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Council of Chief State School Officers

A Guide to State Educational Agency Oversight Responsibilities under ESSA:

The Role of the State in the Local Implementation of ESSA Programs

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THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public.

A GUIDE TO STATE EDUCATIONAL AGENCY OVERSIGHT RESPONSIBILITIES UNDER ESSA: THE ROLE OF THE STATE IN THE LOCAL IMPLEMENTATION OF ESSA PROGRAMS

Authors:
Melissa Junge, Federal Education Group, PLLC
Sheara Krvaric, Federal Education Group, PLLC

COUNCIL OF CHIEF STATE SCHOOL OFFICERS
Melody Schopp (South Dakota), President
Chris Minnich, Executive Director

CONTENTS

A Guide to State Educational Agency Oversight Responsibilities under ESSA: The Role of the State in the Local Implementation of ESSA Programs

i

States are responsible for administering the largest grant programs in the Every Student Succeeds Act (ESSA). As a result, they have substantial influence over how school districts and other local educational agencies (LEAs) implement ESSA programs and spend ESSA funds. This guide describes the oversight responsibilities state educational agencies (SEAs) have in ESSA programs, how those responsibilities affect ESSA implementation at the local level, and how SEAs can promote more effective uses of funds to benefit students. Ultimately, how an SEA carries out its oversight responsibilities has a strong influence on the services LEAs provide to students.

This guide is divided into two parts.

Part I provides an overview of the SEA's oversight role in ESSA programs, and discusses the importance of developing a strategic vision for how the SEA will approach oversight. A strategic vision is important so an SEA can assess whether the oversight activities it carries out are consistent with the role it wants to, and can effectively, play in LEA program implementation. At a minimum, SEAs must take steps to ensure LEAs comply with federal requirements. Beyond that, SEAs might consider how various state oversight activities can shape LEA programs and spending.

Part II highlights thirteen oversight responsibilities SEAs have under federal law, describes how SEA oversight activities influence LEA implementation of ESSA programs, and provides examples of possible oversight activities SEAs might carry out in different situations.

Note

Although this guide discusses federal laws and regulations, it is intended solely to provide general information and does not constitute legal advice. You should not take any action based on the information in this guide without first consulting legal counsel familiar with your particular circumstances. Also, the analysis below is based primarily on statutory or regulatory text. ED is may issue additional regulations or guidance on these issues in the future.

A Guide to State Educational Agency Oversight Responsibilities under ESSA: The Role of the State in the Local Implementation of ESSA Programs

1

PART I: INTRODUCTION TO SEA OVERSIGHT

There is broad consensus that ESSA gives states new flexibility to set their own education policies, but the national conversation has largely focused on state accountability policies for identifying struggling schools. There has been less focus on the state role in administering ESSA's non-accountability provisions. These non-accountability provisions affect everything from how LEAs design their ESSA programs to what activities they support with ESSA funds. How a state approaches its oversight of these non-accountability provisions influences the services LEAs provide to students.

A primary purpose of state oversight is to ensure LEAs comply with federal grant requirements. But states can also use their oversight responsibilities to promote more effective programs and spending. For example, states can provide technical assistance that supports LEAs in identifying, implementing, and using ESSA funds to pay for practices that improve student outcomes. States can also take steps to ensure LEAs spend ESSA funds on activities that are necessary and reasonable for meeting federal program goals. States can also reduce burdens that take time and attention away from delivering services to students.

Ultimately, how a state decides to oversee local ESSA implementation will depend on both on its capacity and oversight philosophy. This Part of the guide explores the state's role in administering ESSA programs, the limits to state role, and issues states might consider when developing a strategic vision for its oversight.

Part II of this guide examines various oversight tools SEAs have in ESSA programs, how those oversight tools influence local implementation of ESSA programs, and how SEAs can use the tools to advance state policies and address state, local, and school needs.

A. Understanding the State Role in Administering ESSA's Largest Grant Programs

ESSA's largest grant programs are "state-administered."[1] This means the U.S. Department of Education (ED) awards funds to SEAs, which are then responsible for subgranting funds to LEAs. SEAs are also responsible for ensuring LEAs spend funds appropriately and comply with federal grant-related requirements. Because of this, SEAs have authority to set policies that affect local implementation of ESSA programs.

ESSA's state-administered programs include (but are not limited to):

- Section 1003 (School Improvement),

- Section 1003A (Direct Student Services),

- Title I, Part A (Improving Basic Programs),

- Title II, Part A (Supporting Effective Instruction),

- Title III, Part A (English Language Acquisition),

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1   Some of the requirements that apply to state-administered federal education program can be found in 34 CFR Part 76, available at http://www.ecfr.gov/cgi-bin/text-idx?SID=2be567fe4399f330139090a32f87fe3f&mc=true&node=pt34.1.76&rgn=div5

- Title IV, Part A (Student Support and Academic Enrichment Grants), and

- Title IV, Part B (21st Century Community Learning Centers).

State-administered programs are different from "direct grant" programs where LEAs apply to ED for funds and ED oversees LEA activities.

B. State Responsibilities in State-Administered Programs

SEAs have a number of responsibilities in state-administered programs, which are discussed in Part II, including:

- Providing technical assistance to LEAs,

- Designing the application tool LEAs use to apply for funds,

- Applying the "necessary and reasonable" standard to activities supported with ESSA funds,

- Reviewing and approving LEA applications for funds,

- Assessing, for each LEA, the risk an LEA will not comply with federal grant rules and taking steps to mitigate those risks,

- Setting some of the terms and conditions of LEA subgrant awards,

- Carrying out program-specific responsibilities outlined in the law (such as approving school-level comprehensive support and improvement plans, and periodically monitoring and reviewing the plan's implementation under Title I),

- Monitoring LEA grant programs to verify LEAs followed grant rules,

- Collecting and reporting information about LEA grant programs,

- Reviewing audits of LEA grant programs,

- Responding to federal ESSA monitoring findings,

- Enforcing other government-wide rules that apply to all federal grants, and

- Performing other administrative responsibilities needed to ensure local compliance with federal grant rules.

These responsibilities come from several different federal laws and regulations, including:

- ESSA,

- A law known as the General Education Provisions Act (GEPA),[2]

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2   GEPA is available at https://www.law.cornell.edu/uscode/text/20/chapter-31.

