

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE
One Granite Place, Room 234
Concord, NH
Friday, May 22, 2026

MEMBERS PRESENT:

Representative Gerald Griffin, Chair
Representative Keith Erf
Representative Mary Jane Wallner
Representative Lucy Weber
Senator Cindy Rosenwald
Senator Tim Lang
Senator Howard Pearl
Senator Keith Murphy

1. Acceptance of the April 10, 2026 meeting minutes.
2. Status of ongoing audits.

CHRISTINE YOUNG, Director, Audit Division,
Office of Legislative Budget Assistant: Good morning, Mr.
Chairman, and Members of the Committee. My name is Christine
Young, Director of Audits with the LBA. And with me is Jay
Henry, Performance Audit Supervisor. Mr. Chairman, did you
want to cover item number two on the agenda first?

GERALD GRIFFIN, State Representative,
Hillsborough County, District #42: Yeah.

MS. YOUNG: Okay. All right. Okay. So we'll
start with an update on the Special Education Audit. We're
writing the report. We currently have 44 of 81 Observations
completed. Sixteen Observations are currently in management

review status, 11 Observations are being drafted, and another 10 Observations are pending. And we're expecting a draft report early in the third quarter of this year, and a final report late this summer.

And I'd like to skip over Education Freedom Accounts just for a moment, and I'll cover the Doorway Program, and then come back to the Freedom Accounts Audit.

With the Doorway Program, we have a draft audit report with 12 Observations in it. We received auditee responses on May 14th, and we have an exit conference this week on May 18th. We are expecting to present this report at the June Fiscal Committee meeting.

CHAIRMAN GRIFFIN: Are there any questions?
{Inaudible}.

MS. YOUNG: What?

CINDY ROSENWALD, State Senator, Senate District #13: I believe the minutes said you were expecting to present the Doorways in May in Fiscal, and so June.

MS. YOUNG: June, yes. We needed -- we needed a little bit more time with the auditee responses. So, yes, we'll be going to June.

SEN. ROSENWALD: Great, thank you.

CHAIRMAN GRIFFIN: Any other questions? Okay.

Continue, please.

3. Expanding scope of ongoing Education Freedom Accounts audit

MS. YOUNG: Okay. Moving on to the Education Freedom Accounts audit. We're writing Observations. We currently have 29 of 42 Observations completed. Three observations are currently in management review status, and three observations are being drafted.

We sent a draft expanded Scope Statement and Cooperation Agreement to the Department of Education for review and comment on May 11th, with a deadline for responding a week later on May 18th.

We received the Department's comments late in the evening on May 19th, which was after Jay had already sent the materials for this meeting to the Members. We can share some concerns the Department had with the expanded Scope Statement after Vilay's presentation this morning.

In terms of reporting out on this audit, that's a bit of an unknown right now due to the discussions on expanding our scope, which would be contingent upon the LBA, the Department of Education, and the Children's Scholarship Fund reaching an agreement on how all three parties would cooperate to perform the added work on the student residency

status and records of educational attainment that the Legislature's proposing.

We'd like to schedule a meeting with the Department of Education and the Children's Scholarship Fund to discuss the Cooperation Agreement, as soon as the details are finalized, and it's appropriate to do so. Meanwhile, our work on the original scope is ongoing and we're working as efficiently as we can to wrap that up.

With your permission, Mr. Chairman, I'd like to ask Vilay to come up and do a very short presentation on the expanded Scope Statement, if that's okay.

CHAIRMAN GRIFFIN: That would be wonderful. I have one question first.

MS. YOUNG: Sure.

CHAIRMAN GRIFFIN: What is the timetable for the agreement letter between the three parties?

MS. YOUNG: We have not spoken with the Children's Scholarship Fund yet on the Cooperation Agreement. We did send that agreement to the Department of Education for their review. They have some comments on that. And -- um -- we have not sat down with them to discuss those concerns that they had with the agreement yet. Um -- and I'm expecting we'll do that hopefully soon after this meeting.

CHAIRMAN GRIFFIN: Are there any other questions related to that subject?

SEN. ROSENWALD: Thank you. Are you able to tell us what the Department's concerns are or is that what Vilay is going to tell us?

MS. YOUNG: We're prepared to discuss the concerns that they had with the -- with the expanded Scope Statement today. I can -- I can discuss that after Vilay does her presentation. They had five concerns, and I can speak to those after -- after she does her presentation.

SEN. ROSENWALD: Great. Thank you.

MS. YOUNG: Sure.

CHAIRMAN GRIFFIN: Representative Erf.

KEITH ERF, State Representative, Hillsborough County, District #28: Did you send us the Cooperation Agreement, the draft?

MS. YOUNG: No, we have not. It's not finalized yet. We sent Department of Education a draft of it, and we were expecting them to review and comment on it. They did provide us their comments on that, but we haven't had a chance yet to take a look at those and figure out how we're going to resolve those issues yet.

