

Federal Fiscal Grants Communities of Practice

Leading with courage, strategy, and confidence



Idaho State Department of Education

DEBBIE CRITCHFIELD, SUPERINTENDENT OF PUBLIC INSTRUCTION

Agenda July 18, 2023

- What's on your radar? Data Acquisition Calendar NEW LOOK!
- Recap from June 2023 FFGCoP
- Federal Program highlight of the month Special Education– Overview: Debi Smith
- PD in 15: Gift Cards Purchases & Use
- Procurement for Federal Funds -
- Upcoming Trainings: ESEA & IDEA Fall Conference Save the date!





What's On Your Radar? July 2023

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DATA ACQUISITION	CALENDAR 2023 -	2024					YEAR AT A GLANCE
DUE DATE	TITLE	APPLIES TO 🗸	REQUIRED BY	DETAIL	DEPARTMENT	CONTACT 1	CONTACT 2
07/01/23	Claims Inquiry Report for Auditors	Districts & Charters	Federal Regulations 7 CFR 210	Available for auditors, reimbursement claim report listing the monthly reimbursement paid to local agencies for Child Nutrition Program meals.	Child Nutrition	Melissa Cook (208) 332-6830 Financial Specialist	
07/01/23	Value of Commodities Received - RA Report (WBSCM)	Districts & Charters	Federal Regulations 7 CFR 210	The Value of Commodities Received - RA Report shows the value of USDA Foods received by the program.	Child Nutrition	Crystal Edgar (208) 332-6955 Specialist	Teresa Goodsell (208) 332-6805 USDA Foods Coordinator
07/15/23	School District Budgets	Districts & Charters	State Law IC 33-120 & IC 33- 801	Due 21 days after Board of Trustees approval, but no later than July 15th.	Public School Finance	Carol Piranfar (208) 332-6844 School Budget Specialist	
07/15/23	Spring/Final 21 APR Data	Subgrantees, Districts & Charters	ESSA Sec. 4203	Includes all 21APR data for Fall, Spring, & Summer (First day of school until last day of school).	Student Engagement & Safety	Sheena Strickler (208) 332-6813 Coordinator	
07/15/23	Annual School Bus Certification Report	Districts & Charters	State Law IC 33-1506	Certification that all school buses used to transport students have met annual inspection requirements.	Student Transportation	Ali Stolzmann (208) 332-6856 Director	
07/21/23	Assessment Participation Rate Appeal	Districts & Charters	ESSA Sec. 1111(c), IDAPA 08.02.03.112.05	Appeal non-participants and provide supporting documentation to meet the 95% participation rate requirement for ISAT and IDAA. ttps://apps2.sde.idaho.gov/AssessmentParticipationAppeals/	Assessment & Accountability	Ayaka Nukui (208) 332-6926 Director	Karen Streagle (208) 332-6824 IDAA Coordinator
07/30/23	Bus Inventory/Odometer Report	Districts & Charters	State Law IC 33-1511 & IDAPA 08.02.02.160	Required to report Inventory, inspection, and annual mileage of school buses.	Student Transportation	Lori Olsen (208) 332-6851 Admin Assistant	
8/1/2023 - 8/31/23	At-Risk for Disproportionality Webinar	Districts & Charters	IDEA Section 618(d)	Required webinar for LEAs determined to be At-Risk by race/ethnicity for significant disproportionality, significant discrepancy, or disproportionate representation.	Special Education	Debi Smith (208) 332-6915 Special Populations Coordinator	Alisa Fewkes (208) 332-6919 Monitoring & Reporting Coordinator

What's Coming Up In August?