- ED regulations known as the Education Department General Administrative Regulations (EDGAR),[3] and

- Federal regulations known as the Uniform Grant Guidance (UGG).[4]

C. Developing a Strategic Vision on the State Role in the Local Implementation of ESSA Programs

SEA oversight activities are most effective when they are based on a strategic vision of the SEA's role in local ESSA implementation. This vision is informed by state law and practice, staff capacity, and other issues that lead some SEAs to defer to local decisionmaking, while others take a more active role. An SEA's view of its role might vary from case-to-case. For example, an LEA with compliance or performance challenges might need more robust SEA intervention than other LEAs.

There are many ways an SEA can approach oversight based on its strategic vision.

At a minimum, SEAs must ensure each LEA complies with federal requirements. Beyond that, SEAs can take steps to strengthen the quality of local ESSA programs, depending on what role the SEA wants to, and can effectively, play in local program implementation.

For example, if an SEA wants LEAs to spend ESSA funds more effectively the SEA could:

- Issue state-developed guidance to highlight effective activities and clarify how ESSA funds can support them. This might influence local spending, but would not mandate any specific action.

- Redesign the LEA-to-SEA application and require LEAs to discuss how they will address specific state priorities and local needs in ways that are aligned to federal program goals. This is somewhat more directive than guidance because it would require LEAs to explain their activities.

- Impose specific conditions on an LEA's grant if warranted to address a specific compliance or performance concern. The conditions could direct the LEA to spend federal funds on certain activities or to obtain additional outside technical assistance, among other options.

An SEA is not limited to only one approach. An SEA might develop guidance for all LEAs, require more information in the LEA-to-SEA application from only its struggling LEAs, and also impose specific conditions when warranted for an individual LEA. This kind of differentiated oversight can be an effective way to target SEA support and interventions to the LEAs and schools that need it the most.

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3   EDGAR is available at https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html.

4   The UGG is a set of government-wide regulations that apply to most federal grants, including ED grants. It is available at http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.

When deciding on which approach an SEA wants to use in a given situation it can be helpful to consider:

- State law and SEA policies and procedures,

- SEA capacity,

- Subject-matter expertise on the administration of federal grants, effective educational practices, and other relevant issues, and

- Administrative burden.

D. Limits on the State Role

Although states play a significant role in the local implementation of ESSA programs, state authority is not absolute.

First, LEAs have the right to be informed of, and to challenge, certain kinds of SEA actions (such as imposing a condition on a grant, or denying approval of an application for ESSA funds, as well as others). In general, this means an LEA should have a chance to respond before the SEA carries out its action. In some cases, LEAs have the right to a more formal hearing. This is discussed in more detail in Part II.

Second, SEAs should be prepared to connect their federal oversight actions to specific requirements under federal law. For example, if an SEA is going to deny approval of a proposed LEA cost, it must be able to link that denial to a federal requirement – such as that that the cost is not permissible under the federal program statute, or that the SEA believes the cost does not meet the federal "necessary and reasonable" standard (see Part II, Section C) and can explain why. This linkage is important in the event the SEA's action is challenged by the LEA.

Finally, there are often practical limits on SEA oversight options, including staff capacity, state governance structure, and the SEA's perspective on state versus local decisionmaking.

PART II: OVERVIEW OF SEA OVERSIGHT RESPONSIBILITIES AND THEIR INFLUENCE ON LEA ESSA IMPLEMENTATION

This section highlights thirteen specific responsibilities SEAs have under federal law and how they influence LEA implementation of ESSA programs.[5] It also gives examples of various ways SEAs might approach each oversight responsibility.

A. Providing Technical Assistance

1. Overview of SEA Responsibilities

SEAs are responsible for providing technical assistance to LEAs to ensure compliance with federal requirements.[6] Technical assistance should be tailored to each LEA's compliance risks as appropriate (see Part II, Section E).[7] For example, an LEA might offer general guidance about a particular federal requirement to all of its LEAs, but provide more intensive technical assistance to LEAs that struggle with compliance.

SEAs also have additional specific technical assistance obligations in some ESSA programs. For example, under Title I, Part A, SEAs are required to provide technical assistance to each LEA serving a significant number of schools identified for comprehensive or targeted support and improvement.[8]

Technical assistance can take a variety of forms including written guidance, presentations and webinars, responding to individual phone calls and emails, and other types of support.

2. Role in LEA Implementation of ESSA Programs

As discussed in CCSSO's [Developing Effective Guidance: A Handbook for State Educational Agencies](#),[9] an SEA's technical assistance has a strong influence on local programs. It both shapes local perception of what can and cannot be done with federal grant funds (see pages 5-6 of *Developing Effective Guidance* for specific examples), and it helps to set LEA priorities. For example, when SEA guidance focuses largely on technical and administrative rules, LEAs tend to prioritize compliance with those rules over other aspects of grant programs like program performance and student outcomes. State technical assistance also has the potential to reduce burden on both the SEA and its LEAs by minimizing confusion over what federal law requires.

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5   Please note, there are many other federal compliance obligations that SEA must meet which are not addressed in this guide.

6   34 CFR § 76.770.

7   2 CFR § 200.331(e)(1).

8   ESSA, Section 1111(d)(3)(A)(iii).

9   Council of Chief State School Officers, *Developing Effective Guidance: A Handbook for State Educational Agencies* (2016), available at http://www.ccsso.org/Documents/2017/ESSA/CCSSODevelopingEffectiveGuidanceHandbook.pdf.

3. Examples of How SEAs Might Approach Technical Assistance

At a minimum SEAs must:

- Ensure all state-developed technical assistance and guidance documents are consistent with federal law (and state law where applicable).

SEAs can also:

- Highlight effective practices,

- Address commonly held myths that limit ESSA spending,

- Highlight burden reduction opportunities,

- Set state-developed standards on what constitutes a "necessary and reasonable" cost (see Part II, Section C), and/or

- Provide more intensive, targeted technical assistance to LEAs that struggle with performance or compliance issues.

B. Designing the LEA-to-SEA Application Tool

1. Overview of SEA Responsibilities

LEAs apply to their SEAs for federal funds in state-administered programs. SEAs are responsible for designing the LEA-to-SEA application tool, but federal law often requires SEAs to include specific elements in the tool.

