

Alabama State Department of Education Compliance Monitoring Process



Office of Supporting Programs
Compliance Monitoring
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Monitoring by the ALSDE

High-Risk Rating

2 CFR 200 Section 200.331 states districts must:

(b) Evaluate each sub recipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the sub award for purposes of determining the appropriate sub recipient monitoring described in paragraph (e) of this section, which may include consideration of such factors as:

- (1) The sub recipient's prior experience with the same or similar sub awards;
- (2) The results of previous audits including whether or not the sub recipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar sub award has been audited as a major program;
- (3) Whether the sub recipient has new personnel or new or substantially changed systems; and
- (4) The extent and results of Federal awarding agency monitoring (e.g., if the sub recipient also receives Federal awards directly from a Federal awarding agency).

As a result of the language set forth in 2 CFR 200 (Uniform Administrative Requirements, Cost Principals, and Audit Requirements of Federal Awards), a risk-based monitoring system will be implemented. Utilizing the point values listed in the ratings categories identified in Appendix B, LEAs will be ranked from highest point value to lowest. The resulting rankings will determine the high-risk LEAs. The top 15% of the districts with the highest risk will be identified for monitoring. Based upon the specific rating criteria, each section will determine which method of monitoring shall be administered (on-site or desk review).

Once the high-risk rankings are determined, each section will review the list to determine if any low-risk districts need to be eligible for Enhanced Self-Monitoring (see page 3).

Types of Monitoring

1. On-Site Monitoring

LEAs identified as high-risk may be monitored on site. Onsite monitoring is a physical visit to the LEA with the specific intent of interviewing LEA staff (main office, schools or other facilities) face to face to determine compliance. LEAs designated for onsite monitoring are provided an official report of the outcome of the review. A combination of ALSDE full-time and Retired State Employees will be utilized for on-site monitoring.

2. Self-Assessment Monitoring

A self-assessment will be completed annually by each LEA. A signed Document of Assurance will be submitted to the ALSDE attesting to local compliance of all state and federal requirements. This document will be due no later than September 15 of each year. In addition, LEAs will have an opportunity to request technical assistance in any program area. *Failure to timely submit the Self-Assessment instrument could result in an on-site monitoring event.*

3. Desk Review Monitoring

Desktop monitoring is a remote review of the LEA that is conducted by telephone and electronic communications between ALSDE and LEA staff. Staff in schools and other facilities are typically not interviewed; however, the ALSDE reserves the right to physically visit a LEA selected for desktop monitoring. LEAs designated for desktop monitoring are provided an official report of the outcome of the review.

4. Technical Assistance

LEAs may be provided official Technical Assistance annually either by official request from the LEA or through procedures defined in *Alabama Code §16-6B-3*.

5. High-Risk Assessment

The annual high-risk assessment conducted by the ALSDE shall be considered a form of monitoring.

6. Enhanced Self-Monitoring

Enhanced self-monitoring is a designation given to LEAs that received a low Risk Score, but may not require onsite or desktop monitoring. LEAs selected for enhanced self-monitoring will be expected to provide a progress report or additional documentation beyond what is expected of regular self-assessment. Typically, there will not be interviews with LEA staff or a monitoring report.

Citations resulting from Non-Compliance

LEAs that have citations from an on-site monitoring or desk review monitoring will have 60 days to develop and implement a Corrective Action Plan addressing any deficiencies. If, at the end of 60 days, citations still exist, federal and state funds may be withheld until compliance is attained. In addition, the LEA will be subjected to on-site monitoring the subsequent year.

High Risk Monitoring Frequently Asked Questions

A. Background

A-1. What is the legal authority for the ALSDE's monitoring?

The Education Department General Administrative Regulations (EDGAR) at *34 CFR 80.40(a)* requires the ALSDE to monitor sub grant activities, "to assure compliance with applicable Federal requirements and that performance goals are being achieved." In addition, *2 CFR 200.331(b)* requires the ALSDE to "evaluate each sub recipient's risk of noncompliance with Federal statutes, regulations."

A-2. What does monitoring accomplish?

Monitoring is a means of ensuring selected programs under ESSA meet federal guidelines and are implemented with fidelity, as outlined in the project application, in order to increase student achievement. Monitor(s) look specifically at the programmatic regulations, as well as the expenditure of funds.

A-3. What is the difference between an audit and monitoring?

