Maryland State Department of Education

July 21, 2005
October 11-12, 2005

Scope of Review: A team from the Office of English Language Acquisition, U. S. Department of Education (ED), conducted an on-site review at the Maryland State Department of Education (MSDE) on July 21, 2005. This was a comprehensive review to determine the extent to which MSDE is carrying out its responsibilities for overall administration and oversight of Title III, Part A, of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind (NCLB) Act.

In conducting the review, the ED team analyzed evidence of implementation of the State English language proficiency accountability system and reviewed compliance with Title III and other Federal fiscal and administrative requirements. The ED team also visited Montgomery County Public Schools on October 11, 2005 and Prince Georges County Public Schools on October 12, 2005. In each of the school districts, the ED team interviewed district and school administrators and teachers.

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Previous Monitoring Findings: This is the first on-site monitoring review for Title III programs.

Summary of Title III, Part A Monitoring Indicators

Critical Elements	Indicator Description	Status	Page
State Submissions			
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Reviewed: No further action required at this time	6
Fiduciary			
Element 2.2	Allocations, Reallocations, and Carryover: The SEA complies with: • 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)	Finding: Further action required	6
Element 2.3	Reservation of Funds: The SEA has a system in place enabling it to account for: • Funds reserved for State administration • Funds reserved to provide technical assistance and other state level activities • Funds reserved for immigrant activities • Funds that become available for reallocation	Findings: Further action required	6-7
Element 2.4	Supplement, not Supplant: The SEA ensures that Title IIII funds are used only to supplement or increase other Federal and non-Federal sources used for the education of participating children and not to supplant funds from these sources	Findings: Further action required	8-9
Element 2.5	Equipment and Real Property: The SEA ensures that equipment is procured at a cost that is reasonable and is necessary for the performance of the Federal award, and that Title III grant funds are not used to acquire real property	Finding: Further action required	9

Critical Elements	Indicator Description	Status	Page
ELP Standards, Assessments and Accountability			
Element 3.1	English Language Proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Finding: Further action required Commendations	9
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	Reviewed: No further action required at this time	10
Element 3.3 Element 3.6	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 on-going quality of its assessment systems. The State has established and implemented a data collection method and a plan for improving the on-going quality of its data collection systems	Reviewed: No further action required at this time Finding: Further action required	10 10
Element 3.4	New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment	Finding: Further action required	11
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEA/Subgrantees	Reviewed Recommendation	11

Critical Elements	Indicator Description	Status	Page
State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth			
Element 4.1	State Level Activities: Using funds reserved for State-level activities, the State carries out one or more activities that may include: • Providing professional development • Planning, evaluation, administration and interagency coordination • Promoting parental and community participation • Providing recognition to subgrantees that have exceeded AMAO requirements	Finding: Further action required Recommendation	11
Element 4.2	Required Subgrantee Activities: The subgrantee is required to increase 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 organization personnel	Finding: Further action required	12
Element 4.3	Authorized Subgrantee Activities: The subgrantee may use the funds by undertaking one or more authorized activities	Reviewed: No further action required at this time	13
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	13

Critical Elements	Indicator Description	Status	Page
State Review of Local Plans			
Element 5.1	Application: SEA ensures that its LEAs comply with the provision for submitting an annual application to the SEA as required under Section 3116 (a)	Finding: Further action required	13
Element 5.2	Private School Participation: LEAs comply with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III	Reviewed: No further action required at this time	14
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction as required under Section 3116(c)	Reviewed: No further action required at this time	14
State Monitoring of Subgrantees			
Element 6.1	State Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements	Finding: Further action required	14
Element 6.2	Consortia: The SEA conducts monitoring of its subgrantees, including consortia, sufficient to ensure compliance with Title III program requirements	Finding: Further action required	14
Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs as required under Section 3302	Reviewed: No further action required at this time	15

State Submissions

Element 1.1- State Submissions

Reviewed:
The Maryland State Department of Education (MSDE) submitted all reports required under Title III, Part A, and the Consolidated State Performance Report to the U.S. Department of Education (USDE) in a timely manner.

Citation: Section 3123, 34 CFR 80.40

Fiduciary

Element 2.2 – Allocations, Reallocations, and Carryover

Finding:
The MSDE did not comply with the requirements in Section 3114(d) to allocate funds for immigrant children and youth, and the State did not adhere to the definition of "significant increase" submitted in its Consolidated State Application (CSA). Funds were awarded to every eligible entity that applied for Title III funds under Section 3111 without regard to entities that had experienced a significant increase in immigrant children and youth as required under Section 3114(d) and specifically defined by the State in its CSA.

