

# Tennessee Consolidated Performance Review Report #2 of 2 FY 2021

**Commendations**  
**0**

**Met Requirements**  
**9**

**Recommendations**  
**4**

**Action Required**  
**15**

*Final Report –  
11/30/2021*



U.S. Department of Education  
Office of Elementary and Secondary Education  
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Washington, DC 20202

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## **GENERAL INFORMATION**

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### **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 Monitoring Report of the Tennessee Department of Education (TDOE) that occurred on April 19-23, 2021, is broken down into two parts. Part 1 of this report covered:

- Financial Management & Cross-Cutting Requirements
- Title I, Part C of the ESEA, Education of Migratory Children
- CARES Act funds; Elementary and Secondary School Emergency Relief (ESSER), and Title V, Part B, Subpart 2 of the ESEA, Rural and Low-Income Schools.

Part 2 of this report covers:

- Program Fiscal Requirements
- 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 VII, Part B, McKinney-Vento Homeless Act
- 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.

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 B; Title V, Part B, Subpart 2; ESSER; GEER#



### FEDERAL FUNDING<sup>1</sup>

Title I, Part A	\$328,541,302
Title I, Part B	\$7,277,865
Title I, Part C	\$1,611,419
Title II, Part A	\$41,689,376
Title III, Part A	\$7,467,304
Title V, Part B, Subpart 2	\$4,399,513

### Dates of Review

SEA: April 19, 2021 – April 23, 2021  
Subrecipients: April 26 – May 4, 2021

### ED Reviewers

Mary Frances Street (Office of School Support and Accountability)  
Jameel A. Scott (Management and Support Office)  
Brenda Calderon (Office of School Support and Accountability)  
Jessenia Guerra (Office of Migrant Education)  
John McLaughlin (Office of School Support and Accountability)  
Michael Meltzer (Office of Migrant Education)  
Patricia Meyertholen (Office of Migrant Education)  
Shane Morrissey (Management Support Office)  
Scott Richardson (Office of School Support and Accountability)  
Collette Roney (Office of School Support and Accountability)  
Melissa Siry (Office of School Support and Accountability)  
Todd Stephenson (Office of School Support and Accountability)

### Subrecipients Participating in the Desk Review

Wilson County Public Schools  
Metro Nashville Public Schools  
Conexion Americas  
Shelby County Public Schools  
Monroe County Public Schools  
Newport City Schools

### Current Grant Conditions

Title I, Part A: (3) TDOE must provide documentation that its reading/language arts and mathematics assessments meet all requirements of the ESEA; documentation that its English language proficiency

<sup>1</sup> FY 2020 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.

Title I, Part B	assessment meets all requirements of the ESEA; and must provide results from the science assessments to parents and publicly on state and local report cards.
Title I, Part C:	None
Title II, Part A:	None
Title III, Part A:	None
Title V, Part B, Subpart 2:	None

**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

**CROSS-CUTTING FINANCIAL AND PROGRAMMATIC**

Topic	Status
Allocations	● ○ ○ ○
Local Applications and Plans	● ● ● ○
Risk Assessment (External)	● ● ● ○
Subrecipient Monitoring	● ○ ○ ○
Supplement, Not Supplant (SNS)	● ○ ○ ○
Supplement, Not Supplant, Title III	● ○ ○ ○
Maintenance of Effort (MOE)	● ● ● ○
Comparability	● ● ● ○
Equitable Services	● ○ ○ ○
Data Quality	● ○ ○ ○

**TITLE I, PART A & TITLE I, PART B**

Topic	Status
State Assessment Requirements	● ○ ○ ○
Statewide Accountability System	● ○ ○ ○
Identification of Schools	● ● ● ○
Support for School Improvement	● ● ● ○
1003 School Improvement	● ○ ○ ○
State and Local Report Cards	● ○ ○ ○
Schoolwide Programs	● ● ● ○
Targeted Assistance Programs	● ● ● ○
Parent and Family Engagement	● ○ ○ ○

Direct Student Services	● ● ● ○
Optional Public School Transfer	● ● ● ○
Educational Stability for Students in Foster Care	● ○ ○ ○
Other Title I Requirements	● ○ ○ ○
Foster Care	● ● ○ ○

### TITLE II, PART A

Topic	Status
Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders	● ○ ○ ○
LEA level use of funds – Use of Evidence	● ● ○ ○
LEA level use of funds – Definition of Professional Development	● ● ○ ○

### TITLE III, PART A

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

### MCKINNEY-VENTO EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM

Topic	Status
State and Local Subgrants	● ● ● ○
Functions of the Office of the Coordinator	● ● ● ○
Coordination with Title I, Part A	● ● ● ○
Coordination with Special Education	● ● ● ○
LEA Subgrant Oversight	● ● ● ○



**SECTION III**

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Met Requirements with Commendation

## Action Required

### Cross-Cutting Financial & Programmatic

#### ALLOCATIONS

#### REQUIREMENT SUMMARY

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

ESEA §§ 1003, 1003A, 1004(a)(1), 1113, 1124, 1124A, 1125, 1125A, 1126(b), 1201, 1202, 1203, 2101, 2102, 3111, 3114, 3115, 5221(b)(3), 5222, 8201, 8203, 8305

Title I Regulations 34 C.F.R §§ 200.72-200.75 and § 200.100

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

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

#### ISSUE

##### *Title I, Part A and Title II, Part A*

Under the Title I, Part A regulations at 34 C.F.R. § 200.72, for each Title I, Part A formula, an SEA must adjust the allocations the Department has determined for each LEA to account for (1) consolidations, divisions, and boundary changes that have occurred since the Census Bureau updated its list of LEAs and (2) LEAs that are not on the list of traditional LEAs provided to the Department by the Census Bureau (special LEAs). With respect to special LEAs, an SEA must estimate the number of Title I, Part A formula children for that LEA by deriving the equivalent of the most recently available poverty estimates from the U.S. Census Bureau’s Small Area and Income Population Estimates (SAIPE) branch, which the Department provides to each SEA. An SEA must then use the derived formula count to determine whether the LEA meets the eligibility criteria under each Title I, Part A formula. For additional information on steps involved with these calculations (e.g., determining equivalent reductions to the estimates for LEAs sending students to special LEAs), refer to the Department’s guidance documents on within-State allocations.<sup>2</sup>

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

<sup>2</sup> “Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)” published November 21, 2016 and available at <https://oese.ed.gov/files/2020/02/essguidance160477-1.pdf>.

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

In Tennessee there are several State-operated schools (e.g., Tennessee School for the Deaf) that the State recognizes as LEAs for ESEA programs, including Title I, Part A and Title II, Part A. TDOE determines their allocations for both of these programs based on their enrollment. This approach is inconsistent with the requirements described above for Title I, Part A because TDOE does not derive a Title I, Part A formula count for these LEAs or determine whether they meet the eligibility criteria under each formula. The approach is also inconsistent with the Title II, Part A requirements described above because TDOE is allocating 100 percent based on the number of students in the LEA rather than 20 percent.

#### *Title I, Part A*

After making the adjustments in 34 C.F.R. § 200.72, for each Title I, Part A formula, sections 1122(c) and 1125A(g)(3) of the ESEA and 34 C.F.R. § 200.73(a)(1)-(3) require that, on a formula-by-formula basis, an SEA may not reduce any LEA's allocation below its hold-harmless amount, except if there are insufficient funds to pay all LEAs their hold-harmless amount or when the SEA is reserving Title I funds for State administration or Direct Student Services. TDOE has not applied these required hold-harmless provisions under each formula. Rather, TDOE has only applied the optional hold-harmless provision in 34 C.F.R. § 200.100(d).

