated to another country, transferred to a prison or juvenile facility, or died. Appendix M of OSPI’s Comprehensive Education Data and Research System (CEDARs)

Appendices handbook is consistent with ESEA section 8101(23), (25) and 34 C.F.R. § 200.34(b) (i.e., the school withdrawal codes in the book are consistent with allowable cohort removals under the ESEA). However, the Department did not see evidence that the SEA requires an LEA to maintain official written documentation when a student is removed from a cohort. Although OSPI indicated that this is required, the State’s CEDARs handbook does not address the required documentation and the State’s consolidated monitoring protocol does not collect any documentation from LEAs regarding valid cohort removals. At the performance review, one LEA indicated that OSPI does not monitor for valid cohort removals.

Long-Term Goals for Extended-Year Graduation Cohort Rates

For purposes of calculating the Graduation Rate indicator, OSPI uses a four-year adjusted cohort graduation rate, for which a school receives a score between 1-10. A school may receive up to two additional points based on the percentage of students who graduate within the next three years (i.e., 5-, 6-, or 7- year adjusted-cohort graduation rate (ACGR)). The total amount of points a school may earn for this indicator is 10 points. This is consistent with OSPI’s 2022 business rules.

Although OSPI is using extended-year ACGRs in the calculation of its Graduation Rate indicator, it has not established long-term goals for its extended-year graduation rates in its approved ESEA consolidated State plan, as required under ESEA section 1111(c)(4)(A)(i)(bb)(BB) and 1111(c)(4)(B)(iii)(II).

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must submit to the Department evidence that:

1. OSPI updated its Washington School Improvement Framework Identification frequently asked questions (FAQ) document to include information regarding its approved methodology for annual meaningful differentiation for schools with only non-tested grades, as required under ESEA section 1111(c)(4)(C) and (D) or submit an amendment updating its alternate methodology.
2. OSPI provides guidance to all LEAs regarding the requirement to maintain official written documentation to support a valid cohort removal consistent with consistent with ESEA section 8101(23) and (25) and an updated monitoring protocol that includes this requirement.

In addition, following the 2023-2024 school year, OSPI must provide evidence that it implemented its approved methodology for annual meaningful differentiation for schools with only non-tested grades.

RECOMMENDATION

The Department recommends that OSPI submit an amendment to its ESEA consolidated State plan to include long-term goals and measurements of interim progress for each extended-year ACGR that is used in the calculation of the State’s Graduation Rate indicator. Please note that ESEA section 1111(c)(4)(A) requires that the extended-year ACGR long-term goals must be more rigorous than the long-term goals set for the four-year ACGR.

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), and 1111(d)(3)(A)

ISSUE

Comprehensive Support and Improvement Plans

ESEA section 1111(d)(1)(B)(i)-(v) require that each school identified for CSI develop and implement a support and improvement plan that:

- Is developed in partnership with stakeholders;
- Is informed by all indicators in the State’s accountability system including student performance against long-term goals;
- Includes evidence-based interventions;
- Is based on a school-level needs assessment;
- Identifies resource inequities to be addressed in the plan (which may include a review of LEA and school-level budgeting); and
- Is approved by the school, LEA, and SEA.

In addition, ESEA section 1111(d)(1)(B)(vi) requires that an SEA monitor and periodically review the implementation of CSI plans. The Washington State legislature requires all public schools in the State to complete a school improvement plan. OSPI makes available an optional school improvement plan template that is available to all LEAs and public schools in the State (i.e., the template available to CSI school is the same template available to a school that is not identified for improvement). OSPI also provided examples of completed school improvement plans. The template and completed school improvement plans demonstrate that evidence-based interventions are required to be included in the school improvement plan. In addition, during the performance review, OSPI indicated that LEAs and schools must select evidence-based interventions from OSPI’s menu of best practices. OSPI also requires that each school improvement plan must be approved by the LEA and school. However, at the time of the performance review, OSPI did not demonstrate that it requires schools identified for CSI to develop a support and improvement plan that:

- Is informed by all indicators in the State’s accountability system, including student performance against long-term goals;
- Is based on a school-level needs assessment;
- Identifies resource inequities to be addressed in the plan (which may include a review of LEA and school-level budgeting); and
- Is approved by the SEA.

In addition, OSPI does not approve support and improvement plans, including the school improvement plans of its CSI schools. Rather, after the school improvement plans are approved by the LEA and school, OSPI conducts mid-year and end-of-year reviews of school improvement plans of its CSI schools. OSPI provided examples of results of its mid-year and end-of-year reviews. While the State requires LEAs and schools to make changes to their approved plans as part of this review, OSPI does not review CSI plans that include the missing information described above. In addition, the State’s mid-year and end-of-year reviews do not relate to a school improvement plan approval process.

After the performance review, OSPI released an updated school improvement plan template and implementation guidance document for the 2023-2024 school year on its website. The new template requires each school improvement plan to be developed in partnership with stakeholders (e.g., the new template includes a section to list school leadership team members and parent and community partners) and to identify resource inequities to be addressed in the plan. In addition, the new template explicitly requires the school to include the results from its comprehensive needs assessment. This information was not included in the 2022-2023 school improvement plan template that was provided prior to the performance review. Although some required CSI plan information was found in the 2023-2024 school improvement plan template, OSPI still does not demonstrate that it requires schools identified for CSI to develop a support and improvement plan that:

- Is informed by all indicators in the State’s accountability system including student performance against long-term goals; and
- Is approved by the SEA.

Targeted Support and Additional Targeted Support and Improvement Plans

ESEA section 1111(d)(2)(B) requires each school identified for TSI and ATSI develop a support and improvement plan that:

- Is developed in partnership with stakeholders;
- Informed by all indicators in the State’s accountability system including student performance against long-term goals;
- Includes evidence-based interventions; and
- Is approved by the LEA prior to the implementation of such plan.

ESEA section 1111(d)(2)(C) requires that an ATSI plan identify resource inequities (which may include a review of LEA and school-level budgeting) to be addressed through implementation of such plans.

With respect to the TSI and ATSI plan requirements described above, OSPI’s school improvement plan template is optional for its LEAs and includes a section for evidence-based interventions only. As a result, OSPI did not demonstrate that it ensures that each LEA reviews and approves TSI and ATSI plans that include all required elements described above.

As noted above, after the performance review, OSPI released an updated school improvement plan template and implementation guidance document for the 2023-2024 school year on its website that requires the school and LEA to include information on parent and community partners and resources inequities (please see the final paragraph in the CSI plan sub-section above for information on the updates that OSPI made to its school improvement plan templates after the performance review). Although some information that is required in TSI and ATSI plans was found in the new school improvement plan template released after the performance review, OSPI still does not demonstrate that it ensures each LEA review and approves TSI and ATSI plans that are informed by all indicators in the State's accountability system, including student performance against long-term goals.