SEAs have much more flexibility over the design of the application tool for ESSA's major programs – including Title I, Part A (Improving Basic Programs), Title I, Part C (Migrant Education), Title I, Part D (Neglected and Delinquent), Title II, Part A (Supporting Effective Instruction), Title III, Part A (English Language Acquisition), Title IV, Part A (Student Support and Academic Enrichment), Title IV, Part B (Twenty-First Century Community Learning Centers), and Title V, Part B, subpart 2 (Rural and Low-Income Schools). This is because for those programs ESSA permits (and in practice, requires[10]) SEAs to design a "consolidated application" for LEAs to use.[11]

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10   ESSA, like NCLB before it, requires SEAs to allow their LEAs to submit a consolidated application if the SEA uses a consolidated application to apply to ED for funds. ESSA, Section 8305(b). In other words, SEAs that submit consolidated state ESSA plans to ED (which as of the date of this publication is expected to be all SEAs) must let their LEAs use a consolidated application to apply for ESSA funds. See U.S. Department of Education, *Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions* (2017), Q&A-11, available at https://www2.ed.gov/policy/elsec/leg/essa/essatransitionfaqs11817.pdf.

11   ESSA, Section 8305.

In a consolidated application, LEAs apply for several ESSA programs at once. Consolidated applications do not have to include the same level of detail as individual program-specific applications. For example, a standalone Title I application would have to address all of the issues in Section 1112 of ESSA (Local Educational Agency Plans). The same is not true when using a consolidated application. Instead, in a consolidated application SEAs must "require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application."[12] SEAs can use this authority to streamline the application process and focus on state priorities and/or local needs.

2. Role in LEA Implementation of ESSA Programs

The LEA-to-SEA application influences how LEAs design their federal programs and spend their money, as this example from WestEd's Center on School Turnaround's [Using Federal Education Formula Funds for School Turnaround Initiatives: Opportunities for State Education Agencies](#)[13] illustrates:

> An SEA encouraged districts to include social and emotional learning (SEL) as a key component of a school turnaround strategy. The SEA knew that many SEL activities could be supported with Title I, Part A funds, but it did not see many districts spending money on such costs. It turns out the SEA-designed application for Title I funds was acting as an inadvertent barrier.
>
> The SEA had developed an online application that permitted districts to use dropdown menus to build their budgets. The SEA intended this to be a helpful way to reduce the burden on districts by preloading the most common Title I costs into the application system, but it had the unintended consequence of limiting district spending only to those items listed in the dropdown menu. Since the menu did not include SEL activities, districts had no way to include them in their budgets. Over time, this application influenced district perceptions that Title I had to be spent on certain kinds of activities, even if those activities were not consistent with the district's needs. As a result, misperceptions of Title I spending rules ended up limiting the kinds of services provided to students in Title I schools.
>
> The SEA decided to redesign the application. Not only did the SEA add more options to the dropdown menu, aligned to state and local needs, it also added an option for "other" so districts could propose additional strategies. When coupled with SEA-delivered technical assistance highlighting the full range of Title I spending options, this simple tweak helped districts develop more expansive spending plans aligned to their needs. [14]

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12   ESSA, Section 8305(d) of the ESEA. Consolidated applications have been part of ESEA since at least 1994 under the Improving America's Schools Act (IASA). ED guidance under both IASA, and its successor NCLB, confirm SEA flexibility in designing the application. See U.S. Department of Education, *Elementary and Secondary Education Act (ESEA) as amended by Improving America's Schools Act of 1994 (IASA) Guidance* (1994, archived), available at http://www2.ed.gov/pubs/Final/localaps.html. See also 67 Fed. Reg. 3,572 (Jan. 4 2002). Please note that even though LEAs do not have to address each individual program element in a consolidated application, they must still comply with the underlying program obligations.

13   http://centeronschoolturnaround.org/wp-content/uploads/2016/03/CST_Using_Fed_Funds_Final2.pdf

14   Junge, M., & Krvaric, S, *Using federal education formula funds for school turnaround initiatives: Opportunities for state education agencies,* page 4 (2016); WestEd.

The design of the application can support LEAs in a variety of ways, for example:

- Portions of the application can be designed topically, rather than on a grant-by-grant basis, to help LEAs to coordinate spending across programs.

- The application can include prepopulated data (like demographic and performance data) to help LEAs identify and focus on their most pressing needs.

- The application can promote alignment between an LEA's needs, planned activities, and budget.

- The application can emphasize issues that have a meaningful connection to schools and students, with more technical grant requirements addressed in either a separate part of the application or through another oversight process (such as monitoring).

- The application can be differentiated based on LEA needs. For example, LEAs with low-performing schools might be required to provide more information about their planned activities, or LEAs with serious compliance issues might have to provide more information about the steps they are taking to meet federal requirements.

For more on the consolidated application and opportunities for SEAs please see CCSSO's [Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment](#).[15])

3. Examples of How SEAs Might Approach the LEA-to-SEA Application

At a minimum SEAs must:

- Develop a consolidated application for LEAs to use to apply for the ESSA programs specified above.

SEAs can also:

- Streamline the application, and, if sensible, move compliance components to other parts of the SEA's oversight process,

- Support LEAs in identifying their needs by prepopulating the application with relevant data,

- Design the application to align to state priorities,

- Use a design that facilitates alignment between an LEA's needs, activities, and budget,

- Set state-developed standards for what constitutes a "necessary and reasonable" cost (see Part II, Section C) and apply them to activities LEAs propose to support with federal funds,

- Require more intensive application information from LEAs that are struggling with performance or compliance issues, and/or

- Require LEAs to demonstrate alignment between an LEA's needs, activities, and budget.

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15   Council of Chief State School Officers, *Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment* (2016), available at http://www.ccsso.org/Documents/2016/ESSA/MaximizingESSAFormulaFundsforStudentsApril2016.pdf.

C. Applying the "Necessary and Reasonable" Standard to Activities Supported with ESSA Funds

1. Overview of SEA Responsibilities

SEAs are responsible for ensuring that all costs charged to federal grant funds are "necessary and reasonable for the performance of the federal [program]."[16]

In general, necessary and reasonable means an objective observer would understand the decision to spend funds on an activity considering the amount of money being spent, the needs of the program, and other relevant circumstances. Factors to consider include:

- Whether the cost is needed to carry out the grant program properly and efficiently,

- Whether the LEA followed sound business practices,

- The cost of the good, service, or activity being supported and whether the cost is consistent with market prices,

- Whether the LEA acted prudently considering its responsibilities to the LEA, its students, the public, and the federal government, and

- Whether the LEA generally followed its internal practices and policies.[17]

At a bare minimum, this means LEAs should not buy things they will not use in a program, should pay a fair price, and should follow its spending policies. An SEA could also consider qualitative issues like whether an activity helps an LEA meet federal program goals given local needs, which can help the SEA to evaluate whether an activity "is needed to carry out the grant program properly and efficiently" (see first bullet above).

