

Arkansas Department of Education

October 15-18, 2007

Scope of Review:

A team from the Office of English Language Acquisition (OELA), U.S. Department of Education (ED), conducted an on-site monitoring review of the Arkansas Department of Education (ADOE) October 14-18, 2007. The purpose was to conduct a comprehensive review of Arkansas' administration of the Title III, Part A program authorized by the No Child Left Behind (NCLB) Act.

During the review, the team reviewed evidence of the implementation of the State's Title III accountability system, State level monitoring, technical assistance activities, as well as fiscal and administrative oversight activities. The team also conducted visits to two local educational agencies (LEAs).

Arkansas Department of Education Participants:

Dr. T. Kenneth James, Commissioner
Dr. Diana Julian, Deputy Commissioner
Janinne Riggs, Special Assistant to the Commissioner
Heather Detherow, Special Assistant to the Commissioner
Dr. Gayle Potter, Associate Director, Curriculum, Assessment, and Research
Dr. Andre Guerrero, Title III Director, English Language Learners
Dr. Ellen Treadway, Deputy Associate Director and ELL Assessment Specialist, Curriculum, Assessment and Research
Neil Gibson, Project Manager, Data Quality, Research, and Technology Unit
Patsy Hammond, Federal Programs Analyst

Little Rock School District Participants:

Dr. Linda Waston, Interim Superintendent
Dr. Jeannie Huddle, Associate Superintendent, Educational Services
Mark Milhollen, Chief Financial Officer
David Hartz, Director, Human Resources
Dr. Karen Broadnax, Coordinator, ESL/Multilingual Services
Leon Adams, Title I Coordinator
Dennis Glasgow, Sr., Director, Educational Services
Danyell Cummings, District Test Coordinator
Lupe Pena, ESL Community Assistant
John Bacon, Principal, Hall High School
Sharon Van Pelt, ESL Coordinator, Hall High School
Mary Casto, ESL Liaison, Hall High School
Kitty Sanders, ESL Teacher, Hall High School
Marie Boone, ESL Teacher, Hall High School

Springdale School District Participants:

Dr. Jim Rollins, Superintendent

Mary Bridgforth, ESOL Program Coordinator

Judy Hobson, former ESOL Program Director

Al Lopez, Community Liaison

John Wesson, Assistant Principal, Springdale High School

Ruth Anne Kennedy, ESOL Coach, Springdale High School

Counselor, Springdale High School

Community Liaison, Springdale High School

U.S. Department of Education Participants:

Petraine Johnson, Education Program Specialist, OELA

Ruben Vazquez, Education Program Specialist, OELA

Previous Audit Findings: None

Previous Monitoring Findings: None. This was the first Title III on-site monitoring review.

Summary of Title III, Part A Monitoring Indicators

State Submissions			
Element Number	Description	Status	Page
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Reviewed	7
Fiduciary			
Element 2.1	Reservation and Use of Funds: The SEA has a system in place that enables it to account for: (1) Funds reserved for State administration (2) Funds reserved to provide technical assistance and other State-level activities (3) Funds reserved for immigrant activities, and (4) Funds that become available for reallocation	Reviewed	7
Element 2.2	Allocations, Reallocations, and Carryover: The SEA complies with— <ul style="list-style-type: none"> • The procedures for Title III allocations outlined in Section 3114 • The procedures for allocating funds for immigrant children and youth programs as outlined in Section 3114(d) • The reallocation provisions in Section 3114(c) 	Reviewed Findings: Further Action Required	7-8
Element 2.3	Supplement not Supplant: The SEA ensures that Title III funds are used only to supplement or increase Federal, State, and local funds used for the education of participating children and not to supplant those funds.	Reviewed	8
Element 2.4	Equipment and Real Property: The SEA ensures that equipment is procured at a cost that is recognized as reasonable and that the equipment is necessary for the performance of the Federal award. Title III funds may not be used to acquire real property.	N/A	8
Element 2.5	Other Financial Management Issues	Finding: Further Action Required	8

