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Consequences of Non-Compliance with Requirements of the ESEA Act

Background

Over the past few years, some Local Education Agencies (LEAs) have had compliance issues identified either through an audit or a federal/state monitoring. While most take care of the issues in the agreed upon timeframe, there have been a few instances where LEAs have not completed the requested actions in a timely manner. The procedure below provides consistency of State Education Agency (SEA) action and it is hoped that the knowledge of the consequences will motivate LEAs to meet their compliance obligations.

Procedure

The CFP Team has a series of uniform consequences for (LEAs) that are not in compliance with the requirements of the Elementary and Secondary Education Act (ESEA). Before an LEA reaches this stage, a number of actions will have taken place to resolve the issue. When an issue of non-compliance is not resolved in a timely manner, a corrective action plan and timeline is agreed upon between the Agency of Education (AOE), the LEA CFP Team Leader and Superintendent. In instances when the LEA fails to complete the corrective action in the agreed upon 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 within ten business days, 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 within ten business days, 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 within ten business days, then,
4. The LEA will be notified that all federal funds granted from the Agency of Education will be held until the LEA is in compliance; if no action is taken within ten business days, then,
5. The LEA will be notified that they are no longer eligible to be granted federal 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

Federal funds managed by the CFP Team include:

- Title I, Part A – Support for Disadvantaged Youth
- Title I, Part C – Support for Migrant Students
- Title I, Part D – Support for Neglected & Delinquent Students

- Title II, Part A – Support for Effective Instruction
- Title III, Part A – Support for English Learners and Immigrant Students
- Title IV, Part A – Safe & Healthy Students
- Title V, Part B – Rural Low-income Schools
- Title IX – McKinney-Vento Homeless Assistance Act

Questions

Questions about this procedure should be directed to Jesse Roy at jesse.roy@vermont.gov or 802-479-1226.