

ESSA: Changing Landscape



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Recent ED OIG Audit Findings



Former Baruch College Official Sentenced for Theft (New York)

A former Baruch College athletics official, who also served as basketball coach during his tenure at the school, was sentenced to prison for stealing more than \$700,000 intended for the school's athletic facilities. The former official rented the school's gym to outside parties, ostensibly on behalf of Baruch College. In instructions to the renting parties, however, the former official directed that payments be made directly to him or to entities that he controlled, unbeknownst to the renters or the school. The former official used the bulk of the funds on personal expenses, such as renovations on his home. The former official was sentenced to serve 20 months in prison and 3 years of supervised release and was ordered to pay more than \$787,000 in restitution. [Press Release](#)

And in a separate but similar fraud scheme, a former facilities rental coordinator at Baruch College was sentenced to 5 years of probation and was ordered to pay more than \$27,900 in restitution.

*Former Thornton Township High School District 205 Technology Department
Consultant Indicted (Illinois)*

A former Thornton Township High School District 205 consultant was indicted on conspiracy charges. The former consultant allegedly conspired with a vendor to direct the school district to purchase computer-related equipment and other items of value at significantly marked-up prices in exchange for a financial kickback. As a result of his alleged effort, the former employee received more than \$33,000.

Founder of the Varnett Public School and Her Husband Sentenced to Prison for Roles in \$4 Million Fraud Scam (Texas)

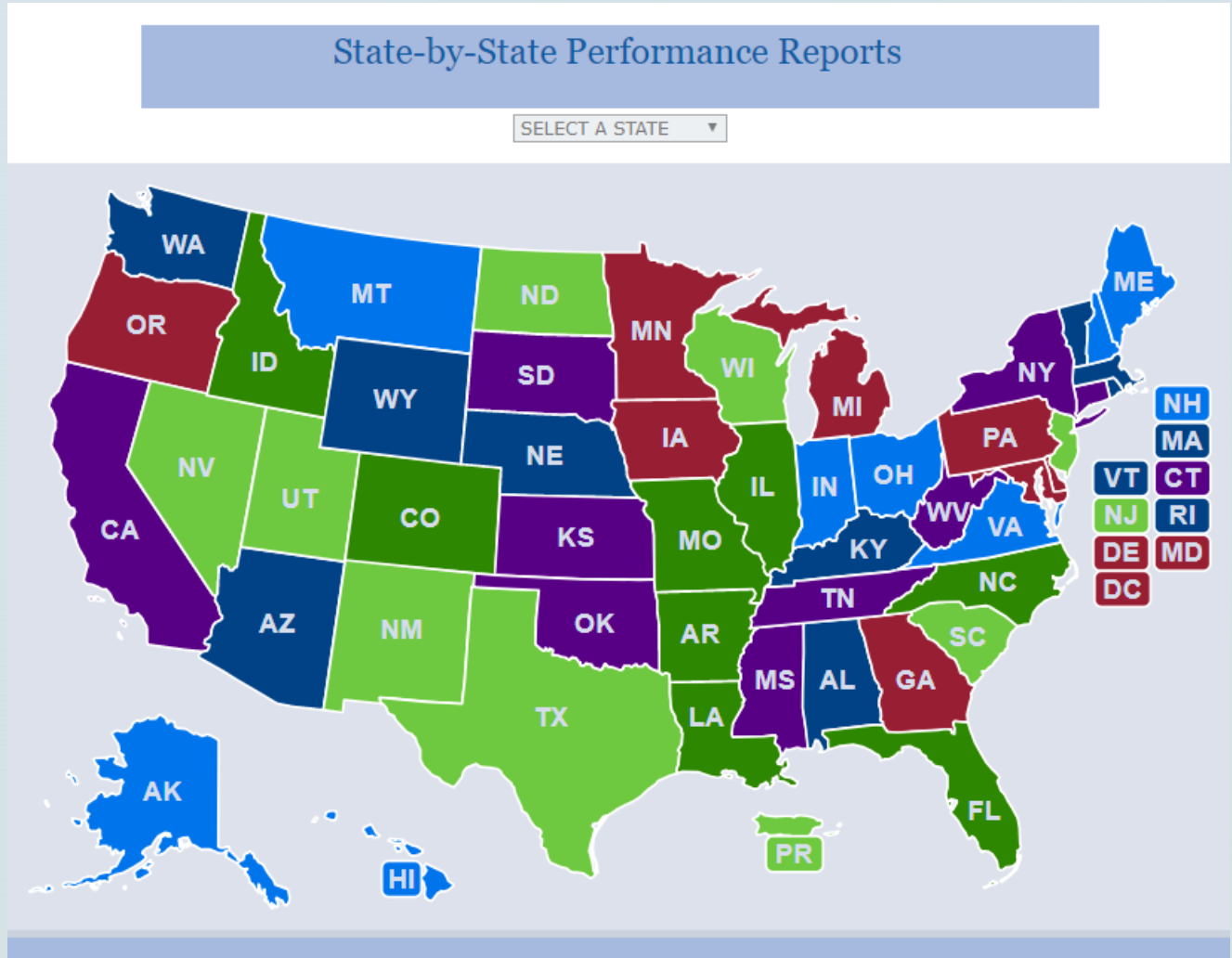
The founder and superintendent of the Varnett Public School, a charter school in Houston, and her husband, the school's facilities and operations manager, were sentenced to prison for bilking the school out of millions of dollars. The couple used their positions of trust and authority to embezzle millions of dollars from the school's three campuses by maintaining "off the books" accounts, stealing money orders submitted by parents of the school's students for school field trips and fundraisers, and deploying false invoicing schemes. The founder and superintendent was sentenced to 10 years in prison and 3 years of supervised release and was ordered to pay more than \$4.7 million. Her husband was sentenced to 3 years in prison and 1 year of supervised release and was ordered to pay more than \$4.5 million in restitution and fines.

