



New Hampshire

Department of Education

FY22 ESSER Programmatic Monitoring Guide

Contact Information

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INTRODUCTION

The purpose of this guide is to help school districts and charter schools understand requirements for the FY22 ESSER Programmatic Monitoring process and to provide templates and resources for assembling supporting evidence to comply with federal regulations and program requirements.

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PURPOSE AND AUTHORITY

As a pass-through entity, the New Hampshire Department of Education (NHDOE) awards federal grant funds to eligible subrecipients, including local educational agencies (LEAs)—school districts and charter schools. These federal grant funds include the emergency assistance provided through the Coronavirus Aid, Relief, and Economic Security Act (ESSER I funds), the Coronavirus Response and Relief Supplemental Appropriations Act (ESSER II funds), and the American Rescue Plan Act (ARP ESSER funds) to help K-12 educational entities prevent, prepare for, and respond to the impacts of COVID-19.

Title II of the Code of Federal Regulations, Part 200.332 states that a pass-through entity must “evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring ...” In addition, NHDOE must “monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.”

Programmatic monitoring is the review process used in determining a LEA’s compliance with the programmatic requirements of federal programs, adherence to applicable laws and regulations, and progress toward expected results and outcomes. Programmatic monitoring includes review and assessment of documentation and data maintained by LEAs, information obtained during remote or on-site review, and information obtained in interviews with LEA staff. Although NHDOE completes fiscal and programmatic monitoring through independent processes, the NHDOE staff that complete these monitoring processes share their findings to ensure awareness of related fiscal and programmatic compliance issues.

The FY22 ESSER programmatic monitoring process seeks to ensure that LEAs are using ESSER funds for allowable activities and expenditures as intended: to prevent, prepare for, and respond to COVID-19. The programmatic monitoring process also allows the state to identify effective delivery models and technical assistance needs and to share best practices among LEAs. In addition, this process, in conjunction with other state review processes, aims to ensure that all children in New Hampshire have a fair, equal, and significant opportunity to obtain a high-quality education.

FY22 ESSER PROGRAMMATIC RISK ASSESSMENT & CRITERIA FOR MONITORING

The purpose of the FY22 ESSER programmatic risk assessment is to evaluate the potential for waste, fraud, and abuse of federal funds should proper federal grant management protocols not be in place in a district or charter school. NHDOE identified the following risk criteria of particular relevance to the use of ESSER funds and used these variables to measure risk based on available data for FY22 ESSER programmatic monitoring.

- Total Amount of ESSER I, ESSER II, and ARP ESSER Funds Awarded
- Number of schools in a LEA
- Number of Construction Projects
- Bureau of Federal Compliance (BFC) Fiscal Monitoring Status
- Equitable Services Status
- Maintenance of Equity Status
- Reopening Plan Status

After a thorough review of the risk assessment scores, NHDOE selected the following LEAs for FY22 ESSER programmatic monitoring: the 10 highest risk districts among all districts, the 5 highest risk districts among those with fewer than 300 students, and the 4 highest risk charter schools. Please note that a high risk level does not indicate that the subrecipient has failed to comply with applicable rules. Similarly, a low risk level does not indicate that a subrecipient is compliant with applicable rules. High risk simply means that there is a higher potential for waste, fraud and abuse should proper federal grant management protocols not be in place. Those LEAs selected for FY22 ESSER programmatic monitoring undergo the monitoring review process detailed below.

FY22 ESSER PROGRAMMATIC MONITORING REVIEW PROCESS

The following are key steps in the FY22 ESSER programmatic monitoring process:

1. NHDOE sends a letter to the school leader and key staff in each high-risk LEA notifying the LEA of selection for FY22 ESSER programmatic monitoring.
2. NHDOE provides comprehensive monitoring procedures to high-risk LEAs.
3. NHDOE works with LEA staff to establish a review dates, times, and on-site or remote review status.
4. NHDOE provides FY22 ESSER programmatic monitoring training webinar to LEAs.
 - All LEAs are invited to the training.
 - High-risk LEAs must attend or certify receipt and review of FY22 ESSER programmatic monitoring training slides.
5. NHDOE completes initial remote or onsite monitoring review.
6. NHDOE follows up with LEA as needed to request supporting documentation to complete FY22 ESSER Programmatic Monitoring LEA Report.
7. Within 30 business days of completing the initial review and receiving requested supporting documentation as needed, NHDOE sends FY22 ESSER Programmatic Monitoring LEA Report to LEA including any corrective action needed. If no corrective action is needed, the report will include a Final Determination of Compliance.

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8. Within 30 business days of receiving the FY22 ESSER Programmatic Monitoring LEA Report, LEA submits Corrective Action Plan to NHDOE to address areas of non-compliance.
 - The LEA must implement timely corrective action to achieve compliance with requirements and must continue to maintain compliance in this and all required areas.
9. Within 90 business days of submitting the Corrective Action Plan, LEA submits Evidence Submission Form along with sufficient evidence to substantiate each corrective action taken.
10. Upon review of the Evidence Submission Form, NHDOE sends a Final Determination of Compliance or Non-compliance to LEA.

ENFORCEMENT ACTIONS

The NHDOE may impose an enforcement action as part of a corrective action or for noncompliance with a previous corrective action in accordance with Title II of the Code of Federal Regulations, Part 200.338. Enforcement actions may include the following:

- Temporarily withhold cash payments pending correction of the deficiency or more severe enforcement action;
- Disallow all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate the federal award;
- Initiate suspension or debarment proceedings;
- Withhold further federal awards for the grant; or
- Take other remedies that may be legally available.

Similarly, the NHDOE may impose specific conditions on a non-compliant LEA's federal grant in accordance with Title II of the Code of Federal Regulations, Part 200.207. Specific conditions that the NHDOE may impose include the following:

- Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- Requiring additional, more detailed financial reports;
- Requiring additional project monitoring;
- Requiring the LEA to obtain technical or management assistance; or
- Establishing additional prior approvals.

It is always the NHDOE's preference to work cooperatively with a LEA in resolving issues of non-compliance. The NHDOE provides technical assistance and other supports to LEAs in their efforts to address corrective actions as resources allow. However, each LEA is solely responsible for its compliance with applicable federal grant regulations.

Appendix A. Monitoring Compliance with Federal Requirements in Use of ESSER Funds – NHDOE Monitoring Compliance Rubric

List of ESSER-Funded Activities (Source of Funding Noted as ESSER I, ESSER II, ARP ESSER)	I. Evidence of Allowable, Reasonable, Necessary Activities	II. Evidence of Compliance with Requirement to use 20% of ARP ESSER Funds to Address Learning Loss	III. Evidence of Compliance with Equitable Services Requirements	IV. Evidence of Continued Payment to Employees	V. Evidence of Compliance with Maintenance of Equity Requirements	VI. Evidence of Compliance with Time and Effort Reporting Requirements	VII. Evidence of Compliance with Contracted Services Requirements	VIII. Evidence of Compliance with Construction Requirements
<ul style="list-style-type: none"> • <i>Activity 1</i> • <i>Activity 2</i> • ... 	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input style="color: red;" type="checkbox"/> N/A <input type="checkbox"/>
<p>NHDOE Monitoring Notes:</p>								