

## **Maine Department of Education**

**April 30 – May 4, 2007**

**Scope of Review:** The U.S. Department of Education's (ED) Office of English Language Acquisition, State Formula Grant Division conducted an on-site monitoring review of the Maine Department of Education (ME DOE) April 30 – May 4, 2007. The purpose was to conduct a comprehensive review of the ME DOE'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's monitoring team conducted several monitoring activities. The team reviewed evidence of implementation of the State's Title III accountability system, and compliance with Federal fiscal and administrative requirements. The team also conducted monitoring visits to three local educational agencies (LEAs): Lewiston Public Schools, Auburn School District, and Portland Public Schools, to assess the depth and breadth of the State's implementation of Title III requirements.

### **Maine Department of Education Participants:**

Angela Flaherty, Deputy Commissioner  
Nancy Mullins, Director ESL/Bilingual Programs  
Jacqueline Soyachak, Federal Teams Leader and Policy Director  
Rochelle Tome, Accountability and School Improvement  
Kathy Manning, Title I Coordinator  
Loretta Baker, Senior Staff Accountant  
John McCue, MEDMS (Maine Education Data Management System) Administrator  
Susan Smith, MEA (Maine Educational Assessment) Coordinator

### **Lewiston Public Schools Participants:**

Larry Levesque, Superintendent  
George Veilluex, Assistant Director of Curriculum  
Sue Martin, Director of ELL and Special Projects  
Dean Flanigan, Business Manger  
Janice Plourde, Curriculum Staff

### Lewiston High School Staff:

Gus Leblanc, Principal  
Beth Bradley, Assistant Principal  
Patty Mackinnon, Teacher  
Caroline Sample, Teacher  
Tammy Thibodeau, Teacher  
Safia Bashir, Parent  
Ali Farah, Parent  
Khali Farah, Parent  
Mohamed Khad, Parent  
Muhidan Shidad, Parent  
Sugel Arte, Parent

Franjesta Madnot, Parent  
Rebecca Abakook, Parent  
Riwlán Osman, Interpreter

Montello School Staff:

Deborah Goding, Principal  
Carl Smith, Teacher  
Althaea White, Teacher  
Mahin Mirmoezzi, Teacher  
Deanna Nadeau, Teacher  
Donna Tardif, Facilitator  
Gure Ali, Interpreter

**Auburn School District Participants:**

Barbara Eretzian, Superintendent  
Tom Morrill, Assistant Superintendent  
Robin Fleck, ELL Coordinator  
Steve Clark, NCLB Coordinator  
Peter Selwood, Instructional Consultant  
Vickie Gaylord, Principal, Park Avenue School  
Kathy Cutler, Principal, Auburn Middle School  
Chris Turcotte, Teacher, Park Avenue School  
Fatuma Hussein, United Somali Women of Maine

School visits: Park Avenue School, Auburn Middle School

**Portland Public Schools Participants:**

MaryJo O'Connor, Superintendent  
Jeanne Whynot Vickers, Assistant Superintendent  
Tom Lafavore, Educational Planning Director  
Grace Valenzuela, Director  
Don Bouchard, Professional Development Specialist  
Catherine Siegel, Intake Coordinator  
Sarah Martin, ELL Summer Teacher  
Carol Ridlon, ELL Summer School Coordinator  
Abdi Musa, Somali Parent/Community Specialist  
Biljana Nedeljkovic, Serbian Parent/Community Specialist  
Pirun Sen, Khmer Parent/Community Specialist  
Nyapeni Choul Doul, Arabic Parent/Community Specialist  
Louise Rocha-McCarthy, Spanish Parent/Community Specialist  
Barbara Dee, Special Services Director  
Dick Paulson, Business Office Director  
Deb Childs, Staff, Business Office  
Lynda Provost, Staff, Business Office  
Abdikarim Mohamed, Parent  
Ivan and Biljana Marijanovic, Parents

Alejandra Guardado, Parent  
Samoeurn Poum, Parent  
Anna Lameri, Parent

Lincoln School Staff:

Kathleen Rossi, Principal  
Sarah Martin, Newcomer Teacher  
Heidi Cameron, Teacher  
Jennifer Dorval, Teacher  
Mary Kay Smith, Teacher

Deering High School Staff:

Kenneth Kunin, Principal  
Maureen Fox, Teacher  
Chris Acker, Teacher  
Suzanne Dodson, Teacher

**U.S. Department of Education Participants:**

Margarita Pinkos, Associate Assistant Deputy Secretary, OELA  
Millie Bentley-Memon, Senior Education Program Specialist, OELA  
Ruben Vazquez, Education Program Specialist, OELA  
Ethan Raymond Allen, Senior Budget Analyst, 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