LEA Responsibilities for the Implementation of Targeted Support and Improvement Plans

Under ESEA section 1111(d)(2)(B)(v), each TSI plan must result in additional action following unsuccessful implementation of such plans after a number of years determined by the LEA and SEA. OSPI did not demonstrate that it ensures LEAs require that a TSI plan result in additional action following unsuccessful implementation of the plan.

More Rigorous State-Determined Actions

ESEA section 1111(d)(3)(A)(i)(I) requires that CSI schools that do not meet the State's exit criteria after a State-determined number of years take more rigorous State-determined actions. OSPI's ESEA consolidated State plan (see pages 51-53) describe its more rigorous interventions for such schools. During the performance review, OSPI described that it refers to those schools that must implement more rigorous State-determined actions as "Tier III plus" schools. The documentation provided by OSPI indicates that in order to be re-categorized as a Tier III plus school, the school must have been a Title I school in the most recent school year. As a result, OSPI only requires Title I CSI schools that do not meet the State's exit criteria to implement more rigorous State-determined actions after a State-determined number of years. However, the ESEA requires that all CSI schools (including non-Title I CSI schools that were identified due to a low-graduation rate) that do not meet the State's exit criteria must implement more rigorous State-determined actions. Because non-Title I schools that were identified for CSI due to low graduation rates are not required to implement more rigorous State-determined actions after not meeting exit criteria, OSPI does not meet ESEA section 1111(d)(3)(A)(i)(I).

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. OSPI currently does not have a procedure to periodically review resource allocation to support school improvement in each LEA in the State serving a significant number of schools identified for comprehensive, targeted, or additional targeted support and improvement.

REQUIRED ACTION

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

1. Evidence that OSPI established a process to review and approve each support and improvement plan for schools identified for CSI.

2. Evidence that CSI plans include all requirements under ESEA section 1111(d)(1)(B)(i) (e.g., an updated School Improvement Plan Implementation Guide or school improvement plan template). Specifically, OSPI must demonstrate that it requires and ensures that each CSI plan:
 - Is informed by **all** indicators in the State’s accountability system (e.g., the academic achievement indicator).
 - Identifies resource inequities to be addressed in the plan, which may include a review of LEA and school-level budgeting.
3. Evidence that OPSI ensures each LEA reviews and approves support and improvement plans for schools identified for TSI and ATSI that meets the requirements under ESEA section 1111(d)(2)(B) and (C) (e.g., an updated school improvement plan template for TSI and ATSI schools). Specifically, OSPI must demonstrate that it ensures each LEA reviews and approves support and improvement plans for TSI and ATSI schools that:
 - Are informed by **all** indicators in the State’s accountability system, including student performance against long-term goals.
 - For ATSI school only, identify resource inequities to be addressed throughout the implementation of the plan.
4. Evidence that OSPI ensures that each LEA monitors the implementation of support and improvement plans for schools identified for TSI and ATSI, including that each TSI plan must result in additional action following unsuccessful implementation of such plan after a number of years determined by the LEA [ESEA section 1111(d)(2)(B)(v)].
5. Evidence that non-Title I schools identified due to CSI-low graduation rates which do not meet exit criteria after a State-determined number of years result in more rigorous interventions (e.g., updated communication materials or business rules).
6. A timeline and plan for conducting resource allocation reviews in each LEA serving a significant number of CSI, TSI, or ATSI schools in the 2023-2024 school year.

In addition, in accordance with the State’s timeline and plan submitted in response to this required action, OSPI must submit evidence no later than September 2024 that it implemented this plan during the 2023-2024 school year (e.g., final procedures for reviewing resource allocation, sample documents from a completed resource allocation review with an LEA).

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), and 1111(d)(1)-(2)

ISSUE

Allocation of ESEA Section 1003 Funds

ESEA section 1003(b)(1)(A) requires an SEA to allocate no less than 95 percent of the amount reserved under ESEA section 1003(a) to LEAs to serve schools identified for CSI, TSI, or ATSI consistent with statutory requirements. Based on the documentation OSPI provided for fiscal year 2023, OSPI awarded only 60 percent of its funds reserved under ESEA section 1003(a) directly to LEAs serving schools identified for CSI, TSI, or ATSI. In addition to its allocations to LEAs, OSPI awarded section 1003 funds to Educational Service Districts (ESD) under its Statewide Improvement Network grant program and allocated a portion of its section 1003 reservation for leadership pilot programs, contracts, professional development for LEAs and contractors, and indirect costs.

As indicated above, the ESEA requires that no less than 95 percent of the amount reserved under ESEA section 1003(a) be allocated to LEAs to serve schools identified for CSI, TSI, or ATSI. As such, many of the activities that OSPI supported with these funds were not permissible. If an SEA plans to award less than 95 of its section 1003 reservation to LEAs, it may only do so to provide direct services to LEAs. Specifically, ESEA section 1003(b)(1)(B) requires an SEA to seek approval from LEAs to directly provide school improvement activities or arrange for the provision of school improvement activities through other entities. OSPI did not seek approval from its LEAs to directly provide school improvement activities or arrange for the provision of school improvement activities using funds under section 1003 through OSPI's ESDs.

In addition, indirect costs are not a permissible use of these funds. It is unclear if the contracts were used to provide services directly to identified schools or if the contracts supported broader initiatives and whether the SEA sought approval from the LEAs to directly provide services to identified schools.

Finally, during the LEA performance reviews, it was confirmed that ESDs provide support to all schools (i.e., identified and non-identified schools) which is not a permissible use of ESEA section 1003 funds. OSPI did not provide evidence that it communicated to ESDs that they must use section 1003 funds to only support schools that meet statutory requirements for the identification of CSI, TSI, and ATSI schools under ESEA section 1111(c) and 1111(d)(2)(C).

Eligibility for ESEA Section 1003 Awards

ESEA section 1003(b)(1)(A) requires the SEA to allocate section 1003 funds to an LEA to serve schools that meet statutory requirements for the identification of CSI, TSI, and ATSI schools under ESEA section 1111(c) and 1111(d)(2)(C). If the State chooses to identify additional schools (e.g., if the State identifies for CSI non-Title I schools that are performing similarly to Title I schools), the SEA may only award ESEA section 1003 funds to an LEA to serve those schools that meet the statutory definition of a CSI school (e.g., the lowest-performing 5 percent of Title I schools and all schools with a graduation rate below 67 percent). The ESEA requires each State to award ESEA section 1003 school improvement funds to LEAs to support schools.

As described in its ESEA consolidated State plan, OSPI identifies schools due to consistently low English learner progress as an additional statewide category of schools under ESEA section 1111(c)(4)(D)(ii). During the performance review, OSPI indicated that it awards such schools section 1003 funds.

ESEA Section 1003 Application Requirements

Under ESEA section 1003(e), an LEA must submit an application to the SEA that, at a minimum, includes the information under ESEA section 1003(e)(1)-(2), in order to receive a sub-award under ESEA section 1003(b)(1). LEAs in Washington apply for funds under ESEA section 1003 through OSPI's iGrants system.