REP. ERF: It would have been nice to see the

draft as well so that we can see where that's going to since that's pretty relevant, too.

MS. YOUNG: Yeah. That -- yeah, it's not finalized. I don't think we're prepared to do that yet, because we would like to address their concerns in the agreement and -- and then make that available.

REP. ERF: Thank you.

CHAIRMAN GRIFFIN: Okay. I guess we're ready to go forward with the presentation.

MS. YOUNG: Great.

VILAY SKIDDS, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Good morning. My name is Vilay Skidds. I'm a Senior Audit Manager with the LBA. I have about four minutes of remarks, so I won't take up too much of your time this morning. I'm going to give you just a little bit of background.

So during the 2022 session, the Legislature passed Chapter 297, which required the LBA to complete a performance audit of the EFA Program. This Committee approved a scope in August of 2024. At its April 10th, 2026, meeting, this Committee discussed expanding the scope of the current audit to include reverifying -- verifying the residency status of EFA students and reviewing records of educational

attainment.

As Christine said, we're in the process of drafting a Cooperative Agreement with the Department to advance work on this expanded scope. This proposed addendum will be contingent on the LBA, the Department, and CSF reaching a written agreement on auditor access to records, documents, policies, procedures, and CSF staff that may have knowledge of the processes.

So, the first area of this expanded scope would consider is residency. So to be eligible for the EFA Program, laws required students be a resident of New Hampshire. State education laws defined the legal residence of minor students as the place where their parents reside. Education laws also define residency for students whose parents may not live together or are divorced. So until the 2024-25 school year, the CSF used a family's tax return to establish New Hampshire residency.

Starting in the 24-25 school year, CSF's parent handbook added fourteen other documents that could be used. Also until the 24-25 year, school year, there was no requirement parents submitted new residency documents if they moved during the school year.

The second area we've been asked to audit is

records of educational attainment. EFA laws require parents to provide an annual record of educational attainment for their students and this could be done in one of three ways. They could have their student take a nationally standardized norm-referenced achievement test. They could participate in the state-wide assessment test, or they could submit a portfolio review.

The CSF required records of educational attainment be submitted to them by July 15th to be eligible for the full year of an EFA grant. When submitting scores for the achievement test, and that includes the state-wide achievement test and the national achievement test, CSF require parents to enter their student's math, language arts, and the total scores. And they also require parents to upload the document containing those actual scores.

If they're using a portfolio review, the CSF require parents to upload the letter from the teacher performing the review. And beginning in September 2024, CSF also accepted report cards as a form of educational attainment.

I'm going to move on to the expanded scope and the questions we intend to answer. So number one is were the students who were -- who enrolled in the EFA Program during State Fiscal Years 2022 through '25 residents of the State of

New Hampshire at the time of initial enrollment and for the entire duration of their participation in the EFA Program?

Now, Christine's going to address some of those concerns, but the Department did have concerns about the audit period. So we're going to be looking for the Committee for some guidance on that.

The second area is do records of educational attainment for the students who participated in the EFA Program during those same years indicate they made educational progress? Again, the Department had some concerns about the term educational progress. So we are planning to change that to whether students satisfied educational attainment requirements.

So to address those objectives, we plan to talk to CSF staff who are responsible for reviewing processing documents associated with those two issue areas. We plan to review CSF policies, procedures, and any internal guidance they have for their staff in approving those documents. And we also plan on conducting file reviews of residency documents and records of educational attainment.

So those are the areas that we're proposing in this scope.

CHAIRMAN GRIFFIN: Thank you. Do the Members

have questions?

SEN. ROSENWALD: Thank you. Oh, sorry.

TIMOTHY LANG, State Senator, Senate District

#02: Go ahead, Cindy. Go.

SEN. ROSENWALD: If -- if a student -- if a student moves out of state during the school year, is the -- um -- adequacy payment, it's not delivered to the family in a lump sum or does the family have to payback a pro-rated share? I'm not --

MS. SKIDDS: So EFA grants are dispersed four times a year. So -- uh -- September 1st, November 1st, January and April, I believe. I don't have the schedule in front of me.

SEN. ROSENWALD: Okay. Four times a year.

MS. SKIDDS: Four times a year. So each -- before they're dispersed, the CSF sends a report which is called a Any Time of Year Report with all the students that are eligible for that next EFA payment.

So, in your scenario, if a student moved out of state, let's say in December, they may because the report is due by -- I have to think a little bit about this, but I believe it's December to get the January payment. They may end up getting the January payment; but at the end of the year the

Department does a reconciliation, and they would -- could be able to see that the student was no longer participating in the EFA program and that money would have to be returned to the state.

So, the money -- my understanding is that the money that they've gotten to the point when they moved stays in their EFA account; but, again, we haven't had access to those records to be able to fully determine that. But, in theory, that's how it's supposed to be working.

SEN. ROSENWALD: Could I follow-up?

CHAIRMAN GRIFFIN: Follow-up.