#### **REQUIRED ACTION**

The actions required are described in a letter the Department sent TDOE on August 31, 2021, regarding this matter and the steps necessary to address this finding. We acknowledge the progress TDOE has made since the monitoring occurred, including contacting the Department for technical assistance, revising its procedures, and beginning the process for recalculating allocations. The remaining steps regarding this finding will occur consistent with the Department's letter on August 31, 2021.

## SUBRECIPIENT MONITORING

## REQUIREMENT SUMMARY

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

Uniform Guidance 2 C.F.R. §200.331(d)

## ISSUE

### *Title I, Part A*

Per the requirements in ESEA sections 1112 (e)(3)(A) and (B), each LEA that uses funds under either ESEA Title I or Title III to supplement its language instruction educational program (LIEP) must provide a parent of an EL student with notification that outlines their child’s identification as an EL and placement in a language instruction educational program LIEP. The ESEA requires that this notification be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for a student who enrolls after the start of the school year.

While TDOE’s self-assessment, desktop, and onsite monitoring documents (including parent interviews) include questions associated with the parent notice requirements, there is no explicit mention of the 30-calendar-day and 14-calendar-day notification requirements.

### *Title III, Part A*

Title III Family and Community Engagement Requirements. ESEA section 3115(c)(3) requires LEAs receiving Title III funds “to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which— (A) shall include parent, family, and community engagement activities; ...”

While TDOE’s self-assessment, desktop, and onsite monitoring documents (including parent interviews) include questions associated with parent and family engagement, no questions are specifically directed at ensuring that the parent, family, and community engagement activities required by ESEA section 3115(c)(3) are being conducted.

For example, the TDOE onsite monitoring documents do not indicate that TDOE monitors for the parent, family, and community engagement activities required by ESEA section 3115(c)(3).

Also, TDOE’s *FY21 Coordinated Spending Guide*, on pp. 25-26, lists the “Required subgrantee activities” for LEAs receiving Title III funds, but this list is missing the requirements in ESEA section 3115(c)(3).

Finally, the data provided by TDOE in the Consolidated State Performance Report for school year 2019-20 indicate that only 65 percent of the State’s LEAs receiving Title III funds conducted the parent and community engagement activities, as required in ESEA section 3115(c)(3).

Standardized Statewide Exit Procedures. ESEA section 3113(b)(2) requires an SEA to “establish and implement...standardized, statewide entrance and exit procedures [for English learners].” An SEA is required to monitor its LEAs to ensure compliance with its standardized statewide entrance and exit procedures for ELs.

As indicated below in the Title III, Part A section of this report, there are inconsistencies across TDOE’s various guidance and training documents regarding TDOE’s statewide entrance and exit procedures. During the monitoring interview, TDOE indicated that its *Policy 3.207* document reflects its current standardized statewide entrance and exit procedures.

TDOE’s sub-recipient monitoring tools include adequate information collection to ensure compliance with its standardized statewide *entrance* procedures as presented in TDOE’s *Policy 3.207* document. However, TDOE’s sub-recipient monitoring tools do not include sufficient information collection to ensure compliance with its standardized statewide *exit* procedures.

While TDOE’s self-assessment, desktop, and onsite monitoring documents include the collection of information from LEAs and schools related to WIDA ACCESS scores, it does not include information about the students’ exit status to determine if each LEA is applying the TDOE exit criteria consistently.

## **REQUIRED ACTION**

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

1. Submit evidence that it has updated its guidance, training, and monitoring documents and tools, as appropriate, to ensure that the State is monitoring LEAs for compliance with ESEA section 3115(c)(3) regarding parent, family, and community engagement activities that supplement LIEPs for English learners.
2. Provide updated sub-recipient monitoring tools to demonstrate that it monitors LEAs for compliance with TDOE’s standardized statewide exit procedures.

## **RECOMMENDATIONS**

The Department recommends that TDOE:

1. Modify its self-assessment, desktop, and onsite monitoring questions related to the parent notice requirements of ESEA sections 1112(e)(3)(A) and (B) to include explicit mention of the 30-calendar-day and 14-calendar-day requirements.
2. revise its guidance to the field, including the *English Learner Toolkit* PowerPoint to mention the requirements of section 3115(c)(3) of the ESEA.

## EQUITABLE SERVICES

## REQUIREMENT SUMMARY

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

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

## ISSUE

ESEA section 8501 requires a State to provide equitable Title II, Part A services to ensure that teachers, principals and other school leaders in participating private schools participate on an equitable basis. This requirement applies not only to Title II, Part A funds that are allocated to LEAs, but also to the program funds that the SEA retains at the State level to carry out activities under ESEA section 2101(c)(4). TDOE provided no evidence that it is providing equitable services with State-level Title II, Part A funds.

ESEA sections 1117(a)(4)(C) and 8501(a)(4)(C) require an SEA to provide notice in a timely manner to appropriate private school officials in the State of the allocation of funds for educational services and other benefits under each ESEA program that an LEA has determined are available for eligible private school children, teachers and other educational personnel, and families. TDOE specified that it provides this information to private school officials. Documentation provided prior to the monitoring included only State-level information. After the monitoring call, TDOE provided additional documentation showing amounts available for equitable services for each program in each LEA but provided no indication of how or if the information contained in the document is shared with private school officials. As a result, it is not clear that TDOE has met this requirement.

## REQUIRED ACTION

Within 60 business days of receiving this report TDOE must:

1. Submit a plan and a timeline detailing how it will ensure full compliance with all requirements, including consultation, for the provision of services for eligible nonpublic school educators using State-level Title II, Part A funds.
2. Submit either 1) information demonstrating that TDOE meets this requirement to timely *notify* appropriate private school officials of allocations of funds for educational services; or 2) a plan and a timeline detailing how it will ensure full compliance with the notification requirements in sections 1117(a)(4)(C) and 8501(a)(4)(C) of the ESEA.

## SUPPLEMENT NOT SUPPLANT – TITLE I, PART A

### REQUIREMENT SUMMARY

**Description:** The State and its subgrantees must ensure that funds from the Title I, Part A, Title II, Part A and Title III, Part A programs are used to supplement not supplant State and local funds (as well as other Federal funds for the Title III, Part A program).

ESEA §1114(a)(2)(B), §1118(b), §2301, and §3115(g)

### ISSUE

Under ESEA section 1118(b)(2), an LEA demonstrates compliance with Title I supplement not supplant requirements by documenting that the LEA uses a methodology to allocate State and local funds to schools that results in each Title I school in the LEA receiving all the State and local funds it would otherwise receive if it were not receiving Title I funds (i.e., a “Title I neutral” methodology). Under the ESEA, as reauthorized by the Every Student Succeeds Act (ESSA) in 2015, the three presumptions based on an analysis of individual costs to comply with the supplement not supplant requirement that were requirements in previous reauthorizations of the ESEA are no longer used to demonstrate compliance with supplement not supplant requirements.