Further action required:
The MSDE addressed this finding immediately after the monitoring visit. The State revised its definition of "significant increase" and awarded funds to eligible entities that met the revised definition. Eligible entities were notified August 4, 2005. The MSDE must, if it decides to deviate from the revised definition of "significant increase," submit an amendment to its CSA.

Citation: Section 3111 and 3114; 34 CFR 76.400

Element 2.3 – Reservation of Funds

Finding 1:
The MSDE did not demonstrate that it has a system in place to ensure fiscal control and accountability for Title III funds reserved for administration, technical assistance, and other state level activities. In addition, the State did not provide evidence of its compliance with the requirement to use no more than sixty percent of the amount reserved for State level activities for planning and administrative costs.

Further action required:
The MSDE must develop and submit new fiscal control and accountability procedures for Title III funds. The procedures must indicate the roles and responsibilities of each

individual involved in determining the legitimacy of expenditures and each individual involved in approving expenditures.

The MSDE must submit financial documentation that specifies the percentage and amount of funds reserved and expended for planning, administration, evaluation, professional development, technical assistance, and recognition of subgrantees that have exceeded the AMAOs. This information must cover fiscal years 2002 through 2006.

Citation: Section 3111 and 3115(g); 34 CFR 80.20, OMB Circular A-87

Finding 2:
The MSDE used approximately $300,000 of Title III funds to translate documents into other languages. Only one of the documents, the Parental Notification Letter, is directly related to a requirement in Title III.

Further action required:
The MSDE must submit complete and detailed information about all Title III funds that have been used for translation services, including the total amount of Title III funds expended each fiscal year and the amount expended for translation of each document. MSDE can only use Title III funds to translate documents if the cost is reasonable and the translation is necessary to carry out the Title III program. Moreover, MSDE should take steps to ensure that Title III funds are used in a manner that most effectively facilitates the implementation of that program.

Citation: Section 3111, 34 CFR 80.20, OMB Circular A-87

Finding 3:
The MSDE has not allocated State funds for staff that address the educational needs of English language learners.

Further action required:
The MSDE must submit evidence that staff paid with Title III funds is not performing non-Title III duties. The State must submit job announcements and job descriptions for each position paid with Title III funds.

Citation: Section 3111, 34 CFR 80.20, OMB Circular A-87

Finding 4:
The documentation that the State provided to address Element 6.1, State Monitoring, includes information about the role and responsibilities of current and former Title III staff. During the on-site review the State verified that prior to February 2005, the Title III Director was also responsible for the State's World Languages Program.

Further action required:
The MSDE must submit documentation that specifies when the separate specialist for the State's World Languages Program was hired and assumed responsibility for the program.

The MSDE must also calculate the time and the amount of Title III funds that were used to administer the State's World Languages Program.

Citation: Section 3111; EDGAR 80.20, OMB Circular A-87

Element 2.4 – Supplement, not Supplant

Finding 1:
The MSDE did not provide evidence that it ensures that subgrantees use Title III funds to supplement, and not supplant non-Federal resources. The Bridge to Excellence, Final Guidance on Developing the Five-Year Comprehensive Master Plan, includes a question and answer (B-10) related to the supplement, and not supplant provisions. However, there is no indication that the State has reviewed the five-year master plans and annual updates to ensure that subgrantees use Title III funds to supplement, and not supplant State and local resources.

Further action required:
The MSDE must develop and issue guidance to ensure that Title III funds are used to supplement, and not supplant State and local resources. The State must review each subgrantee's budget information and narrative to ensure compliance with the supplement, and not supplant provisions. The State must submit the results of the reviews, including the corrective actions taken by subgrantees that have not complied with the requirement.

Citation: Section 3111 and 3115(g); 34 CFR 80.20

Finding 2:
The MSDE provided information about the activities of the Kent County Public Schools and Queen Ann's Public Schools consortium. Documentation provided by the State indicates the consortium uses Title III funds to pay the salary of a Program Manager hired in 2000 whose responsibilities include:

- Creating a standard operating procedure
- Identifying students for ESOL programs
- Placing students in programs and determining hours of service needed
- Implementing standard assessment procedures
- Transcribing foreign transcripts
- Conducting parent conferences/meetings
- Purchasing instructional materials
- Hiring ESOL teachers

Further action required:
The MSDE must review the activities of the consortium to ensure that Title III funds are used to supplement, and not supplant State and local resources.