SEN. ROSENWALD: Thank you. So I know that in a -- in a sample of these students, something like a quarter of them didn't meet the residency requirement. Do we know or is there an enforcement mechanism to recoup the money for students who may have gotten an EFA distribution but didn't actually meet the requirements for residency? Do we know that that money was repaid to the State?

MS. SKIDDS: So I believe you're talking about the Department's monitoring report that was issued in August 2024, and that looked at 50 students over the first two school years. And I believe the number was seven students who had some residency that the Department identified may have had some

lack of residency documentation, and I believe that would be about 14%.

So as part of that monitoring report, the Department did ask the CSF to go back and re-verify all of those students for the first two school years. And my understanding from the monitoring report and the corrective action plan that was submitted by the CSF at the time that those students had been re-verified and they were indeed found to be New Hampshire residents.

So -- um -- as far as recouping, I believe the Department would have required that money to come back. But, again, because our understanding based on the -- based on the monitoring report and the corrective action plan, it seemed like those students had been re-verified and were New Hampshire students.

SEN. ROSENWALD: Thank you.

CHAIRMAN GRIFFIN: Senator.

SEN. LANG: Thank you. So on the reconciliation, just so the Members know, in JLCAR we sent a letter to the Department to require them to open rulemaking on the reconciliation and have them do it more frequently because it was only annually, which means we wouldn't find out till later that the CSF was holding money for students that had already

moved to public school. And so the reconciliation report's to identify those students that have last year they were in -- in -- in the EFAs, and this year they're in public school, but the records hadn't caught up to each other yet. And so we're -- we sent a letter to the Department, and they've agreed to reopen rulemaking for reconciliation and have it happen more frequently so the State gets their money back more -- more quickly.

So just on that issue of reconciliation, the JLCAR Committee's already -- already addressed that with the Agency.

REP. ERF: Can I ask you a question about that? Just for reconfirmation. To date, as I understand it, there's been no need to refund any money. That basically all the students stayed in. Is that true or no?

SEN. LANG: That -- well, that -- I -- I don't know if you mean refund to the State from the parent. First off, the parents don't ever get the money directly. So it's always through --

REP. ERF: Getting the money back.

SEN. LANG: -- either reimbursement from expenditures or school submits an invoice because the student's attending, and the State pays the school directly. The parents

don't get the check. So want to make sure we're clear about that, that money doesn't go from the State to the parent directly except for the case of reimbursement.

REP. ERF: But I'm talking about --

SEN. LANG: So on the other issue, the average I think, if I remember my conversation, between one and two million dollars are clawed back in reconciliation.

SEN. ROSENWALD: A year.

SEN. LANG: A year. So we want to just tighten that up and get that money back into the State coffers faster. So when the scholarship -- when a student applies, the money's set aside in their savings account, right, the ESA, the savings account, and then it's drawn from that savings account. But that saving's account is under the control, I guess, of the ES staff and maybe you -- maybe you can correct that. But if they never draw down, we want to be able to draw that money back faster.

REP. ERF: Can I ask another question?

CHAIRMAN GRIFFIN: Yes.

REP. ERF: So you're saying that one to two million because students got out of the program or because their expenditures were incorrectly --

SEN. LANG: Both.

REP. ERF: -- spent?

SEN. LANG: Both. Well, not because it was incorrectly spent. It may be that they didn't spend their entire amount that was allotted for the year and there's left over, could be various reasons, so; but the idea being is, again, we don't want -- we want the money put back into the Education Trust Fund as soon as possible rather than --

REP. ERF: Totally get it. I'm just trying to see how much really was not -- was not spent I guess the best way to put it. So that one to two million figure goes way back to the very first, the start of the program?

SEN. LANG: No. My understanding that's an annual number.

REP. ERF: Right.

SEN. LANG: Annually when we look at it for whatever reason. It could be a year off. It could be -- again, I don't know. That's why we're making them looking at making reconciliation better.

REP. ERF: I understand it's an annual number. But that annual number goes all the way back to the very beginning of the program, the one to two million dollars in the beginning when it was a much smaller population.

SEN. LANG: Well, we were -- again, if we're

doing reconciliation annually, shouldn't be anymore than a year old, but maybe she can answer the question better than I can.

MS. SKIDDS: I don't have the exact figures in front of me. We do have records of the Department's annual reconciliation. So in the first year I believe it was less than a few million and as it's been -- as the program has matured that those numbers may be accurate. Um -- I don't have those numbers in front of me. But for the first year I don't believe it was that much. But in proportion to the number of students that were participating in the program that first year I --

SEN. LANG: We're up to 10,000 students now, right? So --

REP. ERF: Right. And it wasn't anywhere near that.

SEN. LANG: Right. That's why it's an annual sum. So I'm guessing, again, we're asking them to do the reconciliation and look at their rules around it again to tighten it up because we have expanded the program, so bigger numbers are involved.