*Former Principal of Academy of Dover Charter School Sentenced for Theft
(Delaware)*

The former principal of the Academy of Dover charter school was sentenced for embezzling more than \$145,400 from the school and the State. The former principal charged personal expenses to four unauthorized credit cards he opened in the

name of the school. He also abused the State of Delaware's voucher program and its procurement card system by requesting reimbursement for school expenses never procured. Instead, he used the money for personal expenses such as electronics, gardening and camping equipment, automobile costs, a dog house, personal travel, and home improvement items. The former principal was sentenced to serve 13 months in prison and was ordered to pay more than \$145,400 in restitution. [Press Release](#)

ED's Office of State Support Monitoring – Recent Findings



SEA/LEA Review Document Topics

- A. Accounting Systems and Fiscal Controls
- B. Period of Availability and Carryover
- C. Internal Controls
- D. Audit Requirements
- E. Records and Information Management
- F. Equipment Management (*LEA Equipment and Supplies Management*)
- G. Personnel
- H. Procurement
- I. Indirect Costs
- J. Charter School Authorization and Oversight
- K. Reservations and Consolidation (*not included in LEA document*)
- L. Budgeting and Activities
- M. Allocations
- N. Risk Assessment (External) (*not included in LEA document*)

▀ SEA/LEA Review Document Topics

O. Subrecipient Monitoring (*in LEA v2*)

P. LEA Support and Guidance

Q. Supplement, Not Supplant

R. Maintenance of Effort

S. Comparability

T. Equitable Services

U. Data Quality (*in LEA v2*)

V. Transparency and Data Reporting (*in LEA v2*)

W. State Plan (*not included in LEA document*)

X. Public School Choice (*in LEA v1*)

Y. Indicators (*in LEA v1*)

Z. Annual Meaningful Differentiation (*in LEA v1*)

AA.1003(a) School Improvement (*in LEA v1*)

AB. Support and Improvement Plans (*in LEA v1*)



A Sampling of Recent Findings

- Accounting Systems and Fiscal Controls
 - Develop written policies regarding the allowability of costs that include criteria for cost allowability, details pertaining to specific costs and program-specific considerations to help guide staff.

Internal Controls

- Create documented procedures for identifying internal risks.
 - *Note: this is a repeat finding*
- Procedures must include the timeline for completing and responding to identified risks, the process for documenting and verifying responses and identification of responsive individuals and the process for communicating the results of the assessments to leadership and other responsive State agencies.
 - *Note: this is a repeat finding*

Records and Information Management

- Documented record retention policies, which should include:
 - Categories of required records;
 - Timelines and location for storage;
 - Procedures for archiving and disposal; and
 - Designation of individuals responsible for verifying compliance.
- Monitor to ensure documented records management policies are followed and that all applicable records are maintained and stored for required time periods.
- Documented policies to protect and safeguard PII.
 - *Note: this is a repeat finding.*

▸ Budgeting and Activities

- Develop documented procedures to ensure the State and subrecipients can only use program funds for allowable costs, as defined under the UGG including that costs are reasonable and necessary to accomplish program objectives.

