

Montana Office of Public Instruction

September 18-22, 2005

Scope of Review: A team from the Office of English Language Acquisition (OELA), U.S. Department of Education (ED) conducted an on-site review at the Montana Office of Public Instruction (MT OPI) the week of September 18-22, 2005. This was a comprehensive review of the State's administration of Title III, Part A program authorized by the Elementary and Secondary Education Act (ESEA), as reauthorized by the *No Child Left Behind Act* (NCLB).

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 reviewed the seven elements addressed in the Title III monitoring guide. The review included analysis of the implementation of English language proficiency standards, assessment, and accountability requirements, a review of State activities under Title III, and other essential components. During the on-site review, the ED team visited two local school districts: Browning Public School District and Missoula Public School District. The ED team interviewed school administrators, teachers, parents, and other staff members responsible for the implementation of the Title III programs.

Montana Office of Public Instruction Representatives:

Linda McCulloch, State Superintendent

Nancy Coppersmith, Assistant State Superintendent

B.J. Granbery, Administrator, Division of Educational Opportunity & Equity, Title I Director

Julia Dilly, Administrator, Division of Fiscal Services

Judy Snow, Assessment Director

Lynn Hinch, Title III Director

Local School District Representatives:

Browning Public School District: Mary Johnson, Superintendent

Glenda Eaglefeather, Elaine Wyfer, and Gwen Anderson

Missoula Public School District: Betsy Williams and Karen Maloughme

U. S. Department of Education Representatives:

Dr. John Ovard, Director, Special Initiatives Division, OELA

Ana Garcia, Education Program Specialist, OELA

Dr. Sue Kenworthy, Education Program Specialist, OELA

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

Summary of Title III, Part A Monitoring Indicators

State Submissions			
Critical Elements	Indicator Description	Status	Page
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- <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 Finding: Further Action Required Recommendation	6-7
Element 2.3	Reservation of Funds: The SEA has a system in place that enables it to account for: <ol style="list-style-type: none"> (1) Funds reserved for State administration (2) Funds reserved to provide technical assistance and other State level activities (3) Reservation of funds for immigrant activities (4) Funds that become available for reallocation 	Reviewed: No further action required at this time Recommendation	7

ELP Standards, Assessments and Accountability			
Critical Elements	Indicator Description	Status	Page
Element 3.1	English Language Proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Reviewed Findings: 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	Reviewed Finding: Further Action Required	7-8
Element 3.3	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	Reviewed Finding: Further Action Required	8
Element 3.4	New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment	Reviewed Finding: Further Action Required	8-9
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Reviewed Finding: Further Action Required	9
Element 3.6	Data System: 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 a cohort model	Reviewed Finding: Further Action Required	8

State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth			
Critical Elements	Indicator Description	Status	Page
Element 4.1	<p>State Level Activities: Using funds reserved for State level activities, 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 	<p>Reviewed:</p> <p>No further action required at this time</p>	10
Element 4.2	<p>Required Subgrantee Activities: The SEA/Subgrantee is responsible for increasing the English language proficiency of LEP students by providing high quality language instructional programs and professional development to classroom teachers (including teachers in classrooms that are not the settings of language instructional programs), principals, administrators, and other school or community-based organization personnel</p>	<p>Reviewed</p> <p>Finding: Further Action Required</p>	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>	<p>Commendation</p>	10

State Review of Local Plans			
Critical Elements	Indicator Description	Status	Page
Element 5.1	Application: SEA ensures that its LEAs comply with the provision for submitting an application to the SEA according to Section 3116(a)	Reviewed: No further action required at this time	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 at this time	11
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction according to Section 3116(c)	Finding: Further action required	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 at this time Recommendation	11-12
Element 6.2	Consortia: Any governance issues in the State; policy on fiscal agents	Reviewed: No further action required at this time	12
Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format according to Section 3302	Reviewed Finding: Further Action Required Commendation	12

State Submissions

Element 1.1 - State Submissions

Reviewed:

Montana submitted all required reports under Title III, Part A, to the U.S. Department of Education: the January 2005 Consolidated State Performance Report (CSPR) the Biennial Evaluation Report, and a response to Attachment T.

A review of the CSPR of January 2005 indicated the following: Montana is a member of the Mountain West Assessment Consortium (MWAC) of States. In accordance with the State's 2002 Compliance Agreement with the U.S. Department of Education (ED), Montana school districts are assessing limited English proficiency (LEP) students using the Woodcock-Muñoz, the IDEA Proficiency Test (IPT), and the reading component of the Iowa Test of Basic Skills (ITBS).

