

Kentucky Department of Education

April 10-14, 2006

Scope of Review: A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, State Formula Grant Division conducted an on-site review of the Kentucky Department of Education (KDE) the week of April 10-14, 2006. This was a comprehensive review of KDE's administration of the following program authorized by the No Child Left Behind (NCLB) Act: Title III, Part A.

In conducting this comprehensive review, the ED team carried out a number of major activities. In its review of the Title III, Part A program, the ED team analyzed evidence of implementation of the State Title III accountability system, reviewed the effectiveness of the language instruction educational programs and professional development processes established by the State to benefit local educational agencies (LEAs), as well as district level professional development implementation, and reviewed compliance with fiscal and administrative oversight activities required of the State educational agency (SEA). During the on-site review, the ED team visited 2 LEAs: Jefferson County and Fayette County Public Schools. In each of the school districts, the ED team interviewed administrative and teaching staff from the schools and the districts. The ED team also met with parents and teachers in Jefferson County and Fayette County Schools.

Kentucky Department of Education and State Board of Education Participants:

Shelda Hale, Title III Director
Maureen Keithley, ESL consultant
Greg Finkbonner, Manager, Curriculum and Instruction
Pauline Carr, Diane Robertson, Title I
Bill Insko, Sandy Rhodes, Johnette Cotton, Kevin Hill, Edgar Adams, Assessment and Accountability
Judy Howard, Petie Day, Budget
Ken Ison, Ann Bruce, Migrant Education
Wendell Cave, Teacher Certification
Rina Gratz, Achievement Gap

Jefferson County Public Schools Participants:

Dr. Stephen Daeschner, Superintendent
Pat Todd, Executive Director, Student Assignment
Marco Munoz, Evaluation Specialist
Berta Calvert, ESL/Title III Coordinator
John Collopy, Budget
Marti Kinny, ESL Instructional Specialist
Abraham Solano, ESL Intake Center
Robert Rodosky, Executive Director, Accountability, Research and Planning
Ken Draut, Director, District Planning
Jan McDowell, Principal, Thomas Jefferson Middle School
Christine Deely, Principal, Klondike Elementary School

Fayette County Public Schools Participants:

Dr. Stu Silberman, Superintendent

Dr. Fabio Zuluaga, Elementary School Director, Title III Programs

Jack Hayes, Director, Student Achievement

Carmen Rader-Bowles, Title I Coordinator

Carolyn Martin, District Assessment Coordinator

Ellen Quinn, Grant Accountant Specialist

Susan Prout, Special Education Consultant

Ivonne Beegle, David Panyako, Todd Beard, ESL Content Specialists

Matt Perkins, Principal, Cardinal Valley Elementary School

Susan Hillman, Professional Staff Assistant

Debbie Wellborne, SIOP Coach

U.S. Department of Education Participants:

Marilyn Rahilly, Education Program Specialist, OELA

Liz Bailey, 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	Reviewed: No further action required	6
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: No further action required	6
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: No further action required	6
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: No further action required	7
Element 2.4	Equipment and Real Property: The SEA ensures that equipment is procured at a reasonable cost 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: No further action required	7

ELP Standards, Assessments and Accountability			
Element Number	Description	Status	Page
Element 3.1	English Language Proficiency (ELP) Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Finding: Further action required	7
Element 3.2	ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented	Finding: Further action required	7
Element 3.3	New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment	Findings: Further action required	8
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Finding: Further action required	9
Element 3.5	Data Collection: The State has established and implemented clear criteria for the administration, scoring, 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; State approach to follow ELP progress and attainment over time, using cohort model	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	State Level Activities: Using administrative funds, the State carries out one or more of activities that may include: <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: No further action required	9

Element 4.2	Required Subgrantee Activities: The subgrantee is responsible for increasing the English proficiency of LEP students by providing high quality language instructional programs and high quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or community-based personnel	Reviewed: No further action required	10
Element 4.3	Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities	Reviewed: No further action required	10
Element 4.4	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	Finding: Further action required	10

State Review of Local Plans

Element Number	Description	Status	Page
Element 5.1	Annual Applications: The SEA ensures that its LEAs comply with the provision for submitting an annual application to the SEA (Section 3116(a))	Reviewed: No further action required	11
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: No further action required	11
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116(c))	Reviewed: No further action required Recommendation	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	Reviewed: No further action required Recommendation	12
-------------	--	---	----