Comparability

- Ensure that any LEAs that have failed to meet comparability take sufficient corrective action to address the issues and provide comparable services at Title I and non-Title I schools.
 - Includes:
 - Specific timelines for LEAs to resolve issues;
 - Types of evidence that the LEA is required to submit to demonstrate completion of any corrective action;
 - Consequences for failure to take timely corrective action; and
 - Designation of staff responsible for overseeing the process.
 - *Note: this is a repeat finding*

Supplement Not Supplant

- A plan or procedures to evaluate SNS compliance
 - *Note: this is a repeat finding*
- A Plan and timeline to support LEAs to develop methodology to allocate State and local funds as required under ESSA.
 - *Note: this is a repeat finding*
- A description of how the State will monitor LEA compliance with SNS.
 - *Note: this is a repeat finding*

Dear Past,
Thanks for all the lessons.

Dear Future,

I'm ready...



USDE Actions



ESSA Title III Guidance Addendum

- Issued by ED in January 2019
- Reminds States of requirement to establish EL entrance/exit procedures and identification timeline
 - Cannot use Title III funds for identification
 - If EL has disability that precludes assessment in one or more domain, can be exited based on proficient score on remaining domains
 - Exited students may still receive language services (be sure to not exit prematurely)
- For reporting on former ELs, if State uses multiple measures to assess EL status, SEA must only include those students who meet all standardized, statewide exit procedures and no longer receive services, not all students receiving proficient on ELP assessment

▶ ESSA Flexibility Guide

- Issued by ED in October 2018
- Highlights areas where States/districts have flexibility under ESSA
 - e.g. direct student services optional set-aside, consolidated State (or LEA) admin funds, waiver authority, transferability, etc.
- ED to revive Ed-Flex program for 18-19 school year
 - Info on application process forthcoming

<https://www2.ed.gov/policy/elsec/leg/essa/essa-flexibilities-document-for-publication.pdf>

▶ Letter re: Title I Homeless Student Reservation

- July 2018 letter clarifies ESSA changes to Title I-A LEA homeless student reservation (Section 1113(c)(3))
- Key change:
 - NCLB limited funds to homeless students in non-Title I schools
 - ESSA generally requires funds to support homeless students regardless of Title I status
- LEA is not required to reserve a specific amount (may use a needs assessment for determination)

<https://www2.ed.gov/policy/elsec/leg/essa/letterforessatitleialeahomelesssetaside.pdf>

▶ ESSA Regulations??

- After ESSA accountability regs rescinded → NCLB regs reinstated
 - Many parts not applicable under ESSA (HQT, AYP, etc.)
 - ED working to clean up NCLB regs based on ESSA changes
- August 2018: ED rescinded portions of Title I-A, I-B, and I-C regs

<https://www2.ed.gov/policy/elsec/leg/essa/essaregulationrescissions.pdf>



Fiscal Issues



Title I Fiscal Data Tests

- ***Supplement not supplant:*** requires LEAs to distribute state and local funds to schools without taking into account a school's participation in the Title I program.
- ***Ranking and serving:*** requires LEAs to distribute Title I funds to eligible Title I schools in order of rank.
- ***Maintenance of effort:*** practically requires LEAs to spend at least 90% of state and local funding for free public education from year-to-year.
- ***Comparability:*** requires that state and local funds are used to provide services that, taken as a whole, are comparable between Title I and non-Title I schools.
- ***Report card expenditure test:*** requires the State and LEAs to report on actual expenditures using federal, state and local funds.

