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Tim Flannery, Audit Manager
Department of Legislative Audit
427 S. Chappelle
Pierre, SD 57501

Dear Mr. Flannery,

I am in receipt of Senator Peters' request to Dr. Schopp for further information regarding correspondences from Roger Campbell. Recall that, during the July 24, 2017, Government Operations and Audit Committee meeting, Dr. Schopp explained the numerous proactive steps taken by the South Dakota Department of Education to address GEAR UP and Mid Central. Likewise, as previously described in the audits, money was misappropriated from Mid Central, not the State of South Dakota.

Communications regarding the deliberative process of the Executive Branch are privileged. Communications with Ms. Werdel were provided to the GOAC committee since additional individuals, outside of state government, received those emails. I note that the committee has addressed a letter to Senator Nelson requiring that he provide to the committee the sources of any information he has regarding the investigation of the GEAR UP program and to answer committee questions. It was also asked that if he has evidence of any criminal activity, that he produce it to the committee in order for the committee to determine what evidence to provide to the Division of Criminal Investigation. Should Senator Nelson fully comply with that requirement and produce this information, please forward any such information to me as it might impact the State's pending civil action.

I advised Dr. Schopp not to produce any such referenced email communication with Mr. Campbell since any such communication is privileged and not subject to disclosure. In order, however, to respectfully respond to Senator Peters' request and that of Representative Wismer, I have been directed by Dr. Schopp to provide additional information to the GOAC committee. In providing this additional information and the attached documents, the State does so without waiving any claim that the information provided is privileged and not subject to disclosure, and reserves the right to consider any further requests in regard to privilege and pending litigation.

The email exchanges provided with this correspondence support the prior submission and statements by Dr. Schopp related to the increased oversight of GEAR UP and Mid Central. These emails must be understood in their context. That is why the emails from LuAnn Werdel were provided. Ms. Werdel's lashing out can only be understood in the context of her contemporaneous apologies and assertions regarding Dan Guericke and

Stacy Phelps. To be blunt, the personnel issues surrounding Ms. Werdel had considerable impact on her credibility.

In contrast, Mr. Campbell was considered a credible source, and as I believe you will see through the attached documentation, had the support of the Department in attempting to ensure that the 2011 GEAR UP grant got off the ground on the right foot. Certainly, there were frustrations along the way, as there are in any organization, but Mr. Campbell's words in an email sent August 1, 2012, 9:16 AM offer an accurate description of the situation from the Department's perspective:

"At no time has the intent of my actions ever been questioned by the Department, but rather have been encouraged to continue to seek a level of accountability that has been non-existent since the inception of the first SD Gear Up Program." (emphasis added)

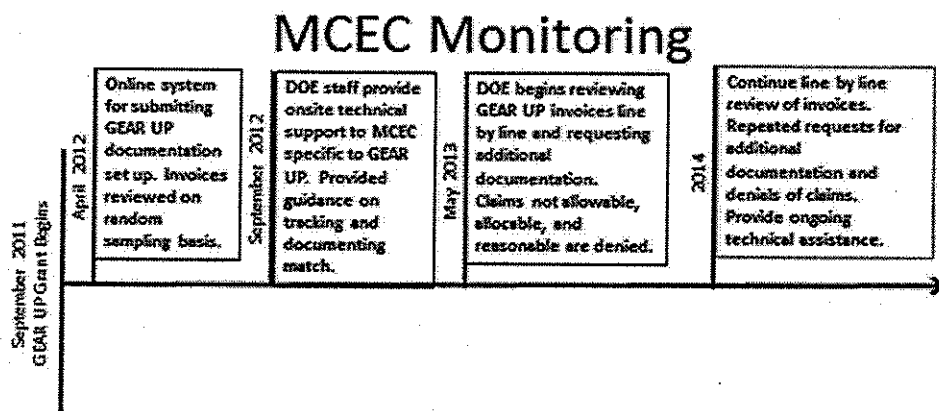
Keep this timeline in mind when reviewing this letter and the attachments:

April 10, 2012 – Meeting with Mid Central and the Department of Education, to include Mr. Campbell. This meeting was requested by Mid Central. There was obvious personal animosity on both sides with unfair allegations leveled at Mr. Campbell. The Department's increased monitoring efforts began this same month.

April 23, 2012 – Email to Dr. Schopp from Mr. Campbell. Related back to the April 10, 2012, meeting with Mid Central, addressing the misstatements leveled against Mr. Campbell by Mid Central.

August 1, 2012 – Email to Dr. Schopp from Mr. Campbell addressing again the April 10, 2012, meeting with Mid Central, as well as additional concerns regarding Mid Central.

Understanding this timeline, recall that direct actions were taken by the Department to address these concerns. The slide from Dr. Schopp's GOAC presentation of July 24 highlights some of those actions, with dates that correspond to Mr. Campbell's concerns. I would also reiterate that audits of Mid Central have found unauthorized withdrawals from Mid Central's bank account, not missing GEAR UP funds.



To provide further context: A meeting was requested by Mid Central and set for April 10, 2012. The following agenda was provided to the Department by Mid Central. Along with that agenda, the Department received a list of 13 issues from Mid Central, which also included comments by Mid Central on each issue.