While OSPI's application includes some assurances related to monitoring schools that receive section 1003 funds and requires a description for the LEA to describe how it will monitor the progress of a school's support and improvement plan, the following requirements are missing from OSPI's LEA iGrants 1003 application form:

A **description** of how the LEA will carry out its responsibilities under ESEA section 1111(d) (i.e., with respect to comprehensive and targeted support and improvement plans) for the schools it will serve with section 1003 funds, including how the LEA will —

- Develop comprehensive support and improvement plans under section 1111(d)(1) for schools receiving funds;
- Support each school developing or implementing a targeted support and improvement plan for which the LEA receives section 1003 funds;
- Align other Federal, State, and local resources to carry out the activities supported with section 1003 funds; and
- As appropriate, modify practices and policies to provide operational flexibility, including with respect to school budgeting and staffing, that enables full and effective implementation of comprehensive or targeted support and improvement plans.

The application also does not include an assurance that each school the LEA proposes to serve will receive all of the State and local funds it would receive in the absence of section 1003 funds.

Monitoring and Evaluating the Use of ESEA Section 1003 Funds

ESEA section 1003(b)(2)(B) requires an SEA to monitor and evaluate the use of funds by an LEA receiving an award under ESEA section 1003(b)(1)(A). During the performance review, OSPI indicated that after an application for section 1003 funds is approved, OSPI may monitor and evaluate an LEA's

use of section 1003 funds through its consolidated program review (CPR) process. However, OSPI's CPR webpage and resources do not include that the use of section 1003 funds during the ESEA Title I, Part A portion of OSPI's CPR.

REQUIRED ACTION

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

Allocation of ESEA Section 1003 Funds

1. For fiscal year 2023, it has adjusted its ESEA section 1003(a) allocation amounts so that no less than 95 percent of the amount has been awarded to eligible LEAs serving schools that are identified for CSI, TSI, or ATSI consistent with statutory requirements.
2. It has either:
 - a. Awarded not less than 95 percent of funds reserved under ESEA section 1003 to LEAs, consistent with the requirements under ESEA section 1003(b)(1)(A) for fiscal year 2024; or
 - b. If OSPI plans to arrange for the provision of CSI, TSI, and ATSI activities under ESEA section 1111(d) through its ESDs, then OSPI must submit evidence that:
 - i. It has established a process to seek formal approval from LEAs to arrange for the provision of CSI, TSI, and ATSI activities through ESDs.
 - ii. It has communicated to ESDs that have received section 1003 funds that such funds may be used only to support schools that meet statutory requirements for the identification of CSI, TSI, and ATSI schools under ESEA section 1111(c) and 1111(d)(2)(C) (i.e., ESDs may not use section 1003 funds to support any school that does not meet the ESEA's statutory definition of a CSI, TSI, or ATSI school).

Eligibility for ESEA Section 1003 Awards

3. OSPI revised its methodology and applicable guidance regarding awarding funds under ESEA section 1003 to clearly indicate that LEAs may only serve schools that meet statutory requirements for the identification of CSI, TSI, and ATSI schools under ESEA section 1111(c) and 1111(d)(2)(C).

ESEA Section 1003 Application Requirements

4. OSPI revised its LEA application for ESEA section 1003 funds to require a description of how the LEA will:
 - a. Develop comprehensive support and improvement plans under section 1111(d)(1) for schools receiving funds.
 - b. Support each school developing or implementing a targeted support and improvement plan for which the LEA receives section 1003 funds.
 - c. Align other Federal, State, and local resources to carry out the activities supported with section 1003 funds.
 - d. As appropriate, modify practices and policies to provide operational flexibility, including with respect to school budgeting and staffing, that enables full and effective implementation of comprehensive or targeted support and improvement plans.
5. The revised application includes an assurance that each school the LEA proposes to serve will receive all of the State and local funds it would receive in the absence of section 1003 funds.

Monitoring and Evaluating the Use of ESEA Section 1003 Funds

6. OSPI has included the use of ESEA section 1003 funds as part of its CPR process (e.g., modifications to OSPI's CPR webpage and applicable guidance documents) or established a separate monitoring process for these funds.

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), and 1111(h)

EDGAR 34 C.F.R. § 200.11

ISSUE

OSPI's State and local report cards for the 2021-2022 school year did not include all required information under ESEA section 1111(h)(1)-(2). Specifically, OSPI's State and local report cards for the 2021-2022 school year do not include the following:

- **ESEA section 1111(h)(1)(C)(ii)** – 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). Although OSPI's State report card includes the required information, the LEA report cards do not include how achievement in the LEA compares to the State as a whole, and at the school-level, how achievement in the school compares to the LEA;
- **ESEA section 1111(h)(1)(C)(vii)** – Percentages of students assessed and not assessed in each subject (i.e., participation rates);
- **ESEA section 1111(h)(1)(C)(xi)** – Extent of use of alternate assessment aligned with alternate academic achievement standards (AA-AAAS) for students with the most significant cognitive disabilities (i.e., number and percentage of students assessed on AAAA-AS, by grade and subject);
- **ESEA section 1111(h)(1)(C)(vi)** – Progress toward State-designed long-term goals, including measurements of interim progress;
- **ESEA section 1111(h)(1)(C)(iii)(I)** – Performance on the Other Academic indicator (OSPI uses Student Growth Percentiles for reading/language arts and mathematics, as indicated in its ESEA consolidated State plan);
- **ESEA section 1111(h)(1)(C)(xiii)** – Postsecondary enrollment rates for each high school (if available) Although OSPI posted some postsecondary enrollment data, postsecondary enrollment rates for public and private and out of-state institutions must be disaggregated by subgroup, if available;
- **ESEA sections 1111(h)(1)(C)(xii) and (h)(2)(C)** – State performance on the National Assessment of Educational Progress (NAEP) for mathematics and reading, grades 4 and 8 on the:
 - Statewide NAEP participation rates for children with disabilities and English learners; and

- LEA report cards must include only the following information: the percentage of students at each NAEP achievement level (below basic, basic, proficient, and advanced) in the aggregate and the participation rate for children with disabilities and English learners.
- **ESEA section 1111(h)(1)(C)(i)(I)-(IV)** – Clear and concise description of State accountability system
 - Minimum number of students (i.e., n-size) for use in accountability system;
 - Long-term goals;
 - Measurements of interim progress;
 - Indicators to meaningfully differentiate all public schools in the State;
 - System for meaningful differentiation among schools;
 - Specific weight of the accountability indicators;
 - Method of identifying schools as consistently underperforming, including time period the State uses to determine consistent underperformance; and
 - Method of identifying schools for comprehensive support and improvement.
- **ESEA section 1111(h)(1)(C)(i)(VI)** – Exit criteria established by the State for:
 - Schools identified for comprehensive support and improvement; and
 - Schools identified for additional targeted support and improvement, including the number of years after which, if the exit criteria are not satisfied, in the case of Title I schools, such schools will be identified for comprehensive support and improvement.
- **ESEA section 1111(h)(1)(C)(viii)(I)** – Civil Rights Data Collection (CRDC) data. Although OSPI has linked to data from the 2015-2016 school year, OSPI must include CRDC data from the most recent school year (i.e., from the 2017-2018 school year) for the following elements:
 - School climate;
 - In-school suspensions;
 - Out-of-school suspensions;
 - Expulsions;
 - School-related arrests;
 - Referral to law enforcement;
 - Chronic absenteeism (excused and unexcused); and
 - Incidents of violence (including bullying and harassment).
- **ESEA section 1111(h)(1)(C)(viii)(II)** – Other CRDC data. Although OSPI has linked to data from the 2015-2016 school year, OSPI must include CRDC data from the most recent school year (i.e., from the 2017-2018 school year) for the following elements:
 - Number of students enrolled in preschool programs; and
 - Number and percentage of students enrolled in accelerated coursework (e.g., Advanced Placement and International Baccalaureate).