Parental Notification

Element 7.1	Parental Notification: Provisions for identification and placement and failure to meet Title III AMOs; parental notification in an understandable format as required under Section 3302	Finding: Further action required	12
-------------	---	-------------------------------------	----

State Submissions

Element 1.1- State Submissions

Reviewed:

The Kentucky State Department of Education has submitted all reports required under Title III, Part A, and the Consolidated State Application to the U.S. Department of Education. All reports were submitted in a timely manner. The SEA submitted all data missing from the 2004 Biennial Report and the 2005 and 2006 Consolidated State Performance Reports to OELA shortly after the on-site monitoring visit. The Title III Director has responded promptly to any requests for additional information or clarification from ED.

No further action required

Citation: Section 3123; 34 CFR 80.40

Fiduciary

Element 2.1 – Reservation of funds

Reviewed:

Kentucky has a system in place that enables it to account for funds reserved for State administration of Title III State level activities. The State provided adequate evidence for expenditures for State administration, funds for technical assistance, professional development, planning and evaluation, and other allowable expenditures under Title III.

No further action required

Citation: Sections 3111, 3115 and 3116

Element 2.2. Allocations, Reallocations and Carryover

Reviewed:

During the on-site visit, the SEA provided adequate evidence that it has effective fiscal procedures in place to appropriately manage allocations, reallocations and carryover funds.

No further action required

Citation: OMB-A-87; EDGAR; 34 CFR 76.722; 34 CFR 80.4

Element 2.3 – Supplement not Supplant

Reviewed:

The ED team received evidence that Kentucky has provided guidance to the LEAs on the Title III non-supplanting requirement.

No further action required

Citation: Section 3115(g)

Element 2.4 – Equipment and Real Property

Reviewed:

Kentucky described its procedures and processes for ensuring that equipment obtained is deemed necessary for the performance of the federally funded activities under Title III and is procured at a reasonable cost. These processes appear to be well managed with an accountability system in place. Title III funds cannot be used to acquire real property.

No further action required

Citation: OMB A-87; EDGAR 76.533, 80.32

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding:

The State did not provide sufficient evidence that the State English language proficiency (ELP) standards are fully aligned with State academic content and student achievement standards.

Further action required:

Kentucky must review and revise the current ELP standards so that they are aligned with State academic content and student achievement standards in reading/language arts, mathematics, and science. Kentucky must submit a timeline and plan to comply with this requirement.

Citation: Sections 3113(b)(2) and 3116

Element 3.2 - ELP Assessments

Finding:

Kentucky did not assess LEP students in grades Kindergarten through first-grade for English language proficiency in the domains of reading and writing in the 2004-2005 school year.

Further action required:

Kentucky must ensure that all LEP students in grades K-12 are annually assessed in the required domains of listening, speaking, reading, and writing. The State must submit a timeline and plan to comply with this requirement.

Citation: Sections 3113(b)(2)

Element 3.3 – New English Language Proficiency Assessment

Finding:

Kentucky did not provide sufficient evidence that the State English language proficiency (ELP) assessment is aligned to the State ELP standards.

Further action required:

Kentucky must ensure that its State ELP assessment is aligned to its State ELP standards. The State must submit a timeline and plan to comply with this requirement.

Finding:

Kentucky did not provide evidence of the relationship (comparability) between the LAS (previous assessment) and the ACCESS (new assessment).

Further action required:

Kentucky must submit a timeline and a plan of when the State will undertake a comparability or correlation study, double testing or other method to demonstrate the relationship between the LAS and ACCESS. States that are changing ELP assessments are strongly advised to conduct the following:

States should explicitly define all methods used to make comparisons of scores from two different assessments; they also should identify and explain any instances where recalibration of prior assessment results are made for purposes of increasing reliability and validity of high-stakes decisions. States are advised to use technically sound, empirical and/or judgmental procedures to make such comparisons. Judgmental procedures involve a systematic and detailed crosswalk evaluation of all items on the two tests, including analyses of items, subtest and test-level inferences. Double testing a representative group of students on both tests in question or placing common items on each of the assessments are examples of empirical analyses. The specific approaches a State will employ are left to its discretion.