SECRETARY OF EDUCATION MEETING
IN REGARDS TO SOUTH DAKOTA GEAR UP GRANT

AND
SOUTH DAKOTA COLLEGE ACCESS GRANT

McKay Building

1:00

Tuesday, April 10, 2012

DESIRED OUTCOMES

1. To create an awareness with the South Dakota Secretary of Education of Project Management Concerns in regards to the two projects
2. To define relationship between agencies and Department of Education (i.e. Partnership vs Contracted Services)
3. To define what the Management Teams expectations are in regards to project leadership
4. To develop a plan and timelines to address project concerns

AGENDA

1. Presentation of concerns from Project Management Point of View
2. Next Steps
3. Other
4. Adjourn

SD GEARUP and SDCACG Grant Concerns
Meeting with SD DoE and MCEC
April 10, 2012
Pierre, SD

1. In the SDGEARUP grant agreement Mid Central is referred to as a grant partner, but the Project Director refers to Mid Central as a contractor. Please clarify MCEC role as a partner or a contractor. *Clarify*
2. Besides responding to financial questions from the SD DOE, the SDGEARUP and SDCACG grant staffs are not in any way participating in the decision-making or grant management process. At this point the grant staff for both SDGEARUP and SDCACG are not part of primary decision-making process for either of these two grants. The only project management input that the staff has is when it comes time to answer questions while the bills are reviewed. *What for the review of the grant?*
3. The award letter from the US Department of Education for the GEARUP grant was received by South Dakota on or around September 29, 2011. A contract to fully implement the SDGEARUP grant and authorize the managing partner to contract and disperse grant funds to partner schools or other entities was not returned to Mid Central until after March 20, 2012. Mid Central and All have *?* leased over \$500,000 to operate the program at a basic level. The State has had authority to draw down grant funds for over six months.
4. The award letter for the SD College Access Challenge Grant was received in South Dakota on or around September 2, 2011. Signed SDCACG contracts were not received back to the managing entities until after February 17, 2012. Activities were initiated, however distribution of funds to partners did not occur until January 12, 2012. Mid Central and All have leased approximately \$450,000 to operate the SDCACG program even though grant funds were available six months ago.
5. The Annual Progress Report for the first grant year of SD GEARUP is due on April 16, 2012. Since grant funds were not given authorization to be dispersed by a contract earlier in the project year, the APR will highlight very significant issues. The very low level of funds draw down combined with narrative and data from the APR,

- will raise an alert with the Project Officer. On February 2, 2012, the SDGEARUP Project Officer sent an email expressing concerns over the low grant drawdowns.
6. The evaluator selection process for SDGEARUP was not posted until March 2, 2012 and the due date for the evaluator RFP's was listed as April 2, 2012. The selection process, criterion, and timelines for the project coordinator were completely unknown to any of the SDGEARUP or Mid Central staff. The fact that we have not a hired project evaluator for SD GEARUP will have an adverse effect on the APR and this will be listed as another significant deficiency of the project.
 7. Out of \$3,484,736 SDGEARUP grant funds for project year 1, as of Thursday April 5, 2012, only \$300,000 has been authorized for reimbursements, and potentially another \$200,000 is under review. Seven months into the SD GEARUP project we have over 85% of the year 1 grant funds that are unspent.
 8. There have been no meetings between the SDGEARUP Project Director and the SDGEARUP grant staff. The SDGEARUP project staff is attempting to implement the work plan that was submitted to the US Dept of Ed on November 1, 2011, but all requests and suggestions for project meetings have been disregarded.
 9. We need to have a clear understanding for what documentation is needed from partner schools. We currently contract with schools to provide a site coordinator and a summer program. We ask for a workplan so that we can see what they plan to implement. We need to have an understanding if we are going to make all schools send in everything that they expend money on or if we are paying them to provide a service. We rely upon the established school-level fiduciary policies, safeguards, and personnel to manage, document, and account for the SDGEARUP mini-grants that are provided to schools.
 10. There was a review of the grant evaluation and Final APR for SDGEARUP grant 2005-2011 in which it appears that BIE Tribal School data was accessed and reviewed under two pretenses of this review. The SDGEARUP project staff has a deep appreciation for the fragile relationship that have been initiated between the State Department of Education and Tribal grant schools and their corresponding Tribes. SDGEARUP staff developed a proposal with no direct intent of overstepping

the fragile boundaries that exist between BIE Tribal Grant schools and the State Dept. of Education.

11. It appears there is a desire by the Project Director of SDGEARUP to use school wide test data as a form of evaluation of the SDGEARUP program. It should be stated that the new SDGEARUP grant has an evaluation plan that received a perfect score in the proposal review process does not require the grant to collect school-wide data. This is a very drastic change in scope in regards to the evaluation plan and what the schools are expecting. If the State intends to require the schools that are participating in SDGEARUP (including BIE Tribal schools) to turnover data use and access, then a transparent data use plan should be presented to each of the local school administrators and school boards so they can make an informed decision to participate in the program.
12. The Project Director has now initiated a process to gain access to BIE Tribal School data. I believe that if we wanted to do this as a project the more cordial thing to do would have been to approach each of the schools individually and request this. It would be difficult to do so, as the new GEARUP grant does not specify that this is required. The new evaluation plan states that the individual partner schools will provide or upload their students' data. This will avoid the challenging data access issues.
13. The SDCACG program did not identify over \$226,000 (approximately \$139,000 from Career and Technical Education Contract and approximately \$88,000 from Office of Indian Education budget) in unspent carryover funds from year 1. It seems as if there is an extended time line to spend these funds, however since they are grant funds they can only be spent on one of 5 authorized grant activities. It was agreed upon that we would allocate any and all carryover from the grant to need based scholarships for the students from the partner schools. The Project Director's latest decision to allocate \$100,000 of the over \$226,000 to scholarships. It is not certain what the rest of the SDCACG carryover funds are being earmarked for. Moreover, did the Project Officer approve an official carryover request that SDCACG made regarding these funds?