On the other issue on residency, I know that one of the reasons I -- I -- we asked for the expanded scope was we expanded the program pretty significantly from a very tightly

controlled financially-driven kind of program to a more open and broad. So our concern is more about since we've opened it up, right, especially, we'll say I think we went to 500%, and then we went to universal. Those are the windows of time I'm interested in looking at. Not so worried about when it was a really tight, you know, very fiscally controlled program. So I'm not sure the '22 to '25 window. I was thinking either '23 to '25 or '24 to '25. I'm just trying to remember when we changed it to 500%. I don't remember if it was '23 or '24.

MS. SKIDDS: I -- I believe it was during the second year of the program, and it was 350%.

SEN. LANG: Three hundred fifty percent. They wanted five hundred.

MS. SKIDDS: Before it went to universal, yeah. I think there were some bills raising it to five hundred, but I don't think those bills passed. But -- um --

SEN. LANG: Was it '23 or '24?

MS. SKIDDS: I believe it was '23. Don't quote me on that, but I do believe that during our audit period, our original audit period from Fiscal '22 to '24, it did change within that time period.

SEN. LANG: Yeah.

MS. SKIDDS: So I do believe it was '23.

SEN. LANG: So I guess I'd ask that the scope be limited to '24 and '25, which are the two years where we had the expanded scope and then universal scope to see on the residency, to see if that changed the makeup of that. And I think that'll give us a better idea. That was the concern. I wasn't so concerned when we had really tighter controls relative to financials. We've loosened that up now which could potentially loosen up the documentation. So I'd like to see it be '24 and '25. Does the Committee agree with that?

CHAIRMAN GRIFFIN: Are there any -- are there any objections to that among the Members? I guess we're agreed. Oh, sorry.

HOWARD PEARL, State Senator, Senate District #17: I'm not -- I'm not objecting. I have a question.

SEN. LANG: Can I finish up one second?

SEN. PEARL: Yeah, go ahead.

SEN. LANG: So -- um -- and then relative to -- I know there was back and forth on the Agency relative to attainment versus progress. And so, again, attainment I think you resolved that it sounded like from your conversations.

And the last piece in the Cooperative Agreement, I understand the Department of Ed they can't say what CSF will -- they can't say yes they will meet with you. It's going

to be that three-way agreement, that limited. I know they've agreed. My understanding is the Department's agreed to act as an intermediary when it comes to documentation because they can't, again, can't give you access to a private industry; but the Department can say we want all unrestricted, unredacted data for 100 students and have that randomized sample -- sampling, and then provide you that access to that hundred students. But they can't give you access to all data is my understanding of the conversation I had with the Department.

MS. SKIDDS: Can I just clarify one thing before --

SEN. LANG: Yeah.

MS. SKIDDS: -- before we talk about that. You had mentioned 24-25. Is that the 24-25 school year or are you talking Fiscal '24 and Fiscal '25?

SEN. LANG: This would be the school year, right, cuz that's when the two changes would have technically went through I guess, '26.

MS. SKIDDS: And so, yeah. And that's where my -- I think we need some clarification because the universal change happened in July 2025. So it would affect the 25-26 school year.

SEN. LANG: Right.

MS. SKIDDS: So the 24-25 would still be --

SEN. LANG: For 24-25 school year and the 25-26 school year.

MS. SKIDDS: Okay. Thank you.

SEN. LANG: Those two school years probably the best way to say it.

MS. SKIDDS: That's what we wanted clarification for. Thank you.

CHAIRMAN GRIFFIN: Senator Pearl had a question.

SEN. PEARL: Well, Senator Lang may have sort of touched on my question, because I was -- as I was sitting here listening, I was reflecting back to previously when we tried to do the scope. I remember we had some issues with that the AG had concerns about access to this information. I was going to ask you how you were looking at, you know, sort of bridging that gap and and how this would be different than what we were originally trying to do. So, you may have sort of touched on it, but if there's anything further you want to give to us, I'd be happy to hear it.

MS. YOUNG: Right. And I think that was the reason we decided to develop a Cooperation Agreement because of those issues. We wanted to get in front of it and -- and tried to write down the provisions of the agreement. And how -- how

the three parties would cooperate together to ensure that we had access to the records that we needed to have in order to do an audit under government auditing standards.

We are required to obtain sufficient appropriate evidence in order to support the conclusions that -- that we come to in our audit. And, you know, without having access to the residency records and the records of educational attainment at the CSF, we -- we wouldn't be able to do that.

So if -- if we come to a point where there's no agreement to allow us to look at those records to do our work, then we'll have to report back to you and say, you know, there's still a scope limitation, and we can't move forward until we can come to an agreement -- um -- where we'll be able to look at the records that we need to look at to do the work.

So -- um -- that -- that was the intent of doing the agreement upfront, so that we don't start our work and continue to hit roadblocks as we're going through it. We want to have the agreement upfront so that everybody's on the same page, and we can move forward with the work that we're being asked to do.

SEN. PEARL: May I follow-up? Can I follow-up with one? So I'm assuming you'll involve the AG's Office as it's needed appropriately to make sure that we're not going to

have a conflict in that agreement?