Under ESEA section 1111(h)(1)(B), information on report cards must be presented in an understandable and uniform format and widely accessible to the public, which shall include making it available on a single webpage of the State’s website. OSPI’s State report card currently includes a link to a separate database where users can search for the information listed below. Consistent with ESEA section 1111(h)(1)(B), OSPI must include this information on its State report card.

- **ESEA Section 1111(h)(1)(C)(i)(V)** – The number and names of all schools identified for comprehensive support and improvement, targeted support and improvement, and additional targeted support and improvement.

Please note that the following information was not available on State and local report cards during the Department's review in March 2023 but were subsequently resolved prior to the release of this report:

- **34 C.F.R. § 200.6(i)(1)(iii)** – As applicable, the number of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State accountability system indicators.
- **ESEA section 1111(h)(1)(C)(iv)** – English language proficiency of English learners (i.e., number and percentage of English learners achieving English language proficiency as measured by the State's English proficiency assessment)

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must submit to the Department evidence that its State and local report cards for the 2021-2022 school year include all required reporting elements consistent with ESEA section 1111(h).

After publication of report cards for the 2022-2023 school year in fall 2023, OSPI must provide evidence (e.g., providing links to published report cards, screenshots) that its State and local report cards for the 2022-2023 school year include all required report card elements consistent with ESEA section 1111(h).

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

SEA Review of LEA Policy

ESEA section 1116(a)(2) outlines the requirements for LEA parent and family engagement policies. Under ESEA section 1116(h), the SEA is required to review the LEA's parent and family engagement policies and practices to determine if the policies and practices meet the requirements of ESEA section 1116. OSPI indicated that up until 2019 it reviewed LEA and school parent and family engagement policies as part of its CPR; now it provides guidance and a rubric for the LEAs to use to develop and evaluate their parent and family engagement policies. During the Department's review of the LEAs included in this review, we noted that one LEA's parent and family engagement policy reiterates the ESEA statutory requirements rather than describing how the LEA would meet the requirements. For example, the policy indicates that the LEA will "conduct an annual evaluation of the content and effectiveness of this policy in improving the academic quality of all Title I schools" using the same language that appears in ESEA section 1116(a)(2)(D) but it does not describe how it will conduct that evaluation.

Distribution of Reservation

ESEA 1116(a)(3)(C) requires that not less than 90 percent of the 1 percent of funds the LEA reserved for parent and family engagement shall be distributed to Title I schools, with priority given to high-need schools. OSPI's *Title I Part A Program Guide* clearly describes this requirement. However, OSPI's CPR does not include this requirement and one of the LEAs included in this review submitted evidence indicating that it distributed less than 90 percent of its parent and family engagement funds to schools.

REQUIRED ACTION

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

1. Guidance and resources for LEA parent and family engagement policies to clearly indicate that each LEA must describe how it will meet the requirements under ESEA section 1116(a)(2) rather than simply reiterating the requirements.

2. Monitoring protocol or other procedures to ensure that:
 - a. The SEA reviews LEA parent and family engagement policies to determine if the policies and practices meet the requirements of ESEA section 1116.
 - b. Each LEA distributes not less than 90 percent of the funds reserved for parent and family engagement to Title I schools, with priority given to high-need schools as required by ESEA section 1116(a)(3).

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

For purposes of allocating Title I funds within an LEA, ESEA section 1113(a)(3)(A) requires the LEA to first allocate, in rank order of percentage of poverty, Title I funds to its schools above 75 percent poverty, including any middle schools or high schools. Thus, before an LEA can decide how to determine eligibility for any school with a poverty percentage that does not exceed 75 percent, it must allocate Title I funds to all its schools above 75 percent poverty. During the Department’s review of one of the five LEA applications, we found one instance where an educational unit (i.e., a school or program) with 77 percent of its students eligible for free or reduced-price lunch (the measure of poverty used in the LEA) did not receive a Title I allocation and other schools with lower poverty percentages did receive Title I funds. During the performance review, OSPI indicated that this was because the LEA identified the educational unit as a “program” rather than a school and thus was not part of the LEA’s ESEA section 1113 ranking and allocations procedures for allocating funds to school attendance areas and schools. OSPI also indicated that it does not currently have consistent State procedures for determining what qualifies as a school and that it is currently working to develop procedures to distinguish between a school versus a program. Absent this information, an LEA may not be able to meet the requirements of ESEA section 1113 because it may not include all of its schools in its rankings.

The ESEA defines a “school” (i.e., an elementary, secondary, or high school) by referencing determinations under State law. ESEA section 8101(19) defines an elementary school as a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. Similarly, ESEA section 8101(45) defines a secondary school as a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term

does not include any education beyond grade 12. Additionally, ESEA section 8101(28) defines a high school as a secondary school that grants a diploma, as defined by the State, and includes, at least, grade 12.

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI must submit to the Department evidence that it has procedures for determining what constitutes a school in order to ensure that an LEA includes all of its schools in the LEA's within-district allocation procedures under ESEA section 1113 to identify which schools are eligible for and receive Title I funds.

OTHER TITLE I REQUIREMENTS – EDUCATOR EQUITY & PARAPROFESSIONAL QUALIFICATIONS

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.

Each State must ensure that all teachers and paraprofessionals working in a Title I program meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Each State must have professional standards for paraprofessionals working in a program supported with funds under Title I, including qualifications that were in place on the day before the date of enactment of the Every Student Succeeds Act.

ESEA §§ 1111(g) and 1112

ISSUE

Educator Equity

ESEA section 1111(g)(1)(B) requires that a State plan describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers, and the measures the State will use to evaluate and publicly report the progress of the State with respect to such description. Regarding the requisite State plan description, Washington’s ESEA consolidated State plan does not currently describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective teachers. Although the State plan includes a table on pages 71 to 73 for such information, in lieu of actual data for ineffective teachers, the State plan includes “N/A.”

Regarding the requirement to evaluate and publicly report on progress, on Washington’s State report cards and in the related data downloads, OSPI publicly reports information on out-of-field teachers, teachers with provisional credentials, and inexperienced teachers. However, the State report card does not include any information on ineffective teachers nor does OSPI publicly report its progress toward 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. Please note that the State and local report card requirement for educator information in ESEA section 1111(h)(1)(C)(ix) is different than the information required for ESEA consolidated State plans under ESEA section 1111(g)(1)(B).