Recall Dr. Schopp's description of this meeting that occurred April 10. This was a contentious meeting with unfair allegations being leveled at Mr. Campbell by Mr. Phelps and Mr. Westerhuis. Mr. Campbell was

vigorous in response to these allegations, and Dr. Schopp believed he had the department's interests in mind in refuting Mid Central's claims. That is why he sent an email on April 23rd in order to address issues he was unable to fully address during this heated meeting. Frankly, Mr. Campbell exercised considerable restraint in dealing with Mid Central.

Below is the April 23, 2012, 3:28 PM, email that Roger Campbell sent to Dr. Schopp regarding "Gear Up Documents and FYI".

From: Schopp, Melody (DOE)
 To: Campbell, Roger
 Subject: RE: Gear Up Documents and FYI
 Date: Monday, April 23, 2012 3:02:33 PM

Thanks - this really helps so let me review please!

Melody

From: Campbell, Roger
 Sent: Monday, April 23, 2012 3:28 PM
 To: Schopp, Melody (DOE)
 Subject: Gear Up Documents and FYI

Melody,

Based on our conversation from last week I thought I would send you electronic files of some documents that are often referenced in our discussions about the SD Gear Up Program.

- #1 is the Gear Up Contract
- #2 is the Gear Up Work Plan
- #3 is an Updated Gear Up Work Plan that was sent to the USDOE Program Officer in February
- #4 is the PDF of the concerns that were brought forth by MCEC/AIII at our meeting on the 10th
- #5 is the draft APR

There are 13 different points that MCEC/AIII made and I'll try to limit my responses which I didn't provide at the meeting.

1. We're all partners but SD DOE is the core partner; I feel that the other partners will provide whatever financial/programmatic information that we request
2. There have been no significant changes to programmatic issues that would warrant input
3. There is email dialogue between the partners that somewhat contradicts this statement, received from grants management the instructions for grant request in mid December; I requested the grant early February and we actually sent them the contract on 2.19.12; they took 2 months to get it back and we signed it on 3.20.12
4. Similar situation to #3; money being dispersed using their own discretion and when the school payments became an issue they blame DOE
5. They've expended the resources on staff but have not paid the schools which is a large part of the data collection needed for the APR; MCLU/AIII/Kuhn prepared the response to the Program Officer about these concerns; in that report we're inaccuracies about the actual progress of the project
6. This situation is similar to the contracting process; additionally, Kuhn indicated on last week's call that the APR was just a report and data collection that was separate from the program evaluator; that the Independent External Evaluator was going to be doing; that was her response when I asked about a possible conflict of interest; because she had submitted an APR to be the Independent External Evaluator while a ready contractor to do the data collect for MCEC.

7. I don't feel that they can pick and choose to independently spend money without a contract and then use it as an excuse
8. I'm not sure when and where it has been stated to have these "Project Management Team" meetings; additionally, the Project Director has not been involved in a number of the management issues that the Work Plan requires and have apparently taken place without the oversight or inclusion of the Project Director; once again, a double standard with the use of the Work Plan.
9. I'm not sure why this was a concern; we never indicated any changes regarding the partner schools
10. For Mr. Martin there were no boundaries crossed
11. The Project Director was asking questions to gauge the effectiveness and efficiency of the Gear Up Program; at no time was it suggested that we were going to make any significant programmatic changes
12. We will access any data from the BIE that is necessary and allowable to effectively and accurately measure the impact of the SD Gear Up Grant; I will go to each and every school with this message and if they don't wish to provide we can reallocate resources to other eligible schools/students
13. MCEC has not consulted with the SD DOE in the past regarding this financial information on the SD Gear Up funds or the SD CACG funds which they should have been doing all along; if they would have checked, SD DOE would have provided the information.

...I meant to be brief!

Tomorrow they'll have a draft APR to us; I intend to incorporate the status of the Oetli Sakovin Project into the Professional Development portion of the report as well as giving consideration to improve efficiency of the grant through the realignment and reallocation of resources and responsibilities.

Call if questions/concerns.

Thanks,

Roger Campbell
 Office of Indian Education
 SD Department of Education
 800 Governor's Drive
 Pierre, SD 57501-2294
 Tel: (605) 773-3783
 Fax: (605) 773-6129

The above email contained five documents. The documents attached to that email were as follows: Gear Up Abstract, Gear Up Work Plan, Updated Gear Up Work Plan that was sent to the USDOE Program Officer in February, PDF of the concerns that were brought forth by MCEC/AIII at the meeting on the 10th, and the draft APR. Note that the document containing the 13 items and Mid Central's comments contains some handwritten information, which I believe is from Mr. Campbell. You will want to examine the 13 listed items, with statements by Mid Central, alongside Mr. Campbell's responses to those statements in his April 23rd email.

As an example, in item #3, Mid Central states:

3. The award letter from the US Department of Education for the GEARUP grant was received by South Dakota on or around September 29, 2011. **A contract to fully implement the SDGEARUP grant and authorize the managing partner to contract and disperse grant funds to partner schools or other entities was not returned to Mid Central until after March 20, 2012. Mid Central and AIII have fronted over \$500,000 to operate the program at a basic level. The State has had authority to drawdown grant funds for over six months.**

Mr. Campbell's response states:

"3. There is email dialogue between the partners that somewhat contradicts this statement; I received from grants management the instructions for grant request in mid-December; I requested the grant early February and we actually sent them the contract on 2.19.12; they took a month to get it back and we signed it on 3.20.12"

It is important to note that, this is the same time period that the Department increased its monitoring and oversight activities, as recognized by Mr. Campbell in an email dated August 1, 2012, when he stated:

"It has been decided that the Department will move forward with increased diligence in the monitoring of both of these grants now that we have established an improved level of grant administration from MCEC but I suggest that we consider doing an audit of certain line items of the budget to include Personnel, Travel, Supplies & Equipment."

