

Indiana Department of Education

October 15 – 18, 2007

Scope of Review:

The U.S. Department of Education's (ED) Office of English Language Acquisition, State Grants Division, conducted an on-site monitoring review of the Indiana Department of Education the week of October 15-18, 2007. The purpose was to conduct a comprehensive review of the Indiana Department of Education's administration of the Title III, Part A program authorized by the No Child Left Behind (NCLB) Act.

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

Indiana Department of Education Participants:

Linda Miller, Assistant Superintendent, Center for Special Populations
Lauren Harvey, Assistant Director, Division of Language Minority and Migrant Programs
Darlene Slaby, Director, Division of Language Minority and Migrant Programs
Bev Smith, Budget
Michele Walker, Office of Standards and Assessment
Chris Morrison, Representative, CTB
Mary Tiede Wilhelmus, Director, School of Data Reporting
Jamie Miller, Associate Director, Title I
Olga Tuchman, Education Consultant
Dara Lopez, Education Consultant

LEA Representatives:

South Bend Community School Corporation Participants:

Maritza Robles, Director, Bilingual Education Department
Bill Barna, Program Coordinator, Bilingual Education Department
Cindy Montgomery, Fiscal, Bilingual Education Department
Brenda Overton, Fiscal, Bilingual Education Department
Amanda Sarvari, Placement, Bilingual Education Department
Estanislao (Stan) Hernandez, Translator, Bilingual Education Department

School visit: Harrison Primary Center

MSD of Lawrence Township Participants:

Trish Morita-Mullaney, Coordinator of English as a Second Language
Monica Sickbert, Fiduciary

School visit: Craig Middle School

U.S. Department of Education Participants:

Margarita Pinkos, Acting Assistant Deputy Secretary, OELA (participated by telephone on Monday, October 15)

Liz Bailey, Education Program Specialist, OELA

Millie Bentley-Memon, Senior Education Program Specialist, OELA

Sam Lopez, Senior Education Program Specialist, OELA

Previous Audit Findings: None

Previous Monitoring Findings: None. This was the first Title III monitoring visit.

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	See Attachment T Conditions	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). 	Findings: Further Actions Required	7
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.	Reviewed	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.	Finding: Further Action Required Recommendation	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.	Recommendation	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-served LEAs.	See Attachment T Conditions	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 following ELP progress and attainment over time.	Finding: Further Action Required	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 	Reviewed	9
Element 4.2	<p>Required Subgrantee Activities: The subgrantee must provide high quality language instruction educational programs and sustained professional development activities to all classroom teachers of LEP students (including teachers in classroom settings that are not defined as language instruction educational 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>	Reviewed	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))	Reviewed	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	10
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Reviewed	10
State Monitoring of Subgrantees			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.	Reviewed Recommendation	10
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.	Recommendation	11

State Submissions

Element 1.1- State Submissions

Indiana received Attachment T Conditions with the State's Title III, Part A grant award on July 1, 2007. The State responded to these conditions on September 30, 2007. The State received a letter from the Department on November 5, 2007 stating that additional information was required regarding its corrective action plan. Further information regarding the revised corrective action plan was submitted by the State on November 20, 2007. Data required was submitted by the Indiana Department of Education on December 28, 2007.

Citation: Section 3123, 34 CFR 80.40

Fiduciary

Our consideration of internal controls over compliance would not necessarily disclose all internal control matters that may be considered weaknesses. Our review was limited by time to only those areas that immediately affect the Title III program objectives.

Element 2.1 – Reservation and Use of Funds

Reviewed

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

Element 2.2 – Allocations, Reallocations, and Carryover

Finding: South Bend Community School Corporation and MSD Lawrence Township provided copies of purchase orders, invoices, and receipts for allowable activities and purchases charged to Title III funds. Many of the documents reviewed during the site visit, however, lacked sufficient detail to clearly identify the activity and purpose for which the funds were expended.

Further Action Required: The Indiana Department of Education must implement a system to ensure that all LEAs clearly document the purpose for activities and purchases charged to Title III funds. In a preliminary response sent to ED on November 28, 2007, the Indiana Department of Education outlined a plan for complying with this matter. The Indiana Department of Education must submit evidence of full implementation of the proposed corrective action plan.

