



Committee of Practitioners

January 30, 2015

*Agency of Education (219 North Main Street, Barre)
4th floor Meeting Room #423*

A G E N D A

Section 1903(b) of the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act of 2001: Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title. The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title.

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| 9:00 | Welcome & Introductions |
| 9:10 | Overview of Committee Role and Responsibilities |
| 9:30 | Item #1 – Complaint Procedure
(Presentation & Discussion) |
| 9:50 | Item #2 – Using Title II,A Funds for Tuition Payment
(Presentation & Discussion) |
| 10:20 | BREAK |
| 10:30 | Item #3 – Consequences for Non-compliance
(Presentation & Discussion) |
| 11:00 | Item #4 – Reallocation of Funds Procedure
(Presentation & Discussion) |
| 12:00 | Adjourn |

Item #1: Elementary and Secondary Education Act (ESEA) Complaint Procedure

Rationale: 20 USC 7844, Sec 9304 (a)(3)(C) of the ESEA requires the state to *adopt and use proper methods of administering each such program, including — (C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs.*

The current Agency of Education ESEA complaint procedure needs to be updated to:

1. Include the new agency name and contact information;
2. Incorporate an investigation procedure and eliminate the hearing requirement;
and
3. Make it easier to understand and implement.

In general, the complaint procedure we currently have is not easy to understand or implement. In our experience, conducting an investigation by reviewing documents and interviewing people involved in the complaint is a much more effective way to resolve grievances than holding a hearing, which our current procedure requires. The revised procedure makes these changes and is formatted in a way that is easier to read and implement.

Proposed Procedure: See attached draft ESEA Complaint Procedure.

Impact: Implementing a new complaint procedure would be an improvement for all concerned. The proposed procedure is easier to understand and will be easier and more effective to implement.

Implementation Plan:

FY 15 – Notify all LEAs of the newly adopted procedure through a technical assistance alert. This is sent to LEA CFP team leaders, superintendents, and business managers. As of the date the notification is sent, the procedure will be used when complaints are submitted. The new complaint procedure will also be posted to the Agency of Education’s website.

Resulting Action: The COP members and agency leadership suggested many changes, which required major revisions. The revised procedure was brought back to the next COP meeting for further review.



Elementary and Secondary Education Act (ESEA) Complaint Procedures

Purpose

This procedure sets forth the process for resolving a complaint presented by any individual or organization that: (1) a school, school district, supervisory union, other agency authorized by the Local Educational Agency (LEA) or the State Education Agency (SEA), and/or (2) the State Education Agency violated the administration of education programs required by the Elementary and Secondary Education Act (ESEA) and re-authorized by the No Child Left Behind Act of 2001.

Statutory Requirement

Pursuant to [20 USC 7844, Sec 9304 \(a\)\(3\)\(C\)](#), of the ESEA a State Educational Agency (SEA) shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for receipt and resolution of complaints alleging violations in the administration of the programs.

What is a formal complaint?

A complaint is a written allegation that a school, school district, supervisory union, other agency authorized by a LEA or the SEA, or the SEA has violated the law in the administration of education programs required by the ESEA. An allegation must be submitted in writing.

Alternatives for Filing Complaints

Informal complaints (i.e. verbal and/or anonymous) concerning program operations in an LEA or school will be investigated by the SEA, according to procedures deemed most appropriate by the SEA, within 10 business days of the complaint. Findings of this investigation shall be reported to the complainant (if known) within 10 additional business days. In the event that the complainant requests further investigation, the complainant must file a formal complaint, according to procedures outlined below.

Submission of a Formal Complaint

What information should a formal complaint include?

A complaint must identify:

1. The complainant's name and contact information;
2. The alleged ESEA violation and date on which it occurred;

3. The facts supporting the alleged violation; and
4. Any supporting documentation.

How and where should a complaint be sent?

To initiate a complaint that school, school district, supervisory union, other agency authorized by a LEA or the SEA, or the SEA has violated the administration of an education program, a complainant must submit a written complaint to:

Deborah Quackenbush, Director
General Supervision and Monitoring Division
Vermont Agency of Education
219 North Main Street, Suite 402
Barre, VT 05641

Can any complainant alleging a violation submit the complaint to the United States Department of Education?