Citation: Sections 3111, 3113, 3123, 34 CFR 80.40 and 76.720

Fiduciary

Element 2.2 – Allocations, Reallocations, and Carryover

Finding:

Although the State has a process for the review of fiscal reports from local educational agencies (LEAs), including determining whether districts should be marked as “High Risk”, several districts receiving Title III State formula funds have significant carryover of funds.

Further Action Required: The State, as part of financial monitoring, should review and modify its procedures for monitoring subgrantee expenditures to ensure that subgrantees obligate Title III funds in a timely manner to carry out State-approved activities. Funds that have not been obligated by the end of the carryover period must be returned to the Federal government.

Finding:

The State reserved 5% of its allocation to award funds under Section 3114 to eligible entities that experienced a significant increase in the percentage or number of immigrant children and youth. Funds are not awarded LEAs in compliance with the Title III provisions for allocating funds under Section 3114.

Further action required:

The State must distribute Title III immigrant funds only to those LEAs that have shown a “significant” increase in immigrant students (Sec. 3114 (d) (1)). The State has discretion to determine what constitutes a significant increase.

Under Section 3114(d)(1), States are required to reserve a portion, no more than 15%, of their Title III grants to subgrant to school districts that have experienced a significant increase in the

number of immigrant students within the last two years. These funds must be given only to the LEAs that have shown a “significant” increase within the last two years.

Citation: Section 3114(d)(1), Section 3114(a), 34 CFR 76.709, 76.722, 76.720 and 80.40, and OMB Circular A-87

Element 2.3 – Reservation of Funds

Reviewed:

The State indicated that it is currently using the Title III administrative funds to support a portion of two salaries (85% for the SEA director’s salary and 20% for the assistant’s salary).

Recommendation:

The State is encouraged to review the allocation of funds and how administrative funds are utilized to ensure compliance with the monitoring requirements and implementation of new assessment measures.

Citation: Section 3111, and OMB Circular A-87

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding:

The State has not provided evidence that its ELP standards for grades K-12 will be aligned to state mathematics content standards by 2006 and to science by 2007.

Further action required:

Montana must submit evidence that its ELP standards will be aligned to the mathematics content standards in 2006 and to science by 2007.

Citation: Section 3113(b)(2)

Element 3.2 - ELP Assessments

Reviewed:

During the site review the State indicated that districts scored the various ELP assessments differently. The State was only able to report the ELP assessment data for the ITBS. Additionally, the State indicated that it would not be able to report the results of the new ELP assessment until 2007 when the State will have a statewide database system to track individual student performance.

Finding:

In its submissions, the State did not report complete results of the annual assessment of English language proficiency for all K-12 LEP students for school years 2002-2003, 2003-2004 and

2004-2005. In addition, the State did not submit data on the number and percentage of students scoring at the proficient and advanced levels in reading/language arts and mathematics statewide.

Further action required: The State must submit complete English language proficiency assessment data for school years 2002-2003, 2003-2004, 2004-2005 as well as 2005-2006 and annually as required by Title III.

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

Elements 3.3 and 3.6 – Data Collection (Reporting Components of ELP Assessments)

Reviewed:

The State indicated that it does not have a statewide database system that allows for tracking of individual student performance. Montana was only able to submit data from the ITBS assessment (1,061 students out of 6,427 LEP students). The State does not have the total number and percentage of Title III–served students since it does not have a database system to track individual student performance. The State was also not able to supply the number of LEPs scoring at the proficient and advanced levels in reading/language arts and mathematics statewide.

Finding:

The State does not have a data collection system to collect all necessary Title III data as required in the CSPR.

Further action required:

The State must submit evidence that it has established and implemented criteria for the administration, scoring, analysis, and reporting of all components of its ELP assessment. If the State is unable to provide this evidence, it must submit a timeline for developing and implementing such a system for the current fiscal year.

Citation: Section 3121(a)(4), Section 1111(b)(7), and Section 3113(b)(3)(D)

Element 3.4 – Transition to New ELP Assessment

Reviewed:

The State indicated that it is in the process of developing a request for proposals to select a contract for administrating, scoring and reporting the results of the new ELP assessment. Montana expects to begin implementation of the new ELP assessment in 2006 but will not be able to report results until 2007. The State indicated that when the new ELP assessment is in place, new Annual Measurable Achievement Objectives (AMAOs), new cohort definitions, and a new definition of proficiency will be established.