I believe this August 1 email is another pertinent communication regarding this topic. On Wednesday, August 1, 2012, at 9:16 AM, Mr. Campbell sent an email to Dr. Schopp with the subject line as "draft" stating:

"Melody, if you have some time . . . Take a look at let me know what you think, I certainly don't want it to be an indictment against the Department or anyone else. I also don't want to have it sound defensive either. If you would like I can also provide other documents that I have prepared for you if you think that will be useful. I don't know how effective this format is but I know the length doesn't do the situation justice. rc"

The email goes on to discuss the background of the GEAR UP grant and Mr. Campbell's discussions with AIII and Mid Central staff/leadership regarding "changes to fiscal reporting due to some of the concerns that had been brought forth regarding the Gear Up program." You will note that Mr. Campbell states: "At no time has the intent of my actions ever been questioned by the Department. **but rather have been encouraged** to continue to seek a level of accountability that has been non-existent since the inception of the first SD Gear Up Program." (Emphasis added).

Also in this email, under the heading "Accountability," Mr. Campbell indicates:

"... The Business Manager for Mid Central Education Cooperative (MCEC) is also the CFO American Indian Institute for Innovation (AIII) who is another grant partner."

As described in the July 24 presentation to GOAC, the Department sought assurances from Mid Central's independent auditor regarding the errors and omissions finding from Mid Central's FY 2012 Single Audit. The auditor confirmed that they examined all Mid Central's deposits and concluded that proper claims for reimbursement occurred, and that federal and state funds were appropriately received. In addition, the Department required that Mid Central provide a more extensive corrective action plan due to Mid Central's 2013 Single Audit that contained findings related to a lack of segregation of duties.

Also under the "Accountability" heading, Mr. Campbell states:

"We are almost to the end of the seventh year of Gear Up in SD and to date there has never been an audit of this federal program. I have requested that the Department consider an audit of one of the previous grant years. It has been decided that the Department will move forward with increased diligence in the monitoring of both of these grants now that we have established an improved level of grant administration from MCEC but I suggest that we consider doing an audit of certain line items of the budget to include Personnel, Travel, Supplies & Equipment."

The Department audited Mid Central's invoices. Dr. Schopp specifically addressed this during the July 24 presentation to GOAC.

Monitoring Timeline

- **November 2012**
 - DOE finance and management staff began additional review on invoices submitted by MCEC
 - Due to findings on random sampling
 - Denial of reimbursement made when requests did not meet the allowable, allocable, and reasonable guidelines

The Department stepped up its monitoring and oversight activities almost from the start of the new GEAR UP grant – beginning in April of 2012 with an online system for claims submission. The increased activities included random sampling of invoices (at first), onsite technical assistance, and later line-by-line review of every invoice. Furthermore, the Secretary's decision to move the 2011 GEAR UP grant to Mid Central ensured that the entity responsible for day-to-day management of the grant was subject to the same audit requirements that school districts face. Because educational cooperatives such as Mid Central are considered school districts, this decision provided an additional level of accountability that was not present with the previous GEAR UP grant. As outlined in the July 24 presentation to GOAC, the GEAR UP program was part of Mid Central's FY 2012, FY 2013 and FY 2014 Single Audits. Below is the complete text of Mr. Campbell's email of August 1, 2012 at 9:16 AM:

Schopp, Melody (DOE)

From: Campbell, Roger
Sent: Wednesday, August 01, 2012 9:16 AM
To: Schopp, Melody (DOE)
Subject: draft

Melody,

If you have some time...

Take a look at let me know what you think. I certainly don't want it to be an indictment against the Department or anyone else. I also don't want to have it sound defensive either. If you would like I can also provide other documents that I have prepared for you if you think that will be useful.

I don't know how effective this format is but I know the length doesn't do the situation justice.

rc

Background of the Office of Indian Education

In 2003 the Interim Secretary of Education, Tom Hawley, visited with me regarding a concept that he was hoping that he could begin to make a reality in the state of South Dakota. Through his association with the Council of Chief State School Officers (CCSSO) he learned of certain states who had dedicated specific personnel or resources to address the challenges faced in the area of Indian Education. There was action that was initiated to bring together an informal work group to help redevelop some basic framework for the office or individual who would direct the effort of the Department of Education in the area of Indian Education. Prior to this department actually selecting someone to lead the effort the decision was made to begin or reinstitute an annual summit or conference dedicated to identifying proven models of success in the education of native students across the state. The DOE held the first Indian Education Summit later that year and the following year the Department hired a Indian Education Coordinator.

Background of Gaining Early Awareness and Readiness for Undergraduate Programs (Gear Up SD)

In 2005 the SD DOE became involved with the USDOE's Gear Up program through a partnership with the Ooel Sakowin Education Consortium (OSEC), who was represented by Ted Hamilton and Stacy Phelps. The competitive application for funding to the USDOE for a statewide Gear Up Initiative had a focus towards focusing on an American Indian student population but it did not include significant representation from public schools rather it focused mainly on the Tribal/BIIE school population. It did include some public school districts with significant native populations.

From 2005-2011, which were the dates for the first Gear Up grant, the program has been run with almost complete autonomy with Mid-Central Education Cooperative assuming the fiscal agent role and the OSEC organization working as a conduit for the Tribal/BIIE schools.