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DATA ACQUISITIO	N CALENDAR 2023 -	2024					YEAR AT A GLANCE
DUE DATE	TITLE	APPLIES TO	, REQUIRED BY	DETAIL	DEPARTMENT	CONTACT 1	CONTACT 2
08/01/23	21st CCLC State Assessment	21st CCLC Program Participants	GPRA EDGAR Sec. 75.720	ELA and Math assessment scores for previous year and current year, to show growth	Student Engagement & Safety	Sheena Strickler (208) 332-6813 Coordinator	
08/01/23	21st CCLC School Year Attendance	21st CCLC Program Participants	GPRA EDGAR Sec. 75.720	Attendance percentages/rates at or below 90% in the prior school year and demonstrated growth (.1%) in the current school year	Student Engagement & Safety	Sheena Strickler (208) 332-6813 Coordinator	
08/01/23	21st CCLC In-School Suspensions	21st CCLC Program Participants	GPRA EDGAR Sec. 75.720	All students who demonstrated a decrease in in-school suspensions compared to the previous school year	Student Engagement & Safety	Sheena Strickler (208) 332-6813 Coordinator	
08/01/23	Special Education Initial Eligibility Data Corrections	Districts & 5 Charters	Federal Regulations 34 CFR § 300.301 and 20 U.S.C. §1412(a)(9)	and any corrections to data for the prior lune ISEE upload related to	^O Special Education	Alisa Fewkes (208) 332-6919 Monitoring & Reporting Coordinator	Debi Smith (208) 332-6915 Special Populations Coordinator
08/15/23	Request for Separate School Status	Districts & Charters	State Law 33-1003	Elementary schools having less than 10 pupils in average daily attendance must be pre-approved by the State Board of Education.	Public School Finance	Morgan Phillips (208) 332-6840 Program Information Coordinator	Tania Goretoy (208) 332-6841 Program Information Coordinator
08/31/23	Civil Rights Compliance Report	CACFP	Federal Regulations 7 CFR 226	Report summarizes racial status and ethnicity from income applications on file as of August 31 for participants in the CACFP. Sponsors may use income applications or enrollment forms to	Child Nutrition	Sharon D'Sa (208) 332-6821 Admin Assistant	Kim Sherman (208) 332-6935 CACFP Coordinator
08/31/23	Child & Adult Care Food Program Application and Renewal	Districts & Charters	Federal Regulations 7 CFR 226	CACFP sponsors serving meals and snacks to children in Head Start, childcare centers and homes, homeless shelters and At-Risk meals programs.		Sharon D'Sa (208) 332-6821 Admin Assistant	
8/1/2023 - 8/31/23	At-Risk for Disproportionality Webinar	Districts & Charters	IDEA Section 618(d)	Required webinar for LEAs determined to be At-Risk by race/ethnicity for significant disproportionality, significant discrepancy, or disproportionate representation.	Special Education	Debi Smith (208) 332-6915 Special Populations Coordinator	Alisa Fewkes (208) 332-6919 Monitoring & Reporting Coordinator

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Recapping June 2023 -Federal Program: CEP -Professional Development: Indirect Costs -Tips & Tricks: Year-End Closeout for Federal Grants



FFGCoP June 2023 Recording FFGCoP June 2023 PDF

June 2023 Federal Program: CEP Child Nutrition

- The Community Eligibility Provision (CEP) is an option for qualifying schools to serve free meals to all students.
- CEP Qualifications: Schools and LEA's with a minimum Identified Student Percentage of 40% or higher
- Identified Students = Students certified for free meals without the use of an application (ex. SNAP)
- Resources: <u>Community Eligibility Provision</u>





June 2023: Tips & Tricks – Fiscal Year-End Checklist for Grant Closeout

- We also introduced a Fiscal Year-End Closeout Checklist for LEAs to track and complete year-end tasks for grant programs.
- Checklists can help you prioritize and monitor each necessary task – so you don't lose sight or forget important items for a cleaner audit.

Could your LEA benefit from a checklist for streamlined tasks at year-end? Use this sheet as a starting point to customize for your own business practices and procedures at year-end.







2 CFR 200.1 Indirect (facilities & administrative (F&F) costs

Purpose of Indirect Costs:

- •Account for and recover costs that are associated with federal grant management but cannot be identified otherwise.
- •Once an LEA applies an approved rate, the funds that may be claimed for indirect costs have no federal accountability and may be used as if they were non-federal funds.







Federal Program Training of the Month: Special Education– General Overview

Debi Smith Support & Monitoring Coordinator, Special Education



Professional Development: Gift Card Purchasing Guidance

– Lisa Pofelski-Rosa

Idaho State Department of Education

DEBBIE CRITCHFIELD, SUPERINTENDENT OF PUBLIC INSTRUCTION



Are gift cards an allowable purchase with public funds?



Guidelines for Gift Cards





Generally speaking, the purchase and issuance of gift cards using public funds are an unallowable expense.



Conflicts of Interest & Audit Trail



What's the reasoning behind the scrutiny of gift card purchases with public funds?