Documentation and interviews for this review reflected implementation of Title I supplement not supplant requirements in Tennessee that continued to refer to the outdated presumptions for demonstrating compliance and therefore are not fully based on current ESEA requirements. TDOE documented that it reviews LEA supplement not supplant methodologies as part of its review of LEA local applications and plans (Consolidated Funding Applications (CFA)); however, TDOE’s Supplemental Consolidated Funding Application (CFA) Checklists include review criteria for whether (1) the LEA identified the type(s) of supplemental services and supports to be provided for students with Title I funding and (2) the LEA provided a general description of the programs, services, and supports to be supported with Title I funds in participating schools. TDOE’s *Supplement Not Supplant Guidance (November 2018)* also discuss use of the three presumptions from previous reauthorizations of the ESEA. Discussions during the interviews also referenced following the three presumptions for complying with supplement not supplant requirements.

### REQUIRED ACTION

Within 60 business days of receipt of this report, TDOE must submit to the Department evidence that it has updated its implementation of ESEA Title I supplement not supplant requirements so that it reflects only the requirements in the current reauthorization of the ESEA, including updated Supplemental Consolidated Funding Application (CFA) Checklists and updated TDOE Title I supplement not supplant guidance. TDOE also must submit evidence to demonstrate that the updated Title I SNS guidance has been provided to LEAs. TDOE may wish to refer to ED’s [Title I Supplement, not Supplant Non-Regulatory Informational Document](#) (June 19, 2019) as a resource.

## SUPPLEMENT NOT SUPPLANT – TITLE III, PART A

### REQUIREMENT SUMMARY

Description: The State and its subgrantees must ensure that funds from the Title I, Part A, Title II, Part A and Title III, Part A programs are used to supplement not supplant State and local funds (as well as other Federal funds for the Title III, Part A program).

ESEA §1114(a)(2)(B), §1118(b), §2301, and §3115(g)

### ISSUE

ESEA section 3115(g) requires that Title III funds be used “to supplement 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 and in no case to supplant such Federal, State, and local public funds.” In general, it is presumed that supplanting has occurred if: 1) the SEA or LEA uses Title III funds to provide services that the SEA or LEA was required to make available under other laws; 2) the SEA or LEA uses Title III funds to provide services that the SEA or LEA provided with State, local, or other Federal funds in the prior year; or 3) the SEA or LEA uses Title III funds to provide services for participating children that the SEA or LEA provided with non-Federal funds for non-participating children.

With regard to translation and interpretation services, Title III funds may be used only for supplemental translation and interpretation activities that are not provided by the LEA for all students. Title III funds can be used for translation activities that are specific to the Title III program (e.g., for parent notification of placement in an English language development program [ESEA section 1112 (e)(3)(A)&(B)]).

TDOE’s *Title III Allowability Guide* is a well-organized and useful tool for helping LEAs determine acceptable uses of Title III funds. However, the list of items included as allowable translation activities under the column “English Learner Family Support & Engagement,” would in fact only be allowable uses of Title III funds if they are for activities required by the Title III program or required by the parent notification provisions in ESEA section 1112 (e)(3)(A) &(B). For example, with regard to translation of test score reports for parents, an LEA cannot use Title III funds to translate score reports on the content assessments (mathematics, science, or reading/language arts) required by Title I of the ESEA.

Also, in TDOE’s *Title III Allowability Guide*, the list of items indicated as allowable parent engagement activities does not clearly indicate that the activities must be limited to participation by parents of English learners.

During the Department’s review, one LEA indicated in its response to the Title III self-assessment that it has used Title III funds to hire support staff who work at the school level to bridge the gap between home and school by providing language support, including providing interpretation during school events and translation for school-based documents.



During the interview, the LEA further clarified that the Title III-funded support staff provided translation and interpretation services at an “ACT Family Night” that was open to the parents of all students. This appears to be a violation of the supplement-not-supplant provision in ESEA section 3115(g). It is supplanting for Title III funds to be used to provide interpretation and translation services for school events and documents that are offered to all students.

Finally, TDOE’s Consolidated State Performance Report, Part I, data submission for school year 2019-20 indicates in section 1.4.5 that one or more LEAs used Title III funds to cover “W-APT Screening” activities. The obligation to identify all ELs is part of an LEA’s civil rights obligations under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. Therefore, an LEA may not use Title III funds for purposes relating to identification of ELs, including a screening assessment, home language survey, or other related tools.

### **REQUIRED ACTION**

Within 60 business days of receiving this report, TDOE must submit updated guidance, training, and monitoring documents and tools, as appropriate, to ensure that Title III funds are used only for supplemental translation, interpretation, and parent engagement activities that are specific to the Title III program, rather than for services that are provided by the LEA to all students.

### **RECOMMENDATION**

The Department recommends that TDOE determine which LEAs used Title III funds to cover “W-APT Screening” activities in school year 2019-2020 and provide training and monitoring to ensure that Title III funds are not used for purposes relating to identification of ELs.

## DATA QUALITY

## 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, §8304(a)(6)(A)

EDGAR 34 C.F.R. § 76.720, 34 C.F.R. § 76.770  
 Government Accountability Office's "Standards for Internal Control in the Federal Government"  
 Uniform Guidance 2 CFR 200.303; 2 CFR 200.328(b)  
 OMB Circular A-133 Compliance Supplement:  
 Department of Education Cross-cutting Section  
 Final Audit Report: ED-OIG/A0600001

## ISSUE

ESEA section 1111(b)(2)(A)(iv) requires a State's assessment system to be of adequate technical quality for each purpose for which use of the data is required under the ESEA.

TDOE and LEAs included in this review described a data review process that includes procedures to help ensure the data reported are of high quality (e.g., flags, error reports) for data input at the LEA and school levels, including data related to assessments prior to administration of the assessments. However, for review of assessment data after test administration, TDOE indicated it provides the raw data to LEAs without tools to support the LEA review of the data (e.g., instructions on what to look for in their review, flags for possible data issues, error reports).

TDOE provided some evidence regarding its review of assessment data at the SEA level with a documented a set of business rules based on errors TDOE may identify in the data. However, for such data issues identified at the SEA level, TDOE provided only business rules for how to include the flagged data in its assessment data rather than steps the SEA takes to correct the data. Based on documentation from TDOE, these data issues include discrepancies such as: missing data (e.g., records with missing district numbers, records with missing student demographic data), test records that do not match a student's status (e.g., alternate assessment results for a child without disabilities, English language proficiency test results for a student who is not an English learner), multiple test records for the same assessment for a student, and multiple content area or ELP test records for different assessments for a student.

## REQUIRED ACTION

Within 60 business days of receipt of this report, TDOE must provide a plan and a timeline for establishing procedures for the SEA and LEA review of assessment data from the 2021-2022 school year and future school years, including:

1. Procedures for correcting identified data quality issues (e.g., finding district numbers where missing, obtaining missing student demographic information, contacting districts to correct data regarding student special needs statuses).

2. Providing tools to support LEA review and correction of the data. TDOE's plan and timeline also should include steps to determine whether the issues identified are data quality issues or issues with test administration.

## Title I, Parts A and 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

#### *Participation rates*

ESEA section 1111(b)(2)(B)(i)(II) requires that a State's assessments be administered to all public elementary and secondary school students in the State. Except for medically exempt students, a student who does not receive a valid score must be counted as a non-participant, and results for any student who receives a valid score must be included in calculations of achievement results.