Report Cards



▶ SEA/LEA Report Cards Sec. 1111(h)

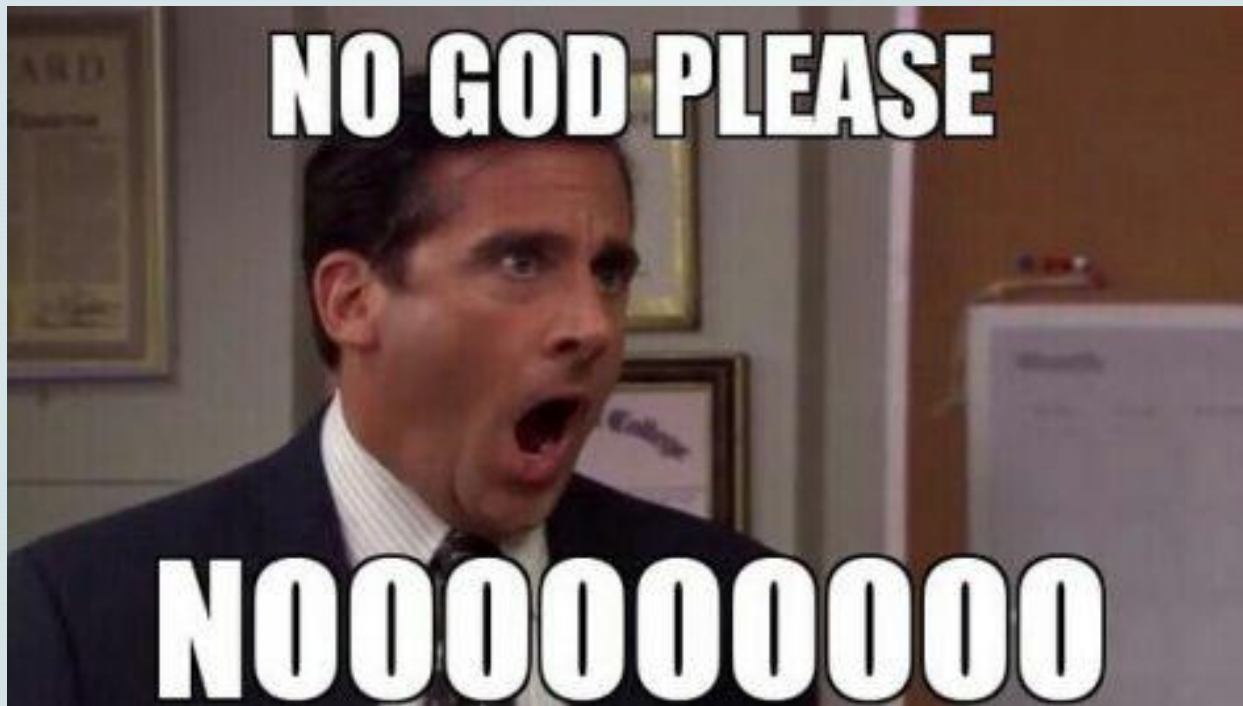
Must be prepared and disseminated every year at State and local levels

- Expanded list includes:
 - Academic achievement by subgroup
 - Now includes homeless, foster, and children with parents on active duty in the military.
 - Percentage of students assessed/not assessed
 - Descriptions of States' accountability system
 - Graduation rates
 - Information on indicators of school quality

▶ SEA/LEA Report Cards (cont.) Sec. 1111(h)

- Professional qualifications of teachers: including distribution in high – low poverty schools
- NAEP results
- **Per-pupil expenditures for federal, State, and local funds**
 - Must be actual expenditures
 - Disaggregated by source of funds
 - For each local educational agency and each school for the preceding fiscal year
 - **Due for the 18-19 School Year**

Supplement Not Supplant



Supplement, Not Supplant Guidance?

An LEA receiving Title I, Part A funds must continue to use its Title I, Part A funds only to supplement, and not supplant, the funds that would be made available from State and local sources in the absence of such Federal funds.

NEW Guidance Draft Released: January 25, 2019

Open for Public Comment

ESSA's Two SNS Tests

ESSA Titles I, A

The LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.

ESSA Section 1118(b)

Applicability to I,C and I,D??

ESSA Titles II-VIII

Presumptions of Supplanting

1. Required to be made available under (other federal) state, or local laws; or
2. Provided with non-federal funds in prior year.
- ~~3. Provided services to Title I students and the same services were provided to non-Title I students using non-federal funds.~~

2 CFR 200, Subpart F Compliance Supp

➤ Which State/local funds?