<b>State Submissions</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Reviewed	8
<b>Fiduciary</b>			
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.	Finding: Further Action Required	8
Element 2.2	Allocations, Reallocations, and Carryover: The SEA complies with— <ul style="list-style-type: none"> <li>• The procedures for Title III allocations outlined in Section 3114</li> <li>• The procedures for allocating funds for immigrant children and youth programs as outlined in Section 3114(d)</li> <li>• The reallocation provisions in Section 3114(c).</li> </ul>	Findings: Further Actions Required  Recommendation	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.	No findings at this time	9
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.	No findings at this time	9
Element 2.5	Other Financial Management Issues	Findings: Further Actions Required	9

<b>ELP Standards, Assessments and Accountability</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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 Recommendation	10
Element 3.2	ELP Assessments: the State provided evidence of a process that complies with Section 3113, and evidence that an ELP assessment has been administered to all LEP students in grades K-12 in the State. Accountability through data collection has been implemented.	Reviewed	11
Element 3.3	New English Language Proficiency Assessment: The State provided evidence of a process that complies with Section 3113. Transition to new ELP assessment or revision of the current State ELP assessment aligned to the State-developed ELP standards, if applicable	Reviewed	11
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.	Finding cited in Special Conditions Attachment T document	11
Element 3.5	Data Collection: The State 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; State approach to following ELP progress and attainment over time.	Reviewed	11

<b>State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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"> <li>• Professional development</li> <li>• Planning, evaluation, administration and interagency coordination</li> <li>• Promoting parental and community participation</li> <li>• Providing recognition to subgrantees that have exceeded AMAO requirements.</li> </ul>	Reviewed	11
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>	Finding: Further Action Required	11
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Reviewed	12
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	12

<b>State Review of Local Plans</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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	12
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.	Finding: Further Action Required	12
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116(c))	Reviewed	12
<b>State Monitoring of Subgrantees</b>			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.	Recommendation	13
<b>Parental Notification</b>			
Element 7.1	Parental Notification: Provisions for identification and placement and for failure to meet the AMAOs; notification in an understandable format as required under Section 3302.	Finding cited in Special Conditions Attachment T document – See Element 3.4	13

## State Submissions

### **Element 1.1 - State Submissions**

Reviewed: The Maine Department of Education (ME DOE) has submitted reports required under Title III, Part A, and the Consolidated State Application to the U.S. Department of Education (ED).

Citation: Section 3123; 34 CFR 80.40

## Fiduciary Indicators

### **Element 2.1 - Reservation of Funds**

Finding: The ME Department of Education has not ensured that LEAs expend Title III funds in a timely manner.

For the Augusta consortia and the Portland School Districts, funds were disbursed in a manner that caused both of these entities to have excess cash balances of Title III funds. In both of these cases the LEAs' current balance of funds, minus the funding received for FY2006, still showed that they had not expended funds from the previous year.

Further Action Required: The Maine Department of Education must develop and disseminate written guidance regarding the requirement for LEAs to expend funds in a timely manner. The State must provide evidence of this guidance to USDE.

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

### **Element 2.2 - Allocations, Reallocations, and Carryover**

Finding: The ME DOE reported that there are no standard procedures for use by LEAs serving as fiscal agents for disbursement of funds to consortia member LEAs. The Education Department General Administrative Regulations, 34 CFR 76.770 and NCLB, Section 3113 require that the State hold LEAs and other eligible entities accountable for public funds, and provide technical assistance to such agencies.

Further Action Required: The ME DOE must develop written procedures for the disbursement of funds to consortia members by LEAs that are fiscal agents, disseminate procedures to consortia members, and ensure, through monitoring, that such procedures are followed. The State must provide evidence of these procedures to USDE.

Finding: The ME DOE does not have a written policy in place for the reallocation of Title III funds. (Section 3114(c))

Further Action Required: The ME DOE must develop and disseminate a policy for the reallocation of Title III funds, and ensure that this policy is implemented in the State.

The State must provide evidence that this policy has been developed and implemented.

Recommendation: The ME DOE may wish to consider whether it would be beneficial to exercise options for awarding grants under the Title III immigrant program, such as awarding discretionary or formula awards.

Citation: Section 3114, OMB Circular A-87; EDGAR; 34 CFR 76.722

### **Element 2.3 - Supplement not Supplant**

No findings at this time.

Citation: Section 3115(g)

### **Element 2.4 - Equipment and Real Property**

No findings at this time.

Citation: OMB A-87; EDGAR 76.533, 80.32

### **Element 2.5 - Other Financial Management Issues**

Finding: The ME DOE currently prepares the allocations for the immigrant portion of the Title III funds, but does not monitor or maintain the budget records for these funds. Instead, these funds are being administered by the ME Department of Health and Human Services (DHHS). Part 34 CFR 80.40 requires that grantees be responsible for managing the day-to-day operations of grants.

