



Committee of Practitioners

May 8, 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 |
| 9:15 | Updates from January 30 meeting |
| 9:30 | Item #1 – Complaint Procedure Revisited
(Presentation & Discussion) |
| 10:00 | Item #2 – Title I, Part A Excess Carryover Waiver Procedure
(Presentation & Discussion) |
| 10:40 | BREAK |
| 10:50 | Item #3 – Clarifying Professional Learning That Includes
Course Credit
(Presentation & Discussion) |
| 11:30 | Schedule 2015-16 meetings |
| 11:45 | Adjourn |

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 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. A formal allegation must be submitted in writing.

Complainants are encouraged to resolve the issue by speaking to the party in question directly or to speak to the applicable school, district, or supervisory union staff. If the complainant either does not feel comfortable doing so or does not receive a satisfactory resolution, they may file a formal complaint.

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(s) and date(s) 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 a 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

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 within 10 business days, 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;
 - d. The investigation plan; and
 - e. 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 10 business days of receipt of the complaint. Upon receipt of the complaint, the SEA will look into the situation and request documentation needed from the LEA to clarify the facts. The SEA General Supervision & Monitoring Director, or designee, will coordinate the investigation and resolution of the complaint. This may include interviews with the complainant and LEA and/or school staff; review of policies and procedures; and/or review of other pertinent documentation.
 - 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 30 business days of receipt of the complaint, the SEA 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 in a format that meets privacy law requirements.

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.

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

Yes. To report fraud, waste, abuse, misuse or mismanagement of U.S. Department of Education (ED) program funds a complainant can use the Office of Inspector General (OIG) online [Hotline Complaint Form](#) found on the ED website.

If preferable, the complainant may contact the Inspector General's Hotline by:

- Calling the OIG Hotline's toll free number **1-800-MIS-USED**. Hotline Operators take calls during the hours of Monday and Wednesday 9:00 AM until 11:00 AM, Eastern Time; Tuesday and Thursday, 1:00 PM until 3:00 PM, Eastern Time except for holidays; or
- Downloading a hardcopy of **the Hotline Complaint Form**, and completing, mailing or faxing to:

Inspector General's Hotline
Office of Inspector General
U.S. Department of Education
400 Maryland Avenue, S.W
Washington, D.C. 20202-1500
Fax: (202) 245-7047

Item #2: Title I, Part A Excess Carryover Waiver Procedure

Rationale:

Section 1127 of the Elementary and Secondary Education Act limits the amount of Title I, Part A funds that a local educational agency (LEA) may carry over from one fiscal year to the next. The law states not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under Title I, Part A (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year. The 15% limit is calculated at the end of the first quarter. If the LEA exceeds the 15% carryover limit, the State educational agency may, once every 3 years, waive the percentage limitation if:

- The agency determines that the request of a local educational agency is reasonable and necessary; or
- Supplemental appropriations for Title I, Part A become available.

The percentage limitation does not apply to any LEA that receives a Title I, Part A allocation less than \$50,000 in the fiscal year.

This procedure clarifies the approval process for Title I excess carryover waivers.

Proposed Procedure:

In October of each year, after the excess carryover amounts have been calculated, the Consolidated Federal Programs (CFP) team will create a list of LEAs which will include the total carryover amount, the excess over the 15% allowed, and a record of the waivers received in the past. Affected LEAs will receive a letter notifying them of the situation.

LEAs who have not received a waiver in the last 3 fiscal years will have two options:

1. The LEA can request a waiver in writing to the State Director of Title I. The request must include:
 - a. The reason for the excess carryover;
 - b. A management plan that states how the LEA will avoid exceeding the 15% carryover limit in the future; and
 - c. The Superintendent's signature.

The waiver request must be submitted at least 15 calendar days after receipt of the notification of carryover.

2. The LEA can notify the State at least 15 calendar days after receipt of the notification of carryover that they will forfeit the amount of Title I funds that exceed the 15%.

In extraordinary circumstances, an LEA may find they have exceeded the 15% carryover limit more than once in a three year period. Vermont has been granted Ed-Flex authority and as such may grant waivers to certain restrictions in the law if the result is improved academic achievement of students. LEAs that have already exceeded the carryover limit once in the previous three years have two options:

1. The LEA can request an Ed-Flex waiver of the restriction of the carryover limit. The request must include:
 - a. The reason for the excess carryforward and why the previous management plan did not sustain success within the three year period;
 - b. A new management plan that states how the LEA will avoid exceeding the 15% limitation in the future;
 - c. A plan of how the excess carryover will be spent in the current fiscal year to improve student academic achievement in line with Title I requirements and the LEA's Continuous Improvement Plan; and
 - d. Agreement to submit monthly reports to the Secretary on the LEA's progress in implementing the plan; and
 - e. Superintendent and LEA Board Chair signatures.