Citation: Section 3111 and 3115(g); EDGAR 80.20

Finding 3:
Montgomery County Public Schools' fiscal year 2006 Title III budget includes $124,186 to pay for 3.5 ESOL teachers. The county's narrative does not specify that these teachers will provide services above and beyond the basic educational services that the county is obligated to provide with State or local funds.

Further action required:
MSDE must review this budget item to ensure that Title III funds are used to supplement, and not supplant State and local resources.

Citation: Section 3111 and 3115(g); EDGAR 80.20

Element 2.5 – Equipment and Real Property

Finding:
The MSDE did not provide evidence of guidelines, procedures, or policies to ensure that equipment purchased with grant funds is necessary to carry out Title IIII activities at the State and local levels.

Further action required:
The MSDE must submit guidelines, procedures, policies, and other criteria used to review and approve equipment purchases at the State and local levels. The State must also submit an itemized list of the equipment the State has purchased using Title III funds and provide evidence that it has a system in place for tracking the equipment.

Citation: OMB A-87; 34 CFR 76.533, 80.32

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding:
The MSDE has made significant progress toward developing English language proficiency standards in spite of delays due to staffing issues. The timeline provided by the State indicates that the State Board of Education will review the ELP standards for acceptance and approval by spring 2006.

Further action required:
The State must submit updated information about its progress in developing ELP standards and identify any circumstances that may prevent it from meeting the spring 2006 deadline for full implementation of the State English language proficiency accountability system.

Citation: Section 3113(b)

Commendation:
Inclusion of a separate English language proficiency standard on culture linked to achievement in academics.

Commendation:
The State involved a cross-section of ESOL educators throughout the State in the standards-setting process.

Element 3.2 - ELP Assessments

Reviewed:
The State requires all LEAs to use the IPT for the annual English language proficiency assessment of English language learners. The State and local school districts provided evidence of the assessment of English language learners and accountability through data collection.

Citation: Section 3113(b)(3)(D)

Elements 3.3 and 3.6 – Data Collection

Element 3.3- Reporting Components of ELP Assessments

Reviewed:
The State provided evidence that it has established criteria related to administering, scoring, analyzing and reporting on the ELP assessment. The State has a system in place to verify data accuracy and integrity of the ELP assessment.

Element 3.6 – Data Collection System

Finding:
The MSDE has a system in place to collect data to meet Title III reporting requirements. However, the ELL population is highly mobile and the State does not have a system for tracking students who move from one local school system to another. The State indicated in its Biennial Evaluation Report that it was only able to report on the progress of 15,408 students, 58.3% of the ELL students who were administered the IPT, because of the high mobility rate of students who received services under Title III.

Further action required:
The State must develop a statewide data collection system that enables it to report on the progress of all ELLs served by Title III. The accountability system could include assignment of a unique, student identifier to each K-12 English language learner enrolled

in a Maryland public school to track individual student enrollment and academic progress over time.

Citation: Section 3113(b) (3) (D), 3121 and 3122; Section 1111(b) (7)

Element 3.4 – Transition to New ELP Assessment

Finding:
The MSDE's plans for identifying and selecting a new ELP assessment are not clear. Most of the documentation provided during the site visit is related to the State's prior involvement with the EPAS consortium. The Title III Assessment Plan includes a timeline for selecting a new ELP assessment that is aligned to the State ELP standards. However, the plan does not address how the State will ensure the assessment is aligned to the State's ELP standards and how the State will transition from the IPT to the new assessment by spring 2006.

Further action required:
The MSDE must submit a more detailed plan that describes how it will identify and select a new ELP assessment, its plans to ensure alignment between the ELP standards and the new ELP assessment, and the process it will use to transition from the IPT to the new assessment by spring 2006.

Citation: Section 3113(b)(3)(D)

Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)

Reviewed:
The State made AMAO determinations for all Title III subgrantees, and determined that all subgrantees met the annual measurable achievement objectives.

Recommendation:
The State should consider providing recognition to subgrantees that exceeded the Title III annual measurable achievement objectives.

Citation: Section 3111(b)(2)(D), 3122 and 3123

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

Element 4.1 – State Level Activities

Finding:
The MSDE was unable to provide specific information about State level activities that meet the requirements in Section 3111(b)(2). Many of the State's responses to questions

about Title III State level activities focused on general activities conducted by the State, rather than on specific activities related to implementation of Title III.

Documentation provided as evidence of State level activities indicates that the State may not have a clear understanding of the kinds of activities the State is expected to carry out to meet the purposes of the law. The State included documents about CTS Language Link, Implement D2L, and the Maryland Association for Bilingual Education, but did not provide an explanation about how these documents are related to implementation of Title III State level activities.