Further, ESEA section 1112(b)(2) requires each LEA receiving a Title I, Part A subgrant to “identify and address, as required under State plans as described in section 1111(g)(1)(B), 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.” Washington’s local report cards and related data downloads provide some information on out-of-field and inexperienced teachers in the LEA. However, consistent with the description above, OSPI’s local report cards do not include any information on ineffective teachers nor do they include information on disparities that result in low-income and minority children in Title I schools being taught at higher rates than other students by ineffective, out-of-field, and inexperienced teachers. Additionally, OSPI was unable to provide any information on how LEAs identify and address such disparities consistent with requirements.

Paraprofessional Qualifications

ESEA section 1111(g)(2)(M) requires each State to have professional standards for paraprofessionals working in a program supported with funds under Title I, including qualifications that were in place on December 9, 2015 (the day before the date of enactment of the Every Student Succeeds Act). As such, each State must ensure that its LEAs and schools continue to comply with the paraprofessional requirements in place on December 9, 2015, including those requirements under section 1119(c) and (d) of the ESEA, as amended by the No Child Left Behind Act of 2001 [see also [34 C.F.R. § 200.58](#)], and any State-specific requirements for paraprofessionals.

Specifically, each State and its LEAs must continue to ensure that each paraprofessional who is hired by the LEA and works in a program supported by Title I funds has a secondary school diploma or its recognized equivalent and has completed at least two years of study at an institution of higher education, obtained an associate's or higher degree, or met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment, knowledge of, and the ability to assist in instructing reading, writing, and mathematics. (This information is also available in question C-7a of the “Transitioning to the Every Student Succeeds Act (ESSA)” here: <https://www2.ed.gov/policy/elsec/leg/essa/essatransitionfaqs11817.pdf>).

Although OSPI’s multiple guidance documents on Title I requirements provide accurate information on these requirements to schools and LEAs, the State does not have any other processes in place to ensure that paraprofessionals working in a Title I program meet the qualifications required by the ESEA. For example, as part of its subrecipient monitoring procedures, the State reviews information on teacher qualifications but does not include a similar item to ensure that paraprofessionals meet qualifications. During the performance review, OSPI indicated that it was in the process of transitioning the monitoring of teacher qualification requirements from the Title II section to the Title I section.

REQUIRED ACTION

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

1. A timeline and plan for submitting an ESEA consolidated State plan amendment to include a description of how low-income and minority children in Title I schools are not served at disproportionate rates by ineffective teachers consistent with the requirements in ESEA section 1111(g)(1)(B).
2. Evidence that OSPI 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 consistent with the requirements in ESEA section 1111(g)(1)(B) (if OSPI is not able to provide the requisite evidence for ineffective teachers

within 60 business days, it may, as an interim action, provide a plan and a timeline for providing this evidence for ineffective teachers).

3. Evidence that OSPI requires LEAs to identify and address any disproportionate rates of access to ineffective, out-of-field, and inexperienced teachers for low-income and minority students in Title I schools consistent with the requirements in ESEA section 1112(b)(2).
4. Evidence that OSPI has procedures for ensuring that all paraprofessionals working in a Title I program meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification (e.g., the State may update its subrecipient monitoring procedures or an existing data collection, if applicable, on paraprofessional qualifications to address this requirement).

Once OSPI has the necessary teacher information and no later than February 1, 2024, OSPI must submit an amendment to its approved ESEA consolidated State plan to include the description of how low-income and minority children in Title I schools are not served at disproportionate rates by ineffective teachers consistent with the requirements in ESEA section 1111(g)(1)(B).

RECOMMENDATION

When OSPI submits its State plan amendment to include information on ineffective teachers, the Department recommends that OSPI update its tables in its ESEA consolidated State plan (on pages 71 to 73) to include data from a more recent school year on ineffective, out-of-field, and inexperienced teachers. Currently, Washington's State plan includes information from school years 2013-2014, 2014-2015, and 2015-2016.

EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE – LEA 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)

ISSUES

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. While OSPI requires an assurance that LEAs adopt and implement local transportation procedures, OSPI indicated that it does not require LEAs to develop written procedures to describe how transportation for students in foster care will be provided, arranged, and funded. During the interviews, LEAs confirmed that they rely on informal transportation arrangements rather than having written transportation procedures.

REQUIRED ACTION

Within 60 business days of receiving this report, OSPI 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. OSPI must also provide evidence that it has informed subgrantee LEAs about the Title I, Part A requirements related to transportation procedures for students in foster care.

Title II, Part A

PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS: SEA-LEVEL FUNDS

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 SEAs 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 the 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)).

While OSPI uses data in making decisions about which activities to provide with State-level Title II, Part A funds, it does not engage in consultation with all groups of required stakeholders in order to update and improve activities funded with State-level Title II, Part A funds. Decisions about what to do with State-level Title II, Part A funds are made primarily by OSPI staff; OSPI provided no evidence that other stakeholder groups, such as teachers, principals, other school leaders, 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, OSPI must submit to the Department 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.

PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS: SEA-LEVEL FUNDS

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

Issue I

When the SEA uses State-level Title II, Part A funds for purposes where an evidence base is needed (e.g., opportunities for effective teachers to lead evidence-based professional development (2101(c)(4)(B)(v)(I), evidence-based mentoring and induction activities (2101(c)(4)(B)(vii)(III), or other evidence-based activities that meet the purpose of Title II, Part A (2101(c)(4)(B)(xxi)), the SEA must ensure that the funds are used in an evidence-based manner. OSPI distributes State-level funds used for professional development through an application process; the form used to apply for funds does not require applicants to discuss the evidence base for funded professional development interventions, nor did OSPI provide evidence that it monitors professional development funded with State-level Title II funds to ensure that they are carried out in an evidence-based manner.

Issue II

ESEA section 8101(42) defines professional development as sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. When an SEA uses State-level Title II, Part A funds for professional development activities authorized under ESEA section 2101(c)(4), the SEA must ensure that these activities meet the statutory definition. In regard to professional development funded with State-level Title II, Part A funds, OSPI provided no evidence that it ensures that professional development interventions selected by the SEA and funded with Title II, Part A funds meet the statutory professional development definition. OSPI distributes State-level funds used for professional development through an application process; the form used to apply for funds does not require applicants to discuss how funded professional development interventions, including those provided for equitable services for private schools (generally provided via a short-term annual conference) will

conform to the statutory definition, nor did it provide evidence that it checks for compliance in monitoring activities funded with State-level Title II funds.