- Conflicts of Interest/Personal Benefit
- When using public funds, it is necessary to have an audit trail which helps ensure that funds are not used for inappropriate items (i.e. alcoholic beverages, cigarettes, etc.).
- Gift cards do not provide an audit trail, accordingly, they are generally unallowable.



What About IRS De Minimis?





Why Are Gift Cards Not Considered "De Minimis" By The IRS?

- Historically, there was a threshold of \$25 as the maximum amount one could give before having to be taxed, but that is no longer the case.
- A gift card or cash equivalent is now taxable, regardless of the amount.
- The reason is because gift cards are essentially the same as cash, they are considered an easy item to be accounted for and, therefore, taxable.
- Gifts, awards and prizes may not be provided in lieu of payment for services.

What's the Reasoning?



- Protecting employee pay. If gift cards were exempt from taxes, it could encourage companies to redistribute how employees are paid to avoid or reduce additional taxes.
- The takeaway: Regardless of the amount, a gift card given to employees is not considered a de minimis fringe benefit, it should be included in wages on Form W-2 and subject to tax withholdings.
- IRS Fringe Benefits Guide
- <u>IRS Memo CCA 200108042</u>
- <u>Publication 15-B (2023), Employer's Tax Guide to Fringe</u> <u>Benefits</u>

Gift Certificates





- Cash or cash equivalent items provided by the employer are never excludable from income. An exception applies for occasional meal money or transportation fare to allow an employee to work beyond normal hours. Gift certificates that are redeemable for general merchandise or have a cash equivalent value <u>are not</u> <u>de minimis benefits and are taxable</u>.
- A certificate that allows an employee to receive a specific item of personal property that is minimal in value, provided infrequently, and is administratively impractical to account for, may be excludable as a de minimis benefit, depending on facts and circumstances.
- Check with your own board policies on the purchase of gift cards or gift certificates.
- <u>https://www.irs.gov/government-entities/federal-state-local-governments/de-minimis-fringe-benefits</u>

Gift Cards & Federal Funds

- What does the law say about the use of federal funds and purchasing gift/store cards?
- ESSA refers us to The Uniform Grant Guidance (UGG). UGG requires districts to implement and maintain financial management systems that comply with federal systems management requirements detailed in the Code of Federal Regulations (CFR).







<u>§200.445 (a) Goods or Services for Personal Use:</u>

•Costs of goods or services for personal use of the non-Federal entity's employees are *unallowable regardless of whether the* cost is reported as taxable income to the employees.

§200.303 Internal controls:

• Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.

Cost Allocability



§ 200.405 Allocable costs.

- (a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or *assignable to that Federal award or cost objective* in accordance with relative benefits received. This standard is met if the cost:
- (1) Is incurred specifically for the Federal award;
- (2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and
- (3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.

UGG Continued: Misuse of Funds





•§200.423: Alcoholic beverages •§200.438: Entertainment costs- under which the use of store cards could inadvertently result in misuse of funds.



Homeless Children and Youth (HCY)

- The McKinney-Vento (MV) Act defines "homeless children and youth "as individuals who lack a fixed, regular, and adequate nighttime residence."
- The McKinney-Vento Act is designed to address the challenges that homeless children and youths face in enrolling, attending, and succeeding in school. To that end, the purchase of store cards with federal funds for the benefit only of students who meet the definition above, is allowable under certain specific circumstances.
- SDE Page: Title IX-A: Education for Homeless Children & Youth Program
- SDE Program Coordinator Contact: Emily Sommer (208)332-6904



Idaho Code § 18-1356: GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURISDICTION

No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.

(meaning-no optics of quid pro quo)



Gift Card Purchasing Takeaways - Federal



- The purchase of store cards (gift cards/certificates) with federal funds is <u>not allowable</u> because even if the card is intended to be used for allowable uses under the grant program, <u>the recipient</u> may not use it accordingly, either knowingly or unknowingly.
- The exception: McKinney Vento (Homeless Children & Youth) Act *may* have specific allowable uses.



Procurement Training Start & End Your Year Strong

Lisa Pofelski-Rosa



FFGCoP 7/18/2023

Idaho State Department of Education

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Outline



Procurement Overview Federal Procurement Methods Build America, Buy America Act Review State of Idaho Procurement Methods igodotIdaho Statewide Contracts \bullet **Procurement in Practice**

What is Procurement?