For purposes of counting assessment participants and calculating assessment participation rates, TDOE described certain business rules it uses to determine whether to count a student as a participant or non-participant that are not consistent with ESEA requirements. A student may be counted as a participant only if the student: (1) took the assessment, (2) received a valid score, and (3) was assigned a proficiency level. Specifically, TDOE described:

- The State counts a student as a participant if there is a test record for the student, whether or not the student receives a valid score.
- For its computer-based tests, the State counts a student who does not submit a test as tested, (and, therefore, as a participant), even though such a student does not receive a valid score.
- In the case of a testing irregularity that results in a student not receiving a valid score, the State counts the student as neither enrolled nor tested.
- For students tested in a residential facility, achievement results are assigned to the sending LEA but participation results are not. Assessment results (participation and achievement) should be assigned to the same entity for each student.
- For medically exempt students, the State counts the students as tested (and, therefore, participants). If the State permits medical exemptions from assessments, medically exempt students must be removed from the numerator and denominator for participation and proficiency calculations.

TDOE documentation for assessment administration submitted for the review (e.g., Building Assessment Coordinators' Manual and the Test Administrators' Manual) lack clear statements that all students must be included in State assessments. Participation rate data reported by TDOE for 2018-2019 were low (66 – 80 percent) for English learners across all grades in mathematics and reading/language arts.

*High school assessments in reading/language arts and mathematics*

Under ESEA section 1111(b)(2)(B)(i), each statewide assessment must be administered to all students in the State. The State must use the same assessments for purposes of calculating participation and proficiency rates for the State's Academic Achievement indicator, public reporting on State and local report cards, and reporting assessment results to the Department via *EDFacts* (ESEA sections 1111(b)(2), 1111(c)(4)(B)(i)(I), 1111(h)(1)(c)(ii) and 1111(h)(5)). In addition, a State must submit assessments used for these purposes for review through the Department's assessment peer review process (ESEA section 1111(a)).

For the high school assessments TDOE uses to meet the requirements in ESEA section 1111(b), TDOE indicated it administers six end-of-course mathematics assessments: one progression of Integrated Mathematics I, II and III and another progression of Algebra I, Algebra II and Geometry. TDOE stated that each high school student is expected to take all three assessments in one of the two progressions, and that TDOE uses all six high school end-of-course mathematics assessments for ESEA Title I accountability. TDOE submitted each of its six assessments for assessment peer review in 2019. These assessments and progressions will be reviewed again for related elements when TDOE submits its evidence for the outstanding critical elements. The Department will follow-up separately with TDOE regarding assessment peer review following finalization of this report.

TDOE explained that its denominator for participation rate calculations for its high school end-of-course assessments is based on student enrollment in the courses to which the end-of-course assessments are aligned. A State must calculate participation rates that include all students for each end-of-course assessment the State administers for ESEA Title I purposes. While State policy requires a student to take all three mathematics courses in order to receive a regular diploma, it is not clear that the State's process for calculating participation rates includes all students for each end-of-course assessment TDOE administers for ESEA Title I purposes (e.g., students not on track to graduate who do not enroll in one or more of the three mathematics courses). TDOE's approach of basing participation rate calculations on tested course enrollment/assessment does not include all students for each end-of-course assessment TDOE administers consistent with ESEA section 1111(c)(4)(E).

TDOE also stated that for reporting to *EDFacts*, TDOE only reports data for only the first assessment in each mathematics progression (Integrated Mathematics I or Algebra I). TDOE also stated it only submits to *EDFacts* data for English II even though TDOE administers two high school reading/language arts assessments (English I and English II) for ESEA Title I assessment and accountability purposes.

*Exception for 8<sup>th</sup> graders to take the SEA's high school end-of-course mathematics assessment*

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

In TDOE’s approved ESEA consolidated State plan, it implements this flexibility. A student may use the SAT or ACT as its high school mathematics assessment test result (i.e., an 11<sup>th</sup> grader who has already completed either of TDOE’s sequences of three high school mathematics assessments). TDOE did not document how it ensures that each high school student who take the State’s high school end-of-course mathematics assessment in place of its grade 8 assessment takes an advanced assessment in high school in lieu of the end-of-course assessment(s) taken by the student prior to high school and includes the results in the State’s accountability system. In addition, a State that implements the 8<sup>th</sup> grade mathematics exception must submit the advanced assessment(s) it administers for high school due to this exception for the Department’s assessment peer review. TDOE has not submitted its advanced high school mathematics assessments it administers (i.e., the ACT, SAT and/or any other “advanced assessment” in mathematics TDOE administers to a student in lieu of a State assessment administered for ESEA section 1111(b)(3) purposes in applying the 8<sup>th</sup> grade mathematics exception) for the Department’s assessment peer review.

TDOE also extends the flexibility allowed under the 8<sup>th</sup> grade math exception to lower grades for mathematics and to reading/language arts. Absent an approved waiver from the Department, for grades 3 through 7 in mathematics and any other subject, a State must administer the same grade-level assessment to every student. (ESEA section 1111(b)).

#### *Inclusion of recently arrived English learners*

During the review, TDOE indicated it exercises the flexibility in ESEA section 1111(b)(3)(A)(ii) regarding inclusion of recently arrived ELs in statewide assessments and accountability under ESEA Title I, consistent with Tennessee’s approved ESEA consolidated State plan. As TDOE noted during the review, it has not provided clear guidance to LEAs and schools. Without clear direction from TDOE, LEAs and schools may not include ELs in required assessments consistent with ESEA Title I requirements.

### **REQUIRED ACTIONS**

#### *Participation rates*

Within 60 business days of receiving this report, TDOE must submit revised business rules for calculating participation rates for all assessments that TDOE administers to meet the requirements of ESEA section 1111(b)(2) in the 2021-2022 school year and future years that count all students once for each assessment and that count as a participant only a student who (1) took the assessment, (2) received a valid score, and (3) was assigned a proficiency level. This also should include a statement that TDOE will use these same assessments for ESEA Title I assessment, accountability and reporting purposes.

#### *Requirements for mathematics assessments*

Withing 60 business days of receiving this report, TDOE must submit:

1. Data that includes all of the the high school end-of-course assessments TDOE administers to meet ESEA Title I assessment, accountability and reporting purposes to ED Facts for the 2021-2022 school year by the deadline for the submission of these files.

2. A plan and a timeline to increase assessment participation rates in required assessments to include all English learners in test administrations in 2021-2022 and future years.
3. For the 2021-2022 school year and future years, either: (1) a request for a waiver to extend the flexibility allowed under the 8th grade math exception to reading/language to lower grades in addition to grade 8, or (2) documentation that it has revised policies and communicated that change to all LEAs that all Tennessee students in grades 3 through 8 will take the grade-level assessment for the grade in which the student is enrolled (with the exception of grade 8 mathematics).

## **RECOMMENDATIONS**

The Department recommends that TDOE:

1. Revise its documentation regarding assessment administration (e.g., Building Assessment Coordinators' Manual and Test Administrators' Manual) to provide clear statements that all students must be included in required assessments in Tennessee.
2. Revise documentation it provides to LEAs about how it implements the flexibility in ESEA section 1111(b)(3)(A)(ii) regarding the inclusion of recently arrived ELs in statewide assessments and accountability under the ESEA so that LEAs and schools understand the requirements and include ELs in all required assessments consistent with ESEA requirements and Tennessee's approved ESEA consolidated State plan.