REQUIRED ACTION

OSPI did not meet the requirements that professional development funded with State-level Title II, Part A funds be evidence-based (section 2101(c)(4)(B)(v)(I)) and conform to the professional development definition in section 8101(42) of the ESEA in the fiscal years covered by the monitoring visit. Subsequent to the monitoring visit, OSPI provided documentation showing that it has revised the form used to apply for State-level Title II, Part A professional development funds. The updated form will require future applicants for funds to show that proposed professional development activities are evidence-based, as required by section 2101(c)(4)(B)(v)(I). The updated form will also require future applicants for funds to show that proposed professional development activities conform to the professional development definition in section 8101(42) of the ESEA. By providing this documentation, OSPI has ensured that going forward, the SEA will not approve the use of State-level Title II, Part A funds for professional development activities that are not evidence-based and that do not conform to the statutory definition.

While OSPI has added these requirements to its application for State-level funds, it has not indicated how it will follow up with successful applicants through monitoring or by other means to ensure that they carry out evidence-based activities that conform to the statutory professional development definition. Within 60 business days of receiving this report, OSPI must submit to the Department a plan and a timeline that shows the following:

1. How OSPI will ensure that when successful applicants for State-level Title II, Part A funds propose to use State-level Title II, Part A funds for professional development, that the activities are evidence-based and that the applicants carry out the activities in a manner consistent with the evidence provided in the application, and
2. How OSPI will ensure that professional development activities funded with State-level Title II, Part A are carried out in a manner that conforms to the statutory definition of professional development and to the descriptions provided in the application form.

PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS: LEA-LEVEL FUNDS

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

Issue I

Section 2102(b)(3) of the ESEA requires that, in order to continually update and improve Title II, Part A LEA-level activities, LEAs must “meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in an LEA 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 [Title II, Part A].” In its application for funds, OSPI requires LEAs to indicate only that they have consulted with some of the required stakeholders and does not ensure that LEAs consult with other required stakeholder groups about how to meet the purposes of the Title II, Part A program. OSPI does not ask LEAs to provide evidence that they have consulted with all stakeholder groups in monitoring.

Issue II

ESEA section 2102(b)(2)(C) requires LEAs that receive Title II, Part A funds to give priority to the needs of schools identified for comprehensive or targeted support and improvement and to children in poverty or children who are neglected or delinquent when determining how to use program funds. OSPI provided no evidence that it ensures that LEAs engage in such prioritization. OSPI did not provide evidence that it asks LEAs to address this requirement in their applications for funding, nor did OSPI provide evidence that it checks on implementation of this requirement in monitoring.

Issue III

ESEA section 2001(1) requires that Title II funds be used for purposes that “increase student achievement consistent with challenging State academic standards.” OSPI provided no evidence that it consistently ensures that LEAs use Title II, Part A funds for activities that are likely to increase student achievement. While OSPI has asked LEAs to comment in the application for funds about how professional development activities are expected to affect classroom practice and student achievement and how class size reduction will improve achievement, OSPI has not asked for similar information about all types of Title II, Part A funded activities.

Issue IV

When LEAs spend local Title II, Part A funds for purposes where an evidence base is needed (e.g., reducing class size to an evidence-based level (section 2103(a)(3)(D)), providing teachers and school leaders with evidence-based professional development (section 2103(a)(3)(E)), or other evidence-based activities that meet the purpose of Title II, Part A (section 2103(a)(3)(P)), the SEA ensures that the LEA activities are evidence-based. When LEAs propose to use Title II, Part A funds for the purpose of class size reduction, OSPI requires them to include information about the grade levels at which the class size reduction teachers will teach in their applications for program funds and provide data showing that class size reduction has been effective in improving student achievement. OSPI does not, however, require LEAs to discuss or describe the research base for any professional development interventions that they carry out with Title II funds these interventions, nor does OSPI examine the research base for Title II, Part A funded professional development or class size reduction interventions in monitoring. As a result, OSPI does not know if LEAs are using evidence-based-based inventions, as required.

Issue V

ESEA section 8101(42) defines professional development as sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. When an LEA uses Title II, Part A funds for professional development activities authorized under ESEA section 2103(b)(3), the SEA must ensure that these activities meet the statutory definition. OSPI 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. OSPI 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 Washington use Title II, Part A funds for what the LEAs define as 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. ESEA section 8101(42) defines professional development as sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. When an LEA uses Title II, Part A funds for professional development activities authorized under ESEA section 2103(b)(3), the SEA must ensure that these activities meet the statutory definition. OSPI 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. OSPI 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 Washington use Title II, Part A funds for what the LEAs define as 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

OSPI did not meet the above Title II, Part A requirements in the fiscal years covered by the monitoring visit. Subsequent to the monitoring visit, OSPI provided documentation showing that it has revised the Title II, Part A section of its LEA consolidated application to address the deficiencies. In future years, the revised form will require LEAs to provide the following information in their annual application for Title II, Part A funds:

- LEAs must indicate that they have consulted, for the purpose of improving and updating the Title II, Part A program, with all the stakeholder groups required by section 2102(b)(3) of the ESEA.
- LEAs must describe how proposed activities will prioritize the needs of comprehensive and targeted support schools and high-need students as required by section 2102(b)(2)(C).
- LEAs must discuss how proposed activities will have an “expected substantial, measurable, and positive impact” (section 2001(1)) on student performance.
- LEAs must show that proposed professional development activities are evidence-based, as required by section 2103(a)(3)(E).
- LEAs must show that proposed professional development activities conform to the statutory professional development definition (section 8101(42)), as required.

While OSPI has added these requirements to its LEA consolidated application form, it has not indicated how it will verify, through monitoring or by other means, that LEAs will carry out the above provisions included in future applications for program funds. Within 60 business days of receiving this report, OSPI must submit to the Department a plan and a timeline that shows how it will ensure that LEAs carry out the activities described in their applications. The plan must, at minimum, address the following:

1. How OSPI will verify that LEAs consulted, for the purpose of improving and updating the Title II, Part A program, with the full range of required stakeholders identified in their applications;
2. How OSPI will verify that LEAs gave priority to the needs of schools identified for comprehensive or targeted support and improvement and to children in poverty or children who are neglected or delinquent, as described in their approved applications;
3. How OSPI will verify that program funds are used in a manner that improves student achievement (The revised application indicates that LEAs will be expected to use measures discussed in the application as a means of measuring progress in end-of-year reporting to the SEA, but it is not clear how OSPI will carry out this reporting);
4. How OSPI will ensure that when LEAs propose to use Title II, Part A funds for professional development that the activities are carried out in an evidence-based manner and that the applicants carry out the activities as approved; and

5. How OSPI will ensure that LEA professional development activities funded with Title II, Part A funds conform to the statutory definition of professional development.

Title III, Part A

LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

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 and immigrant children and youth.

Through document review and during the interview, OSPI noted that Washington has requirements for certain teachers of ELs to be EL endorsed. According to [RCW 28A.180.040](#): “Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for eligible pupils must hold an endorsement in bilingual education or English language learner, or both.” OSPI noted that it permits professional development to secure EL endorsement to be paid for using Title III funds.

Concerning general education teachers, according to [WAC 392-160-010](#): school boards “shall provide effective professional development training of sufficient duration and depth for administrators, teachers, counselors, and other staff on bilingual program models, and/or district's alternative instructional program, appropriate use of instructional strategies and assessment results, and curriculum and instructional materials for use with culturally and linguistically diverse students.”