MS. YOUNG: Uh -- we don't currently have the AG's Office as, like, a party to the agreement. Um -- but I don't -- we're not opposed to having the AG's Office look at the agreement. And I'm sure the Department of Education may work with the AG's Office to take a look at the agreement. And that's why we're sharing the agreement with the Department of Education so that we can sort of, you know, vet out all the issues that the parties have ahead of time so that we're not coming across those issues as we're trying to do the work.

SEN. PEARL: Yeah, I think that would be advisable just to make sure that, you know, we don't want to authorize something as a Committee that's going to, again, put you back in the same position you were. So thank you for that.

MS. YOUNG: Agreed.

CHAIRMAN GRIFFIN: Representative Weber.

LUCY WEBER, State Representative, Cheshire County, District #05: Thank you, Mr. Chairman. First of all, because I wasn't here last time, I'm very glad that we are expanding the Scope Statement. Um -- I'm going -- I'm going to express my frustration going back to the very beginning of this process which has been very long now. When this started -- um -- CSF was actually cooperating, my understanding was, with the

auditors, and then the Department of Education stepped in and said no, that's inappropriate. And I remember looking at the contract at the time, which was one of the State standard contracts, and it said that all of the data belonged to the State. And I am incredibly frustrated that we are still -- that, first of all, that the Department of Education and the Attorney General's Office said that it didn't mean what it said in plain English. But, secondly, that we are not tracking tax dollars to the maximum extent, and that there is suddenly this -- this bar in this one case. And it -- it -- I -- I'm just expressing my frustration because I just think that's wrong. And so -- um -- we are where we are. And I hope -- I'm very glad that you're proceeding carefully and with caution to do everything you can to get us the information we need; but my opinion is that that information should have been available to this Committee as of right two or three years ago? So thank you. Thank you for the opportunity to say that.

CHAIRMAN GRIFFIN: Senator Rosenwald has a question.

SEN. ROSENWALD: Thank you. Yes, so my understanding is more along the lines of Representative Weber's. We did see the contract, and it did say in plain English that the data belongs to the State. And that is true

of really all of these State contracts. It's true of the Medicaid contracts with the Managed Care Organizations.

I think the problem the Attorney General expressed was not that the Department of Education couldn't get the data. Their problem was with the Legislative Branch asking an Executive Branch contractor for the data. They did not express any concern about DOE asking for the data that the contract says belongs to the State.

So -- um -- I'm hopeful that we will reach an agreement with the scholarship organization. And I -- if they can't share the data with the Legislative Branch directly, that they can share it with the Department of Education, and they can share it with you so that we can -- uh -- be accountable to the public to make sure that qualifying expenditures and families are participating in this program. So I -- I have sort of the same frustration; but new management over at DOE, and it's a new day.

CHAIRMAN GRIFFIN: Senator Lang and then Representative Erf.

SEN. LANG: Again, I think when we started this conversation that was my point that the Department of Ed has agreed to act as an intermediary to be able to help provide data, get data access that might have been blocked before.

Interpretations might have been differently, and they've agreed and that's why we did open this back up to a conversation. Never mind the fact that we all got letters from, or at least the Senators did, letters from all of our various towns that voted on various things relative effective oversight. And so we're being responsive to that, the Agency's being responsive so that knowing the legislative intent, and all of those article -- warrant articles that were passed in communities.

So, again, I -- I'm not going to look back. As they say, past is prologue. I'm just going to look forward and know that we're going to have a good moving forward of the scope. We're going to have an Agency that's going to cooperate within limits. They can't guarantee what the CFS is going to do, and we don't have the right to compel to a certain extent. We can't force them into interviews, if they don't want to participate in interviews for staff.

And so -- um -- but my understanding is as well that CSF willing to cooperate understanding the need of the Legislature. Um -- again, the problem is I have a different interpretation of you guys as to what was said in -- in that meeting three years ago when we were here. Again, I -- I read -- the way I read the contract was right. We don't have -- we don't have unlimited access to their IT systems. We don't have

unlimited access to their data systems that they use to run their organization. That's not within the purview of the contract. And -- and that wasn't -- it was actually explicitly outside of the contract, and that was the discussion that was being had.

So we can't go in and just log into their computers and start having access. And so -- but, again, I'm not going to look backwards. I'm going to look forward and just say that the Agency's agreed to act as an intermediary to what Senator Rosenwald {Inaudible}. You need data, the Agency will ask for it. The Agency will drop it. I know they talked about providing a secure drop box so you can see that was unredacted or unchanged by the Agency. To act as a data interchange source to be able to do that. So I'm sure in the Cooperative Agreement you guys will work through those details and be able to get what's necessary.

CHAIRMAN GRIFFIN: Um -- Representative Erf.

REP. ERF: {Inaudible}.

REP. WEBER: Just -- just to follow-up on that. I'm -- I'm not actually -- I think you've probably articulated a bit better than I do. It's the data that I'm concerned about. It's not the systems. It's the data. So if we get the data, I'm happy.