“all the State and local funds it would otherwise receive”

- Only on the State and local funds each school is allocated from its LEA.
 - At LEA discretion (re: which funds)
- Because many LEAs do not allocate all State and local funds to schools, there may naturally be some State and local funds that are not subject to the compliance demonstration.
- For State and local funds that an LEA does not allocate to schools, the LEA is required to conduct activities supported by such funds in a manner that does not take into account a school’s Title I status.

SNS Guidance Q&A 4.

What about State/local funds not allocated to schools?

There is no similar compliance test for State and local funds reserved for districtwide activities.

- However, because the general SNS requirement applies to all State and local funds, an LEA must conduct districtwide activities supported by such funds in a manner that does not take into account a school's Title I status.
- For example, the LEA reserves the State and local funds for a social worker at the district level. The LEA deploys the social worker to different schools throughout the school year on an as-needed basis. Although the State and local funding for such a social worker is not allocated to a school, and therefore is not subject to the compliance demonstration, access to or assignment of the social worker must be Title I neutral in order to comply with the general SNS requirement.

SNS Guidance Section VI.

ESSA Title I, A SNS (cont.) Sec. 1118(b)

Methodology 2 Part Test!

- School-level expenditures
 - Methodology for allocating funds – if neutral with regard to Title I status, then schools are in fact meeting supplement not supplant.
- District-level expenditures
 - Districtwide initiatives must be expended in a way that ensures all applicable schools receive the same amount of State/local funding on a neutral basis with respect to Title I status.



▸ Title I SNS Exceptions

- Exclusion of Funds:
 - SEA or LEA may exclude supplemental state or local funds used for program that meets *intents and purposes* of Title I Part A (Sec. 1118(d)). SNS Guidance Q&A Section VII.
- Excluded from SNS Methodology Test:
 - Single School LEAs;
 - A grade span with a single school (i.e., no methodology is required for the single school grade span); or
 - LEAs with only Title I schools.

SNS Guidance Q&A 2

► New Q&A from SNS Guidance

- Can Title I schools receive more State/local funds than non-Title I schools?
 - Yes. SNS Guidance Q&A 6
- Can different methodologies be used?
 - Yes. An LEA might use a different methodology for allocating State and local funds to high schools than it uses to allocate such funds to elementary schools. SNS Guidance Q&A 7
- Can a different methodology be used for charter schools?
 - Yes. An LEA may allocate State and local funds to charter schools within the LEA using a separate methodology from that through which it allocates State and local funds to non-charter schools, consistent with any/all applicable State charter school laws. For example, some LEAs allocate State and local funds to charter schools to cover facility costs but do not allocate such funds to traditional public schools. SNS Guidance Q&A 12

Methodology Flexibilities

- As long as the methodology is neutral, LEAs may consider:
 - Whether to use a single districtwide methodology or a variable methodology/multiple methodologies based on grade [span] or school type;
 - How the methodology may vary or scale based on student enrollment size; or
 - How the methodology may account for schools in need of additional funds to serve high concentrations of children with disabilities, English learners, or other such groups of students the LEA determines require additional support.

SNS Guidance Q&A 8

▶ Must the State approve the methodology?

- No.
- However, the State must monitor compliance
 - Includes a compliant methodology
- State may request to review the methodology as part of its monitoring process.
 - Could include requesting methodology in application.
 - EDGAR 76.730/76.731; UGG 20.336 – Record Retention and Access to Records

SNS Guidance Q&A 22.

Methodology Examples

Distribution of non-Federal resources based on characteristics of students ("weighted per pupil" funding formula):

- Allocation/student = \$7,000
- Additional allocation/student from a low-income family = \$250
- Additional allocation/English Learner = \$500
- Additional allocation/student with a disability = \$1,500
- Additional allocation/preschool student = \$8,500

► Methodology Examples

Distribution of non-Federal resources based on enrollment and grade level:

- Elementary Schools - \$4,300 per student (grades K-8)
- Secondary Schools - \$4,200 per student (grades 9-12)
- Professional development (PD) - \$20 per student plus an additional \$500 per building
- Technology and supplies - \$50 per student plus an additional \$400 per building
- Additional costs (lunch, library supplies, athletic supplies, utility costs, transportation etc.) \$1,408 per student districtwide

► Methodology Examples

Distribution of non-Federal funds based on student enrollment:

- 1 Principal
- 1 Assistant Principal per 400 students
- 1 School Counselor per 250 students
- 1 School Resource Officer per 250 students
- Teachers based on State class size requirements (Funds are calculated based on the average salary for that position within the district)
- Technology/ Supplies: \$25,000 per 100 students
- Professional Development: \$10,000 per building
- Additional Necessary Costs: \$1,500 per student

Allocation v. Expenditure of Funds

If funds are allocated for teachers or for supplies, does this mean funds have to be used for that specific purpose?