A complainant can submit any written complaint to the Secretary, United States Department of Education at:

Secretary, United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4611

Investigation and Resolution of a Complaint

What happens after a written complaint is submitted to the SEA?

1. *Record.* Upon receipt of a written complaint, a record of the source and nature of the complaint, including the applicable program involved in the complaint, statute violated, and facts on which the complaint is based, will be initiated.
2. *Written Receipt.* When a formal complaint is received, the SEA will provide a written receipt to the complainant, which will include the following information:
 - a. The date that the complaint was received;
 - b. A tentative resolution date;
 - c. The name and phone number of a contact person for status updates; and
 - d. A copy of the SEA ESEA complaint procedure.
3. *Investigation and Resolution.*
 - a. If the complaint is concerning actions of the LEA or schools within an LEA's service area, the SEA will notify the superintendent of the LEA involved

within 15 business days of receipt of the complaint. Upon receipt of the communication, the LEA will initiate its complaint investigation and resolution procedures.

- b. If the complaint is concerning actions of the SEA. The SEA General Supervision and Monitoring Division Director, or designee, will coordinate the investigation and resolution of the complaint.
4. *Report.* Within 20 business days of receipt of the complaint, the LEA will advise the SEA of the status of the complaint resolution proceedings and, at the end of 30 business days, will submit a written summary of the LEA investigation and complaint resolution. In the case of a complaint concerning actions of the SEA, the General Supervision and Monitoring Division Director, or designee, will produce a written summary of the investigation and complaint resolution.
5. *File.* The SEA will retain a record of all complaints, findings and final resolutions. These documents are considered public record and may be made available to parents, teachers, and other members of the general public.

What information is sent to the complainant about the investigation regarding an alleged violation?

When the investigation is complete, the SEA General Supervision and Monitoring Division Director will notify the complainant in writing regarding the outcome of the investigation and their right to appeal.

Appeal Process

Can a complainant appeal the SEA's decision?

If the complainant does not agree with the LEA or SEA's decision, the complainant may appeal to the Secretary, United States Department of Education at:

Secretary, United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4611

The complainant must appeal no later than 30 business days after the SEA resolves the complaint or fails to resolve the complaint within a reasonable period of time. The appeal must be accompanied by a copy of SEA's resolution of the complaint and a complete statement of reasons supporting the appeal.

Item #2: Using Title II, Part A funds for Tuition Payment

Rationale: Title II, Part A funds may be used to pay for the tuition costs of allowable coursework and, in order to administer a uniform approval process, we need clear criteria for determining which type coursework can be paid for with these funds.

Proposed Procedure: Title II, Part A funds may be used to pay for tuition costs when the coursework is needed for one of the following reasons:

1. To meet Highly Qualified Teacher (HQT) requirements: If the Local Educational Agency (LEA) currently employs an instructor(s) who do not meet HQT requirements, they may use Title II, Part A funds to pay for the coursework required for the instructor(s) to meet the HQT requirements. New instructors must already meet HQT requirements before being hired.
2. To address a shortage of HQT in a core academic subject area or special education. If a school has a shortage of qualified teachers in a core academic subject area or special education, Title II, Part A funds may be used to pay for the coursework required for current instructors to become qualified to teach in the identified area. The area(s) of shortage must be clearly identified in the school's needs assessment.

Before tuition costs will be approved by the Title II, Part A manager, the LEA must demonstrate that it has a clear procedure for determining where the need is; what teachers are eligible; the requirements for participating; the application process; and the maximum amount that can be used per year.

In addition to the tuition payments outlined above, Title II, Part A funds may continue to be used for high-quality professional development as defined in *Improving Teacher Quality State Grants Non-Regulatory Guidance* (October 5, 2006). This may include intensive professional learning that is intended to build the capacity of teachers to assume leadership roles in a content area such as teacher leader, coaching, and mentoring. In this regard, the cost of the professional learning will be approved only if the benefit of participation is shown to have an impact on the school's educational program, not on an individual teacher.

Impact: The requirements will be clear and easier to implement.

Implementation Plan:

FY 16 – Notify all LEAs of the newly adopted procedure through a technical assistance alert. This is sent to LEA CFP team leaders, superintendents, and business managers. As of the date the notification is sent, the procedure will be used when reviewing grant application investments.