How the SEA applies the necessary and reasonable standard raises many practical questions including:

- Under what circumstances the SEA is willing to override local decisions about what is necessary and reasonable,

- SEA staff capacity to evaluate the quality of an LEA activity,

- The strength of an SEA's inter-office coordination to ensure standards are being applied consistently, and

- How it will communicate to LEAs its interpretation of the necessary and reasonable standard so they can understand and comply with SEA expectations.

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16   2 CFR § 200.403(a).

17   2 CFR § 200.404.

2. Role in LEA Implementation of ESSA Programs

The more an SEA takes the quality of an activity into account when applying the necessary and reasonable standard, the more significant its effect on LEA program implementation. For example, an SEA might not approve ESSA funding for activities it does not consider to be of sufficient quality to be necessary and reasonable. The LEA would have the right to notice and a hearing in that case (see Part II, Section D), and SEAs and LEAs can have good faith disagreements over what constitutes a high-quality activity.

The more transparent an SEA is about its definition of necessary and reasonable, and how it will apply that definition to ESSA-funded activities, the less likely it is to be disruptive to LEAs.

3. Examples of How SEAs Might Approach the Necessary and Reasonable Standard

At a minimum SEAs must:

- Have a process in place to monitor the costs LEAs charge to ESSA funds to ensure they meet the minimum standards of necessary and reasonable.

SEAs can also:

- Develop guidance describing the relationship between the necessary and reasonable standard and effective programs,

- Develop criteria the SEA will use to determine whether an ESSA-funded activity is necessary and reasonable, and ensure the criteria align to federal law,

- Provide technical assistance to both SEA and LEA staff on the criteria the SEA will apply, and/or

- Require LEAs (or LEAs with low-performing schools) to explain how ESSA funded activities are necessary and reasonable in the LEA-to-SEA application.

D. Reviewing and Approving LEA Applications

1. Overview of SEA Responsibilities

Reviewing Applications

SEAs must have procedures for reviewing and approving LEA applications for ESSA funds and amendments to those applications.[18] SEAs have fairly broad discretion over those procedures, but in general, LEA applications should be approved if the LEA meets the federal requirements that apply to the program.[19]

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18   34 CFR § 76.400 and 34 CFR § 76.770.

19   See ESSA, Section 8452(a).

The application review and approval process is important because it gives SEAs a chance to verify LEA compliance with federal requirements, which is the SEA's primary oversight duty. Verifying compliance through the application can be a particularly strong internal control – that is, a way to mitigate compliance risks – because it happens before the SEA awards funds. However, using the application to focus on compliance should be balanced against other considerations. For example, a compliance focus might inadvertently deemphasize program performance and student outcomes.

Approving and Disapproving Applications; LEA Hearing Rights

SEAs must approve an LEA's consolidated application for ESSA funds within 120 days of receiving the application unless the SEA determines, in writing, that the application is out of compliance with federal requirements.[20] If the SEA determines the application is out of compliance, the SEA can disapprove the application in whole or in part, subject to certain limits discussed in more detail below. An SEA may only disapprove an LEA's application if the SEA determines the application fails to meet a federal compliance requirement.[21]

If an SEA disapproves an LEA's application, in whole or in part, the LEA is entitled to notice and a hearing.[22] Specifically, the SEA must:

- Notify the LEA in writing, with a detailed description of the specific parts of the application that fail to meet federal requirements,[23]

- Offer the LEA an opportunity to revise and resubmit its application within 45 days, which includes the opportunity to demonstrate the application does meet federal requirements,[24]

- Provide technical assistance to the LEA, if requested, to help the LEA meet the necessary requirements,[25]

- Conduct a hearing within 30 days of receiving the revised application, unless the LEA declines the opportunity for a hearing,[26] and

- Request additional information, only regarding the noncompliant provisions, needed to make the application compliant.[27]

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20 ESSA, Section 8452(a). See also 34 CFR § 76.400(b).

21 See ESSA, Section 8452.

22 ESSA, Section 8452(b)(1).

23 ESSA, Section 8452(b)(2)(A)-(B).

24 ESSA, Section 8452(b)(2)(C). If an LEA resubmits an application before the end of the 45-day period after notice has been given by the SEA, the SEA must approve the application unless the SEA determines the application does not meet federal requirements. If an LEA fails to respond to the SEA's notice before the end of the 45-day period, the application shall be deemed disapproved.

25 ESSA, Section 8452(b)(2)(A)-(D).

26 ESSA, Section 8452(b)(2)(E).

27 ESSA, Section 8452(b)(2)(F).

2. Role in LEA Implementation of ESSA Programs

The approval process has a direct impact on LEA implementation – LEAs cannot spend ESSA funds until their application is approved by the SEA.[28] But the approval process can affect LEAs in less obvious ways too.

For example, LEAs often limit their spending to activities they know the SEA has approved in the past. This helps to avoid back-and-forth with the SEA, speeds up the approval process, and minimizes the risk an activity will be questioned by monitors or auditors down the road. But, it can also entrench the spending status quo and limit the implementation of innovative or more effective programs for students.

SEAs can promote more effective spending by being clear about the criteria they apply when reviewing applications, applying criteria consistently across the agency, and ensuring those criteria do not inadvertently limit local program/spending options. SEAs can also advise LEAs that proposing new activities will not automatically delay application approval.

Finally, it is important to note that delays in application approvals can disrupt student services and heighten compliance risks. For example, delayed approval can delay program implementation. It can also create cash flow pressures for LEAs that have to use state or local funds to pay for federal program activities until the application is approved.

3. Examples of How SEAs Might Approach Application Review and Approval

At a minimum SEAs must:

- Approve applications that meet federal requirements.

SEAs could also:

- Provide professional development to SEA staff who review LEA applications on the full range of federally-permitted spending options,

- Use a cross-office team to review LEA applications to ensure activities are aligned across programs and minimize duplication, and/or

- Consider disapproving activities and costs that do not meet the state's "necessary and reasonable" standard (see Part II, Section C), which could trigger LEA notice and hearing rights.

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28   An LEA cannot draw down federal funds until its application is fully approved. 34 CFR § 76.708(b). An LEA can begin to obligate funds – that is, enter into contracts or hire staff that will eventually be paid with federal funds – once its application is "substantially approvable." 34 CFR § 76.708(a).