When I initially took the position of Indian Ed. Director in 2011 there were a number of challenges that had been communicated to me from the DOE about Gear Up and a more recent grant, College Access Challenge. The Gear Up

partners. It has been determined that agreements between MCEC and other partners have been incorrect or have not been in place which is not following proper grant administration. There has not been an collective effort to effectively communicate with the SD DOE in terms of grant initiatives nor has there been attempts at building relationships to improve the data collection efforts so that we can more effectively assess and measure the program.

Clarity - In terms of understanding what the goals and objectives of the grants are and the determination of the effectiveness of their implementation. It is the responsibility of the DOE to ensure the oversight and integrity of the grant and its initiatives by working with the independent external evaluator to measure the effectiveness of the grant. Historically the Gear Up program has suffered from objectivity in its assessment due to the relationship between the contractor and evaluator. Currently, through a competitive bid process, the DOE has contracted with an independent External Evaluator who will assist in providing a fair and unbiased assessment to the effectiveness and efficiency of the Gear Up program.

As the current Project Director I have certain responsibilities to both the SD Gear Up grant and SD College Access Challenge grant. I believe anecdotally I have been accused of being misguided or ill-intentioned but if you look at the collective effort of what I have tried to bring to the situation, it can be determined that I have acted in the best interests of the SD DOE in trying to manage these grants with an improved amount of accountability, transparency and clarity.

grant had more history in terms of questions about accountability specifically but both grants and the management of each has been a point of contention in the department as well as certain agencies outside the department.

Because that the first Gear Up Grant had seen three DOE Secretaries and four OIE Directors I didn't feel it prudent to proceed with implementing any changes to fiscal policies and certainly not the programmatic make-up of Gear Up or College Access Challenge.

In September of 2011 the SD DOE was awarded a new GIU Grant in the amount of approximately \$24 million dollars for seven years. Prior to the notification of award I had informed the Gear Up Project Coordinator and contractors of pending changes in terms of establishing accountability. There was a delay in the contracting process.

In 2011, on at least two separate occasions, I had approached both AII and MCEC staff/leadership regarding changes to fiscal reporting due to some of the concerns that had been brought forth regarding the Gear Up program. From the beginning I have been transparent with the DOE's Finance and Grants Management department as well as the department leadership in my approach. I have kept Department in the loop regarding the expectations that I have set forth for MCEC/AII regarding fiscal reporting. At no time has the intent of my actions ever been questioned by the Department, but rather have been encouraged to continue to seek a level of accountability that has been non-existent since the inception of the first SD Gear Up Program.

Accountability - in terms of staff who have been paid under the grants, a detailed determination of which staff was paid by which grant and what percentage of their time was allocated to the respective grants. When this request has been made it took 2 months for one of the contractors to produce an FTE list and grant allocation for each employee and it was inconsistent with what was presented in terms of the budget. Certain individuals were not accurately defined in terms of grant responsibilities. There were also instances of certain employees being paid from both grants at amounts inconsistent with SD DOE standards. There were dollars attempted to be expended that were without grant agreement or contract and based on our agreement with the contractor were not reasonable or necessary. When the request has been made in terms of which schools are assigned to which of the seven Outreach Coordinators, there is difficulty or delay in providing the requested information. The amount and purpose of travel is also in question because travel policies were not in place or were not followed. There is question about the necessity of certain supplies and equipment expenditures. Prior to the new Gear Up grant some of the accountability measures that I am instituting had been followed. We have also communicated to the feds through the annual performance report that there were certain activities that had taken place but in fact they had not.

There has also been a lack of checks and balances with the fiscal responsibilities. The Business Manager for Mid Central Education Cooperative (MCEC) is also the CFO American Indian Institute for Innovation (AII) who is another grant partner. He also serves in the capacity of Business Manager for the Ooel Sakowin Education Consortium (OSEC) who is another grant partner. The Assistance Business Manager for MCEC is paid at 80% FTE directly off of the Gear Up grant but is titled as Data Specialist. The Business Manager for AII is a MCEC employee who in the past was the highest paid employee paid out of the College Access Challenge grant.

We are almost to the end of the seventh year of Gear Up in SD and to date there has never been an audit of this federal program. I have requested that the Department consider an audit of one of the previous grant years. It has been decided that the Department will move forward with increased diligence in the monitoring of both of these grants now that we have established an improved level of grant administration from MCEC but I suggest that we consider doing an audit of certain line items of the budget to include Personnel, Travel, Supplies & Equipment.

Transparency - In terms of the level communication from the department and the contractors about the activities of the grant and staff; I am trying to ascertain which personnel performs what function. Historically, there has been little effort by the Project Director to provide oversight of the program. Over the last six months I am attempting to gauge what activities are actually taking place and who is conducting them; the Gear Up staff, either through MCEC, AII or the schools. I have initiated a process in which the partners of each respective grant have a copy of the plan so that they better understand their role within the framework of the grant. We are hoping to delineate between the organizational

I suspect that certain statements in this email will be taken out of context. This email must be examined in light of the Department's increased oversight regarding GEAR UP and Mid Central, along with the meeting with Mid Central on April 10, 2012.

Finally, on Wednesday August 1, 2012, at 10:56 AM, Mr. Campbell followed up on his 9:16 AM email to Dr. Schopp, with an email subject line "Additional information". This email included the 13 points previously addressed in the April 23, 2012, email.

Schopp, Melody (DOE)

From: Campbell, Roger
 Sent: Wednesday, August 01, 2012 10:56 AM
 To: Schopp, Melody (DOE)
 Subject: Additional Information

This PDF is the document that Dan, Stacy and Scott came to present to you last April. I've cut and pasted rebuttal to some of those concerns.