- No – unless the State or LEA require otherwise!

➤ Continuously Update SNS Methodology?

Must an LEA adjust its allocation of State and local resources to account for changes during the school year that might result in the LEA's non-compliance?

- No. It an annual allocation of State and local funds to demonstrate compliance.
- Accordingly, an LEA makes this demonstration at only one point during the year and is not required to continuously demonstrate compliance throughout the school year.

SNS Guidance Q&A 13.

➤ Last Minute Changes

- Will last minute changes before the start of school affect compliance?
 - No. Last-minute changes in resources allocation that often occur prior to the beginning of the school should not affect an LEA's compliance.
 - Example: employee transfers or resigns prior to beginning of school year. The LEA may replace that employee as long as the school's Title I status is not a factor.
 - Were and LEA to not allocate a resource because a school is a Title I school, it would not be compliant.

SNS Guidance Q&A 14.

▶ Evidence of Compliance?

Must an LEA maintain documentation to demonstrate that the LEA allocated State and local funds to schools in accordance with its methodology?

- Yes. Under 34 C.F.R. §§ 76.730-76.731, an LEA must keep records to show compliance with program requirements and facilitate an effective audit.
- An LEA must maintain documentation necessary to demonstrate that its methodology results in each Title I school in the LEA receiving all of the State and local funds it would otherwise receive if it were not receiving Title I, Part A funds.

SNS Guidance Q&A 18.

▶ SNS is NOT an Expenditure Test.

SNS is based on a methodology by which State and local funds are *allocated* to schools.

Report Cards – actual per-pupil expenditure reporting of Federal, State and local funds, disaggregated by source of funds.

- Retrospective analysis of how much was spent by each school.
- This is not a methodology and therefore, can not be used for SNS compliance.
- Expenditures as Risk Assessment?
 - States considering using expenditure data on report card to see if title I school state/local spending is less than their non-title I counterparts.

SNS Guidance Q&A 11.

Does this mean all costs are allowable?

- NO!!
- Keep in mind just because a cost is not a supplanting issue does not make it automatically allowable!
- All costs must be necessary, reasonable and allocable!
 - Must be included in your district/schoolwide/targeted assistance plan!

▶ Students with Disabilities and EL Students

ESEA 1118(b)(1)-(2) and 1114(a)(2)(B) require that a Title I school receive the State and local funds necessary to provide services required by law for children with disabilities and English learners.

- Examples of services required by law.... Include services in an IEP necessary for a child with disabilities to receive a free appropriate public education.
- We do not believe this is meant to limit IDEA allowability.
- Meant to make clear that State/local funds must cover state/local requirements and OCR requirements.

SNS Guidance Q&A 16.

► SNS Noncompliance?

- What happens if the LEA does not meet the methodology test?
- What happens if the LEA refuses to change its methodology?

Equitable Services



► Consultation ESSA Section 1117(b); 8501(c)

- Written affirmation that timely and meaningful consultation occurred.
- LEAs must give option that timely and meaningful consultation did not occur or that the program design is not equitable with respect to eligible private school children.
- When Disagreement, the LEA must provide in writing:
 - The basis of the disagreement,
 - The LEA's decision, and
 - The right to complain.



▶ Title I, A Proportionate Share Calculation

Proportionate Share Formula (ESSA Section 1117(a)(4)):

- Determine the number of children from low-income families residing in each Title I participating attendance area who attend public and private schools.
- Figure out the proportion of children in private schools.
- Apply the private school proportion to the LEA's total Title I allocation to determine the equitable services proportionate shared.

▸ Title I, A Proportionate Share cont.

- Proportionate Share Includes:
 - Administrative costs for equitable services (reasonable and necessary out of this set-aside) (usually not more than 10%)
 - Parental Involvement (Proportionate amount of 1%)
 - Professional Development (Optional, determined through consultation).
 - All other activities for eligible private school students

★ Funds must be expended in the current fiscal year.