E. Assessing and Mitigating Compliance Risks

1. Overview of SEA Responsibilities

SEAs must perform a risk assessment to evaluate how likely it is each of their LEAs will comply with federal requirements.[29] The less likely it is an LEA will comply with federal requirements, the more oversight it needs from its SEA. Tailoring an SEA's oversight activities to an LEA's level of risk can help the SEA focus its resources where needs are greatest.

Specifically, SEAs must use the results of the risk assessment to decide how to monitor each LEA.[30] The results of the risk assessment may also inform whether the SEA should impose specific conditions on an LEA's subgrant (see Part II, Section F).[31]

The risk assessment process is designed to evaluate *compliance* risks through factors such as:

- The LEA's prior experience with the same or similar federal programs,

- The extent to which the LEA is audited through the single audit process (see Part II, Section J) and the results of previous audits,

- Whether the LEA has new personnel or new or substantially changed systems, and

- The extent to which the LEA has been monitored by ED and the results of that monitoring.[32]

SEAs might also consider program performance to the extent it affects an LEA's compliance with federal requirements. For example, depending on the circumstances, consistently low student outcomes could indicate the LEA's grant-funded activities are not meeting the "necessary and reasonable" standard (see Part II, Section C).

2. Role in LEA Implementation of ESSA Programs

The risk assessment process permits SEAs to differentiate oversight based on local needs. This has the potential to reduce burden for both the SEA and its LEAs, and also ensures LEAs get the specific supports they need to run effective and compliant ESSA programs.

3. Examples of How SEAs Might Approach Risk Assessment

At a minimum SEAs must:

- Develop a risk assessment process consistent with federal requirements,

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29   2 CFR § 200.331(b). For more information about risk assessment, please see U.S. Department of Education, *Questions and Answers Regarding 2 CFR Part 200*, Q&A 2 and Q&A 13, available at https://www2.ed.gov/policy/fund/guid/uniform-guidance/faq62515.pdf.

30   2 CFR § 200.331(b).

31   2 CFR § 200.331(c) and 2 CFR § 200.207.

32   2 CFR § 200.331(b).

- Use the results of the risk assessment to inform monitoring, and

- Consider imposing specific conditions if needed to address risks.

SEAs can also:

- Develop guidance for LEAs on managing compliance risks,

- Develop guidance for LEAs that connects compliance obligations to effective program performance (for example, guidance on how to use federal planning requirements to drive improved program performance),

- Incorporate program performance considerations into the risk assessment process when connected to federal compliance requirements, and/or

- Provide targeted, intensive supports to higher risk LEAs.

F. Imposing Specific Conditions on LEA Subgrants

1. Overview of SEA Responsibilities

Based in part on the results of the risk assessment described above, SEAs must consider whether to impose specific conditions on an LEA's subgrant.[33] A specific condition is an extra requirement an SEA places on a subgrant to help ensure the LEA complies with federal requirements. SEAs can impose specific conditions when:

- An LEA's financial instability, management systems, grant management performance, audit history, or ability to implement federal requirements poses risks to federal funds,

- An LEA has a history of failing to comply with subgrant terms and conditions,

- An LEA fails to meet expected performance goals, or

- When an LEA is otherwise not responsible.[34]

Specific conditions could include:

- Requiring payments as reimbursements, rather than advance payments,

- Requiring the LEA to demonstrate it performed one part of a project successfully before moving on to the next,

- Requiring additional, more detailed financial reports,

- Requiring additional project monitoring,

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33   2 CFR § 200.331(c).
34   2 CFR § 200.207(a).

- Requiring the LEA to get technical or management assistance, or

- Requiring the LEA to get the SEA's prior approval before taking certain actions.[35]

If an SEA imposes a specific condition, it must tell the LEA:

- What the condition is,

- Why it is being imposed,

- What actions must happen for the condition to be removed,

- The timeframe the LEA has to complete any required actions, and

- How the LEA can request reconsideration of the requirements imposed by the condition.[36]

Any specific conditions must be promptly removed once the issues that prompted them have been corrected.[37]

2. Role of in LEA Implementation of ESSA Programs

LEAs must spend ESSA funds consistent with the terms and conditions of their subgrants,[38] including any specific conditions imposed by the SEA. As a result, specific conditions are binding and particularly influential on local implementation.

An SEA might, for example, use specific conditions (if warranted by the circumstances) to:

- Require an LEA with low-performing schools to obtain relevant technical assistance to address performance or program implementation challenges,

- Require LEAs with compliance challenges to file additional reports to verify compliance with certain requirements, or

- Require local spending be directed on a specific cost or costs to address performance or compliance concerns.

These are some examples of how specific conditions can shape local programs. Typically, specific conditions are most effective when they are narrowly tailored to address particular concerns.

3. Examples of How SEAs Might Approach Specific Conditions

At a minimum SEAs must:

- Consider specific conditions when warranted to address compliance concerns.

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35   2 CFR § 200.207(b).

36   2 CFR § 200.207(c).

37   2 CFR § 200.207(d).

38   Please note that all subgrant awards must contain certain federally required criteria as described in 2 CFR § 200.331(a).

SEAs can also:

- Support LEAs to resolve compliance and performance issues without directing the specific steps LEAs must take,

- Impose specific conditions on LEA subgrants only when needed to address a compliance issue,

- Impose specific conditions when warranted by performance or compliance concerns, and/or

- Require local ESSA grants to be spent on certain activities through specific conditions when warranted by performance or compliance concerns.

G. Carrying out Program-Specific Oversight Responsibilities

1. Overview of SEA Responsibilities

ESSA programs require SEAs to carry out certain program-specific oversight activities. For example, in Title I, Part A, SEAs must approve school-level comprehensive support and improvement plans, and periodically monitor and review plan implementation.[39] For additional information and related considerations regarding the SEA's role in implementing specific ESSA program provisions please see CCSSO's [Decision Guide for ESSA Implementation: State Considerations for Effective Grant Programs](#).[40]

2. Role in LEA Implementation of ESSA Programs

As discussed in the *Decision Guide for ESSA Implementation*, how SEAs implement ESSA requirements influences local ESSA implementation.

Aligning SEA efforts across offices can be particularly helpful in driving effective local grant spending. For example, LEAs often use multiple ESSA programs to pay for professional development including Title I, Part A, Title II, Part A, and Title III, Part A. These programs, however, are often administered by different SEA offices. Without intentional alignment, it can be difficult for the SEA to take a holistic look at all of an LEA's ESSA-funded professional development activities to ensure they are aligned across programs. There is also the risk that different SEA offices will provide different advice to LEAs about effective professional development, which can drive misalignment at the local level.