Resulting Action: The COP members and agency leadership suggested many changes, which required major revisions. The revised procedure was brought back to the next COP meeting for further review.

Item #3: Consequences of Non-Compliance with Requirements of the Elementary and Secondary Education Act

Rationale: Over the past year, several LEAs have had compliance issues identified either through an audit or a federal or state monitoring. While most take care of the issues in the agreed upon time frame, there have been several instances where LEAs have not done the requested actions. To date, the SEA CFP team has not had a consistent set of consequences to respond to the LEA inaction. The procedure above would provide consistency of SEA action and it is hoped that the knowledge of the consequences will motivate LEAs to meet their compliance obligations.

Proposed Procedure: The Consolidated Federal Programs Team will institute a series of uniform consequences for Local Educational Agencies (LEAs) that are not in compliance with the requirements of the Elementary and Secondary Education Act. When an issue of non-compliance is identified, a corrective action and timeline is agreed upon with the LEA CFP team leader and superintendent. In instances when the LEA fails to complete the corrective action in the agreed timeframe, the following steps will be taken:

1. The LEA will be notified that until the LEA is in compliance, no further CFP grant amendments will be considered; if no action is taken, then,
2. The LEA will be notified that the specific Title funds will be held until the LEA is in compliance; if no action is taken, then,
3. The LEA will be notified that all consolidated federal program funds will be held until the LEA is in compliance; if no action is taken, then,
4. The LEA will be notified that all funds granted from the Agency of Education will be held until the LEA is in compliance; if no action is taken, then,
5. The LEA will be notified that they are no longer eligible to be granted funds administered by the Agency of Education until the LEA is in compliance.

All of the notices will be sent to the LEA CFP team leader, superintendent, and when appropriate the business manager.

Impact: No impact to LEAs that meet their compliance requirements. For the LEAs that do not, there may be serious financial impact as funds may be held until compliance is achieved.

Implementation Plan:

FY 15 – Notify all LEAs of the newly adopted procedure through a technical assistance alert. This is sent to LEA CFP team leaders, superintendents, and business managers. As of the date the notification is sent, the procedure will be used when issues of non-compliance are identified.

Resulting Action: The procedure was approved with minor changes by the COP and implemented according to the implementation plan above.



Revision of Consolidated Federal Programs Reallocation Procedure

Rationale: The Vermont Agency of Education is required to have a reallocation procedure for Title I of ESEA (Section 1126 (c)). The purpose of the reallocation procedure is to ensure that Vermont spends its Title I funds in a timely fashion to support the purposes of the program and to avoid the return of any portion of those funds to the United States Treasury. The Secretary of Education believes a reallocation procedure is equally necessary for all titles in the Consolidated Federal Program (CFP) in Vermont. In order to ensure that funds allocated to Vermont were used purposefully and remained in Vermont for the benefit of state's schools and students, the Commissioner of Education and the Committee of Practitioners approved a general reallocation procedure for CFP funds in 2009. The Department has now changed to an Agency and several components of the previous reallocation procedure no longer made sense. The procedure needed to be updated.

Proposed Procedure: Please see attached memo and chart.

Impact: Implementation of the reallocation procedure will prevent Vermont from returning Consolidated Federal Program funds to the US Treasury and will keep much needed resources in the State. In addition, the procedure will target resources to LEAs that have demonstrated fiscal responsibility and have a demonstrated need.

Implementation Plan:

FY 15 – Notify all LEAs of the updated procedure through a technical assistance alert and also by posting on the AOE website. If there are funds to be reallocated in FY 15, do so by following the approved procedure.

FY 18 – Review the procedure to ascertain if updates are needed and if so, put before the Committee of Practitioners.

Resulting Action: The COP approved the procedure and it was implemented using the Implementation Plan above.

Consolidated Federal Programs Reallocation Procedure

January 2015

Background

The Vermont Agency of Education is required to have a reallocation procedure for Title I of ESEA (Section 1126 (c)). The purpose of the reallocation procedure is to ensure that Vermont spends its Title I funds in a timely fashion to support of the purposes of the program and to avoid the return of any portion of those funds to the United States Treasury. The Secretary of Education believes a reallocation procedure is equally necessary for all titles in the Consolidated Federal Program (CFP) in Vermont. In order to ensure that funds allocated to Vermont are used purposefully and remain in Vermont for the benefit of state's schools and students, the Secretary and the Committee of Practitioners have approved a general reallocation procedure for CFP funds.