## STATEWIDE ACCOUNTABILITY SYSTEM

## REQUIREMENT SUMMARY

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

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

### ISSUE

*Inclusion of Tennessee’s high school diploma for students with disabilities in the adjusted cohort graduation rate (ACGR)*

ESEA sections 8101(23)(A)(ii) and 8101(25)(A)(ii) require a State to determine the numerator for its ACGR calculations based on the number of students who earned a regular high school diploma or higher diploma in four years, plus all students with the most significant cognitive disabilities assessed using the State’s alternate assessment aligned to alternative academic achievement standards and awarded a State-defined alternate diploma. ESEA section 8101(43) defines a regular high school diploma as the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards. A regular high school diploma may not be aligned to a State’s alternate academic achievement standards described in section ESEA section 1111(d)(1)(E) and does not include a general equivalency diploma, certificate of completion, certificate of attendance, or any other similar lesser credential.

Tennessee law establishes specific requirements that students must meet to earn the State’s standard diploma, which Tennessee calls a “traditional” high school diploma. In particular, students must earn a minimum of 22 credits, which must include certain specific courses. For certain students with disabilities, however, Tennessee provides exceptions that permit such students to earn the State’s “traditional” high school diploma based on different, less rigorous course requirements than what is required for other students, as shown in the table below. The Department notes that the “Rules of the State Board of Education” (page 14) that TDOE provided on November 16, 2021, as supplemental documentation indicates that, for certain students with disabilities, TDOE provides exceptions that permit such students to earn the State’s “traditional” high school diploma based on different, less rigorous course requirements than what is required for other students.

Traditional high school diploma	Traditional high school diploma for students with disabilities
Mathematics (4 credits) - Three of the required credits of mathematics shall include Algebra I	Mathematics (4 credits) - Students with a qualifying disability who have deficits in mathematics as



and II, Geometry, or the equivalent Integrated Math I, II, and III. The fourth credit shall be in another mathematics course beyond Algebra I or Integrated Math I.	documented in the individualized education program (IEP) shall be required to achieve at least Algebra I and Geometry (or the equivalent Integrated Math I and Integrated Math II).
Science (3 credits) - The three credits of science shall include Biology, Chemistry or Physics, and a third lab science.	Science (3 credits) - Students with a qualifying disability as documented in the IEP shall be required to achieve at least Biology I and two other lab science credits.

Despite the less rigorous coursework requirements permitted for some students with disabilities, TDOE includes those students as having received a regular high school diploma for purposes of calculating its ACGR. This is inconsistent with the State’s definition of a regular high school diploma awarded to the preponderance of students in the State.

#### *ACGR cohort assignment*

ESEA sections 8101(23)(A)(i) and 8101(25)(A)(i) require a State to define the denominator for its ACGR as the number of students who form the adjusted cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data must be collected annually by the State educational agency. Documentation submitted for the review (TDOE’s *2020 Graduation Cohort Protocol*, p. 3), describes TDOE procedures that would provide for a student who first entered a Tennessee public school in grade 10 to be placed in the cohort of students who were first-time students in grade 9 in 2016-2017, an approach that is not consistent with requirements. During the interviews, TDOE indicated that the document incorrectly describes its practice and instead should explain procedures would place such a student in the 2015-16 cohort of first-time grade 9 students expected to graduate in 2019.

#### *Use of confidence intervals*

ESEA section 1111(c)(4)(B) requires a State to calculate indicators of school performance based on definitions of ACGR in ESEA sections 8101(23) and (25). In documentation submitted for the review (TDOE’s *Accountability Protocol*, p. 26), TDOE states that it calculates 95 percent confidence intervals for the following measures defined for its ESEA Title I statewide accountability system in its ESEA State plan (pp. 77-80, 85-86, 97-98): success rates [Academic Achievement indicator for high schools and Other Academic indicator for schools that are not high schools], chronic absenteeism rates [SQSS indicator], graduation rates [Graduation Rate indicator], and ready graduate percentages [SQSS indicator].

During the interview, TDOE also indicated it uses confidence intervals to determine whether schools have met Tennessee’s measurements of interim progress (called “AMO” targets in Tennessee’s accountability system) for schools. A confidence interval is useful when evaluating data based on a sample of the full student population, to account for variation that may occur between the sample and the full population. Some of the measures for which TDOE’s *Accountability Protocol* indicate TDOE calculates confidence intervals are measures based on the full population of students for the measure and for which use of a confidence interval therefore would not be appropriate (e.g., graduation rates, chronic absenteeism rates). For example, the ESEA defines both the numerator and denominator for adjusted cohort graduation rates based on the adjusted cohorts that include all students. It is not appropriate to use

a confidence interval in such cases, where there is no measurement error (i.e., regarding whether a student graduated) and the measure is based on the full population (i.e., based on the full population of a given cohort and not based on a sample of a school's population).

### *Subgroup membership*

Documentation submitted for the review regarding TDOE's calculation of the AGCR does not outline how TDOE defines subgroups for which student membership may change over time for purposes of ACGR calculations (e.g., subgroups of economically disadvantaged students, English learners, children with disabilities).

### **REQUIRED ACTION**

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

1. Updated procedures for *Graduation Cohort Protocol* for calculating ACGRs consistent with the statutory requirements (i.e., that do not include students receiving Tennessee's high school diploma for children with disabilities and that clarifies cohort assignments for transfer students) to be used beginning with ACGR calculations for the 2021-2022 school year.
2. Evidence that the updated procedures for calculating the ACGRs consistent with statutory requirements has been communicated with LEAs for the 2021-2022 school year.
3. Documentation, such as a revised *Accountability Protocol*, that shows that TDOE uses confidence intervals only for measures for which the true values cannot be determined.

### **RECOMMENDATION**

Though not required for purposes of this review, the Department recommends that TDOE include in its documentation for TDOE's calculation of the AGCR how TDOE defines subgroups for which student membership may change over time for purposes of ACGR calculations (e.g., subgroups of economically disadvantaged students, English learners, children with disabilities).

## 1003 SCHOOL IMPROVEMENT

### REQUIREMENT SUMMARY

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

ESEA §1003(a)-(f), §1111(d)(1)-(2)

### ISSUE

ESEA section 1003 requires an SEA to reserve funds to serve schools implementing comprehensive or targeted support and improvement activities. TDOE provided materials for eight separate grant programs associated with section 1003 funds:

1. District Priority School Improvement Grant (DPSIG)
2. Turnaround Action Grant (TAG)
3. Adaptive Learning Technology Grant (ALT)
4. Additional Targeted Support and Improvement Grant (ATSI)
5. School-Level Improvement Grant (SLIG)
6. Success Rate Grant
7. Priority School Exit Grant
8. Priority Principal Leadership Incentive (no separate materials were provided for this program; however, information was included in the Division of School Improvement Standard Operating Procedures document on page 17).

However, during the review and in the subsequent documentation, the Department was unable to verify that TDOE was meeting the requirements of ESEA section 1003 for each of the grant programs listed above. In addition to the items described below, TDOE did not provide any evidence or documentation for the following grant programs:

1. Priority Exit Grant
2. Success Rate Grant
3. Priority Principal Leadership Incentive (which was described on page 17 of the Division of School Improvement Standard Operating Procedures document).

#### *ESEA section 1003(b)*

ESEA section 1003(b) outlines how an SEA may allocate its 1003 school improvement funds to LEAs, whether on a formula or competitive basis.

The Department was unable to verify which of the grant programs were funded with ESEA section 1003 funds. For several of the programs (e.g., Priority Exit, Success Rate, Priority Principal Leadership Incentive), it was unclear if TDOE allocated funds via a formula or competition.