There are 13 different points that MCEC/AMU made and I'll try to limit my responses which I didn't provide at the meeting.

1. We're all partners but SD DOE is the lead partner; I feel that the other partners will provide whatever financial/programmatic information that we request
2. There have been no significant changes to programmatic issues that would warrant input
3. There is email dialogue between the partners that somewhat contradicts this statement; I received from grants management the instructions for grant request in mid-December; I requested the grant early February and we actually sent them the contract on 2.19.12; they took a month to get it back and we signed it on 3.20.12
4. Similar situation to #3; money being dispersed using their own discretion and when the school payments became an issue they blame DOE
5. They've expended the resources on staff but have not paid the schools which is a large part of the data collection needed for the APR; MCEC/AMU/BCRUH prepared the response to the Program Officer about these concerns in that report were inaccuracies about the actual progress of the project
6. This situation is similar to the contracting process; additionally, BCRUH indicated on last week's call that the APR was just a report and data collection that was separate from the program evaluation that the Independent External Evaluator was going to be doing; that was her response when I asked about a possible conflict of interest because she had submitted an RFP to be the Independent External Evaluator, while already contracted to do the data collection for MCEC.
7. I don't feel that they can pick and choose to independently spend money without a contract and then also use it as an excuse
8. I'm not sure when and where it has been stated to have these "Project Management Team" meetings; additionally, the Project Director has not been involved in a number of the management issues that the Work Plan requires and have apparently taken place without the oversight or inclusion of the Project Director; once again, a double-standard with the use of the Work Plan.
9. I'm not sure why this was a concern; we never indicated any changes regarding the partner schools
10. For an interim there were no boundaries crossed--The intent of the questions/observations about working with DOE to collect needed data was to assist the SDGUG staff with data collection so that the data was consistent and accurate when reported for APRs, evaluations, or in other settings. A sample of the data available through SNAP was provided to illustrate how student data without names can be obtained for use in the data collection. As a person working with large amounts of secure data for both NAEP and for SD DOE, the need for protecting the rights of students is paramount in the processes used for reporting. There was never the intention to do anything with the data provided. Based on the MOU between the state and the BIE, schools must know that the OSTEP data goes through SD DOE before it goes to the BIE for determining APR. Additionally, all the BIE/tribal/other private schools in the state have access to their school's data through SDAP/eMetric so that the data sample was provided as a way to educate project staff on what is possible.

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12. We will access any data from the BIE that is necessary and allowable to effectively and accurately measure the impact of the SD Gear Up Grant. I will go to each and every school with this message and if they don't wish to provide we can reallocate resources to other eligible schools/students. Again, there are numerous places in the grant application that indicates that assessment data are part of the overall data collection needed to satisfy federal requirements.
13. MCEC has not consulted with the SD DOE in the past regarding the financial information on the SD Gear Up funds or the SD CACG funds which they should have been doing all along. If they would have checked, SD DOE would have provided the information.

Roger Campbell
 (605) 773-3783

From: Campbell, Roger
 Sent: Wednesday, August 01, 2012 9:16 AM
 To: Schopp, Melody (DOE)
 Subject: draft

Melody,

If you have some time...

Take a look at let me know what you think. I certainly don't want it to be an indictment against the Department or anyone else. I also don't want to have it sound defensive either. If you would like I can also provide other documents that I have prepared for you if you think that will be useful.

I don't know how effective this format is but I know the length doesn't do the situation justice.

rc

Background of the Office of Indian Education

In 2003 the Interim Secretary of Education, Tom Hawley, visited with me regarding a concept that he was hoping that he could begin to make a reality in the state of South Dakota. Through his association with the Council of Chief State School Officers (CCSSO) he learned of certain states who had dedicated specific personnel or resources to address the challenges faced in the area of Indian Education. There was action that was initiated to bring together an informal work group to help redevelop some basic framework for the office or individual who would direct the effort of the Department of Education in the area of Indian Education. Prior to the department actually selecting someone to lead the effort the decision was made to begin or reinstitute an annual summit or conference dedicated to identifying proven

models of success in the education of native students across the state. The DOE held the first Indian Education Summit later that year and the following year the Department hired a Indian Education Coordinator.

Background of Gaining Early Awareness and Readiness for Undergraduate Programs (Gear Up SD)

In 2005 the SD DOE became involved with the USDGE's Gear Up program through a partnership with the Ocefil Sakowin Education Consortium (OSEC), who was represented by Ted Hamilton and Stacy Phelps. The competitive application for funding to the USDE for a statewide Gear Up initiative had a focus towards focusing on an American Indian student population but it did not include significant representation from public schools rather it focused mainly on the Tribal/BIE school population. It did include some public school districts with significant native populations.

From 2005-2011, which were the dates for the first Gear Up grant, the program has been run with almost complete autonomy with Mid-Central Education Cooperative assuming the fiscal agent role and the OSEC organization working as a conduit for the Tribal/BIE schools.

When I initially took the position of Indian Ed. Director in 2011 there were a number of challenges that had been communicated to me from the DOE about Gear Up and a more recent grant, College Access Challenge. The Gear Up grant had more history in terms of questions about accountability specifically but both grants and the management of each has been a point of contention in the department as well as certain agencies outside the department.

Because that the first Gear Up Grant had seen three DOE Secretaries and four OIE Directors I didn't feel it prudent to proceed with implementing any changes to fiscal policies and certainly not the programmatic make-up of Gear Up or College Access Challenge.