ELP Standards, Assessments and Accountability

Element Number	Description	Status	Page
Element 3.1	English Language Proficiency (ELP) Standards: State English language proficiency standards: the State provided evidence of a process that complies with Section 3113.	Reviewed	8
Element 3.2	ELP Assessments: The State provided evidence of a process that complies with Title III section 3113 and evidence that an ELP assessment has been administered to all K-12 LEP students in the State.	Reviewed	9
Element 3.3	New English Language Proficiency Assessment: The State provided evidence of a process that complies with Title III section 3113. The process addresses the transition to a new ELP assessment or revision of the current State ELP assessment aligned to the State developed ELP standards.	Reviewed	9
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-subgrantees.	Reviewed	9
Element 3.5	Data Collection: The State has established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and has a system for monitoring and improving the ongoing quality of its assessment systems. Data system is in place to meet all Title III data requirements, including capacity to follow Title III-served students for two years after exiting, and State approach to follow ELP progress and attainment over time.	Reviewed	9

State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth			
Element Number	Description	Status	Page
Element 4.1	<p>State Level Activities: Using administrative funds, the State carries out one or more activities that may include:</p> <ul style="list-style-type: none"> • Professional development • Planning, evaluation, administration and interagency coordination • Promoting parental and community participation • Providing recognition to subgrantees that have exceeded AMAO requirements 	Commendation	9
Element 4.2	<p>Required Subgrantee Activities: The subgrantee must provide high quality language instructional education programs and sustained professional development activities to all classroom teachers of LEP students (including teachers in classroom settings that are not defined as language instructional education programs). Training activities must also include principals, administrators, and other school or community based organization personnel.</p>	Reviewed	10
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Reviewed	10
Element 4.4	<p>Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth: The subgrantee receiving funds under Section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.</p>	Finding: Further Action Required	10

State Review of Local Plans			
Element Number	Description	Status	Page
Element 5.1	Application: The SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (Section 3116(a))	Finding: Further Action Required	10
Element 5.2	Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III.	Reviewed	11
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Reviewed	11
State Monitoring of Subgrantees			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.	Finding: Further Action Required	11
Parental Notification			
Element 7.1	Parental Notification: Parent notification in an understandable format as required under Section 3302 for identification and placement and for not meeting the State AMAOs.	Reviewed Commendation	11

State Submissions

Element 1.1- State Submissions

The Arkansas Department of Education submitted a corrective action plan in response to the Attachment T document issued with the State's 2007 Title III, Part A grant award. See Elements 3.3 and 3.5.

Citation: Section 3123, 34 CFR 80.40

Fiduciary

Element 2.1 – Reservation and Use of Funds

Reviewed: The Arkansas Department of Education provided evidence that it reserves funds for State administration and LEP and immigrant subgrants in accordance with Title III requirements.

Citation: Sections 3111, 3114(d), 3115, and 3116

Element 2.2 – Allocations, Reallocations, and Carryover

Finding: The Arkansas Department of Education does not have a process in place to reallocate Title III funds.

Further Action Required: The State must develop and submit to ED evidence of a process for reallocating Title III funds.

Finding: The State's definition of significant increase and procedures for awarding Title III immigrant subgrants do not comply with Title III requirements. The Arkansas Department of Education used the same student counts for fiscal years 2005-2006 and 2006-2007 as the basis for making awards under 3114(d)(1). As a result, the State awarded funds to an LEA that had a decrease in the number of immigrant students.

Further Action Required: The Arkansas Department of Education must develop and implement procedures for awarding Title III Immigrant subgrants that include a definition of the term significant increase in immigrant students that is consistent with section 3114(d)(1). Under that provision, the determination of whether there has been a significant increase in the number of immigrant students in an LEA must involve a comparison of (1) the average number – over the preceding two fiscal years -- of immigrant students enrolled in an LEA's public and non-public elementary and secondary schools to (2) the number of immigrant students enrolled in that LEA's public and non-public elementary and secondary schools in the fiscal year immediately preceding the fiscal year for which the subgrant is to be made. The SEA has discretion to determine the level of increase that is needed to be considered significant as long as it makes the comparison required by section 3114(d)(1). The State must submit to ED

evidence of the procedures it has implemented to ensure that this definition will be followed in awarding immigrant subgrants.

Citation: Sections 3114 and 3115; OMB A-87; EDGAR; 34 CFR 76.722; 34 CFR 80.4.

Element 2.3 – Supplement not Supplant

Reviewed: Springdale and Little Rock School Districts provided evidence that Title III funds supplement State and local funds for educational services for English language learners.

Citation: Section 3115(g)

Element 2.4 – Equipment and Real Property

Citation: OMB A-87; EDGAR 76.533, 80.32

Element 2.5 – Other Financial Management Issues

Finding: The State Title III Director is paid 100% with Title III funds, but is performing non-Title III duties and has responsibilities that are unrelated to implementation of Title III. Personnel paid entirely from Title III funds must devote 100% of their time to Title III activities.