- Procurement involves the planning that goes into purchasing food, supplies, goods, and services that are used by LEAs (2 CFR 200.1 Definitions)
- Procurement involves several steps from planning, issuing Requests for Proposal (if applicable), vendor selection, and vendor performance monitoring

What is Procurement? Continued



- LEAs must consider both state and federal procurement guidelines as above items maybe purchased with federal and/or state funds
- LEAs must follow whichever regulations are the most restrictive

Why is Procurement Important?

State or many

- To plan for purchases ensuring funds are wisely spent
- To ensure that LEAs are stocked with the supplies they need
- To ensure that LEAs receive the services they contracted for
- To mitigate shortcomings that otherwise may impact students

Ethical Procurement

- A CONTRACT OF EDUCATION
- Procurement should foster the publics confidence in state and local government processes:
 - > Avoid the appearance of impropriety
 - Demonstrate loyalty to unbiased decision making
 - Conduct all activities in a manner essential to preserve the public trust
 - Refrain from personal gain
 - Identify cost-saving methods to Idaho tax-payers when possible

Ethical Procurement Continued

- A CONTRACT OF EPECATION
- Procurement should foster the publics confidence in state and local government processes:
 - Promote positive competition in the marketplace through open competition
 - Mitigate the risk of waste, abuse, fraud, and overpayment for goods
 - Display the highest level of integrity to the public procurement process, and
 - Enhance student academic achievement through contracting

Federal Procurement Methods





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Informal Procurement Methods



2 CFR 200.320

- Informal procurement methods may be used when value does not exceed \$250,000 or a lower threshold established by a non-federal entity (such as a state)
- Thresholds are further delineated into
 - Micro Purchases up to \$10,000
 - Small Purchases from \$10,001 \$49,999

Micro Purchases (up to \$10,000)



2 CFR 200.320 (a)(1)

- Distribution. "To the maximum extent practicable, the non-federal entity should distribute ... among qualified suppliers."
- Awards. May be awarded without price or rate quotes if nonfederal entity "considers the price to be reasonable based on research, experience, purchase history or other information and documents its files accordingly."

Micro Purchases (up to \$10,000) Continued



2 CFR 200.320 (a)(1)

- **Thresholds.** Determined and documented by grantee, based on internal controls, risk, and procedures. Authorized by state, local laws. May be higher than threshold in FAR (\$10,000).
 - Nonfederal entity may self-certify threshold up to \$50,000, if:
 - Low-risk auditee for most recent audit
 - Annual internal institutional risk assessment to identify, mitigate and manage financial risks; or
 - For public institutions, a higher threshold consistent with state law
 - Over \$50,000, must have approval of cognizant agency indirect costs

Small Purchases (\$10,001 - \$49,999)



<u>2 CFR 200.320 (a)(2)</u>

- Used when for purchases greater than micropurchase threshold, but less than simplified acquisition threshold (\$250,000)
- Price or rate quotations from "adequate number of qualified sources" as determined appropriate by non-federal entity



2 CFR 200.320 (a)(2)

 Thresholds. Established based on internal controls, risk and procedures, and documented. Cannot exceed the threshold in the Federal Acquisition Requirement (FAR) of \$250,000 but may be lowered.
Formal Procurement Methods



2 CFR 200.319 2 CFR 200.320

- Formal procurement methods may be used when value does exceed \$250,000 or a lower threshold established by a non-federal entity.
- These purchases require documented procedures and public advertising, ensuring competition.

Non-Competitive Proposals



2 CFR 200.320 (c)

- Micro-purchases
- Item only available from a single source
- Public emergency for the requirement that will not permit delay resulting from publicizing a competitive solicitation

Non-Competitive Proposals Continued



2 CFR 200.320 (c)

- Federal awarding agency or pass-through expressly authorizes noncompetitive procurement in response to a written request from non-Federal entity; or
- After soliciting a number of sources, competition is determined inadequate

Domestic Preference for Procurement



2 CFR 200.322

• "To the greatest extent practicable" must provide a preference for the purchase of goods and materials produced in the U.S.

This must include this section in all sub-awards, contracts and purchase orders.