*ESEA section 1003(f)*

ESEA section 1003(f) requires an SEA, when allocating 1003 funds to LEAs, to give priority to LEAs that (1) serve high number, or high percentage of, elementary and secondary schools implementing plans under section 1111(d), (2) demonstrate the greatest need of such funds, and (3) demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

For those grant programs that were allocated via a competition (e.g., SLIG), the Department could not verify that TDOE met the requirements of ESEA section 1003(f).

*ESEA section 1003(e)*

ESEA section 1003(e) outlines the information that each LEA is required to submit to the SEA in an application to receive ESEA section 1003 funding. Although TDOE provided several sample applications for some of the programs listed above, those applications did not include all required elements. Of those applications that TDOE submitted, the Department identified the following missing items:

- Section 1003(e)(1)(A) requires a description of how the LEA will develop comprehensive support and improvement plans under section 1111(d)(1) in order to receive 1003 funds. Of those applications that TDOE provided, the following do not provide evidence of this requirement:
  - DPSIG
  - TAG
  - SLIG
  - ALT
- Section 1003(e)(1)(B) requires an LEA to describe how it will support schools developing or implementing targeted support and improvement plans under section 1111(d)(2) in order to receive 1003 funds. Upon review of the submitted grant applications, the following do not provide evidence of this requirement:
  - SLIG
  - ALT
- Section 1003(e)(1)(C) requires the LEA describe how it will monitor schools receiving funds under this section, including how the LEA will carry out the requirements in section 1111(d)(2)(B) if funds received under this section are used to support schools implementing TSI plans. Of the provided grant applications, the Department is unable to verify how the DPSIG application meets this requirement.
- Section 1003(e)(1)(D) requires the LEA to describe how it will use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the LEA will partner. After reviewing the submitted grant applications, the following do not provide evidence of this requirement:
  - DPSIG
  - TAG
  - ALT

- Section 1003(e)(1)(E) requires the LEA to describe how it will align other Federal, State, and local resources to carry out the activities supported with 1003 funds. Upon review of the submitted grant applications, the following do not provide evidence of this requirement:
  - TAG
  - SLIG
  - ATSI
  - ALT
- Section 1003(e)(1)(F) requires the LEA to describe how it will modify practices and policies to provide operational flexibility that enables full and effective implementation of CSI and TSI plans, as applicable. Upon review of the submitted grant applications, the following do not provide evidence of this requirement:
  - DPSIG
  - TAG
  - ALT

Additionally, there is no evidence of how TDOE meets the requirements of sections 1003(e) or 1003(f) with respect to the following grant programs:

- Priority Exit Grant
- Success Rate Grant
- Priority Principal Leadership Incentive (which was described on page 17 of the Division of School Improvement Standard Operating Procedures document).

#### **REQUIRED ACTION**

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

1. Allocation information for each of the separate grant programs illustrating the amount of ESEA section 1003 funds that were used to support each program.
2. Evidence that, for each grant program supported with ESEA section 1003 funds, it meets all ESEA section 1003 requirements. This could include updated application templates or sample applications, and standard operating procedures or award rubric that documents how funds are awarded to LEAs.

## STATE AND LOCAL REPORT CARDS

### REQUIREMENT SUMMARY

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

ESEA § 1003(i), § 1111(h)(1)(C)(x)

EDGAR 34 C.F.R. § 200.11

### ISSUE

ESEA section 1003(i) requires an SEA to publicly provide a list of LEAs and schools that receive section 1003 school improvement funds. TDOE provides most information on the State report card, through the “data downloads page,” under the accountability page on the TDOE website, or on their ePlan website. However, while resources can be found regarding school improvement funds, TDOE does not provide a list of LEAs and schools that receive section 1003 school improvement funds.

ESEA section 1111(h)(1)(C)(x) requires an SEA to report actual per-pupil expenditures of Federal, State, and local funds for each school. TDOE reports per-pupil expenditures by percentage of Federal, State, and local funds but has not reported actual expenditures of Federal, State, and local funds on the State report card.

### REQUIRED ACTION

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

1. Make publicly available on its State report cards a list of LEAs and schools that receive ESEA section 1003 school improvement funds.
2. Starting with the 2020-2021 State report card published in September 2021 and going forward, revise per-pupil expenditure reporting to include actual expenditures of Federal, State, and local funds in each school.

## 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 § 1116(a)(2)(D)(i)

### ISSUE

ESEA section 1116(f) requires an LEA to provide opportunities for the informed participation of parents and family members in Title I parent and family engagement activities (including parent and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), such as providing information and school reports in a language such parents understand. TDOE’s Consolidated Funding Application (CFA) requires LEAs to assure that parents and family members are involved in the process of creating informed parent and family participation. Additionally, TDOE’s monitoring process requires LEAs to upload evidence of “stakeholder involvement of LEA-level parent and family engagement policy development” (p. 164 of RBM On-Site and p. 44 of RBM-Desktop). During the interview, TDOE described how it works with LEAs to provide appropriately translated materials for families with limited English proficiency. However, there is no evidence in TDOE’s RBM document or from SEA interviews that TDOE ensures LEAs provide opportunities for parents and family members with disabilities or parents and family members of migratory children.

While the “District Parent and Family Engagement Policy Checklist,” which is used in the development and review of policies, includes an item regarding how LEAs annually identify barriers for participation in activities for parents and families who have limited English proficiency, with disabilities, and parents and family members of migratory children (p.3), TDOE did not provide any example of how it ensures that LEAs engage with family members with disabilities or migratory families.

### REQUIRED ACTION

Within 60 business days of receiving this report, TDOE must submit a plan and timeline detailing how it will ensure that LEAs receiving Title I funding are reducing barriers and providing opportunities for the participation of all parents and family members in Title I parent and family engagement activities,

including parents and family members with disabilities, and parents and family members of migratory children.



## 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 entering foster care or experiencing a change in foster care placement remain at their respective schools of origin unless it is determined to be in their best interest to leave the school of origin. Effective implementation of this requirement generally necessitates further collaboration between LEAs and local child welfare agencies. TDOE’s documentation indicates that, in Tennessee, the local child welfare agency “is responsible for contacting the school system foster care [point of contact] when a [best interest determination or BID] meeting is needed.” Shelby County Schools and Monroe County Schools both indicated that the local child welfare agencies do not consistently request best interest determination meetings when students enter foster care or experience a change in foster care placement.

TDOE provided evidence that it has focused recent technical assistance efforts on increasing the frequency of BID meetings across all LEAs, and data show that some progress has been made; however, there is evidence from both Shelby County Schools and Monroe County Schools that BID meetings do not occur as frequently as they should. For example, Shelby County Schools reported that it held three BID meetings in a given school year, even though it served approximately 250 students in foster care during the same school year.

In addition, ESEA section 1111(g)(1)(E)(i) requires each SEA, in collaboration with the State child welfare agency, to ensure that students entering foster care or experiencing a change in foster care placement remain at their respective schools of origin unless it is determined to be in their best interest to leave the school of origin. This determination must “be based on all factors relating to the child’s best interest.”

TDOE has released additional guidance indicating that BID meetings are not required in certain circumstances, including (i) if “the foster home is outside of a 60-minute ride from the school of origin” or (ii) if the local child welfare agency “believes a student is not safe in the school of origin.” As noted above, under ESEA section 1111(g)(1)(E)(i), the BID must “be based on *all* factors relating to the child’s best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement” (emphasis added). TDOE may not, therefore, establish a blanket rule regarding BIDs based on only one or two factors but

must instead consider all factors relating to a child's best interest each time a best interest determination is made.