If there are “extenuating circumstances” then carryover is allowable for subsequent year equitable services.

- State defined.

▸ Ombudsman ESSA Section 1117(a)(3)(B); 8501(a)(3)(B)

- State Ombudsman primary responsibilities:
 - To monitor and enforce equitable services requirements under Title I and Title VIII.
 - Includes developing monitoring protocols under titles that require equitable services.
- National Network of Ombudsmen
 - Ombudsman Update (Quarterly)
 - <https://innovation.ed.gov/what-we-do/non-public-education/essa/ombudsman-corner/>



Equitable Services FAQs (Ombudsman Updates – July 2018)

- Question: When a child resides in one LEA and attends a private school in another, what are the obligations of the LEA of residence if it arranges for the LEA where the private school is located to provide equitable services under Title I?
 - Answer: An LEA in which an eligible child resides is responsible for providing Title I services to the child, but it may arrange to have such services provided by another LEA and reimburse that LEA for costs. This may include consultation and evaluation. Should have an MOU and LEA must ensure compliance with the MOU.

Equitable Services FAQs (Ombudsman Updates – July 2018) cont.

- Question: How does an LEA identify the needs of eligible students and, as applicable, their teachers and families?
 - Answer: The equitable services provisions of Title I and Title VIII require the LEA, as part of consultation with private school officials, to discuss how the needs of eligible students and, as applicable, their teachers and families will be identified
 - For programs covered under Title VIII, an LEA may request documentation, as needed, from private school officials that enables the LEA to identify students who are eligible under the applicable program and the appropriate services that meet the needs of those private school students and their teachers.
 - See sample needs assessment form in NCLB Title IX, Equitable Services Guidance.

Equitable Services FAQs (Ombudsman Updates – October 2018)

- Question: May the provision of Title I, Part A (Title I) equitable services consist of only professional development?
 - Answer: An LEA generally must provide direct instruction. Sometimes funding may not be sufficient. Accordingly, an LEA may provide professional development, if following consultation with private school officials it determines that doing so would best meet the needs of eligible private school children.
- Question: Do the percentage distribution requirements for Title IV, Part A (Title IV) apply to the private school share?
 - Answer: There is no such requirement in the statute. The distribution requirements apply only to the LEA's total allocation.

Hot Topics Affecting ESSA



Documentation



▸ Allowability Documentation

EDGAR – 2 CFR 200.403(g)

To meet allowability requirements... costs must be adequately documented.

EDGAR – 76.730 – 76.731

- Shall keep records to show compliance with program requirements.
 - The amount of funds;
 - How funds were used;
 - Total cost of the project;
 - Share of the cost provided from other sources; and
 - Other records to facilitate an effective audit.

▶ How Long?

Retention Requirements For Records EDGAR – 2 CFR 200.333

- Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report.
- BUT, need to keep records for 5 years because of GEPA - Statute of Limitations 34 CFR 81.31(c)

▶ How Maintain Documentation?

- When original records are electronic and cannot be altered, there is no need to create and retain paper copies. (UGG Section 200.335)
- When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided they:
 - Are subject to periodic quality control reviews;
 - Provide reasonable safeguards against alteration; and
 - Remain readable.

▶ Required Policies and Procedures

- Written Cash Management Procedures – UGG Sections 200.302(b)(6) and 200.305.
- Written Allowability Procedures - UGG Section 200.302(b)(7)
- Written Conflicts of Interest Policy - UGG Section 200.318(c)
- Written Procurement Procedures - UGG Section 200.319(c)
- Written Method for Conducting Technical Evaluations - UGG Section 200.320(d)(3)
- Written Travel Policy - UGG Section 200.474(b)
- Procedures for managing equipment - UGG Section 200.313(d)
- Time and Effort Policies and Procedures – Draft Cost Allocation Guide

Documentation HOT BUTTON Issues



- Are records kept by school, grant, fiscal year?
- Do you backup documentation?
 - Where and how often?
- What happens when staff retire or voluntarily leave?
- What happens when staff are fired?
- What happens when a school closes?
- Staff keep documentation at home?