Build America, Buy America Act (BABAA)



<u>S. 1303 – 117th Congress</u>

- Federal, financial assistance for infrastructure projects is provided when "all of the iron, steel, manufactured products, and constructions materials used in the project are produced in the United States."
- This must include this section in all sub-awards, contracts and purchase orders.



<u>S. 1303 – 117th Congress</u>

• "(A) roads, highways, and bridges; (B) public transportation; (C) dams, ports, harbors, and other maritime facilities; (D) intercity passenger and freight railroads; (E) freight and intermodal facilities; (F) airports; (G) water systems, including drinking water and wastewater systems; (H) electrical transmission facilities and systems; (I) utilities; (J) broadband infrastructure; and (K) buildings and real property.



Do we have to worry about BABAA?

- BABAA does not apply to ESSER/ ARPA
- <u>USED</u> allows for <u>waivers</u> and provides a <u>fact sheet</u>
- List of <u>USED Grant Programs</u> subject to BABAA
 - State Grants B (611) including IDEA ARPA
 - State Grants B Preschool (619) including IDEA ARPA

State of Idaho Procurement Methods







Idaho Code section 67-2806

- Threshold ranging from \$0 to \$50,000
- Not regulated in Idaho code therefore federal statutes for micro and small purchases would be applied if goods and services would be purchased with federal funds

Idaho Semi-Formal Procurement



Idaho Code section 67-2806

- Threshold does not exceed \$99,000 but is above \$50,000
- Issue written requests for bids describing goods or services desired to at least three vendors. Allow three days for a written response, unless an emergency exists; one day for objections.



Idaho Code section 67-2806(2)

- Threshold exceeds \$100,000
- Publish notice at least two weeks in advance of bid opening. Make bid specifications available; written objections allowed. May request bid security/ bond. All bids will be publicly opened at the time and place prescribed in the invitation for bids.

Changes to Idaho Procurement



Idaho Code section 67-2346

- Anti-Boycott Against Israel Act
- New Legislation in 2021
- If a contract is one hundred thousand dollars (\$100,000) or more and/or seller employs ten (10) or more persons, seller will need to certify that it is not currently engaged in and will not for the duration of the contract engage in, a boycott of goods or services from Israel or territories under its control.



Idaho Code section 67-2803 (1) (Purchasing by political subdivisions) Idaho Code section 67-2807 (1) (Cooperative purchasing)

- LEAs may purchase from already advertised and awarded bids
- "Original" bids must have reference to the Public Agency Clause

Idaho Statewide Contracts – Public Agency Clause



• Contract prices, terms, and conditions shall be extended to State of Idaho agencies, departments, divisions, bureaus, universities, institutions, and so forth as per the specifications of the contract. Contract prices, terms, and conditions may be extended to other **public agencies** as defined in Idaho Code section 67-2327



Idaho Code section 67-2327

• "Public agency" means ... including, but not limited to counties; **school districts**; ... created under the laws of the state of Idaho; any agency of the state government; and any city or political subdivision of another state. "State" means a state of the United States and the District of Columbia."

Procurement in Practice & Planning

Written plan should include:

- Code of Ethics
- Conduct and Conflict of Interest policy
- Name of authorized purchaser
- Award method to be used
- Advertisement procedures
- Award notification/ declination process







Written plan should include:

- Procurement method to be used, including procedures for each method
- Buy American Provision
- Small, minority and women owned businesses
- Cost/price analysis
- Unnecessary or duplicative purchases



SDE Procurement Code of Ethics

 Any person employed or contracted by the Idaho State Department of Education who is involved in the process of procuring property (meaning goods, services, parts, supplies and equipment, both tangible and intangible, including, but not limited to, designs, plans, programs, systems, techniques and any rights or interests in such property) for the Idaho State Department of Education or the State of Idaho shall conduct themselves in a manner that protects the public interest and fosters confidence in the integrity of the process and shall be bound by this Code of Ethics.