Funds to be reallocated would include those:

- subject to the excess carryover provisions of Title I,
- returned or refused by the local education agency (LEA), and
- in danger of loss due to sunset provisions (including cash carryover, unadvanced funds, and unrequested funds).

Funds become immediately available for reallocation:

- as determined by the carryover provisions of Title I, or upon denial of a waiver
- when the local recipient notifies the SEA of their intent to return or refuse the funds,
- in the case of funds subject to possible loss due to sunset, in the absence of an approved spending plan by February 15th that insures the funds will be spent or properly obligated by September 30th of the year in question.

Appeal of Recapture Decision

In the case of a SEA decision to recapture funds due to excess carryover provisions, denial of a waiver, or lack of approved spending plan to avoid the sunset of funds, the LEA may request a review of the decision by the Secretary of Education, whose decision will be final.

Reallocation Process

In the event the SEA recaptures Consolidated Federal Programs funds from LEA grant allocations as a result of excess carryover, refusal of funds, probable loss of funds due to sunset provisions, those funds will be reallocated in the following manner:

Source of Funds	Eligibility	Requirements	Process
<p>Title I</p>	<p><u>Prioritization</u></p> <ol style="list-style-type: none"> 1. Title I schools in Year 2 or Beyond, Corrective Action 2. All other Title I schools identified for Improvement 3. Title I schools with one checkmark in AYP system <p><u>Spending Status</u></p> <ul style="list-style-type: none"> • AOE 2.0 must be current. • LEAs must have no under-spending issues with regard to their Title I schools 	<p>LEAs must:</p> <ol style="list-style-type: none"> 1. Agree to use the reallocated funds to address needs or requirements linked to student performance issues on the VT State Assessments. 2. Submit a one page application that outlines a spending plan and strategies for the use of the funds. 3. Agree to fully spend or properly obligate the reallocated funds in the fiscal year in which they are awarded. 4. Limit administrative costs to 10% or less of the reallocation 	<ol style="list-style-type: none"> 1. The SEA reserves the right to conduct either a limited or open call for applications from eligible LEAs. 2. Applications will be reviewed by a SEA committee composed of CFP Team and School Effectiveness staff. 3. The review will determine if the spending is allowable and is linked to the school's improvement plan or to actions required by its AYP status. 4. If the application is approved for award, the LEA's CFP grant will be amended to show the increased allocation and the approved spending strategies. 5. The reallocated funds are for <i>only the time period specified</i>.
<p>Title II A</p>	<p><u>Prioritization</u></p> <ol style="list-style-type: none"> 1. Schools in Year 2 or Beyond, Corrective Action 2. All other schools identified for Improvement 3. Schools with one checkmark in accountability system 4. Schools with high poverty and high %-ages of non-HQT staff per assignment <p><u>Spending Status</u></p> <ul style="list-style-type: none"> • AOE 2.0 must be current. • LEAs must have no under-spending issues with regard to their CFP carryover. 	<p>LEAs must:</p> <ol style="list-style-type: none"> 1. Agree to use the reallocated funds to address needs or requirements linked to the professional development purposes of Title IIA. (Reallocated funds cannot be used for class size reduction) 2. Submit a one page application that outlines a spending plan and strategies for the use of the funds. 3. Agree to fully spend or properly obligate the reallocated funds in the fiscal year in which they are awarded. 4. Agree not to exercise transferability for reallocated funds. 5. Limit administrative costs to 8% or less of the reallocation 	<ol style="list-style-type: none"> 1. The SEA reserves the right to conduct either a limited or open call for applications from eligible LEAs. 2. Applications will be reviewed by an SEA committee composed of CFP Team and School Effectiveness staff. 3. The review will determine if the spending is allowable and is linked to the school's improvement plan or to actions required by its AYP status. 4. If the application is approved for award, the LEA's CFP grant will be amended to show the increased allocation and the approved spending strategies. 5. The reallocated funds are for <i>only the time period specified</i>.