The Ed-Flex waiver request must be submitted at least 15 calendar days after receipt of the notification of carryover. If the waiver is granted, then the LEA may not request a waiver again for three fiscal years and excess carryover will be automatically forfeited and reallocated to other LEAs in accordance with the State's reallocation procedure.

2. The LEA can notify the State at least 15 calendar days after receipt of the notification of carryover that they will forfeit the amount of Title I funds that exceed the 15%.

The submitted waiver requests will be reviewed by the CFP team and any clarifying issues will be resolved. The final decision to grant a waiver will be made by the Secretary of Education. Approval of waivers is not guaranteed. LEAs will be notified of the decision of the Secretary of Education by November 30th.

Impact:

The clarification of the procedure will enable LEAs to manage their Title I funds more effectively and understand the process for waiver application.

Implementation Plan:

FY 15 – Notify all LEAs of the process through a Technical Assistance Alert and post on the Agency's website.

FY 16 – Full implementation of the procedure.

Resulting Action:

COP approved procedure and, with AOE leadership approval, the CFP team implemented it according to the above implementation plan.

Title I, Part A Excess Carryover Waiver Process Criteria for Approval Decision

Criteria	Once Every 3 Year Waiver	Ed-Flex Waiver
Reason	<ul style="list-style-type: none"> • The issue that caused the excess carryover is not likely to happen again. • The issue that caused the excess carryover is a one time or unusual event. 	<ul style="list-style-type: none"> - First waiver requirements plus: <ul style="list-style-type: none"> • The reason concerned one school rather than the entire LEA. • There is a compelling reason why there is excess carryover more than once in a 3 year period.
Management Plan	<ul style="list-style-type: none"> • The plan includes regularly scheduled communication between the LEA’s program staff and fiscal staff. • There is a process in place to review investment implementation and expenditures periodically. 	<ul style="list-style-type: none"> - First waiver requirements plus: <ul style="list-style-type: none"> • The budget process used in the LEA is effective in managing funds – few audit issues and history of low carryover percentages. • The LEA has a plan to effectively use and manage the one time increase of Title I funds. • The LEA Board approves of the submitted plan.
Impact on Student Achievement	<ul style="list-style-type: none"> • Not Required 	<ul style="list-style-type: none"> • The plan to spend the excess carryover and the total amount of carryover is reflected in the member schools’ continuous improvement plans. • Investments planned are allowable with Title I funds. • Investments are scientifically-based, research-based. • The initiative(s) to be funded are likely to improve student academic achievement, especially for struggling students.

Criteria	Once Every 3 Year Waiver	Ed-Flex Waiver
		<ul style="list-style-type: none"> <li data-bbox="1003 149 1479 302">• The LEA and member schools have the capacity to implement the plan (it is doable).

Item #3 – Clarifying Professional Learning That Includes Course Credit

Rationale:

A protocol is needed to clarify the Title II, Part A approval process for professional learning that includes course credit. The protocol will provide a standardized process for reviewing and approving investments to ensure they align with the intent of Title II, Part A.

Recommended Protocol:

In order to determine whether or not it is appropriate for Title II, Part A funds to be used to pay for a professional learning investment that includes course credit, the following documentation is required:

1. Needs Assessment: In order for professional learning that includes course credit to be approved, the request must be indicated in the needs assessment;
2. Professional Learning Plan: The professional learning requested must be encompassed in the Professional Learning Plan, including a plan for post-professional learning activities that will have a positive impact on school-/LEA-wide student achievement; and
3. Evaluation Plan: LEAs must have an evaluation plan for determining the impact of the investment.

This information provided will then be considered through the lens of the “*Considerations for Planning the Use of Federal Funds*” chart (attached).

- Allowable?
- Reasonable?
- Necessary?
- Advisable?
- Allocable?

Impact:

The approval process will be clear and universally understood.

Implementation Plan:

FY 16 – Remind the LEAs of the approval process by sharing the written protocol in a technical assistance alert. This is sent to LEA CFP team leaders, superintendents, and business managers. Procedure will also be posted on the AOE website.

Resulting Action:

CFP staff incorporated the COP and AOE leadership feedback before finalizing the procedure.

**Committee of Practitioners
Minutes of Meeting
May 8, 2015**

Committee Members in Attendance: Sherry Sousa, Nancy Labella, Karoline May, Chandra Pollard, Mary Mulloy, Donna Stafford, MC Moran, Deb Quackenbush

Invited Guests: none

Committee Members Absent (sent in email feedback): Tracy Wrend, Jennifer Barone, Cacky Peltz, Denise Maurice, Julie Longchamp, Sue DeCarolis, and Jean Sequeira

Facilitator: Beth Meyer

Item	Discussion Summary	Tasks
<p>Item #1 Complaint Procedure Revisited (Changes made from last COP meeting and AOE leadership suggestions)</p>	<p>Discussion centered on the specific changes from the last meeting. Committee members liked the new wording and the incorporation of the informal complaint resolution within the document. Committee members recommended accepting the revised procedure as written.</p> <p>The committee asked if a complaint could be submitted electronically. AOE members suggested that even though a complaint may begin with an email or phone call, the formal complaint must be in writing. They felt it would make clearer audit records as well as a clear statement of exactly what the complaint is.</p> <p>Committee members suggested that AOE create a template for formal complaints. That would result in uniformity and might be easier for a</p>	<ul style="list-style-type: none"> • The leadership team at VTAOE will meet to make final approval of the complaint procedure. • The new procedure will be posted on the AOE website. • Consolidated Federal Program (CFP) team members will draft a template as suggested by the COP, and if the leadership team approves, it will be posted on the website as well.

