

Enclosure B

Correction of LEA Allocation Finding Identified in FFY 2015

This enclosure addresses the Massachusetts Department of Elementary and Secondary Education's Department of Elementary and Secondary Education's (ESE's) response to the Office of Special Education Programs' (OSEP's) FFY 2015 LEA allocation finding, which was made in the enclosure to the fiscal monitoring letter dated May 13, 2016. OSEP identified six actions that the State was required to take to correct the noncompliance identified in this area (Criterion 1.1) in the May 13, 2016 fiscal monitoring letter. Two of the required actions were completed by ESE and closed out prior to the time OSEP conducted its FFY 2016 monitoring.

At the time OSEP conducted its FFY 2016 monitoring, ESE had not completed the following required actions:

1. Criterion 1.1: LEA Allocations:
 - a. Policies and procedures that demonstrate that the SEA will ensure that each LEA has submitted a plan that provides assurances to the SEA that the LEA meets each of the conditions in 34 CFR §§300.201 through 300.213 before it determines that an LEA is eligible for assistance under Part B of the IDEA for a fiscal year.
 - b. Documentation of the amount of the base payment that each LEA was entitled to receive in FFY 2014, FFY 2015, and FFY 2016 based on the amount the LEA would have received under section 619 of the IDEA for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as such section was then in effect and the amount of the base payment each LEA actually received in FFY 2014, FFY 2015, and FFY 2016 (based on the amount the LEA would have received for FFY 1997).
 - c. For any LEA whose base payment was less than the amount to which it was entitled in FFY 2014, FFY 2015 and/or FFY 2016, a calculation of the difference between the amount the LEA actually received and the amount of the base payment the LEA should have received based on the correct base fiscal year.
 - d. Documentation demonstrating that any LEA that received a base payment in FFY 2014, FFY 2015 and/or FFY 2016 that was less than the amount of section 619 funds to which it was entitled was made whole.

Upon reviewing the documentation the State submitted on April 6, 2016, and information provided by ESE personnel during the on-site visit, OSEP has determined that the ESE has provided the required information to address the LEA allocation findings identified in OSEP's fiscal monitoring letter dated May 13, 2016 and no further action is required. In an August 8, 2017 letter, OSEP informed ESE that it had provided the required information related to all of the findings identified in the May 13, 2016 letter, with the exception of the LEA allocation finding and the finding that the SEA did not have policies and procedures to ensure that it prohibits an LEA from reducing the level of expenditures under 34 CFR §300.205(a) if the SEA determines under section 616 that the LEA "needs assistance", "needs intervention", or "needs substantial intervention" in implementing the requirements of Part B of the IDEA in accordance with 34 CFR §§300.205(a) and 300.608(a). This finding is addressed in Enclosure C.