Finding:

Montana did not submit the assessment data for 2002-2003, 2003-2004 and 2004-2005. During the site visit, the State indicated that it would not be able to report the assessment data until it transitions to the new assessment in 2007.

Further action required:

Montana must continue to collect and report the assessment data from its currently administered ELP assessments. The state must also submit a plan within 30 days for meeting the Spring 2006 expectation for transitioning to the ELP assessment that is aligned with ELP standards. The plan must include how the State will submit the missing data for the following school years: 2002-2003, 2003-2004 and 2004-2005. The plan must also provide assurance that the state will collect and report annual assessment data starting with 2005-2006.

Citation: Section 1111(b)(7) and Section 3113(b)(3)(D)

Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)

Reviewed:

The State officials indicated that the previously submitted targets to be used for AMAO calculations were not based on actual student attainment levels and are, therefore, inaccurate. Using the baseline data from the first administration of the new ELP assessment and the results of the standards setting, the State will develop new AMAOs in accordance with Title III requirements. Montana has indicated that it will submit data to comply with this requirement for the next Biennial Report and the 2007 Consolidated State Performance Report.

Finding:

The State has not submitted AMAO determinations and complete data to date. The state should have made accurate Title III AMAO determinations on full data starting in 2002-2003 and continuing in 2003-2004 and 2004-2005.

Further action required:

The State must make accurate annual Title III AMAO determinations on full data (starting with 2002-2003) for Title III-served LEAs throughout the State and report the number of LEAs that met or did not meet these AMAOs. A plan to accurately determine Title III AMAOs must be developed and submitted to the U.S. Department of Education within 30 days.

Citation: Section 3122(a)(3)(A)(i-iii)

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

Element 4.1 – State Level Activities

Reviewed:

The State provided evidence to the ED monitoring team that it has disseminated information to LEAs at various times of the year at regional conferences regarding Title III program requirements and the new ELP assessment.

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

Element 4.2 – Required Subgrantee Activities

Finding:

The ED monitoring team did not find evidence that one of the two districts visited was using a portion of its Title III subgrant for professional development, as required by Section 3115. The State was not aware that LEAs receiving Title III funds must use the funds to meet the two required subgrantee activities.

Further action required:

The State must review the activities conducted by LEAs and require all subgrantees to amend their plans in order to conduct professional development activities and implement language instruction educational programs, the two requirements under Section 3115. In addition, the State must issue guidance and provide technical assistance to ensure that all Title III subgrantees are undertaking the two required activities.

Citation: Section 3115(c)

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

Commendation:

The ED monitoring team visited the school district most heavily impacted by increases in immigrant children and youth and noted the special effort the district makes to ensure that LEP students are paired with tutors who have a similar language and cultural background.

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

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed:

The State Title III staff relies upon three annual conferences and telephone monitoring to provide feedback to LEAs concerning funding, compliance issues and program requirements.

Citation: Section 3116(a)

Element 5.2 – Private School Participation

Reviewed:

Montana’s annual guidance to schools includes information regarding the “consultation process” that LEAs must have with private schools.

Citation: Sections 9501-9506

Element 5.3 – Teacher English Fluency

Finding:

The State did not demonstrate how they ensure that subgrantees are complying with the teacher English fluency requirements.

Further action required:

The State must submit information regarding how it verifies that current and future eligible entities are in compliance with the teacher fluency requirement.

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Reviewed:

Based on the review of documentation that the State provided, the review team determined that the current State monitoring procedures consist of the following: review of LEA Final Program Reports, Fiscal Closeout Reports, and Subgrantee Audit/Review Reports. The ED monitoring

team discussed with MDE the practicality of implementing an on-site monitoring process of subgrantees on a regular basis.

Recommendation:

The State should consider developing an integrated monitoring plan with other federally- funded programs to review LEA implementation of Title III, Part A.

Citation: Section 3116 and 34 CFR 80.40

Element 6.2 – Consortia

Reviewed:

The State has consortium guidelines for governance issues posted on its website.

Citation: Section 3114(b)

Parental Notification

Element 7.1– Parental Notification

Reviewed:

Montana has developed guidance for LEAs regarding parent notification of student services.

Finding:

Neither the State nor the districts provided evidence of compliance with Title III parental notification requirements for subgrantees that fail to meet the Annual Measurable Achievement Objectives.

Further action required:

The State must develop uniform written guidance on the manner in which the subgrantees should comply with the requirement to provide notification of Title III LEAs' failure to meet the AMAOs.

Commendation:

The ED monitoring team observed strong parental participation during its visit to the LEA with a high immigrant population.

Citation: Section 3302(a)-(f)