### **REQUIRED ACTION**

Within 60 business days of receiving this report, TDOE must provide revised guidance to align with the BID requirements in ESEA section 1111(g)(1)(E)(i). TDOE must also provide a plan for how it will communicate the updated guidance to subgrantees. TDOE must ensure that its guidance does not provide exceptions to the BID requirements in the ESEA.

### **RECOMMENDATION**

The Department recommends that TDOE continue its collaborative efforts with the State child welfare agency to ensure that all LEAs and local child welfare agencies understand, and adhere to, TDOE's requirements related to BID meetings. We recommend that TDOE work with the State child welfare agency to develop new written guidance and training opportunities to ensure a shared understanding of the BID meeting process. Where possible, we recommend that TDOE and the State child welfare agency co-author written guidance and offer joint trainings for LEA staff and local child welfare agency staff.

## OTHER TITLE I REQUIREMENTS

## REQUIREMENT SUMMARY

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

ESEA § 1111(g), § 1112, § 1119, § 1603

## ISSUE

ESEA section 1111(g)(1)(B) requires each State plan to describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the SEA will use to evaluate and publicly report the progress of the SEA. While TDOE posts a TN Educator Preparation Report card, as well as provides spreadsheets of educator quality data on their data downloads page that includes teacher effectiveness data, no evidence was provided as to “how the SEA publicly reported 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.”

## REQUIRED ACTION

Within 60 business days of receiving this report, TDOE must submit a plan and timeline detailing how it will address and publicly report its progress toward ensuring that low-income and minority children in Title I schools are not serviced at disproportionate rates by ineffective, out-of-field, and inexperienced teachers.

## Title II, Part A

### LEA LEVEL USE OF FUNDS – MEANINGFUL CONSULTATION

### REQUIREMENT SUMMARY

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

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

### ISSUE

Section 2102(b)(3) of the ESEA requires that LEAs “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].” While TDOE includes an assurance in the combined Federal application addressing this requirement and requires LEAs to include a discussion of general consultation that is not specific to Title II, Part A in their LEA plans, TDOE does not ensure that LEAs consult with the full range of required stakeholders specifically about how to meet the purposes of the Title II, Part A program. The LEAs participating in the monitoring review were not able to provide evidence of having consulted with all required stakeholders about how best to improve the LEA’s activities to meet the purposes of the Title II, Part A program and TDOE does not appear to ask them to provide such evidence.

### REQUIRED ACTION

Within 60 business days of receiving this report, TDOE must provide a plan and timeline showing how it will ensure that each LEA receiving Title II, Part A funds consults, as required by section 2103 (b)(3) of the ESEA, with the full range of required stakeholders about how to improve the LEA’s activities to meet the purposes of the Title II, Part A program.

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

### REQUIREMENT SUMMARY

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

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

### ISSUE

ESEA section 2103(b)(3)(D) permits LEAs to use Title II, Part A funds to reduce class size by recruiting and hiring effective teachers. This requirement presumes that LEAs will not use Title II, Part A funds to hire or pay teachers for the purpose of class size reduction unless the LEA has previously determined that the class size reduction teachers are effective. While TDOE indicates that it monitors LEAs to ensure that teachers paid with Title II, Part A funds are effective, this method does not identify ineffective teachers until after the LEA has expended the Title II, Part A funds for the purpose of class size reduction. As a result, LEAs in Tennessee have been at risk of using program funds to pay ineffective class size reduction teachers, which would be an unallowable Title II, Part A expenditure. TDOE provided no evidence to show that it has, in the past, ensured that teachers recruited or paid with Title II, Part A funds for purposes of class size reduction have been determined to be effective before program funds are used.

### REQUIRED ACTION

While TDOE did not meet this requirement in the fiscal years covered by the monitoring visit, subsequent to the monitoring visit, TDOE provide documentation showing that for the 2021-2022 school year, it is asking LEAs that use Title II, Part A program funds for purposes of class reduction to provide documentation in their e-Plans that class size reduction teachers paid with Title II, Part A funds have met the State’s definition of “effective” before the proposed expenditure is approved by TDOE. By providing this documentation, TDOE has ensured that going forward, LEAs will not use Title II, Part A funds to hire or pay teachers for the purpose of class size reduction unless the LEA has previously determined that the class size reduction teachers are effective, as required by ESEA section 2103(b)(3)(D). No additional action is required.

## Title III, Part A

### STANDARDIZED STATEWIDE ENTRANCE AND EXIT PROCEDURES, STUDENTS ENROLLING FROM ANOTHER STATE

### REQUIREMENT SUMMARY

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

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

34 C.F.R. § 200.5(a)(2)

### ISSUE

Section 3113(b)(2) of the ESEA requires an SEA to “establish and implement...standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners [(EL)] are assessed for such status within 30 days of enrollment in a school in the State...”

The TDOE *ESL Manual*, on p. 13, states: “If a student transfers from another district within the United States or from a Department of Defense school and there are official records (e.g., W-APT, HLS, etc.) indicating the student’s pre-determined eligibility and ESL services within the past year, the receiving school must accept the record and provide the student with ESL services accordingly.” During the monitoring interview, TDOE confirmed that this is the current procedure in the State and that only those students transferring from another State with no official records or outdated records are assessed for EL status.

The definition of English language proficiency varies across States (see, for example, ESEA sections 1111(c)(4)(A)(ii) and 1111(c)(4)(B)(iv)). Therefore, a student identified as an EL in another State may in fact meet TDOE’s criteria for English language proficiency. It would then be inappropriate for such a student who is proficient in English, per TDOE’s definition of English language proficiency, to be placed in a language instruction education program in a Tennessee LEA receiving funds under Title III.

### ACTION REQUIRED

Within 60 business days of receiving this report, TDOE must submit evidence that it has updated its guidance, training, and monitoring documents and tools, as appropriate, to require that students identified as ELs in another State who transfer to a school in Tennessee be assessed for EL status, based on TDOE’s definition of English language proficiency, within 30 days of enrollment in a school in the State.

As part of this assessment for EL status, TDOE may consider assessment evidence from the previous State. For example, if the student's prior year records from the previous State indicate the use of the same ELP assessment as in Tennessee, then TDOE may choose not to rescreen the student and simply apply TDOE's exit criteria to the student's prior ELP assessment results.

Evidence that it has updated its guidance, training, and monitoring documents and tools, as appropriate, to ensure that LEAs can clearly distinguish between State funds and Title III funds, and to ensure that LEAs do not expend Title III funds for services provided to former ELs, including students who have exited EL status in the past two years.

## STANDARDIZED STATEWIDE ENTRANCE AND EXIT PROCEDURES

### REQUIREMENT SUMMARY

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

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

34 C.F.R. § 200.5(a)(2)

### ISSUE

Section 3113(b)(2) of the ESEA requires an SEA to “establish and implement...standardized, statewide entrance and exit procedures [for English learners].”

There are inconsistencies across TDOE’s various guidance, training, and monitoring documents regarding TDOE’s statewide entrance and exit procedures. During the monitoring interview, TDOE indicated that its *Policy 3.207* document reflects the current standardized statewide entrance and exit procedures and TDOE is in the process of moving requirements from that policy document to its Rules of the State Board of Education (Chapter 0520-01-19 ENGLISH AS A SECOND LANGUAGE PROGRAMS), in order for the procedures to be enforceable. TDOE acknowledged that the standardized statewide entrance and exit procedures included in its current ESEA consolidated State plan do not reflect the standardized statewide entrance and exit procedures that TDOE is currently implementing, and that it needs to submit a plan amendment request (for Title III, part A and other programs as well) to address these inconsistencies.