Citation: Section 3113; Draft Non-Regulatory Guidance on Standards, Assessment and Accountability, question and answer B-4

Element 3.4 – Annual Measurable Achievement Objectives (AMAOs)

Finding:

Kentucky did not provide accurate AMAO data for 2004-2005. The State explained that some of the subgrantees reported inaccurate ELP data to the State Department of Education.

Further action required:

Kentucky must ensure that all Title III-served subgrantees collect and report accurate ELP data in order for the State to make valid AMAO determinations. Kentucky must submit a timeline and plan to comply with this requirement.

Citation: Sections 3122(a) and 1111(b)(2)(B)

Element 3.5 – Data Collection

Finding:

Some Title III-served LEAs in Kentucky reported inaccurate or incomplete ELP assessment data for school year 2004-2005.

Further action required:

Kentucky must implement a statewide data collection and tracking system for school year (SY) 2006-2007 that will ensure that ELP data is accurately collected and reported. The State must submit a timeline and plan to comply with this requirement.

Citation: Sections 3113, 3121 and 3122

State level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State level Activities

Reviewed:

The State provided evidence of its professional development workshops, academies and training for teachers and administrators regarding the SIOP model, Title III requirements and LEP students' educational needs. The Title III Director and other KDE staff provide regular technical assistance to LEAs regarding Title III issues via email, telephone and on-site monitoring. The ED team observed implementation of State level activities relevant to Title III policies and requirements during its visits to Jefferson County and Fayette County Schools.

No further action required

Citation: Sections 3111 and 3122

Element 4.2 – Required Subgrantee Activities

Reviewed:

The State has ensured that subgrantees implement required activities, including administering ELP assessments, conducting curriculum development, and providing language instruction educational programs for LEP students. The ED team visited two LEAs: Jefferson County Public Schools and Fayette County Public Schools, and was provided evidence of their compliance with these required activities, particularly with regard to their English language instructional programs, curriculum development, and instructional strategies.

No further action required

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Reviewed:

The ED team found, during on-site visits to Jefferson County Schools and Fayette County Schools, that subgrantees are conducting authorized activities, including offering parental outreach, family literacy services, newcomer centers, and community participation programs.

No further action required

Citation: Section 3115(d)

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

Finding:

Kentucky did not uniformly allocate Title III funds to districts experiencing significant increases in immigrant children and youth, as required under Section 3115(d).

Further action required:

Kentucky must uniformly allocate Title III funds to districts experiencing significant increases in immigrant children and youth. Kentucky must submit a timeline and plan to comply with this requirement.

Citation: Section 3115(d)

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed:

The State utilizes an electronic online system for LEA applications for Title III funding, review, and approval. The use of an LEA checklist ensures that required information is provided to the SEA. LEAs may update their original application online without need to submit a new application to the State.

No further action required

Citation: Section 3116(a)

Element 5.2 – Private School Participation

Reviewed:

The State has informed the LEAs concerning Title III private school participation procedures and requirements.

No further action required

Citation: Sections 9501-9506

Element 5.3 – Teacher English Fluency

Reviewed:

Kentucky determines teacher English fluency through State teacher licensure requirements and university coursework that ensures the teacher is fluent in oral and written English communication. Teachers must also pass the Praxis II ESL test to qualify for an ESL teaching endorsement.

No further action required

Recommendation:

During the LEA on-site visits, the ED team observed that a few teachers used grammar and pronunciation that interfered with LEP student's English language comprehension. The State should emphasize to LEAs the importance of hiring ESL and classroom teachers who are fluent in English and any other language of instruction and have a solid command of English grammar and oral language skills.

Citation: Section 3116(c).

State Monitoring of Subgrantees

Element 6.1 - State Monitoring of Subgrantees

Reviewed:

The Kentucky State Department of Education adequately monitors subgrantees for compliance with Title III requirements.

No further action required

Recommendation:

The State should ensure that Title III-served subgrantees are regularly monitored through more frequent on-site visits or other monitoring tools.

Citation: Sections 3113, 3122 and 34 CFR 80.40

Parental Notification

Element 7.1– Parental Notification

Finding:

Kentucky did not require the Title III subgrantees that failed to meet Title III AMAOs in school year 2004-2005 to notify parents of such failure.

Further action required:

Kentucky must ensure that LEAs notify parents, in an understandable and uniform format, and to the extent possible, in a language that the parents can understand, not later than 30 days after the school district fails to meet AMAOs. Kentucky must submit a plan and timeline to comply with this requirement.

Citation: Sections 3302(b)