Compliance monitoring and audits are closely related but conducted by different entities. Monitoring is conducted by ALSDE staff, looking specifically at program implementation and the use of federal funds. On the other hand, the Office of Public Examiners or other independent auditing firms conduct audits, which look at the fiscal aspects of a project and the programmatic issues closely linked to fiscal requirements.

There is some overlap between the two activities; however, the ALSDE makes every effort to reduce as much redundancy as possible. It should also be noted that the ALSDE is responsible for conducting follow up on any findings made by the Office of Public Examiners or independent auditors, as well as any findings made by the U.S. Department of Education, if the findings are the result of visits to the LEA. Results of such audits and monitoring visits are taken into consideration as part of the monitoring activities of the ALSDE.

A-4. What is the relationship between technical assistance and monitoring?

The ALSDE visits LEAs, schools and classrooms and interviews instructional staff for a variety of purposes. A technical assistance visit is designed to provide support to a LEA in meeting the federal program requirements. A monitoring visit is designed primarily to determine the extent of a LEAs compliance with federal program requirements, while at the same time providing technical assistance with any compliance areas. The purposes of monitoring include: (1) reviewing information from a LEA; (2) determining the need for Corrective Actions; and (3) identifying areas needing technical assistance.

A-5. Which programs will be monitored?

This guidance refers to the monitoring process the following programs:

- Title I, Part A, Improving the Academic Achievement of the Disadvantaged
- Title I, Part A, School Improvement
- Title I, Part C, Education of Migratory Children

- Title I, Part D, Subpart I, State Agency Programs for Neglected and Delinquent
- Title I, Part D, Subpart II, Local Agency Programs for Neglected and Delinquent
- Title II, Part A, Teacher and Principal Training and Recruiting
- Title III, Language Instruction for Limited English Proficient and Immigrant Students
- Title IV, Part A
- Title IV, Part B – 21st Century
- Title V, Part B, Subpart II, Rural and Low-Income Schools Program
- Title IX, Part A, Education for Homeless Children and Youth
- Part B, Individuals with Disabilities Education Act
- State Policy and Budget
- Career Technical Education
- State Prevention and Support
- State Technology
- State Transportation
- State Instruction

A-6. Are LEAs that do not receive Title IX, Part A, Education for Homeless Children and Youth subgrants required to complete the Title IX, Part A monitoring online documents?

Yes. All LEAs must complete and submit the Title IX, Part A monitoring online documents, regardless of whether they receive the Title IX, Part A subgrant. All LEAs must meet basic requirements of Title IX, Part A that pertain to homeless children, which will be monitored. There are additional compliance items for those LEAs that receive the subgrant.

A-7. What forms of monitoring does the ALSDE use?

The ALSDE uses many activities to monitor compliance, including the review and approval of LEA Plans and annual project applications. Each year, all LEAs are expected to conduct self-assessment to assess their own level of compliance. In addition to these routine monitoring activities, focused monitoring is conducted annually for a subset of LEAs, based on their Risk Score and at the discretion of the program office. The ALSDE uses three types of focused monitoring: desktop (a remote data review with limited or no time spent onsite); onsite (a physical visit to the LEA with face-to-face interviews) and enhanced self-monitoring (additional self-monitoring requirements that provide updates on any outstanding issues). In addition, a program may determine to target monitor LEAs, concentrating on one or more specific Common Elements

(see list under Appendix B), or follow-up monitor LEAs that have had recurring or substantial compliance issues.

A-8. How are LEAs selected for desktop monitoring, onsite visits or enhanced self-monitoring?

The ALSDE uses a risk-based system of monitoring. Determined by a number of weighted risk factors, each LEA is given a Risk Score for identifier in the high-risk rating scale. Further details on the program-specific Risk Score calculations are in Appendix B. The top 15% of LEAs with the highest risk scores are selected for desktop or onsite monitoring. A program may determine that the high score alone does not warrant a focused review; for example, a LEA may have been recently reviewed through monitoring or other means and shown progress in problem areas. In these cases, an enhanced self-monitoring review may be sufficient to determine the current compliance status.

At a program's discretion, there may be unresolved issues that warrant a desktop or onsite review even though the Risk Score is not in the highest group. If the ALSDE determines a LEA has consistently failed to reach compliance, the LEA may be monitored for that year, regardless of total Risk Score.

A-9. How often is each LEA or funded entity monitored?