Further Action Required: The Arkansas Department of Education must rectify this situation in a manner that does not have a negative impact upon implementation of the Title III program. The State may either reassign the non-Title III related duties to another staff member, or use State funds to pay for a portion of the Title III Director's salary. In either case, the State must ensure through strict accounting that Title III funds are used only for costs related to the Title III program.

Citation: OMB Circular A-87 (Attachment A)

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Reviewed: The Arkansas Department of Education has conducted local and statewide professional development activities related to the State's English language proficiency (ELP) standards. Little Rock and Springdale School Districts provided evidence of curriculum development based on the ELP standards.

Citation: Sections 3113(b)(2) and (b)(3)(D).

Element 3.2 - ELP Assessments

Reviewed: The Arkansas Department of Education provided evidence that the State ELP assessment has been administered to all K-12 LEP students in the State.

Citation: Section 3113(b)(2)

Element 3.3 – New English Language Proficiency Assessment

Reviewed: The Arkansas Department of Education submitted evidence that the State is implementing a process to examine the alignment of the State English language proficiency (ELP) assessment, with State ELP standards, as required in section 3113(b)(2).

Citation: Section 3113 and 3116

Element 3.4 – Annual Measurable Achievement Objectives

Reviewed: The Arkansas Department of Education provided evidence that the State made annual measurable achievement objective (AMAOs) determinations using all three Title III AMAOs and notified Title III subgrantees that failed to meet the AMAOs. The State provided evidence that it applied consequences as required in Section 3122(b).

Citation: Section 3122

Element 3.5 – Data Collection

Reviewed: The Arkansas Department of Education provided evidence that the State's new data system, TRIAND, will enable the State to collect and report data on the academic achievement of former LEP students.

Citation: Sections 3113, 3121, and 3122

State-Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State-Level Activities

Commendation: The Arkansas Department of Education conducts an annual summer institute that provides an opportunity for ESL and mainstream teachers to earn credit toward certification and increase their knowledge of research based practices that are effective in teaching LEP students.

Citation: Section 3111(b)(2) and Section 3113

Element 4.2 – Required Subgrantee Activities

Reviewed: Little Rock and Springdale School Districts have conducted professional development activities of sufficient intensity and duration.

Citation: Section 3115(c) F

Element 4.3 – Authorized Subgrantee Activities

Reviewed

Citation: Section 3115(d)

Element 4.4 – Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth

Finding: The Arkansas Department of Education did not ensure that LEAs use funds awarded under Section 3114(d)(1) for activities that provide enhanced instructional opportunities for immigrant children and youth.

Further Action Required: The Arkansas Department of Education must disseminate guidance to LEAs to ensure that funds awarded under 3114(d)(1) are used for enhanced instructional opportunities for immigrant children and youth as defined in Section 3301(6). The State must submit to ED evidence that it has disseminated this guidance.

Citation: Section 3114(d)(1); Section 3115(e)

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Finding: The State Consolidated /Comprehensive School Improvement Plan that LEAs submit for funding does not include enough information about Title III requirements. The plan does not require LEAs to specify how they will use funds awarded under 3114(d)(1).

Further Action Required: The State must revise the LEA Consolidated/Comprehensive School Improvement Plan to include complete information about Title III requirements and submit to ED evidence of the revisions. The State should also update the rubric it uses to review and approve LEA plans.

Citation: Section 3116

Element 5.2 – Private School Participation

Reviewed: Springdale and Little Rock School Districts provided evidence of compliance with the Title XI requirements for equitable participation of LEP students and teachers in private schools.

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Reviewed: The Arkansas Department of Education provided evidence that the State ESOL certification requirements address teacher fluency in English.

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Finding: The Arkansas Department of Education did not provide evidence that it has developed and implemented a monitoring plan to review and evaluate LEA compliance with Title III programmatic and fiscal requirements.

Further Action Required: The State must develop a monitoring plan that includes a timeline for reviewing and evaluating all Title III subgrantees' compliance with all Title III requirements. The State must submit to ED the monitoring plan and timeline.

Citation: Section 3116, 34 CFR 80.40

Parental Notification and Participation

Element 7.1– Parental Notification and Participation

Reviewed: Little Rock and Springdale School Districts provided evidence of compliance with the parent notification requirements.

Commendation: The ED team recognizes the high quality and range of services provided by Springdale School District's Parent and Community Liaisons. The liaisons provide services that address the educational needs and other needs that affect the academic achievement of LEP students.