CHAIRMAN GRIFFIN: Representative Erf.

REP. ERF: I -- I just have a question. I've not read the contract, not even -- nobody's ever sent me the contract. But isn't the law that we passed the actual -- the ruling the way things should operate, and that's where I understand this to come about in terms of the relationship between the -- the party, the independent party, and then New Hampshire, us, as a state, whether it's the Legislature or the Executive Branch, that they're separate, two entities, regardless of the contract. And I don't know which one would rule, but I think the AG has more or less said the law is the law.

CHAIRMAN GRIFFIN: And it seems to me that we -- we did pass the law; and however we get there, whether it goes from the the contract or to the Department of Education to us or whether it comes directly to us, I don't think it makes -- makes a lot of difference. We're still complying with the law.

REP. ERF: I guess my point was that it's not clear to me that the contract and the law are consistent based on what I'm hearing here today.

CHAIRMAN GRIFFIN: I can't answer that question.

SEN. LANG: Like I think what I said was probably the closest I can get to, you know, that we can audit,

but we don't get to walk into their systems. We can't compel people to interview. We can't -- well, look, regardless of what the law says, it's a private entity. We can make DOE -- we can make Department of Ed do that, you know, but we can't make the --

REP. ERF: I understand your point, but I'm also listening to what they're saying. And it sounds like they want a data dump of their whole database, and I'm not so sure that that is consistent with --

CHAIRMAN GRIFFIN: I don't think that's what they're asking.

REP. ERF: Well, let's hear specifically what they need then.

MS. YOUNG: Mr. Chairman, I just wanted to clarify. In terms of the access that we're looking for, we're looking for "read only" access to the scholarship funds system, which is the same access that the Department of Education staff had when they did their compliance monitoring of the Children's Scholarship Fund. So it's not just dropping documents into a drop box. We'll also need "read only" access to the system to -- to be able to verify the authenticity of the documents that we need to look at to verify a student's residency status. And that's the piece that we have not spoken

to the Children Scholarship Fund about yet. Um -- that draft agreement is out there for the Department of Education to look at. Once we can finalize the language in that agreement with the Department of Education, we're planning to -- to hopefully meet with the Children's Scholarship Fund and the Department of Education to present this agreement to them and -- um -- try to get them on board with the Cooperation Agreement that we've drafted.

So, I just wanted to clarify that. It's not just dropping documents into a drop box. For us to get sufficient, appropriate evidence in accordance with our auditing standards, we need to -- to be able to verify the authenticity of the documents. So I just wanted to clarify.

SEN. LANG: Okay. Mr. Chair, are you okay with the amended scope, those two school years we're talking about? And, if so, then I recommend we continue to allow them to move forward to with the scope as they've defined, and we've modified today and have them continue to do the -- get moved to those Cooperative Agreements and get into that part of it.

REP. ERF: I don't have no problem with that. I'd like to see though with the Cooperative Agreement. I'm not quite sure why that's being withheld at this point, even if it's in draft form.

CHAIRMAN GRIFFIN: I think we'd all like to see that agreement, but maybe I'm not there yet.

MS. YOUNG: We will certainly discuss that internally. It is a first draft and we'll discuss it internally, and I'll certainly talk to Mike Kane and get his approval if he's fine with that. Then we can -- we can send a draft copy to you guys.

CHAIRMAN GRIFFIN: So, do we need a vote today?

SEN. PEARL: Mr. Chair.

SEN. LANG: Other than -- other than to approve the scope that we did for the two items. I think that they've identified in the -- in the paperwork they've delivered to us is to approve those two items that were listed in the scope, and then let them continue on from there.

CHAIRMAN GRIFFIN: Senator Pearl.

SEN. PEARL: Thank you. I guess -- I mean, I'm interested to see the agreement as well, and I want to make sure that's all going to work. And I think it might behoove the Committee to once the agreement is in a form where we can view it to have, perhaps, some -- some type of a correspondence from the AG's Office that they feel this is going to be okay. Because I'd like to know that before I say yeah, go ahead.

CHAIRMAN GRIFFIN: I don't think there's any

argument with that. Representative Weber.

REP. WEBER: Just a question of procedure.

Could we not approve the Scope Statement now so that they can go on working on it with the proviso that they're going to come back and show us the Cooperative Agreement, and we're going to make whatever -- because right now we haven't even approved the Scope Statement.

So, I -- I would do the Scope Statement first and -- and with -- um -- as sometimes happens, roadblocks come up and when roadblocks come up, then we should be addressing them; but I think we should be proceeding along these lines.

CHAIRMAN GRIFFIN: Well, I think the discussion so far is we're basically, you know, saying, yeah, the direction you're going is correct.

REP. WEBER: Hm-hum.

CHAIRMAN GRIFFIN: In principle we're approving it; but I don't think any of us want to vote on a final thing until --

SEN. LANG: Well, Mr. Chair, I'll make a motion.