3. Examples of How SEAs Might Approach Program-Specific Oversight

At a minimum SEAs must:

- Fulfill SEA-level ESSA responsibilities. (See CCSSO's [Decision Guide for ESSA Implementation: State Considerations for Effective Grant Programs for highlights of some of these responsibilities.](#))

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39   ESSA, Section 1111(d)(B)(v)-(vi).

40   Council of Chief State School Officers, *Decision Guide for ESSA Implementation: State Considerations for Effective Grant Programs* (2016), available http://www.ccsso.org/Documents/2016/ESSA/CCSSODecisionGuideForESSAImplementation.pdf.

SEAs could also:

- Include qualitative issues in SEA oversight activities; for example, when verifying that a comprehensive support and improvement plan includes an evidence-based strategy, analyze whether that strategy makes sense for a particular school, and/or

- Align oversight activities across SEA offices to ensure coordination. For example, staff responsible for approving and overseeing comprehensive support and improvement plans under Title I might coordinate with staff working on special education issues under IDEA or English language acquisition under Title III, if relevant. Or, staff performing program-specific oversight might coordinate with staff performing more general grant monitoring (see Part II, Section H) to minimize duplication.

H. Monitoring LEA Grant Programs

1. Overview of SEA Responsibilities

SEAs are required to monitor LEAs to ensure they:

- Use federal funds for authorized purposes,

- Comply with federal laws, regulations, and the terms and conditions of the award, and

- Achieve performance goals.[41]

Monitoring is a broad term that covers a variety of oversight activities. At a minimum, SEAs must:

- Review financial and performance reports the SEA requires its LEAs to submit (see Part II, Section I),

- Ensure LEAs take timely and appropriate action on any compliance issues detected through audits, on-site reviews, and other means, and

- Issue management decisions for single audit findings (see Part II, Section J).[42]

SEAs must tailor monitoring activities to each LEA's risk of non-compliance (see Part II, Section E).[43]

Federal law gives SEAs discretion to pick which monitoring activities make the most sense for an individual LEA given that LEA's compliance risks. Some ways to monitor include:

- Providing LEAs with training and technical assistance on program-related matters,

- Performing on-site reviews of an LEA's program operations, or

- Arranging for "agreed-upon-procedures" engagements (essentially a mini-audit of certain subgrant activities).[44]

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41   2 CFR § 200.331(d).

42   2 CFR § 200.331(d)(1)-(3).

43   2 CFR § 200.331(e).

44   2 CFR § 200.331(e).

In other words, monitoring is not any one single activity, but a combination of oversight activities that should be tailored as needed. For more information about monitoring systems please see CCSSO's [Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment](#).

2. Role in LEA Implementation of ESSA Programs

SEA monitoring practices affect LEAs in several ways.

First, monitoring typically focuses on technical compliance with federal requirements more than the quality of ESSA programs. Over time, this can incentivize districts to prioritize technical compliance over high-quality service delivery, as this example from the Center on School Turnaround's [Using Federal Education Formula Funds for School Turnaround Initiatives: Opportunities for State Education Agencies](#) illustrates:

> An SEA worked closely with a low-performing, financially distressed district. Despite declining revenue, the district was committed to pushing more resources into high-need schools. Yet the SEA noticed the district was proposing to hire more central-level administrative staff at the same time it was struggling to avoid teacher layoffs.
>
> When the SEA raised this issue with the district, the SEA realized the district proposed a central-level staffing increase in response to the SEA's own feedback. The SEA reviewed the district's federal grant activities every year. Most of the SEA's review focused on district compliance with federal paperwork requirements. To satisfy these requirements, and to meet what the district perceived were the SEA's expectations, the district proposed to hire more staff at the central-level to process the required paperwork.
>
> While ensuring federal funds were spent responsibly was a key priority for the SEA, there were flexibilities and streamlining options that could minimize the district's paperwork burden so more time and money could be spent on school-level needs. The SEA worked with the district to redesign its paperwork processes, reducing the need for additional central-level support. The SEA also redesigned its own technical assistance and review processes to ensure that districts could take advantage of all legally available paperwork reduction opportunities in the future.[45]

Second, if the SEA's monitoring standards are not carefully aligned with the SEA's technical assistance documents and policy priorities, the monitoring process can inadvertently limit local programs. For example, even if an SEA tries to promote more expansive spending options through state-developed guidance or in the LEA-to-SEA application, LEAs may be skeptical if an SEA's monitors permit fewer spending options. LEAs tend to pay more attention to advice and feedback provided by SEA monitors because of the enforcement risks tied to monitoring findings (see Part II, Section L).

Finally, certain monitoring approaches can be time and paperwork intensive for both LEAs and the SEA, and can actually increase risk if the monitoring is not aligned to the SEA's other grants management

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45   Junge, M., & Krvaric, S, *Using federal education formula funds for school turnaround initiatives: Opportunities for state education agencies,* page 5 (2016); WestEd.

processes. In addition, if not coordinated, an LEA can face multiple time-intensive monitorings throughout the year from various SEA offices. An aligned and specifically tailored monitoring system can help avoid diverting resources away from local program implementation.

3. Examples of How SEAs Might Approach Monitoring

At a minimum SEAs must:

- Ensure monitoring protocols reflect appropriate federal compliance standards, and

- Tailor monitoring to LEA risks.

SEAs can also:

- Coordinate monitoring across SEA offices to in order to share information across the SEA and to reduce burden for LEAs,

- Streamline monitoring protocols so they are not duplicative,

- Incorporate individualized technical assistance into the monitoring process, and/or

- Incorporate program performance issues into the monitoring process when connected to federal programs. For example, in addition to reviewing federally-required plans to ensure they contain all federally-required elements, an SEA could consider plan quality as a part of ensuring grant-supported activities are reasonable. This type of monitoring could be done on a differentiated basis.

I. Collecting and Reporting Information about LEA Grant Programs

1. Overview of SEA Responsibilities

SEAs are required to report a variety of information to ED under ESSA and other federal laws and regulations. In turn, federal law allows SEAs to require LEAs to submit reports as needed (1) to help SEAs comply with their reporting obligations, and (2) to carry out other federal program responsibilities.[46]

To support SEAs on reporting issues, CCSSO has an Education Information Management Advisory Consortium, which puts out a variety of resources on information management and reporting, and also hosts a Chief Information Officer network. For more information, please see http://www.ccsso.org/resources/programs/education_information_management_advisory_consortium_(eimac).html.