Pursuant to ESEA section 3115(g), Title III funds may not be used to pay the costs of activities that are required by law. Therefore, 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, OSPI 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 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.

RECOMMENDATION

OSPI could address this requirement, in part, by revising its guidance in Chapter 10 of the *Washington State Multilingual English Learners: Policies and Practices Guide* that addresses allowable uses of Title

III funds for professional learning activities to note that Title III funds may not be used for activities that are required by law.

Title IV, Part A

SEA SUBGRANTING

REQUIREMENT SUMMARY

Description: From the total amount of Title IV, Part A funds available to LEAs, an SEA must allocate Title IV, Part A funds to LEAs based on the amount of Title I, Part A funds received by LEAs for the preceding fiscal year.

ESEA §§ 4104(a)(1), 4105(a)

ISSUE

As described above in the SSA Cross-cutting Financial and Programmatic Allocations section, OSPI's procedures for calculating its allocations under Title I, Part A were missing steps consistent with ESEA requirements and regulations. Under ESEA section 4105(a), from the total amount of Title IV, Part A funds available to LEAs under ESEA section 4104(a)(1), an SEA must allocate Title IV, Part A funds to LEAs based on the amount of Title I, Part A funds received by LEAs for the preceding fiscal year.

REQUIRED ACTION

After the Department reviews OSPI's revised FY 2022 Title I, Part A allocation calculations that shows the difference between the revised calculations and the previous calculations for each LEA, the Department may require OSPI to take action regarding its Title IV, Part A allocations. There is no further action required at this time.

Met Requirements with Recommendation

Financial Management & Cross Cutting

EQUIPMENT AND SUPPLIES MANAGEMENT

REQUIREMENT SUMMARY

Description: An SEA shall use, manage, and dispose of equipment and supplies purchased using Federal funds in accordance with all relevant State laws and procedures. SEAs shall also ensure that equipment and supplies are used only for authorized purposes of the project during the period of performance (or until no longer needed).

Uniform Guidance 2 C.F.R. §§ 200.313, and 200.314

Government Accountability Office's "Standards for Internal Control in the Federal Government" (GAO Green Book Principle 10.03

ISSUE

OSPI has a Fixed Asset Inventory Policy in place. For Fixed Assets with unit cost less than \$5,000 and greater than \$300, which are also referred to as small and attractive assets, OSPI records these items in the agency internal inventory records. For fixed assets with a unit cost greater than \$5,000, OSPI records these items in the Capital Asset Management System (CAMS). OSPI completes annual inventories. OSPI was unable to provide a copy of the findings or results from its last annual inventory because it surveys programs and collects the information and updates in its inventory workbook.

In addition, as it relates to disposition or removal of fixed assets from inventory, OSPI's Purchasing Office is responsible for approving Property Disposal Request (Form SF267a) for the disposal of property. While the policy includes who is responsible for approving the disposition of property, it does not include instructions for the disposal of property with unit cost less than \$5,000 and greater than \$300, which are also referred to as small and attractive assets, or for fixed assets with a unit cost greater than \$5,000, which were to be recorded in the CAMS.

RECOMMENDATION

The Department recommends that OSPI:

1. Adopts a process to ensure that annual inventories of equipment and supplies are completed;
2. Adopts a process to ensure that it maintains the findings and results from its annual inventories; and
3. Strengthen its policies and procedure to include specific instructions for the disposition of assets with unit cost less than \$5,000 and greater than \$300, which are also referred to as small and attractive assets or for fixed assets with a unit cost greater than \$5,000, which were to be recorded in the CAMS.

Cross-Cutting Financial & Programmatic

DATA QUALITY: INTERNAL CONTROLS AND DATA REVIEW PROCESS

REQUIREMENT SUMMARY

Description: An SEA is required to have appropriate procedures in place to ensure that the data reported to the public and the U.S. Department of Education are high quality (i.e., timely, complete, accurate, valid, and reliable).

ESEA §§ 1111(h)(5), 8101(23) and (25), 8303, and 8304(a)(6)(A)

EDGAR 34 C.F.R. §§ 76.720 and 76.770

Government Accountability Office's "Standards for Internal Control in the Federal Government" (GAO Green Book)

Uniform Guidance 2 C.F.R. §§ 200.303 and 200.329(b)

ISSUE

Uniform Guidance 2 C.F.R. 200.303 requires an SEA to establish and maintain effective internal controls over Federal awards. As part of these internal controls, an SEA should have appropriate procedures in place to ensure that data reported to the public and to the Department are high quality. "High quality" is defined as timely, complete, accurate, valid, and reliable. OSPI has several ways that it works to ensure data LEAs submit are of high quality. The systems it uses for data collection run checks of business rules on data LEAs submit. Data quality issues are then relayed automatically through the system back to the LEAs. LEAs make the changes within the system and resubmit data. OSPI provided examples of emails from the SEA to an LEA about a data quality issue. The SEA gave examples of how program offices require LEAs to certify data. OSPI also submitted information about its subrecipient monitoring process, the Consolidated Performance Review (CPR). The CPR is used to monitor multiple programs at once at the LEA level in order to improve programs and student outcomes. However, the CPR checklist provided did not include a section on data quality.

RECOMMENDATION

To ensure data are of high quality, the Department recommends OSPI include in its subrecipient monitoring protocol data submission and review questions. OSPI described that program offices often require annual certification of data, which provides some assurance that data submissions will be high-quality. By including data quality reviews in regular subrecipient monitoring, OSPI could provide more targeted assistance to LEAs while also identifying and commending LEAs doing an outstanding job in this area.

Title I, Part A & Title I, Part B

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 §§ 1111I(4)(D), 1111I(4)I(iii), 1111(d)(2)I-(D), and 1111(d)(3)(A)(i)(II)

ISSUE

Washington’s approved ESEA consolidated State plan does not contain information regarding how it considers both the *Title I* threshold and *all schools* threshold when identifying schools for targeted support and improvement due to consistently underperforming subgroups (TSI). For example, page 48 of Washington’s ESEA State plan states that “Washington will define consistently underperforming subgroups as any subgroup whose multiple measures score falls below the threshold set by the ‘All students’ comprehensive support identification.”

While OSPI is identifying TSI schools consistent with its approved methodology, the information quoted above does not specify that, for purposes of identifying TSI schools, OSPI uses the *all schools* threshold that was used to identify schools for CSI for State purposes. The Department understands that OSPI also uses the Title I threshold to identify CSI schools for purposes of identifying the lowest-performing five percent of Title I schools.

RECOMMENDATION

The Department recommends that OSPI submit an amendment to update the information in its ESEA consolidated State plan to include the information described above (i.e., specific information regarding how both the *Title I* and *all schools* thresholds play a role in how OSPI identifies schools for TSI.