CHAIRMAN GRIFFIN: -- the agreement's done.

SEN. LANG: Well, the agreement is just between the Agency and the LBA and the Department of Ed on how they achieve the Scope requirement. So, I don't know that that's

our attainment. It's the agreement of how they're going to cooperate to meet the Scope requirement.

MS. YOUNG: And just to clarify. It's an agreement between our office, Department of Education, and the Children's Scholarship Fund. And you'll notice in the Scope Statement and it's on page -- Page 1 of the Scope Statement at the bottom, right before where it says residency requirements. There's a statement in here that says this expanded Scope will be contingent on the parties reaching a written agreement on auditor access to necessary CSF personnel source documents, records, and data, and CSF policies, procedures, manual, and other internal guidance. So that's the goal is to come to an agreement between all three parties with regard to our access to the records.

SEN. LANG: So, Mr. Chair, that and I'll make a motion --

REP. ERF: Before you do, may I --

SEN. LANG: Yep, go ahead.

REP. ERF: -- say something? So I'm personally uncomfortable with expanding -- with voting on the Scope Statement as it is now, because there's inaccuracies in it, and they've already acknowledged some of them. And I do think that we should at least get some of the obvious things corrected

before. And they talked about the verification, for instance. They've already acknowledged that was kind of a misstatement basically and there's some other things as well. I just think it needs to be cleaned up a bit, even beyond the issue of the -- I only brought up the Cooperative Agreement because I hadn't seen it. It be nice to see it, since that's obviously pretty important to this. But it also -- there seems to be other questions about the Scope Statement itself that would be nice to be clean before we vote. And they can continue. I don't have a problem with that, but I'm not sure what we're voting on.

SEN. LANG: Again, my motion was going to be on Page 3, items one and two that are highlighted in bold of the Audit Division's draft. Uh -- where the students who are enrolled in EFA Program during the year of -- we'll adjust that to be the school years of '24 and '25 -- um -- or '24 to '25, '25 to '26, and for the entire duration of their EFA Program in that window.

And then, number two, through the records of educational attainment of the students who participate in the EFA Program during the Fiscal Years; and, again, modify that to the two school years we talked about. That's what I was agreeing to was those two statements that they need in order to

do the Cooperative Agreement, because they need to know what they have to --

REP. WEBER: And I would be glad to second that.

SEN. LANG: I haven't made the motion yet, but that's what the motion would be if -- if --

REP. ERF: So before you second it, can I just point out that we've already discussed the fact that educational progress is not a term that they should be using.

SEN. LANG: It's not in the Scope Statement, right, those two items which are the --

REP. ERF: It's right there. Number two, the last two words.

MS. SKIDDS: Mr. Chairman.

SEN. LANG: Yeah, I see what he's saying.

MS. SKIDDS: So to address Representative Erf's comment. So that second question would be modified to, "Do the records of educational attainment of the students who participated in the EFA Program during the 24-25 and 25-26 school years indicate the student satisfied -- satisfied educational attainment requirements?" So that's what that second question would say.

REP. ERF: Correct your motion so it's exactly what --

SEN. LANG: I haven't made it yet. So that's -- so I'm glad we got the correction. So, again, basically we're going to say that during the 24-25 and 25-26 educational years indicating that they made educational attain or achieved educational attainment. I'm not sure of the words.

MS. SKIDDS: Satisfied.

SEN. LANG: Satisfied. Thank you.

MS. SKIDDS: Satisfied educational attainment requirements. So that's what we would change that to.

CHAIRMAN GRIFFIN: What -- what was that last piece?

MS. SKIDDS: So the last piece would be, "Do the records of educational attainment of the students who participated in the EFA Programs during the 24-25 and 25-26 school years indicate they may -- they satisfied educational attainment requirements."

SEN. LANG: Okay. Does that meet your --

REP. ERF: {Inaudible}.

CHAIRMAN GRIFFIN: Okay. I guess we have a motion on the floor.

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SEN. LANG: So I'll move one and two as amended by -- as amended by the -- the LBA. Again, so it indicates that, number one, we're talking about school year 24-25 and '25

and '26. And in number two, that we're instead of talking about educational progress, is that satisfy the last -- after the word that those same two years as the first one and indicate that they satisfied educational attainment as required.

REP. WEBER: And I would second that.

CHAIRMAN GRIFFIN: Okay. And we have a -- we have a motion and a second. Any further discussion? All in favor? Opposed? I guess it's unanimous.

*** {MOTION ADOPTED}

REP. ERF: Could I ask one other question? When you all get around to writing that down separately from the minutes and all that kind of stuff, could you just e-mail the actual motion that we voted on to us all?

MS. YOUNG: Yes, we can do that.

REP. ERF: So I can put it for my records. Thank you.

SEN. LANG: Mr. Chair, I just think they need the vote in order to be able to move on to the -- into the agreement so they know what the agreement's about, so.

CHAIRMAN GRIFFIN: Okay. Is there anything else on that subject that we need to address?