Further action required:
The State must develop and submit a detailed action plan for the current fiscal year that delineates the activities the State will carry out to meet the requirements in Section 3111(b)(2). The plan must specify the activities, the timeline for implementing each of the activities, and staff responsibilities. The plan must be linked to the percentage and amount of funds reserved for the activities specified in Section 3111(b) (2)(A), (B), (C), and (D) and demonstrate compliance with Section 3111(b)(3).

Citation: Section 3111

Recommendation:
The State should encourage more collaboration and coordination between offices and other Federal programs to ensure the State develops and implements an effective ELP system.

Element 4.2 – Required Subgrantee Activities

Finding:
The MSDE does not ensure that subgrantees conduct professional development activities that meet the requirements in Section 3115(c)(2). Attachment 10 of the Bridge to Excellence Comprehensive Plan lists high-quality professional development as an allowable activity instead of a required activity. This failure to explain the law correctly may account for the level of funds subgrantees have allocated for professional development activities. The monitoring team notes that Montgomery County Public Schools allocated approximately $98,000 for professional development for ESOL and non-ESOL teachers and approximately $970,000 for parent training, interpretation and translation services, and office furniture.

Further action required:
The MSDE must revise Attachment 10 so that it reflects the activities required by Section 3115. The State must also review the budgets and narratives submitted by each subgrantee to ensure each subgrantee carries out professional development activities that meet the requirements in Section 3115(c). The results of the reviews must be submitted to OELA.

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Reviewed:
Prince Georges County Public Schools and Montgomery County Public Schools are implementing a variety of authorized activities that are designed to increase the English proficiency and academic achievement of English language learners.

Citation: Section 3115(d)

Element 4.4 – Activities by Agencies experiencing substantial increases in immigrant children and youth

Finding:
The Bridge to Excellence Master Plan, Attachment 10, does not require eligible entities to specify the activities to be carried out with Title III funds awarded under Section 3114(d). The State has awarded these funds without holding subgrantees accountable for implementing activities in accordance with Section 3115(e).

Further action required:
The State must revise Attachment 10 to require eligible entities to submit program and budget information for funds awarded for immigrant children and youth. The State must require LEAs that were awarded funds during the current fiscal year to submit revised information that specifies how they are using Title III funds to provide enhanced instructional opportunities for immigrant children and youth.

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

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Finding:
The State requires annual updates to Attachment 10. However, Attachment 10 does not require sufficient information about how Title III funds will be used to conduct required and authorized activities.

Further action required:
The State must revise Attachment 10 to require more detailed program and budget information from eligible entities. The revised document must be submitted to OELA for review.

Citation: Section 3116

Element 5.2 – Private School Participation

Reviewed:
The MSDE ensures that Title III subgrantees meet the private school participation requirements. Montgomery County Public Schools and Prince Georges County Public Schools provided evidence of meeting the requirement to provide equitable services for private schools.

Citation: Section 9501-9506

Element 5.3 – Teacher English Fluency

Reviewed:
The MSDE requires subgrantees to include the required certification of teacher English fluency in their plans.

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Finding:
The State has not conducted formal monitoring of Title III subgrantees.

Further action required:
The State must develop and submit a plan for formal monitoring of Title III subgrantees. The plan must include a timeline for monitoring all Title III subgrantees and a monitoring instrument that addresses all Title III requirements.

Citation: Section 3113 and 34 CFR 80.40

Element 6.2 – Consortia

Finding:
Frederick County Public Schools and Allegany County Public Schools were awarded funds as a consortium. A review of Allegany County Public Schools' Attachment 10 indicates that the county is not conducting professional development activities that meet the requirements in Section 3115(c)(2). Documentation from the State about this consortium indicates that "the consortium is one of collaboration on the part of the

program directors, that they consult at different times throughout the year on an as-needed basis, and that due to time and distance, shared professional development has not proven to be the best use of Title III funds." The consortium is not coordinating to carry out the activities required in Section 3115(c)(2).

Further action required:
The MSDE must review the activities of each of the consortium members in order to ensure that implementation of the Title III subgrant is properly coordinated. Proper coordination between consortium members is critical to the subgrantee's compliance with all Title III requirements. The State must submit the results of the review to OELA.

Citation: Section 3114(b) and 3115(c)(2)

Parental Notification

Element 7.1– Parental Notification

Reviewed:
The MSDE developed a Title III Parental Notification Letter for subgrantees to use to notify parents. Montgomery County Public Schools and Prince Georges County Public Schools provided evidence of parental notification.

Citation: Section 3302