ED OIG Audit: NY and McKinney-Vento

- March 2018
- Evaluated State's and LEAs' implementation of ESSA requirements under McKinney-Vento
- Finding: could improve internal controls by better documenting P&P
- Recommendation:
 - LEAs revise their homeless policies to comply with changes made under ESSA
 - One LEA hadn't updated its policy since 2006!
 - State should update monitoring forms to help provide reasonable assurance that LEAs are in compliance with ESSA

ED OIG Report: State oversight of LEA Single Audit Resolution

- March 2017
- Final Management Information Report- reviewed three states
- Results: all states had single audit P&P with significant weaknesses
- “Each SEA’s policies and procedures for oversight of the LEA audit resolution process should be current, complete, and contain sufficient detail so that an SEA employee with only limited training could carry out the activities”

ED OIG Audit: Detroit Public Schools Community District

- March 2018
- Finding: Detroit did not effectively implement procedures for approving and documenting personnel costs
- Recommendation:
 - Update its policies and procedures and information system controls to ensure that supervisory approval for all employees' timesheets is documented before the employees are paid

Procurement Changes



General Procurement Standards 200.318(a)

- All nonfederal entities must have documented procurement procedures which reflect applicable Federal, State, and local laws and regulations.



Methods of Procurement 200.320

- Methods of procurement:
 - Micro-purchase
 - Small purchase procedures
 - Competitive sealed bids
 - Competitive proposals
 - Noncompetitive proposals

▶ June 2018 OMB Memo

- Aligns with changes in National Defense Authorization Act (NDAA)
- Raises micro-purchase threshold from \$3,500 to \$10,000
- Raised simplified acquisition threshold from \$150,000 to \$250,000
- **Still waiting for official changes to the Federal Acquisitions Regulations (FAR)
 - ▶ Sets the thresholds for the UGG
 - ▶ OMB granting exceptions to recipients

▶ Micro-Purchase 300.320(a)

- Acquisition of supplies and services **\$10,000** or less.
- May be awarded without soliciting competitive quotations if nonfederal entity considers the cost reasonable.
- To the extent practicable must distribute micro-purchases equitably among qualified suppliers.

Small Purchase Procedures

300.320(b)

- Good or service that costs **\$10,000.01 – \$250,000**
- “Relatively simple and informal”
- Must obtain price or rate quotes from 2 or more qualified sources

School Safety



▸ School Safety – Federal Funding

- STOP School Violence Act
 - DOJ Grants competitive to State or local governments (not SEA/LEA)
- Title II professional development funding
 - Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism
 - Identification/referral of mental illness
- Title IV Student Support and Academic Enrichment Block Grant
 - Option to use funds for “activities to improve school conditions for student learning” → “Safe and Healthy Students”
 - Bullying/harassment prevention
 - Drug and violence prevention
 - School-based mental health services and counselling
 - ...and others

▶ Student Support and Academic Enrichment Grants Title IV, A

Funds may be spent on all schools - all students!

LEA may spend up to 2% on administration

- **If LEA's allocation is \$30,000 or more (needs assessment) and:**
 - Spend at least 20% on “well-rounded educational opportunities”;
 - Spend at least 20% on “safe and healthy students” activities; and
 - Spend some funds on effective use of technology (no more than 15% on technology infrastructure)
- **If the LEA's allocation is below \$30,000 (no needs assessment) and:**
 - No percentage requirement for spending (except 15% technology cap applies).

▶ School Safety – Federal Funding

- Controversy over Title IVA funds
 - Can they be used for weapons and weapons training?
 - ED: no guidance
 - Not explicitly prohibited in statute
 - Secretary DeVos to Congress: “I have no intention of taking any action concerning the purchase of firearms or firearms training for school staff under the ESEA...Congress did not authorize me or the Department to make those decisions. As I have stated publicly on numerous occasions since I was nominated for this position, I will not legislate via fiat from the Department.”
 - Congress: up to States and districts
 - Some objections: does “creation and maintenance of a school environment that is free of weapons” mean all weapons?
 - Likely subject of upcoming hearings

▶ School Safety Commission

- Formed in March 2018 in response to Parkland, FL shooting
- Final Recommendations released December 18th
 - No additional funding
 - Focus on “best practices”
 - Train teachers to respond to various scenarios
 - Consider physically “hardening” schools
 - Will rescind Obama-era school disciplinary guidance which discouraged “zero-tolerance” policies, focused on disproportionate impact
 - ED and DOJ working on new disciplinary guidance

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