MS. YOUNG: I think we're on to agenda item

number four.

CHAIRMAN GRIFFIN: Very good.

4. Suspended, tabled and potential audit topics.

MS. YOUNG: And I don't have much on this. The status of those potential audit topics is as noted on the meeting agenda. Uh -- I don't have anything to add to that other than to ask the Committee if -- if you'd like to keep all four of those topics on the list as potential audit topics.

CHAIRMAN GRIFFIN: Any comments on that?

REP. ERF: I -- I just have a question. Does Special Education of the Local Districts, did that fall off or is that just somewhere else and I just didn't see it?

MS. YOUNG: That is still a potential audit -- well, it's not a potential. It's actually been decided on, I believe. And we are intending to bring that to the Fiscal Committee for the June meeting. So --

REP. ERF: Oh, that's what you were talking about with the June meeting.

MS. YOUNG: Yes, with the June meeting we're planning to bring both of the two audit topics, the Local Special Education Costs audit topic, as well as the Mobile Crisis Intervention Unit topic to the Fiscal Committee for

approval, if that's -- if that's what the Committee would like.

REP. ERF: That makes sense. I just didn't see it here, but thank you.

SEN. ROSENWALD: Quick question.

CHAIRMAN GRIFFIN: Senator Rosenwald.

SEN. ROSENWALD: Thank you. At the last meeting of this Committee you told us that there wasn't a lot of extra room for auditing. Has -- have any auditors been freed up so you'll actually be able to get those two audits going?

MS. YOUNG: We have two auditors that the Doorway Program auditors. We have a Senior Manager and a Staff Performance auditor that are wrapping up Doorways. They've been assisting with the Special Ed audit to try to get that one finished up. So they're not quite ready to start working on those audits yet, but soon they will be.

SEN. ROSENWALD: And then, if I could. There won't be a July Fiscal meeting.

MS. YOUNG: I didn't know that.

SEN. ROSENWALD: Well, there -- I mean, there really never is.

MS. YOUNG: Okay.

SEN. ROSENWALD: Um -- I don't think. It sort of meets earlier in August; but generally because it's the

start of the Fiscal Year, Fiscal doesn't meet in July.

MS. YOUNG: Okay.

SEN. ROSENWALD: So it's either June or August.

REP. ERF: I'm not even sure we're meeting in August. I'm not even sure that we're definitely meeting in August either.

SEN. ROSENWALD: Okay.

CHAIRMAN GRIFFIN: I don't think we did last year. I could be wrong.

SEN. ROSENWALD: But we could check.

MS. YOUNG: I think you're correct, Senator. Some years there's no meeting in July and August. Some years there's just no meeting in August. So I'm not sure it's been very consistent throughout the years, but we'll see.

SEN. LANG: If I may follow-up? But, again, that we have the two auditors from the Doorway Program that ultimately be released to be able to go do the other program at DHHS. And then we have the Special Education is wrapping up in July, June, July, that report will be released and they'll be able to do the local audits. Is that the plan?

MS. YOUNG: The -- uh -- the two managers that you heard from at the last meeting for Local Special Education Costs, they will be working on -- on the Local Special

Education Costs Audit. So, they'll be freed up, right. As soon as that Special Ed Audit is done, they'll be starting work on -- on the local Special Education topic.

SEN. LANG: Thank you, Mr. Chair.

5. Other business

6. Date of next meeting and adjournment

CHAIRMAN GRIFFIN: Is there any other business to come before the -- the Committee? That will bring us to the date of the next meeting, which I think we'd probably have to take into consideration all the discussion we had earlier on relative to the agreement and everything, so. What do you -- what do you think for the June meeting? What would be a safe date where you might be able to give us a draft of the -- the agreement or maybe have it done by then?

MS. YOUNG: I'm hoping that we will be able to share that -- that draft agreement with you all after I run that by Mike Kane to make sure he's okay with that. So you may have it before the next LPAOC meeting.

SEN. LANG: Can I make a recommendation? How about you just e-mail it out, and then if Members haven't -- feel they have a need for a meeting, we'll request a meeting, rather than schedule a next meeting. Because we may be all

okay with the Scope. I'm not even sure we have a whole lot of input into the Scope myself; but, I mean, into that agreement because it's an agreement with the Executive Branch and a private agency. But -- but how about we just let them e-mail it and then if Members feel like we have to have a June meeting, then we can schedule a June meeting.

CHAIRMAN GRIFFIN: Okay. So the next meeting will be at the call of the Chair. Everyone agreeable with that?

REP. ERF: Yes.

CHAIRMAN GRIFFIN: Very good. And I guess that closes the business for the day. Thank you all for coming.

SEN. ROSENWALD: Thank you.

(Meeting concluded.)

C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter in the State of New Hampshire, do hereby certify that the foregoing transcript is a true and accurate record of the official YouTube audio/video recording. I was not physically present and have transcribed said audio/video recording to the best of my ability, skill, knowledge and belief.



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