SDE Purchasing Code of Ethics Continued



In any matter relating to procurement at the State Department of Education, all State Department of Education employees or contractors shall:

- a) Avoid the appearance of impropriety
- b) Demonstrate loyalty to unbiased decision making
- c) Conduct all activities in a manner essential to preserve the public trust
- d) Refrain from personal gain
- e) Identify cost-saving methods to Idaho taxpayers when possible
- f) Never accept bribes or any material gain as a result of a contract relationship
- g) Promote positive competition in the marketplace through open competition
- h) Display the highest level of integrity to the public procurement process
- i) Enhance student academic achievement through contracting



Letters of invitation should include:

- Intent of procurement activity
- Contract time period
- Bid submission procedures
- Pre-bid/ proposal meeting date/ time/ location
- Bid opening date/ time/ location
- Contract information

Request for Proposal (RFP)



Idaho Code section 67-2806A

- RFP as alternative to competitive bidding "when the political subdivision contemplates a procurement for goods or services for which:
 - (a) Fixed specifications might preclude the discovery of a costeffective solution;
 - (b) A specific problem is amenable to several solutions; or
 - (c) Price is not the sole determining factor for selection."

What needs to be included an in RFP?



- At a minimum, a request for proposal shall state the instructions of the process, the scope of work for the goods or services contemplated, the selection criteria, contract terms and the scoring methodology applying relative weights to factors considered.
- Evaluation factors may include (but are not limited to) an innovative solution that is offered, unique product features, price, vendor experience in the market, financial stability of a vendor, differences among vendors in their ability to perform contract requirements in a timely or efficient manner, ability to meet product specifications, product quality, product performance records, past performance by a vendor, future product maintenance or service requirements, product warranties.

- **Best Practices**
- Separation of Duties (also <u>2 CFR 200.302</u>)
 - Tasks such as requesting purchases, performing the purchase, issuing payment for the purchase, and inventorying the purchase should not be performed by one person.
 - The purpose of the separation of duties is to prevent fraud and abuse.
- Use purchase orders (including terms and conditions) for goods
- Use contracts for services
- Regularly review and update policies and procedures manuals as the Uniform Grant Guidance and state laws change
- Request a legal review of procurements documents from your legal counsel





Purchasing Reflections

- Purchasing has many components
- Most LEAs have several staff assigned as purchasers that may need purchasing training (and refreshers)
- Purchasing requires approval chains
- Purchasing requires policies and procedures be in place
- Various funding sources and grant funded programs may have additional restrictions and requirements





Upcoming SDE Training Opportunities



- Save the Date: ESEA & IDEA Fall Workshop
- September 14th & 15th, at the Nampa Civic Center



New Schedule for FFGCoP





- We will begin our new schedule in August 2023, changing to the 3rd Thursday of each month at 10am MST.
- We will continue recordings
- A new invite will be coming soon for registration





Thank you for being super for kids in our communities!



Reach Out to the SDE – Federal Programs



Staff Federal Programs

FEDERAL PROGRAMS »

Kathy Gauby Interim Director (208) 332-6889 kgauby@sde.idaho.gov

ESSER DATA & REPORTING »

Aaron Kennedy Coordinator (208) 332-6847 akennedy@sde.idaho.gov

FEDERAL PROGRAMS MONITORING »

Stacie Rekow Coordinator (208) 332-6891 srekow@sde.idaho.gov

Vacant Administrative Assistant (208) 332-6985

FEDERAL

PROGRAMS »

ESSER FUNDS

MONITORING

& REPORTING »

Katie Watkins

(208) 332-6959

FUNDING & FISCAL

ACCOUNTABILITY »

Brian Butkus

(208) 332-6900

Coordinator

kgauby@sde.idaho.gov

FAMILY & COMMUNITY ENGAGEMENT »

Jill Mathews Coordinator (208) 332-6855 jmathews@sde.idaho.gov kwatkins@sde.idaho.gov

EDUCATOR

Kathy Gauby

(208) 332-6889

Coordinator

EFFECTIVENESS »

PANDEMIC RELIEF FUNDS »

Lisa English Coordinator **Financial Specialist Principal** (208) 332-6911 bbutkus@sde.idaho.gov lenglish@sde.idaho.gov EOUITABLE SERVICES »

Michelle Clement Taylor Private School Ombudsman (208) 332-6963 mtaylor@sde.idaho.gov

FEDERAL PROGRAMS

Michelle Perreira Program Specialist (208) 332-6942 mperreira@sde.idaho.gov

SCHOOL IMPROVEMENT & SUPPORT »

Tyson Carter Coordinator (208) 332-6917 tcarter@sde.idaho.gov TITLE I-A: IMPROVING BASIC PROGRAMS »

Stacie Rekow Coordinator (208) 332-6891 srekow@sde.idaho.gov

Emily Sommer Coordinator (208) 332-6904

ENRICHMENT »