In September of 2011 the SD DOE was awarded a new GU Grant. In the amount of approximately \$24 million dollars for seven years. Prior to the notification of award I had informed the Gear Up Project Coordinator and contractors of pending changes in terms of establishing accountability. There was a delay in the contracting process.

In 2011, on at least two separate occasions, I had approached both AII and MCEC staff/leadership regarding changes to fiscal reporting due to some of the concerns that had been brought forth regarding the Gear Up program. From the beginning I have been transparent with the DOE's Finance and Grants Management department as well as the department leadership in my approach. I have kept Department in the loop regarding the expectations that I have set forth for MCEC/AII regarding fiscal reporting. At no time has the intent of my actions ever been questioned by the Department, but rather have been encouraged to continue to seek a level of accountability that has been non-existent since the inception of the first SD Gear Up Program.

Accountability - in terms of staff who have been paid under the grants, a detailed determination of which staff was paid by which grant and what percentage of their time was allocated to the respective grants. When this request has been made it took 2 months for one of the contractors to produce an FTE list and grant allocation for each employee and it was inconsistent with what was presented in terms of the budget. Certain individuals were not accurately defined in terms of grant responsibilities. There were also instances of certain employees being paid from both grants at amounts inconsistent with SD DOE standards. There were dollars attempted to be expended that were without grant agreement or contract and based on our agreement with the contractor were not reasonable or necessary. When the request has been made in terms of which schools are assigned to which of the seven Outreach Coordinators, there is difficulty or delay in providing the requested information. The amount and purpose of travel is also in question because travel policies were not in place or were not followed. There is question about the necessity of certain supplies and equipment expenditures. Prior to the new Gear Up grant none of the accountability measures that I am instituting had been followed. We have also communicated to the feds through the annual performance report that there were certain activities that had taken place but in fact they had not.

There has also been a lack of checks and balances with the fiscal responsibilities. The Business Manager for Mid Central Education Cooperative (MCEC) is also the CFO American Indian Institute for Innovation (AII) who is another grant partner. He also serves in the capacity of Business Manager for the Ocefil Sakowin Education Consortium (OSEC) who is another grant partner. The Assistance Business Manager for MCEC is paid at 80% FTE directly off of the Gear Up grant but is titled as Data Specialist. The Business Manager for AII is a MCEC employee who in the past was the highest paid employee paid out of the College Access Challenge grant.

We are almost to the end of the seventh year of Gear Up in SD and to date there has never been an audit of this federal program. I have requested that the Department consider an audit of one of the previous grant years. It has been decided that the Department will move forward with increased diligence in the monitoring of both of these grants now that we have established an improved level of grant administration from MCEC but I suggest that we consider doing an audit of certain line items of the budget to include Personnel, Travel, Supplies & Equipment.

Transparency - in terms of the level communication from the department and the contractors about the activities of the grant and staff, I am trying to ascertain which personnel performs what function. Historically, there has been little effort by the Project Director to provide oversight of the program. Over the last six months I am attempting to gauge what activities are actually taking place and who is conducting them; the Gear Up staff, either through MCEC, AII or the schools. I have initiated a process in which the partners of each respective grant have a copy of the plan so that they better understand their role within the framework of the grant. We are hoping to delineate between the organizational partners. It has been determined that agreements between MCEC and other partners have been incorrect or have not been in place which is not following proper grant administration. There has not been an collective effort to effectively communicate with the SD DOE in terms of grant initiatives nor has there been attempts at building relationships to improve the data collection efforts so that we can more effectively assess and measure the program.

Clarity - in terms of understanding what the goals and objectives of the grants are and the determination of the effectiveness of their implementation, it is the responsibility of the DOE to ensure the oversight and integrity of the grant and its initiatives by working with the independent external evaluator to measure the effectiveness of the grant. Historically the Gear Up program has suffered from objectivity in its assessment due to the relationship between the contractor and evaluator. Currently, through a competitive bid process, the DOE has contracted with an independent External Evaluator who will assist in providing a fair and unbiased assessment to the effectiveness and efficiency of the Gear Up program.

As the current Project Director I have certain responsibilities to both the SD Gear Up grant and SD College Access Challenge grant. I believe anecdotally I have been accused of being misguided or ill-intentioned but if you look at the collective effort of what I have tried to bring to the situation, it can be determined that I have acted in the best interests of the SD DOE in trying to manage these grants with an improved amount of accountability, transparency and clarity.

To this email, sent approximately three months after the exact same email sent on April 23, 2012, Secretary Schopp responded at 4:24 PM and stated:

“Roger – we need to stop doing this back and forth thing. I don’t know where any of this is going and it seems all this is going to do is further the issues. This was April – it is useless at this point to address the issues again. Can we simply move forward?”

Below is the complete text of that email.

Schopp, Melody (DOE)

From: Schopp, Melody [DOE]
Sent: Wednesday, August 01, 2012 4:24 PM
To: Campbell, Roger
Subject: RE: Additional Information

Roger - we need to stop doing this back and forth thing. I don't know where any of this is going and it seems all this is going to do is further the issues. This was April - it is useless at this point to address the issues again. Can we simply move forward?

Melody

From: Campbell, Roger
Sent: Wednesday, August 01, 2012 10:56 AM
To: Schopp, Melody [DOE]
Subject: Additional Information

This PDF is the document that Dan, Stacy and Scott came in present to you last April. I've cut and pasted rebuttal to some of those concerns.

<< File: SDGUG & SD CAG.pdf >>

There are 13 different points that MCEC/Alli made and I'll try to limit my responses which I didn't provide at the meeting.