**Committee of Practitioners
Meeting Notes
January 30, 2015**

Committee Members in Attendance: Tracy Wrend, Sherry Souza, Nancy Labella, Jean Sequeira, Cacky Peltz, Chandra Pollard, Mary Mulloy, MC Moran, Julie Longchamp, John Fischer (had to leave early), and Deb Quackenbush (had to leave early)

Committee Members Absent: Jennifer Barone, Sue DeCarolis, Denise Maurice

Facilitator: Beth Meyer

Item	Discussion Summary	Tasks
<p>Item #1 Revision of Consolidated Federal Programs Complaint Procedure</p>	<p>Discussion centered on the reason for the revision – the current process focuses too heavily on formal hearings. The proposed revised process was derived from researching other states’ procedures and review by VTAOE staff. Members felt the revised policy was much better than the original. Concerns were raised if the language was parent friendly enough, make sure that the LEAs know what is going on when a complaint is voiced, and if there is enough support for informal mediation between the parties.</p> <p>The Committee recommended that the revised policy be adopted with language encouraging the informal mediation.</p>	<ul style="list-style-type: none"> • The internal team at VTDOE will review language to make as parent friendly as possible. • Add language that encourages informal mediation between parties. • Add a process that LEAs will be notified if and when a complaint is lodged and it concerns the LEA. • Add language that there will be no retaliatory actions against those who make complaints. • Check to make sure that the USED contact information is correct. • Once done, post on website.
<p>Item #2 Using Title IIA Funds to Pay for Credits (Tuition Payment)</p>	<p>MC Moran discussed the primary purpose of Title IIA funds – professional learning that results in improved student academic achievement.</p> <p>Discussion of the line between the professional</p>	<ul style="list-style-type: none"> • VTAOE will compose a letter to USED asking to resolve this issue. Once response is received, the

Item	Discussion Summary	Tasks
	<p>learning costs and advancing individual principals and teachers.</p> <p>Some members expressed that the proposed rule should not go forward and that using federal funds for individual advancement is OK. It was expressed that these types of decisions should be made at the local level. IIA funds can be used for rewards or incentives to retain HQTs and providing them additional credit for professional learning may be one way to do that. Members expressed that “teasing” out the cost of credit verses program costs is hard – examples like Lesley University, UVM-VMI.</p> <p>Uses will need to be clarified. Discussion on what guidance USED provides on this matter. MC did some research with other state IIA administrators and very few if any provide for the cost of credit.</p> <p>No resolution could be reached.</p>	<p>response will be shared and used to decide future use of Title IIA funds.</p>
<p>Item #3 Consequences of Non-Compliance</p>	<p>Committee members inquired about why this procedure is necessary? VTAOE staff explained that in rare circumstances, LEAs do not meet required deadlines and as a result are not in compliance with the federal law. Members asked if superintendents knew about these issues. VTAOE staff reported that they previously had not process and different staff handled situations differently. Members agreed there should be a process if needed and suggestions were made on</p>	<ul style="list-style-type: none"> • Add a sentence that indicates that a number of activities have taken place before the consequences are initiated. • Add “10 business days” in between the steps so that a timeline is clear. • Once the above revisions are made, share the procedure with LEAs.

Item	Discussion Summary	Tasks
	how to improve the proposed process.	
<p>Item #4 Revised Reallocation of Funds Procedure.</p>	<p>Discussion about why such a policy is needed. First, it is required by Title I and second, when LEAs do not spend funds, VT is at risk of returning funds to the federal treasury. Members expressed disbelief that LEAs do not spend all their funds but some other members stated that unexpected leaves cause unspent funds and others thought holding out the SES funds caused the issue. Mary stated that the number one reason is that planned investments are not implemented thus leaving unspent funds.</p> <p>Members agreed that procedure for reallocation was OK and that a one page application was good. They suggested be specific in the amount of funds and what is allowable</p>	<ul style="list-style-type: none"> • VTAOE staff review procedure one additional time. • Final procedure should be shared with the LEAs • Implement for funds that need to be reallocated this year.
General	<ul style="list-style-type: none"> • For VTAOE – keep giving LEAs exemplars • Get the COP materials out to members sooner rather than later. • Create transparency of meeting – Agenda and members out in weekly field memo (and on web) • This was eye-opening and very informative. • Appreciated keeping to the agenda and 	

Item	Discussion Summary	Tasks
	time.	