2. Role in LEA Implementation of ESSA Programs

Reporting obligations affect LEA programs in several ways. First, the data collected play a pivotal role in helping LEAs and their stakeholders identify program needs, compliance concerns, and risk areas. LEAs can use this data to strengthen the services they deliver as well as their administration of ESSA grants.

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46   34 CFR § 76.722.

Second, the design of reports can inadvertently limit local programs. For example, under ESSA's Section 1003 program, SEAs must annually report which LEAs and schools received Section 1003 funds, including the amount each school received and the types of strategies they implemented with the funds.[47] Reporting might be easier if LEAs and schools must select from a standardized set of activities; however, that could limit the ability of schools to customize their activities to their needs.[48]

Finally, reporting can be burdensome for LEAs and schools, particularly if the same data is collected by the SEA multiple times over multiple programs. SEAs can reduce this burden by aligning data collection across programs.

3. Examples of How SEAs Might Approach Reporting

At a minimum SEAs must:

- Collect and report all data required by federal law, and

- Take steps to provide a reasonable assurance of data quality.

SEAs can also:

- Maintain a master list of all federally-required reports and due dates to help SEA and LEA staff manage reporting obligations,

- Review the SEA's data collection tools to ensure they do not duplicate data requests,

- Design data collection tools in ways that do not limit LEA program options,

- Take steps to share data across the SEA,

- Consider ways to use the data the SEA collects to improve program performance, and/or

- Consider incorporating various data points into the SEA's other oversight processes (for example, the risk assessment process to help inform compliance risks, considerations about whether to impose specific conditions, etc.).

J. Reviewing Audits of LEA Grant Programs

1. Overview of SEA Responsibilities

LEAs and other entities that spend $750,000 or more in federal funds in a fiscal year must have their federal programs audited by an independent auditor.[49] This audit is known as a "single audit" because it covers all federal programs in one audit (rather than requiring separate audits of each program). During the single audit the auditor will test, among other things, the LEA's internal controls over federal programs, and the LEA's compliance with key federal requirements.

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47   ESSA, Section 1003(i).

48   *Decision Guide for ESSA Implementation* at p. 7.

49   Single Audit Act of 1984 and Amendments of 1996; 2 CFR § 200.501.

SEAs are responsible for reviewing their LEAs' single audits and:

- Verifying that each LEAs that spent more than $750,000 in federal funds obtained a single audit,[50]

- Issuing a "management decision" for any single audit findings within six months of receiving the audit report,[51] and

- Ensuring LEAs take timely and appropriate action on any deficiencies identified in the audit.[52]

In plain language, issuing a "management decision" means an SEA is responsible for determining whether the audit findings against an LEA are valid. Audit findings are not, in and of themselves, binding determinations of non-compliance. It is up to the SEA to determine if the auditor applied the right legal standard, got the facts right, and the like. An SEA can either sustain a finding or not depending on the circumstances. Before issuing a management decision, the SEA may request additional information or documentation from the LEA and the auditor.[53]

A management decision should clearly state in writing whether an audit finding is sustained or not, explain the reasons for the decision, and where findings are sustained, explain what the LEA must do to address the issue (for example, repay costs, make financial adjustments, or take other action).[54]

When it comes to addressing audit findings, ED encourages SEAs to use a cooperative audit resolution process.[55] Rather than taking a prescriptive approach to audit findings, the cooperative approach uses a negotiated resolution process to resolve audit issues, with the primary goal being to ensure that the conditions that led to any violations are addressed so the violations do not happen again.[56] In addition, the implementation of cooperative audit resolution practices can be paid for with ESSA consolidated administrative funds.[57]

2. Role in LEA Implementation of ESSA Programs

Single audits have an enormous impact on LEA spending and service delivery to students, despite well-documented concerns about single audit quality.[58]

LEAs are required to address all audit findings sustained by the SEA, either by repaying misspent funds or putting corrective actions into place to resolve non-compliance. Often, SEAs sustain audit findings without considering whether the auditors applied the right legal standard and fully understood the facts.

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50   2 CFR § 200.331(f).

51   2 CFR § 200.331(d)(3) & 2 CFR § 200.521(d).

52   2 CFR § 200.331(d)(2) & 2 CFR § 200.521(d).

53   2 CFR § 200.521(a).

54   2 CFR § 200.521.

55   See ED's website on the Cooperative Audit Resolution and Oversight Initiative (CAROI) https://www2.ed.gov/policy/gen/guid/caroi/index.html, which links to other CAROI resources and tools.

56   https://www2.ed.gov/policy/gen/guid/caroi/principle.html#5

57   ESSA, Section 8201(b)(2)(H).

58   See U.S. Department of Education, *Dear Colleague Letter on Audit Quality* (2016), available at https://www2.ed.gov/policy/fund/guid/gposbul/colleague2016.pdf; General Accountability Office, *Single Audit: Opportunities Exist to Improve the Single Audit Process and Oversight* (2009), available http://gao.gov/assets/100/96011.pdf; General Accountability Office, *Actions Needed to Address Persistent Audit Quality Problems* (2007), available http://www.gao.gov/products/GAO-08-213T; President's Council on Integrity and Efficiency, Report on National Single Audit Sampling Project (2007), available https://www.ignet.gov/sites/default/files/files/NatSamProjRptFINAL2.pdf; General Accountability Office, *Single Audit Act Effectiveness Issues* (2002), available http://gao.gov/products/GAO-02-877T.

As a result, LEAs often are required to take action to address audit findings even when the findings are not valid. This can cause LEAs to forgo spending on costs that are actually permitted by federal law, or to implement unnecessary, burdensome administrative procedures that divert resources away from program delivery.

To avoid these outcomes, SEAs can verify audit findings are correct before issuing a management decision and use cooperative audit resolution to address valid findings constructively in a way that does not detract from effective program implementation.

3. Examples of How SEAs Might Approach Audit Reviews

At a minimum SEAs must:

- Verify all LEAs that were required to obtain single audits obtained the audits, and

- Review LEA single audits and make management decisions within required timeframes.

SEAs can also:

- Take steps to ensure they do not sustain audit findings that apply the wrong legal standards (this likely would include requiring both the audit resolution team and the relevant program office – if different—to coordinate on the determination),

- Request more information about audit findings from LEAs to ensure the auditor understood the facts correctly,

- Consider other documentation to support LEA compliance; for example, if an employee paid with federal funds did not keep required "time and effort" reports, consider whether there are other ways LEAs can verify the employee worked on a federal program,

- Use cooperative audit resolution procedures to minimize fund repayments, and/or

- Develop guidance and other materials for auditors on state interpretations of federal rules to ensure auditors apply the correct standards.