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), and §1111(g)

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

ISSUE

Comprehensive Needs Assessment

OSPI provides multiple guidance documents and templates for schools to use when developing schoolwide program plans (e.g., *Title I, Part A & LAP Program Guide*, *Title I, Part A Fiscal Handbook*, and plan templates, instructions, and resources available on the “Title I, Part A Program Models” page of the State website). OSPI also provides a “Comprehensive Needs Assessment (CNA) Toolkit” that schools may use when developing their schoolwide plan, school improvement plan, or other plans. The State also provides a schoolwide plan template and instructions on its website and a consolidated school improvement plan template (i.e., one that a school may use for a schoolwide plan, targeted assistance plan, or school improvement plan).

None of OSPI’s guidance, templates, or tools currently available on the State’s website appear to reference the requirement that a schoolwide plan must be developed based on a comprehensive needs assessment that particularly takes into account the needs of children who are failing or at-risk of failing to meet challenging State academic standards (ESEA section 1114(b)(6)). During the Department’s review, one of OSPI’s submitted documents included directions for completing a schoolwide plan included language about this requirement for needs assessments. As part of its subrecipient monitoring procedures (i.e., CPR), the State reviews whether a schoolwide plan was based on a needs assessment but does not state that OSPI will ensure the needs assessment particularly takes into account the needs of children who are failing or at risk of failing to meet challenging State academic standards.

Please note that the needs assessment requirements differ for schoolwide plans and comprehensive support and improvement plans; schoolwide plan needs assessments require this added emphasis on the needs of children who are failing or at-risk of failing to meet challenging State academic standards whereas comprehensive support and improvement plans do not.

Developed with Involvement of Parents and Community Members

OSPI's schoolwide plan template includes information about engaging key stakeholders, including parents, in the planning process. The State's consolidated school improvement plan template (e.g., may be used for schoolwide plans) and related tools or instructions include information on including active participation and input by families, parents, and community members in reference to the ESEA comprehensive school improvement plan requirements rather than the ESEA schoolwide plan requirements. In the State's Title I, Part A Program Guide, OSPI states on page 16: "[The schoolwide plan] must be developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals and administrators (including administrators of federal programs)." This information aligns with the requirement in ESEA section 1114(b)(2) that a schoolwide plan must be developed with the involvement of parents and other members of the community to be served.

Available to Parents and the Public

ESEA section 1114(b)(4) requires that an eligible school operating a schoolwide program shall develop a comprehensive plan that is available to the LEA, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. However, none of OSPI's guidance nor subrecipient monitoring procedures reviewed address this requirement. Both of the LEAs included in the Department's consolidated performance review for the Title I, Part A program verified that they did make the information available to parents and the public (one LEA publicly posts all of the plans for the current and prior years on the LEA's website with a translation feature available and another LEA indicated that the schools all make the plans available and that the LEA is currently work to post the plans on its website).

RECOMMENDATION

The Department recommends that OSPI update its guidance, applicable tools, and subrecipient monitoring procedures for schoolwide plans to consistently include the requirements in ESEA section 1114(b)(2), (4), and (6).

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

ESEA section 1115(c)(1) defines the population eligible to receive Title I services through a targeted assistance program as: children who are not older than age 21 who are entitled to a free public education through grade 12; and children who are not yet at a grade level at which the LEA provides a free public education. From among that population, the children eligible are identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the LEA and supplemented by the school. Please note that children who are economically disadvantaged, children with disabilities, migrant children, or English learners, are eligible for Title I services on the same basis as other children selected to receive Title I services (e.g., a child with a disability who receives IDEA-funded services may also be eligible to receive Title I-funded services).

ESEA section 1115(c)(2) provides that the following children are also “automatically eligible” to participate in a Title I program (e.g., an LEA or school need not identify the child as most at risk of failing to meet the State’s academic achievement standards):

- Children who participated in Head Start, received services supported by the Comprehensive Literacy State Development Grants program within Literacy Education for All, Results for the Nation (LEARN) (formerly known as Striving Readers Comprehensive Literacy Program), or attended a Title I preschool program at any time in the prior two years;
- Children who received services under Title I, Part C (migrant education) in the prior two years;
- Children experiencing homelessness; and
- Children who are in a local institution or attending a community day program for neglected or delinquent children and youth.

OSPI’s guidance documents to schools, as a whole, on identifying children eligible to receive Title I services provide information consistent with ESEA requirements. However, the guidance documents do not consistently provide the same complete information on how to identify eligible children. For example, the OSPI’s Title I Program Guide for 2022 does not describe those children who are

“automatically eligible” under ESEA section 1115(c)(2) and OSPI’s Title I, Part A Fiscal Handbook does not describe the eligible population requirements in ESEA section 1115(c)(1)(A). During the performance review, OSPI acknowledged its guidance on this topic as a potential area of weakness.

RECOMMENDATION

The Department recommends that OSPI update its guidance documents and subrecipient monitoring procedures to consistently provide complete information on the requirements for identifying eligible children in ESEA section 1115(c).

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.” While OSPI has published guidance related to BIDs, including “Best Practices: School Selection for Children and Youth in Foster Care,” and resources to support the timely completion of BIDs, including the “School Notification” form, the SEA indicated that implementation of the BID requirements/procedures is not consistent across the State. Both LEAs that the Department met with further confirmed that BIDs do not consistently occur when a student enters foster care or experiences a change in foster care placement.

RECOMMENDATION

The Department recommends that OSPI collaborate with the State child welfare agency to ensure that all LEAs and local child welfare agencies understand, and adhere to, requirements related to BID meetings. The Department also recommends that OSPI 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 before the child welfare agency initiates enrollment changes for a student in foster care.

EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE – SUBRECIPIENT MONITORING

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

Under 2 C.F.R. § 200.331(d), the SEA is responsible for monitoring subrecipient activities as necessary to ensure that the subaward is used in compliance with Federal statutes and regulations. While OSPI's subrecipient monitoring practices include some aspects of the Title I, Part A requirements related to the educational stability of students in foster care, subrecipient monitoring does not include examination of an LEA's compliance with the transportation requirements in ESEA section 1112(c)(5)(B).

RECOMMENDATION

The Department recommends that OSPI update its subrecipient monitoring practices to include monitoring LEA compliance with all Title I, Part A requirements related to the educational stability of students in foster care, including those related to the provision of transportation.

Title IV, Part A

PERFORMANCE REPORTING AND EVALUATION

REQUIREMENT SUMMARY

Description: An SEA must publicly report on how Title IV, Part A funds are being expended by LEAs, including the degree to which LEAs have made progress toward meeting the objectives and outcomes described in ESEA section 4106(e)(1)(E).

ESEA § 4104(a)(2)

ISSUE

OSPI submitted information about a 2021-2022 program review. The public reporting requirement requires that expenditure data be reported for the entire performance period of a Federal award. So, it should be reported by Federal fiscal year (FFY) award. The data reported was by school year.

Also, the public report needs to provide information on the three content area spending categories (well-rounded education, safe and healthy students, and effective use of technology) including the amount of funds spent and whether the spending requirements were met.

RECOMMENDATION

OSPI Public reporting on the use of funds outside of statutory requirements and disaggregated the data for FFY needs to be identified completely.