A program-specific risk assessment is conducted each year for all LEAs in Alabama. Based on the Risk Score and other program specific considerations, a LEA may be selected for desktop or onsite monitoring. In addition, a subset of LEAs will be selected to complete additional enhanced self-monitoring activities. Annually, all LEAs conduct self-assessment requirements, at a minimum.

Note: The ALSDE reserves the right to monitor any LEA as frequently as necessary to ensure compliance with federal and state law and to positively impact student achievement.

A-10. Why is compliance monitoring necessary, since each LEA certifies its own compliance on an annual basis through submission of the self-assessment?

While the self-assessment is a valuable part of the monitoring process, the U.S. Department of Education has determined having LEAs report their own designations regarding compliance is not sufficient. In addition, the self-assessment prepares LEAs for future onsite visits and possible follow-up or targeted monitoring.

A-11. How do LEAs know when they are going to be monitored and by what method?

The ALSDE will notify the LEAs selected for monitoring and by which method (onsite, desktop, enhanced or self) each year so that the selected LEAs can submit all necessary documentation.

A-12. What is required in enhanced self-monitoring?

A LEA designated for enhanced self-monitoring will be required to complete all self-monitoring requirements. In addition, the LEA may be required to provide a status report on any unresolved issues or Corrective Action plans. State program offices will determine the additional submission requirements and inform the LEA liaison. The ALSDE reserves the right to schedule a desktop or onsite review if submissions are not sufficient.

B. Monitoring Process

B-1. What does a desktop monitoring review involve?

ALSDE monitor(s) will review documentation provided prior to the review, requesting additional documentation as needed. The ALSDE Compliance Monitoring Coordinator will work with the LEA liaison to establish a schedule that covers all necessary activities before the monitoring review takes place. During the monitoring process, the ALSDE may request conference calls with appropriate LEA personnel. Every effort will be made to coordinate phone interviews with the schedules of LEA personnel. The LEA will have an additional five working days following the monitoring week to upload any final requests for documentation. Monitor(s) will conduct program specific exit activities at the closure of the review. In some cases, the ALSDE may wish to follow up with an onsite visit to interview additional LEA personnel or review additional documents.

B-2. How long does the desktop monitoring process take?

Desktop monitoring is designed to take place within one continuous workweek or less and is planned in cooperation with LEA personnel.

B-3. How should a LEA prepare for desktop monitoring?

The ALSDE requests that each LEA select a single point-of-contact to coordinate the monitoring components. On or before the release of the online monitoring system, the superintendent (or designee) should designate a LEA liaison; the monitoring system password will be released to the LEA liaison. The programs designated for desktop monitoring should complete the online documents online by answering the Review Questions and uploading all Documents to Support Compliance into the online system. Desktop programs should review all questions in the online documents prior to the visit and be prepared to answer additional questions during the interviews. Personnel who can address these questions should be available during the monitoring process. Each LEA with programs to be monitored will receive specific correspondence from the ALSDE regarding monitoring requirements.

B-4. Are non-ALSDE personnel involved in desktop monitoring?

No.

B-5. Who is involved in the desktop monitoring review?

The ALSDE will coordinate each phone call with the LEA liaison. Depending on the program(s) reviewed, the monitor(s) will interview LEA personnel including, but not limited to, the following individuals.

LEA Staff

- Superintendent (or Designee)
- ESSA/Federal Program Coordinators
- Chief School Finance Officer
- Assessment Coordinator
- Information Systems/Technology Coordinator
- Curriculum Coordinator
- Special Education Coordinator/Director
- Certification Coordinator
- Staff Development Coordinator
- Student Services Director
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B-6. What does an onsite monitoring visit involve?

ALSDE monitor(s) will review all components of the completed online documents provided prior to the visit, requesting additional documentation as needed. The visit begins with an entrance interview with members of the ALSDE team and LEA personnel, during which the scope of the visit will be explained. While onsite, the monitor(s) may interview LEA personnel, parents, public and private school personnel, vendors and any additional persons as needed to make an accurate assessment of program implementation.

In addition, the monitor(s) will visit schools and other facilities, observing classrooms and project activities. The ALSDE will work with the LEA liaison to establish a schedule that covers all necessary activities before the monitoring review takes place. Every effort will be made to coordinate interviews with the schedule of all interviewees. Monitor(s) reserve the right to request additional documentation that may or may not be listed in the online documents in order to fully prove compliance. The LEA will have an additional five working days following the monitoring week to upload any final requests for documentation. Monitor(s) will conduct program-specific exit activities at the closure of the review.