K. Responding to Federal ESSA Monitoring Findings

1. Overview of SEA Responsibilities

ED monitors SEA implementation of federal programs as part of ED's oversight responsibilities. Through its monitoring ED looks at both SEA and LEA activities. SEAs are responsible for responding to ED's monitoring findings and for taking corrective action to address any compliance issues ED identifies.[59]

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59   ESSA, Section 8304(a)(3)(B).

2. Role in LEA Implementation of ESSA Programs

Typically, SEAs respond to ED monitoring findings by changing their policies and procedures to address ED concerns, or by requiring LEAs with monitoring findings to take their own corrective actions.

SEAs often concur with ED's monitoring findings assuming ED findings are always correct, but even ED sometimes gets things wrong.

For example, ED has faulted SEAs for leaving elements out of the LEA-to-SEA application without realizing the SEAs were using consolidated applications under ESEA's consolidated application authority. As discussed in Part II, Section B, consolidated applications do not have to include all of the elements that would be required in a standalone application. Therefore, if an SEA modified a consolidated application to include everything that would be required in a standalone application as a result of an ED monitoring finding, it would be inconsistent with the law and its goal to streamline applications and promote better coordination among programs.

Accordingly, as with audits above, before an SEA concurs with a monitoring finding from ED, it is important for the SEA to ensure that ED applied the right legal standard and fully understood the facts. Where an SEA believes that ED has not, it is appropriate to respond.

Where a monitoring finding is correct, SEAs can take steps to carefully tailor their corrective actions, and those required of their LEAs. For example, ED might issue a valid finding about a particular expenditure by a particular LEA because the expenditure was not reasonable under the circumstances (see Part II, Section C). While that may be an appropriate finding in that circumstance, it does not mean the SEA has to prohibit that type of spending in all LEAs.

3. Examples of How SEAs Might Approach Monitoring Responses

At a minimum SEAs must:

- Respond to ED monitoring findings in the timelines specified by ED, and

- Correct noncompliance.

SEAs can also:

- Ensure multiple offices – including the SEA's program offices, finance offices, and legal offices – review monitoring reports as necessary to help evaluate any findings,

- Coordinate with LEAs to verify findings were factually correct and all relevant paperwork was considered,

- Dispute inaccurate or invalid findings, and/or

- Propose alternative corrective actions as needed to resolve noncompliance without detracting from program delivery.

L. Enforcing Federal Grant Rules

1. Overview of SEA Responsibilities

SEAs are responsible for taking enforcement action against LEAs that do not comply with federal requirements.[60] SEAs may attempt to resolve non-compliance through specific conditions (see Part II, Section E). If noncompliance cannot be remedied by imposing additional conditions, the SEA can:

- Temporarily withhold grant payments,

- Disallow costs,

- Wholly or partly suspend or terminate the grant award,

- Initiate suspension or debarment proceedings,

- Withhold further Federal awards for the project or program, or

- Take other remedies that are legally available.[61]

Depending on the enforcement action taken, an LEA may be entitled to a hearing if requested.[62]

2. Role in LEA Implementation of ESSA Programs

The mere threat of enforcement has a powerful influence on LEAs. Even if an SEA does not require funds to be repaid, the risk of repayment, possible publicity about public funds being questioned, and the increased scrutiny an LEA faces after non-compliance is identified, understandably makes LEAs sensitive to compliance rules. While remedying non-compliance through enforcement actions is an important responsibility that SEAs must take where warranted, SEAs might want to provide additional supports for LEAs that have been subject to enforcement action. These supports can help ensure LEAs do not unnecessarily limit their program design and spending for fear of additional enforcement.

3. Examples of How SEAs Might Approach Enforcement

At a minimum SEAs must:

- Consider whether non-compliance can be remedied by specific conditions before taking more severe enforcement actions,

- Limit enforcement to the penalties permitted by federal laws and regulations, and

- Comply with notice and hearing requirements.

SEAs can also:

- Set up an internal SEA approval process so multiple perspectives are considered before enforcement is taken and that leadership is aware of the action, and

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60   ESSA, Section 8304(a)(3); 2 CFR § 200.331(h).

61   2 CFR § 200.338

62   See, for example, ESSA, Section 8452(b)(2)(E). See also 34 CFR § 76.783.

- Provide ongoing supports to LEAs that have received enforcement actions to minimize the risk they needlessly limit their activities in the future.

M. Performing Other Administrative Responsibilities

1. Overview of SEA Responsibilities

Federal regulations require SEAs to have procedures "for performing administrative responsibilities as needed to ensure compliance with applicable statutes and regulations."[63] The regulations do not specify what these administrative responsibilities might be, but they give SEAs latitude to design oversight processes that make sense given SEA and LEA needs and circumstances.

There are some options for SEAs to consider that may further both compliant and effective programs, without creating additional burden.[64] For example, an SEA might consider using other entities within the state to help provide technical assistance, such as regional agencies, which could bolster the reach of the SEA's technical assistance. Or, the state might use other entities to support the SEA in monitoring, particularly if those entities have specialized expertise (like expertise in school improvement or teaching and learning) that can augment the expertise of SEA staff.

2. Role in LEA Implementation of ESSA Programs

The leeway given to SEAs to develop administrative processes can be an important tool to drive effective and compliant LEA program. However, SEAs have to balance the need to ensure compliance without adding burden that diverts LEA attention away effective program implementation.

3. Examples of How SEAs Might Approach Other Oversight Responsibilities

At a minimum SEAs must:

- Take steps necessary to provide a reasonable assurance LEAs comply with federal requirements.

SEAs can also:

- Catalog all of the oversight activities they perform throughout the grant cycle (providing technical assistance, reviewing applications, reviewing reports, reviewing payments, onsite/desk monitoring, etc.),

- Eliminate duplicative processes,

- Add processes to address gaps in oversight, and/or

- Consider ways to differentiate oversight processes based on LEA risk levels.

63 34 CFR § 76.770.

64 ESSA, Section 1603(a) requires SEAs to limit burden to the extent possible in Title I, Part A. Specifically, SEAs must ensure any state-imposed grant-related rules, regulations, and policies are consistent with federal program purposes; minimize the rules, regulations, and policies LEAs and schools are subject to; and identify state-imposed rules, regulations and policies that are not required by federal law.