



COLORADO DEPARTMENT OF EDUCATION

1560 Broadway, Suite 1450 • Denver, Colorado 80202-5149
303.866.6600 • www.cde.state.co.us

Robert K. Hammond
Commissioner of Education

Diana Sirko, Ph.D.
Deputy Commissioner

To: Title III Contacts
From: Patrick Chapman, Executive Director, Office of Federal Program Administration
Morgan Cox, Principal Consultant, Office of Federal Program Administration
RE: USDE Monitoring Visit and Title III Fiduciary Findings

This memo is to inform you about the U.S. Department of Education's (USDE) recent monitoring visit to the Colorado Department of Education (CDE) and the resulting fiduciary findings. During the week of September 14-17, 2010, a team from USDE visited Colorado and reviewed CDE's administration of the Title III program authorized by the Elementary and Secondary Education Act of 1965 (ESEA) as amended. As a result of that monitoring visit, additional steps need to be taken to bring Colorado into complete compliance with Federal law. The findings along with the steps that will need to be taken to address those findings are listed below. Please note the areas in which your district/consortium will need to take action steps.

1. The USDE informed CDE that it was not in compliance related to the maximum percentage allowed for administrative costs (2%). This percentage includes all direct and indirect costs. This citation is from Section 3115(b) of ESEA. USDE's 1997 Indirect Cost Determination Guidance for State and Local Government Agencies indicates that administrative costs include both direct and indirect costs.

Resolution: The 2011-2012 consolidated application budget will have locked administrative 2% costs for Title III that include direct and indirect costs. Guidance will be given during the Title III USDE monitoring visit overview webinar (January 4, 2011), 2011-2012 consolidated application trainings and at any other relevant event.

2. The USDE found that CDE cannot ensure that its Title III sub-grantees (LEAs) meet requirements related to supplement not supplant. This provision falls under 3115(g) of ESEA.

Resolution: LEAs will be required to provide more thorough narratives to explain the supplement vs. supplant required element in the consolidated application. Subsequently, CDE will be reviewing this element on the consolidated application very closely. Guidance will be provided during the USDE monitoring visit overview webinar (January 4, 2011), 2011-2012 consolidated application trainings, technical assistance visits and at other relevant events.

If you have any questions or concerns regarding this memo, please feel free to contact Morgan Cox at cox_m@cde.state.co.us or at 303-866-6784.