B-7. How long is the ALSDE team in the LEA during an onsite visit?

Onsite monitoring visits are designed to take place within one continuous workweek whenever possible and planned in cooperation with LEA personnel.

B-8. How should a LEA prepare for an onsite visit?

The ALSDE requests that each LEA select a single point-of-contact to coordinate the visit. On or before the release of the online monitoring system, the superintendent (or designee) should designate a LEA liaison; the monitoring system password will be released to the LEA liaison. The onsite program(s) should complete the online documents 30 days after the release of the online monitoring system by answering the Review Questions and uploading all applicable Documents to Support Compliance into the online system. The program(s) should carefully review the questions in the online documents and make personnel available who can address these questions. Each LEA with programs to be monitored will receive specific correspondence from ALSDE regarding the visit and requirements.

B-9. Who participates in the onsite visit?

The ALSDE will coordinate each interview with the LEA liaison. Visits to specific schools and facilities will be determined during the development of the schedule. Depending on the program(s) reviewed, the monitor(s) will interview LEA personnel including, but not limited to, the following individuals.

LEA Staff

- Superintendent (or Designee)
- ESSA/Federal Program Coordinators
- Chief School Finance Officer
- Assessment Coordinator
- Management Information Systems (MIS) Coordinator
- Curriculum Coordinator
- Career Technical Education Coordinator
- Special Education Coordinator/Director
- Staff Development Coordinator
- Student Services Director
- School Nurses
- LEA Facility/Maintenance Personnel

School Staff

- Principal (or Designee)
- Instructional Staff
- Paraprofessionals
- Guidance Personnel
- School Resource Officer

Others

- Representatives from private schools receiving services through ESSA Programs
- Parents

C. Reporting and Follow-up

C-1. What can a LEA expect after desktop or onsite monitoring?

After the desktop or onsite monitoring review, the ALSDE will assemble a preliminary monitoring report. The preliminary report, which undergoes several levels of leadership review, will be sent via email to the superintendent and LEA liaison. The preliminary report will identify areas where the LEA met requirements or where further action is required, as well as any recommendations. The preliminary report will also indicate the items for which Corrective Action Plans must be developed and any required fiscal adjustments.

C-2. May a LEA appeal findings of further action required?

Yes. The LEA may request reconsideration (an appeal) of the findings within 10 working days of receiving the preliminary report if there is a factual error. The appeal should contain an explanation for the request based on evidence submitted during the scheduled desktop or onsite monitoring review. The explanation and uploaded documents will be reviewed again to make a final determination of findings.

C-3. How does a LEA submit a request for reconsideration?

If a LEA has determined there is a factual error in the report, the LEA should put its request in writing and send it to the ALSDE (Compliance Monitoring Coordinator, ALSDE, 5146 Gordon Persons Building, Montgomery, Al 36130). The request should include a clear and concise explanation of the error with specific references to documentation uploaded into the system.

Note: Additional documentation will not be considered in the reconsideration request. However, the ALSDE reserves the right to request additional documentation should it be needed for clarification or to determine the scope of an issue.

C-4. What should a LEA do after it receives a preliminary report identifying one or more areas of noncompliance and, therefore, requiring further action?

If the LEA does not request a reconsideration of findings, it should develop and submit a Corrective Action Plan for each compliance item where further action is required.

C-5. What should be included in the Corrective Action Plans?

Each Corrective Action Plan acknowledges the finding is accurate and outlines steps to correct the finding. Corrective Action Plans should provide the specific steps the LEA will take to come into compliance, including anticipated timelines and what the LEA hopes to achieve by implementing the plan. These serve as a comprehensive “plan of action,” outlining the key components of necessary Corrective Actions that will ensure future compliance with federal requirements.

C-6. When are Corrective Action Plans due?

For self-assessment or enhanced self-monitoring programs, Corrective Action Plan(s) are due with the Self-Assessment Certification annually by September 15. Corrective Action Plans required for LEAs being monitored through desktop or onsite activities are due within 60 working days of the receipt of the preliminary report. If the LEA requests reconsideration and the appeal is denied, the Corrective Action Plans are due within 10 working days of receipt of the response to the appeal. If Corrective Action Plans are not completed within the 60 day window, the ALSDE will monitor the LEA again the following year.

C-7. How should Corrective Action Plans be submitted?

Corrective Action Plans should be submitted through the online system found on the monitoring website.