Further Action Required: The ME DOE must provide a corrective action plan that demonstrates how it will ensure responsibility for managing the day-to-day operations of the Title III immigrant children and youth grant.

Finding: The ME DOE has not ensured that financial aspects of Title III subgrants are being monitored, and that proper purchasing procedures are being followed by subgrantees.

Subfinding a: Reimbursements were made without a complete description of the services being rendered. There were several instances at the Lewiston School District (SD) and Portland SD where employees were reimbursed for tuition or attendance at conferences, but the reimbursement claims did not have complete descriptions of the activity. Reimbursements for tuition should list the course number, brief course description, dates of attendance, and which individual(s) were enrolled. Likewise, when an employee attends a conference, the reimbursement form should indicate the date of the conference, the purpose and/or topics of the conference, where the conference took place, and which individual(s) attended the conference. In the case of payments to employees, claim forms should have a space for their signature to show that they are certifying the accuracy of the travel or training expenses involved. (34 CFR

80.20).

Subfinding b: Vendors received reimbursements without invoices that showed complete descriptions of services rendered and invoice numbers. Vendors also received reimbursements for invoices with date(s) which were prior to the purchase order date(s). (34 CFR 80.20).

Subfinding c: There was no clear understanding within the ME DOE of how the SEA verifies if a vendor is currently debarred or suspended. (34 CFR Part 85, Subpart C).

Further Action Required: The ME DOE must develop and implement procedures to monitor Title III funded LEAs for compliance with purchasing procedures. The State must also provide written guidance to LEAs on purchasing procedures that meet Federal and industry standards. Maine must submit a corrective action plan to USDE that addresses these areas. (34 CFR 80.20)

Finding: Time and effort certifications for all employees were not available for review at all LEAs visited.

Further Action Required: The ME DOE must provide written guidance on the requirements for certification of time and effort as delineated in the Office of Management and Budget Circular A-87, Attachment B, Section 8(h), and develop and implement a system for monitoring that these requirements are followed. Maine must submit a corrective action plan that addresses these areas.

## **ELP Standards, Assessments, and Accountability**

### **Element 3.1 - ELP Standards**

Reviewed: The ME DOE demonstrated that it has a process in place that addresses the requirements in Section 3113. The ED team found, however, that only a few of the classes visited demonstrated evidence of instruction based on the State ELP standards.

Recommendation: The ED team recommends that the ME DOE provide technical assistance to LEAs on implementation of the State ELP standards.

Citation: Sections 3113 and 3116

### **Element 3.2 - ELP Assessments**

Reviewed: The ME DOE provided evidence that it has a process in place that addresses the requirements in Section 3113.

Citation: Section 3113(b)(2)

### **Element 3.3 – New English Language Proficiency Assessment**

Reviewed

Citation: Sections 3113 and 3116

### **Element 3.4 – Annual Measurable Achievement Objectives (AMAOs)**

The ME DOE received Special Conditions as part of the Title III State Formula Grant award on July 1, 2007. Please refer to the Special Conditions document (copy attached) for an explanation related to findings specific to Element 3.4.

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

### **Element 3.5 – Data Collection**

Reviewed

Citation: Sections 3113, 3121 - 3123

## **State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth**

### **Element 4.1 – State Level Activities**

Reviewed

Citation: Section 3111

### **Element 4.2 – Required Subgrantee Activities**

Finding: The ME DOE did not ensure that Title III subgrantees carry out the two required activities under Title III: providing a language instruction educational program and professional development.

Further Action Required: The ME DOE must ensure that Title III subgrantees carry out the two required activities under Title III.

Citation: Section 3115(c)

**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 3115(e)

**State Review of Local Plans**

**Element 5.1 – State Review of Local Plans**

Reviewed

Citation: Section 3116(a)

**Element 5.2 – Private School Participation**

Finding: The ME DOE did not ensure that Title III subgrantees provide an opportunity for equitable participation by LEP students and educational personnel in private schools in the Title III program.

Further Action Required: The ME DOE must ensure that Title III subgrantees meet their obligation to provide LEP students and educational personnel in private schools located in their geographic jurisdiction with an opportunity for equitable participation in Title III.

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**

Recommendation: The ME DOE conducts consolidated monitoring; however, its current monitoring plan and criteria for selecting LEAs for review do not take LEAs' Title III performance into full consideration. The ED team recommends that the ME DOE prioritize LEAs for review based upon performance concerns in terms of Title III compliance and implementation.

Citation: Sections 3113 and 3122; 34 CFR 80.40

## **Parental Notification**

### **Element 7.1– Parental Notification**

See Element 3.4

Citation: Section 3302(b)