Finding: South Bend Community School Corporation and MSD Lawrence Township reported that they receive their Title III subgrant allocation as a one-time electronic distribution from the Indiana Department of Education. The LEAs indicated that they are allowed to deposit their Title III funds into an interest bearing account, a practice that may lead to earning interest on advances of federal funds. This practice raises concerns

regarding the Indiana Department of Education's compliance with the requirements set out in EDGAR at sections 80.21(a)-(d) and (i).

Further Action Required: The Indiana Department of Education must implement a procedure for distributing Title III subgrants that minimizes the time elapsing between the transfer of funds to the LEAs and the disbursement of those funds by the LEAs in order to meet the requirements set out in EDGAR at section 80.21(a)-(d) and (i). In a preliminary response sent to ED on November 28, 2007, the Indiana Department of Education outlined a plan for complying with this matter. The Indiana Department of Education must submit evidence of full implementation of the proposed corrective action plan.

Citation: Section 3114(a)

Element 2.3 – Supplement not Supplant

Reviewed

Citation: Section 3115(g); OMB Circular A-87 (Attachment A)

Element 2.4 – Equipment and Real Property

Reviewed

Citation: OMB A-87; EDGAR 76.533, 80.32

English Language Proficiency (ELP) Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding: The Indiana Department of Education did not provide sufficient evidence that it has a process for aligning the State ELP assessment (LAS LINKS) with the State ELP standards.

Further Action Required: The Indiana Department of Education must provide further evidence that it has a process for aligning the State ELP assessment to the State ELP standards.

Recommendation: The Indiana Department of Education is advised to develop and implement a plan to further disseminate the State ELP standards in LEAs Statewide, and to train teachers on how to implement the ELP standards in the classroom.

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

Element 3.2 - ELP Assessments

Recommendation: The Indiana Department of Education noted that those LEAs who have never registered LEP students might use “name” or “ethnicity” to identify students that should participate in an ELP assessment. Such a practice would be in violation of Section 3302(f). The SEA must provide technical assistance to all of its LEAs regarding Section 3302(f), which prohibits admitting or excluding students from federally assisted education programs on the basis of a surname or language-minority status. In addition, the SEA must, through monitoring, ensure that all LEAs in the State abide by this requirement and have a uniform process in place for identifying students eligible to participate in an English language proficiency assessment.

Citation: Section 3113(b)(2)

Element 3.3 – New English Language Proficiency Assessment

Reviewed

Citation: Section 3113

Element 3.4 – Annual Measurable Achievement Objectives

Indiana received Attachment T Conditions with the State’s Title III, Part A grant award on July 1, 2007. The State responded to these conditions on September 30, 2007. The State received a letter from the Department on November 5, 2007 stating that additional information was required regarding its corrective action plan. Further information regarding the revised corrective action plan was submitted by the State on November 20, 2007. Data required was submitted by the Indiana Department of Education on December 28, 2007.

Element 3.5 – Data Collection

Finding: The Indiana Department of Education did not clearly identify through its 2006 Consolidated State Performance Report and 2006 Biennial Evaluation Report which ELP assessments were used for AMAO results.

Further Action Required: The State must submit, to the extent possible, missing or revised Consolidated State Performance data reflecting AMAO determination for the 2005-2006 school year, as well as other data elements identified in the Attachment T Conditions.

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

Element 4.1 – State-Level Activities

Reviewed

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

Element 4.2 – Required Subgrantee Activities

Reviewed

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

Reviewed

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

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed

Citation: Section 3116

Element 5.2 – Private School Participation

Reviewed

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Reviewed

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Reviewed

Recommendation: The Indiana Department of Education is advised to review its current monitoring practices, including the pre-site questions, reports, and use of on-site and desk monitoring instruments, to ensure that they are sufficiently detailed and extensive to monitor the implementation of Title III at the LEA level. The Indiana Department of Education is advised to pay particular attention to the monitoring processes used to review LEAs that do not receive regular reviews as recipients of Title I, Part C.

Citation: Section 3116; 34 CFR 80.40

Parental Notification and Participation

Element 7.1– Parental Notification and Participation

Recommendation: The State should ensure that LEAs provide notifications to parents in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand. At one of the LEAs visited, parent notifications were not distributed according to the appropriate language of the parents.

Citation: Section 3302