C-8. Does the ALSDE check to see if the findings have been addressed?

Yes. The ALSDE reviews submitted CAP and either releases the LEA from further action, or asks for clarification on specific items. Based on the gravity of the findings, the ALSDE may establish additional reporting schedules that may, at the ALSDE’s discretion, involve follow-up visits to or enhanced self-monitoring requirements for the LEA to verify the findings have been corrected.

C-9. What are the consequences if a LEA does not address monitoring findings?

The ALSDE has a responsibility to the U.S. Department of Education to ensure that its sub grantees are in full compliance with federal law, and to the Alabama State Legislature to ensure that sub-grantees are in full compliance with state law. The ALSDE reserves the right to withhold funding to, and to implement more restrictive conditions for, sub grant recipients deemed as not implementing federal and state programs with fidelity, as determined through the monitoring

process. The ALSDE may also monitor the LEA annually until findings are appropriately addressed.

C-10. How can a LEA document that it has corrected a finding identified through monitoring?

A LEA documents that findings have been corrected by providing evidence that the Corrective Action Plan has been implemented. During the development of a Corrective Action Plan, a LEA will consider and specify the documentation that will prove implementation of the plan. Evidence of plan implementation should be uploaded into the online monitoring system. Along with the documentation, LEAs should give a brief but thorough description of the evidence provided. This description will allow ALSDE staff to better align evidence of implementation with the approved Corrective Action Plan. (See also C-8)

C-11. When is evidence that a prior year Corrective Action Plan has been implemented due?

Corrective Action Plans from the previous monitoring year should only exist by expressed written permission from the ALSDE. It is normally expected that Corrective Action Plans be completed within the fiscal year that monitoring is conducted. The LEA should keep ALSDE program staff apprised of its progress of implementation. See C-9 for the consequences of not addressing monitoring findings.

C-12. Is there a final report?

Yes. A final report will be issued after the ALSDE has received and approved all Corrective Action Plans. If a LEA with findings of noncompliance fails to submit acceptable Corrective Action Plan(s) within 20 working days following receipt of the preliminary report, the final report will be issued indicating that the LEA has failed to address the monitoring findings. See C-9 for consequences of not addressing monitoring findings. Final reports will also include any changes made as a result of ALSDE's response(s) to the reconsideration request. All final reports are considered public records and are available for public review, consistent with Alabama's Government in the Sunshine laws and rules.

Appendix A

Monitoring Definitions

Monitoring: Monitoring is the state-level review of LEA implementation of selected programs under ESSA to determine compliance with applicable federal and state regulations. The focus is on programmatic areas and some fiscal components that have an impact on student achievement.

Audit: An audit examines financial records and provides technical assistance and guidance to LEAs concerning the recipients of monies from the ALSDE. Auditors review the use of funds, expenditures and program requirements to determine compliance.

Risk Score: The Risk Score shows a LEAs level of risk as determined by the factors listed in Appendix B. It is determined by applying a weighted score to each LEA per factor, and then taking the sum divided by the total number of points possible. The Risk Score calculation is a tool for determining which LEA programs will be reviewed via onsite, desktop, enhanced self-monitoring.

Onsite Monitoring: Onsite monitoring is a physical visit to the LEA with the specific intent of interviewing LEA staff (main office, schools or other facilities) face to face to determine compliance and discuss documentation. LEAs designated for onsite monitoring are provided an official report of the outcome of the review.

Desktop Monitoring: Desktop monitoring is a remote review of the LEA that is conducted by computer and telephone between ALSDE and LEA staff. Staff in schools and other facilities are typically not interviewed; however, the ALSDE reserves the right to physically visit a LEA selected for desktop monitoring. LEAs designated for desktop monitoring are provided an official report of the outcome of the review.

Enhanced Self-Monitoring: Enhanced self-monitoring is a designation given to LEAs that received a high Risk Score, but may not require onsite or desktop monitoring. LEAs selected for enhanced self-monitoring will be expected to provide a progress report or additional documentation beyond what is expected of regular self-assessment. Typically, there will not be interviews with LEA staff or a monitoring report.

Self-Assessment: Self-assessment is a designation given to LEAs that are not selected for onsite, desktop or enhanced self-monitoring. LEAs will be expected to complete self-assessment requirements detailed in A-4 of the Monitoring FAQs on an annual basis. Typically, there will not be interviews with LEA staff or a monitoring report.