The existing TDOE guidance documents are unclear as to whether students who have exited EL status in the past four years (referred to by TDOE as “transitional ELs”) are still given EL accommodations on content assessments.

For example, TDOE *ESL Manual* states, on p. 46, “Transitional ELs remain eligible to receive EL testing accommodations.” Also, the table on p. 49 of the *ESL Manual* describes human reader/human signer accommodations as, “Provides an oral presentation of directions, test items and/or answer options on the TNReady assessments for students served under an IEP, 504 plan, or identified as active or **transitional ELs**. [emphasis added]”

During the monitoring interview, TDOE confirmed that it does not allow EL accommodations on content assessments for students who have exited EL status in the past four years.



**REQUIRED ACTION**

Within 60 business days of receiving this report, TDOE must submit evidence that it has updated its guidance, training, and monitoring documents and tools, as appropriate, to reflect its standardized statewide entrance and exit procedures for English learners.

To the extent that policies are detailed in the TDOE ESEA consolidated State plan that are inconsistent with TDOE's current standardized statewide entrance and exit procedures, TDOE must submit a State plan amendment request that reflects the current standardized statewide entrance and exit policies of the State.

**RECOMMENDATION**

The Department recommends that TDOE add clarity to its guidance documents to reflect the State policy that students exited from EL status in the past four years (i.e., "Transitional ELs" as defined by TDOE) should not be provided EL accommodations on content assessments. Students exited from EL status may receive the same types of accommodations as the general student population, as appropriate.

## USE OF FUNDS, FORMER ENGLISH LEARNERS

## REQUIREMENT SUMMARY

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

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

34 C.F.R. § 200.5(a)(2)

## ISSUE

ESEA section 3115 requires LEAs to use Title III, Part A funds "to improve the education of English learners..." Once a student has reached English language proficiency, as defined by the State, that student is no longer eligible for Title III services, except if the student still qualifies as an immigrant student (see ESEA section 3114(d)).

The TDOE document *Title III Fiscal Workshop PPT.pdf* indicates, on slide 5, that T1 and T2 students (i.e., students who have exited EL status in the past two years) are served by Title III, Part A funds. During the monitoring interview, TDOE indicated that LEAs can use State funds to provide English language services to T1 and T2 students, and that some LEAs do not understand what portion of their funding comes from State funds versus Title III, Part A funds.

## REQUIRED ACTION

Within 60 business days of receiving this report, TDOE must provide evidence that it has updated its guidance, training, and monitoring documents and tools, as appropriate, to ensure that LEAs can clearly distinguish between State funds and Title III funds, and to ensure that LEAs do not expend Title III funds for services provided to former ELs, including students who have exited EL status in the past two years.

# Met Requirements with Recommendation

## Title I, Part A

### IDENTIFICATION OF SCHOOLS

### REQUIREMENT SUMMARY

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

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

### ISSUE

ESEA section 1111(c)(4)(D)(i)(III) requires an SEA to establish comprehensive support and improvement (CSI) identification methodology for public schools that do not meet established exit criteria for additional targeted support and improvement (ATSI) school identification after a State-determined number of years. Tennessee has yet to identify its first cohort of CSI – not exited ATSI schools. Tennessee calls TSI/ATSI schools “focus schools.” Focus schools that earn a designation for the same underserved student group for three consecutive identification cycles would be classified for CSI – not exited ATSI. The first round of identification was to take place in fall 2020 but, due to assessment and accountability waivers for the 2019-2020 school year, identification was delayed. There are discrepancies between the 2019 Accountability Protocol and the ESEA consolidated State plan. In the State plan, focus schools that “are identified for the same historically underserved student group(s)

for three consecutive cycles” will be designated as a CSI – not exited ATSI school (p. 101). However, TDOE’s 2019 Accountability Protocol states schools that are identified for ATSI in “two consecutive cycles” will become CSI – not exited ATSI schools (p. 45). TDOE indicated during the interview that both “three consecutive cycles” and “two consecutive cycles” mean three years of data was necessary before a school would be identified as CSI – not exited ATSI.

### **RECOMMENDATION**

The Department recommends that TDOE use consistent language in all documents to reflect the three years of data required for an ATSI school to be identified as CSI – not exited ATSI school.

## FOSTER CARE

## 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

TDOE provided evidence that it provides LEA points of contact with frequent trainings (via both in-person trainings and virtual webinars) about the educational stability requirements for students in foster care. TDOE also provided evidence that it has developed written guidance for LEAs describing the educational stability requirements (including, for example, an FAQ document that covers various topics related to students in foster care). TDOE indicated in its interview with Department staff that it does not have a single guidance document that lays out all requirements for its foster care program. While there is considerable overlap in the information TDOE provides in its written guidance and training materials, information contained in the documents, even when covering the same foster care topic, is not always consistent in scope or detail.

## RECOMMENDATION

The Department recommends that TDOE develop a single guidance document that includes all information related to the educational stability of students in foster care to ensure that LEAs, child welfare agency partners, and other stakeholders can locate relevant requirements, guidance, and information as easily as possible.

## Title II, Part A

### LEA LEVEL USE OF FUNDS – USE OF EVIDENCE

### REQUIREMENT SUMMARY

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

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

### ISSUE

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, providing teachers and school leaders with evidence-based professional development, or other evidence-based activities that meet the purpose of Title II, Part A), the SEA must ensure that the LEA activities are evidence-based, to the extent that such evidence is reasonably available. While TDOE requires LEAs to provide information, in LEA plans and combined Federal applications, on the evidence base, or lack thereof, for some types of professional development on which LEAs expend Title II, Part A funds, interviews with LEAs during the monitoring suggest that more technical assistance on identifying evidence-based professional development may be needed. Neither of the LEAs interviewed indicated that TDOE requires information on or monitors to determine the evidence base for the full range of professional development the LEAs provide using Title II, Part A funds. In particular, the LEAs reported that, while they are asked to identify the research base for professional development provided through instruction programs such as literacy programs, they are not required to discuss or justify the evidence base for professional development provided in other contexts.

### RECOMMENDATION

The Department recommends that TDOE take steps to provide additional technical assistance to and oversight of LEAs to ensure that all professional development funded with local Title II, Part A funds is evidence-based, to the extent that such evidence is reasonably available.

## LEA LEVEL USE OF FUNDS – DEFINITION OF PROFESSIONAL DEVELOPMENT

## REQUIREMENT SUMMARY

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

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

## ISSUE

When LEAs use local Title II, Part A funds for professional development activities, those activities must conform to the statutory definition of professional development in section 8101(42) of the ESEA, which requires that professional development be sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. While LEAs interviewed during the monitoring indicated that TDOE provides technical assistance on types of professional development that fulfills the statutory definition, it is not clear that TDOE always requires that funded professional development meet the full definition. In particular, in the context of provision of professional development to meet Title II, Part A equitable services requirements, it appears that some LEAs are providing equitable services through conference attendance that, unless the conference is part of a more comprehensive professional development plan, does not meet the requirement that professional development be sustained and intensive.

## RECOMMENDATION

The Department recommends that TDOE take steps to provide additional technical assistance to ensure that all professional development funded with local Title II, Part A funds, including professional development provided to private school educators, meets the professional development definition in section 8101(42) of the ESEA.