1. We're all partners but SD DOE is the lead partner; I feel that the other partners will provide whatever financial/programmatic information that we request.
2. There have been no significant changes in programmatic issues that would warrant input.
3. There is email dialogue between the partners that somewhat contradicts this statement; I received from grants management the instructions for grant request in mid-December, I requested the grant early February and we actually sent them the contract on 7/19/12; they took a month to get it back and we signed it on 3.20.12.
4. Similar situation to #3; money being dispersed using their own discretion and when the school payments became an issue they blame DOE.
5. They've expended the resources on staff but have not paid the schools which is a large part of the data collection needed for the APR; MCEC/Alli/BCKuhn prepared the response to the Program Officer about those concerns; in that report were inaccuracies about the actual progress of the project.
6. This situation is similar to the contracting process; additionally, BCKuhn indicated on last week's call that the APR was just a report and data collection that was separate from the program evaluation that the Independent External Evaluator was going to be doing; that was her response when I asked about a possible conflict of interest because she had submitted an RFP to be the Independent External Evaluator while already contracted to do the data collection for MCEC.
7. I don't feel that they can pick and choose to independently spend money without a contract and then also use it as an excuse.
8. I'm not sure when and where it has been stated to have these "Project Management Team" meetings; additionally, the Project Director has not been involved in a number of the management issues that the Work Plan requires and have apparently taken place without the oversight or inclusion of the Project Director; once again, a double-standard with the use of the Work Plan.
9. I'm not sure why this was a concern; we never indicated any changes regarding the partner schools.

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10. Per Ian Martin there were no boundaries crossed - the intent of the questions/observations about working with DOE to collect needed data was to assist the SDGU staff with data collection so that the data was consistent and accurate when reported for APRs, evaluations, or in other settings. A sample of the data available through MAP was provided to illustrate how student data without names can be obtained for use in the data collection. As a person working with large amounts of secure data for both NIAEP and for SD DOE, the need for protecting the rights of students is paramount in the processes used for reporting. There was never the intention to do anything with the data provided. Based on the MOU between the state and the BIE, schools must know that the OSTEP data goes through SD DOE before it goes to the BIE for determining AYP. Additionally, all the BIE/tribal/other private schools in the state have access to their schools' data through SDAP/eMetric so that the data sample was provided as a way to educate project staff on what is possible.
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Roger Campbell
(605) 773-3781

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Sent: Wednesday, August 01, 2012 9:16 AM
To: Schopp, Melody (DOE)
Subject: draft

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cc

In terms of grant responsibilities. There were also instances of certain employees being paid from both grants at amounts inconsistent with SD DOE standards. There were dollars attempted to be expended that were without grant agreement or contract and based on our agreement with the contractor were not reasonable or necessary. When the request has been made in terms of which schools are assigned to which of the seven Outreach Coordinators, there is difficulty or delay in providing the requested information. The amount and purpose of travel is also in question because travel policies were not in place or were not followed. There is question about the necessity of certain supplies and equipment expenditures. Prior to the new Gear Up grant none of the accountability measures that I am instituting had been followed. We have also communicated to the feds through the annual performance report that there were certain activities that had taken place but in fact they had not.

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From the Secretary's perspective, the Department was making concerted efforts to address issues raised by Mr. Campbell, and Dr. Schopp was concerned that Mr. Campbell was revisiting the arguments and personal animosity from the April 10 meeting, rather than focusing on the increased oversight and the work of moving forward.

None of the matters raised by Mr. Campbell addressed illegal or criminal activities. I suspect that some will suggest that Dr. Schopp's comments indicate that she ignored Mr. Campbell's issues regarding Mid Central. That isn't true and not in any sense an accurate reading of this response. In fact, the Department increased its oversight and monitoring. We know now, based upon the audits, that it is unfortunate that the Mid Central board didn't take the same actions in exercising appropriate oversight. It is clear to me that Mr. Campbell's emails were taken seriously.

When this information is examined in the context of the increased oversight and accountability placed on Mid Central, it is clear that Dr. Schopp's actions were appropriate. Any implications to the contrary should be viewed with skepticism, and the motivation of the source should be questioned. After efforts to offer technical assistance and to increase accountability failed to resolve audit reports, Dr. Schopp terminated the GEAR UP contract with Mid Central. Additional contracts with Mid Central were allowed to expire and were not renewed. Dr. Schopp still worked with the underlying school districts to ensure that the districts could provide required services and to receive funding to do so. That information has been lost in all the inaccurate assertions that hundreds of millions of dollars were being stolen from the state, which of course, simply isn't true.

In summary, it was early 2012 when Mr. Campbell began raising concerns about operation of the GEAR UP grant, and the Department took appropriate actions to increase its monitoring and oversight. That is one of the reasons why Mr. Campbell left the Department on good terms, as you have seen demonstrated in his resignation letter.

Finally, if you go back and review Dr. Schopp's July 24 GOAC presentation, you will see that the timelines for increased monitoring and oversight line up with the concerns raised by Mr. Campbell. Fortunately for Dr. Schopp, it is easy to keep your story straight when you are telling the truth.

Sincerely,



Paul E. Bachand

Attachment 1 – April 10, 2012 agenda

Attachment 2 – April 23, 2012 email and attachments

2A – Gear Up Abstract

2B – Gear UP Work Plan

2C – Updated Gear Up Work Plan

2D – PDF of MCEC concerns for the April 10, 2012 meeting with DOE

2E – Draft APR

Attachment 3 – August 1, 2012 9:16 AM email

Attachment 4 – August 1, 2012 10:56 AM email

Attachment 5 – August 1, 2012 4:24 PM email

PEB:rh