Item	Discussion Summary	Tasks
	<p>parent or others to complete. Nothing would preclude attaching emails or other written material to the template if the complainant so wished. AOE members felt this was a good idea.</p>	
<p>Item #2 Title I, Part A Excess Carryover Waiver Procedure</p>	<p>Questions arose from the Committee about why this procedure was needed. Mary Mulloy explained that each year, several LEAs have excess Title I carryover (the law allows only 15% of their Title I allocation to be carried over to the next fiscal year). The law allows one waiver request every 3 years but since Vermont is an Ed-Flex state, in extraordinary circumstances, we could entertain a waiver request for an additional waiver within the 3 year period.</p> <p>Although the CFP team was using a procedure, nothing was in writing and it was felt that as personnel change, there would not be a consistency in managing requested waivers. This written procedure would bring consistency internally and inform the LEAs of the procedure and timelines.</p> <p>After discussing the reasons, the Committee felt the procedure was clear and reasonable. It was recommended to approve as written.</p>	<ul style="list-style-type: none"> • The leadership team at VTAOE will meet to make final approval of the waiver procedure. • The new procedure will be posted on the AOE website. • All CFP team leaders will receive a copy of the written procedure in a Technical Assistance alert which will include a link to the location on the AOE website. • Procedure will be implemented for waiver requests received in FY '16 for FY '15 excess carryover.
<p>Item #3 Clarifying Approval of Professional</p>	<p>This was another procedure revised from the previous COP meeting. After the COP discussion</p>	<ul style="list-style-type: none"> • The leadership team at VTAOE will meet to make final approval of the

Item	Discussion Summary	Tasks
<p>Learning That Includes Course Credit</p>	<p>and discussion with AOE leadership, MC Moran had a conversation with USED Title IIA staff. They did not want to put anything specific in writing as they felt it was a state’s prerogative to define how LEAs spend their Title IIA allocations. USED was clear, however, that funds should be spent based on needs assessments and the purpose is to benefit the school (or LEA) as a whole.</p> <p>Two of the Committee members actually write the CFP investments for their respective LEAs and described their decision process of what requests from principals could actually be covered in the grant application. They felt that this procedure is really clear for them as staff who actually writes the investments. Committee members agreed that this was clearer than the previous version.</p> <p>Suggestions were made to change the language from <i>protocol</i> to <i>procedure</i> as in the other documents. This will be done.</p> <p>Discussion followed on aligning the language with the wording used in the Continuous Improvement Plan documents. Wording was suggested to be added in the <i>Impact</i> statement and staff will review other wording to seek a better alignment.</p>	<p>procedure to approve professional learning investments that include course credit.</p> <ul style="list-style-type: none"> • The new procedure will be posted on the AOE website. • All CFP team leaders will receive a copy of the written procedure in a Technical Assistance alert which will include a link to the location on the AOE website. • Procedure will be implemented for FY '16.

Item	Discussion Summary	Tasks
	<p>Finally, the Committee expressed concern that all the information might not be able to fit within the space restrictions in Grantium. AOE staff explained that if the investment is in question, the documentation would be requested and could be submitted via email.</p> <p>The Committee recommended approval of the procedure with the wording changes proposed.</p>	
<p>Discussion on if pay differential was a possibility in Vermont</p>	<p>MC Moran brought up the idea of pay differentials for teachers who are asked to do additional work outside the classroom (mentoring, coaching, etc). Some members said their unions would not allow it and other said it might be a possibility. The example of health care professionals came up as they almost always have pay differential in their compensation.</p>	<ul style="list-style-type: none"> • MC Moran will research on how other states are using Title IIA funds for pay differential. • The research will be shared with CFP team leaders.
<p>General</p>	<p>Committee members suggested that dates be set for next year. Beth asked members to confirm if they would serve another year (some members have retired and do not wish to continue serving). Beth will set up dates and send them out to Committee members. The suggested months were: October, January, and April. Thursdays were suggested as a good day for the meeting.</p>	<ul style="list-style-type: none"> • Beth will ask current members if they are willing to serve next year. • Dates will be set for COP meetings in FY '16. (if a meeting is not needed, Committee members will be informed ahead of time).