Stacie Rekow Coordinator (208) 332-6891 srekow@sde.idaho.gov TITLE I-C: MIGRANT EDUCATION

Sarah Seamount

sseamount@sde.idaho.gov

TITLE II-A: SUPPORTING

EFFECTIVE INSTRUCTION

Coordinator

(208) 332-6958

Kathy Gauby

(208) 332-6889

Coordinator

TITLE I-C: MIGRANT EDUCATION

TITLE I-C: MIGRANT EDUCATION

Program Specialist

ENGLISH LEARNER

PROGRAM/TITLE III

(208) 332-6907

Maria "Yuni" Barrera

mbarrera@sde.idaho.gov

Vacant Administrative Assistant (208) 332-6928

ENGLISH LEARNER PROGRAM/TITLE III

Vacant

Administrative Assistant (208) 332-6928

Maria Puga Coordinator (208) 332-6905 mpuga@sde.idaho.gov

TITLE IX-A: HOMELESS CHILDREN & YOUTHS »

Emily Sommer Coordinator (208) 332-6904 esommer@sde.idaho.gov

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TITLE I-D: NEGLECTED OR DELINQUENT EDUCATION

esommer@sde.idaho.gov

TITLE IV-A: STUDENT SUPPORT & ACADEMIC

kgauby@sde.idaho.gov

TITLE V-B: RURAL EDUCATION INITIATIVE »

> Kathy Gauby Coordinator (208) 332-6889

kgauby@sde.idaho.gov

Special Education Contacts

Staff Special Education

SPECIAL EDUCATION »

SPECIAL EDUCATION »

(208) 332-6896

MEDICAID

Coordinator

(208) 332-6824

Melissa Knutzen

Administrative Assistant

mknutzen@sde.idaho.gov

Karren Streagle, Ph.D.

kstreagle@sde.idaho.gov

Chynna Hirasaki Director (208) 332-6806 chirasaki@sde.idaho.gov

EARLY CHILDHOOD

Shannon Dunstan Coordinator (208) 332-6908 sdunstan@sde.idaho.gov

DISPUTE RESOLUTION »

Kimberli Shaner Coordinator (208) 332-6914 kshaner@sde.idaho.gov

PUBLIC REPORTING »

Alisa Fewkes Coordinator (208) 332-6919 afewkes@sde.idaho.gov DISPUTE RESOLUTION »

Elizabeth Congdon Program Specialist, Senior (208) 332-6912 econgdon@sde.idaho.gov

SPECIAL EDUCATION FORMS »

Elizabeth Congdon Program Specialist, Senior (208) 332-6912 econgdon@sde.idaho.gov MTSS/DATA ANALYSIS & SUPPORT

Vacant Coordinator (208) 332-6933

SUPPORT & MONITORING

Debi Smith Coordinator (208) 332-6915 dsmith@sde.idaho.gov

FUNDING & ACCOUNTABILITY »

Lisa Pofelski-Rosa Financial Specialist, Principal (208) 332-6916 Ipofelskirosa@sde.idaho.gov

SPECIAL EDUCATION MANUAL »

Kimberli Shaner Coordinator (208) 332-6914 kshaner@sde.idaho.gov CONTRACTS & FISCAL

Israel Silva Financial Specialist, Senior (208) 332-6877 isilva@sde.idaho.gov

SECONDARY SPECIAL EDUCATION

Randi Cole Coordinator (208) 332-6918 rcole@sde.idaho.gov

PROGRAM MONITORING »

Alisa Fewkes

Coordinator (208) 332-6919 afewkes@sde.idaho.gov

STATE PERSONNEL DEVELOPMENT GRANTS »

Kailey Bunch-Woodson Coordinator (208) 332-6925 kbunchwoodson@sde.idaho.gov

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Lisa Pofelski-Rosa | Financial Specialist Principal Idaho State Department of Education 650 W State Street, Boise, ID 83702 208.332.6916 Ipofelskirosa@sde.idaho.gov www.sde.idaho.gov

A CONTRACTOR FOR CONTRACTOR

Israel Silva | Financial Specialist Senior Idaho State Department of Education 650 W State Street, Boise, ID 83702 208.332.6910 isilva@sde.idaho.gov www.sde.idaho.gov

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