

## **Nebraska Department of Education**

**November 5-9, 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 Nebraska Department of Education the week of November 5, 2007. The purpose was to conduct a comprehensive review of Nebraska'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 team conducted several monitoring activities. The team reviewed evidence of the implementation of the State's Title III accountability system, State level monitoring, technical assistance activities as well as fiscal and administrative oversight activities. The team also conducted monitoring visits to local education agencies (LEAs).

### **Nebraska Department of Education Participants:**

Marilyn Paterson, Federal Programs Administrator  
Nancy Rowch, Title III Director  
Ann Masters, Assistant to the Commissioner  
Pat Roschewski, Statewide Director of Assessment  
Mike Stefkovich, CFO- Administrative Services  
Jill Aurand, IT Application Developer/EdFacts Coordinator  
Greg Prochazka, Financial Aid Accountant

### **LEA Representatives**

#### **Omaha Public Schools Participants:**

John Mackiel, Superintendent  
Janelle Mullen, Assistant Superintendent of Curriculum and Learning  
Susan Mayberger, Coordinator of ESL/Migrant Education  
Shari Koch, ESL Secondary Supervisor  
Deeann Goeser, Instructional Research Administrator  
Wanda Clarke, Instructional Research Administrator  
Carla Noerrlinger, Director, Research  
Ronald Conaway, Grant Accountant  
James Blum, Grant Accountant Manager

#### **Grand Island Public Schools Participants:**

Kerri Nazarenius, Director of ELA  
Roger Reikofski, NDE – Federal Programs  
Mary Unger, Teaching and Learning Coordinator – ELL  
Joanne Garrison, Welcome Center Coordinator

**Lincoln Public Schools Participants:**

Deila J. Steiner, Director  
Kafi Manakdan, MEP Recruiter  
Cindy West, Secondary ELL Coordinator  
Kim Schmidt, Accounting Specialist  
Teresa Justin, Grant Technician  
Oscar Rios Pohirieth, Bilingual Liaison  
Van Nguyen, ELL Liaison  
Claudia Almazán-Magdaleno, Bilingual Liaison  
Sue Roosmann, Elementary ELL Coordinator  
Mohamed Hager, Liaison – Arabic Language  
Hoa Tran, ELL Liaison  
Elpidia Novoa-Lentz, ELL Bilingual Liaison  
Pablo Cervantes, ELL Bilingual Liaison  
Hang Bui, ELL Secretary

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

Margarita Pinkos, Assistant Deputy Secretary & Director, OELA  
Rubén J. Vázquez, Education Program Specialist, OELA  
Margarita Ackley, 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

<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	7
<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	Fiscal Report Forthcoming	7
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>	Fiscal Report Forthcoming	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.	Fiscal Report Forthcoming	7
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.	Fiscal Report Forthcoming	7
Element 2.5	Other Financial Management Issues	Fiscal Report Forthcoming	7

**ELP Standards, Assessments and Accountability**

<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	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.	Reviewed	8
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 Recommendation	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 Cited in Special Conditions	8
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

<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 funds retained at the State-level, 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	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 Recommendation	9
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

<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	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	11
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Reviewed	11
<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.	Reviewed	11
<b>Parental Notification</b>			
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.	Reviewed	11

## State Submissions

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

Reviewed: The Nebraska Department of Education (NDE) has submitted all reports required under Title III, Part A, and the Consolidated State Application to the U.S. Department of Education (ED). The ED team posed several follow-up questions regarding NDE's February 1, 2007 Consolidated State Performance Report prior to and during the on-site review. NDE provided some information in response to these questions; however, the SEA was unable to provide data for all requested areas. The unaddressed areas are listed under Element 3.5.

Citation: Section 3123, 34 CFR 80.40

## Fiduciary

Fiscal Report Forthcoming from OELA's Senior Budget Analyst

### **Element 2.1 – Reservation of Funds**

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

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

Citation: EDGAR; 34 CFR 76.722

### **Element 2.3 – Supplement not Supplant**

Citation: Section 3115(g)

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

Citation: OMB A-87; EDGAR 76.533, 80.32

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

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

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

Reviewed: The NDE demonstrated that it has a process in place that addresses the requirements in Section 3113.

Recommendation: The NDE may consider developing a process to ensure Local ELP Standards are consistent with State ELP Standards

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

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

Reviewed: The NDE provided evidence that the State administered its ELP assessment to all Title III served limited English proficient students in grades K-12.

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

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

Reviewed: The NDE demonstrated that it has a process in place that addresses the requirements in Sections 3113 and 3116.

Recommendation: The NDE should provide additional training to LEAs and schools on administering the listening and speaking section of the English Language Development Assessment (ELDA) test. One of the sites visited made changes to the length of the listening and speaking section of the ELDA without consulting the school district, the NDE, or the test company.

Citation: Section 3113 and 3116

### **Element 3.4 – Annual Measurable Achievement Objectives**

Nebraska 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 28, 2007. The State received a letter from the Department on November 2, 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 26, 2007.

Citation: Section 3122

### **Element 3.5 – Data Collection**

Finding: The NDE did not provide data in the February 1, 2007 Consolidated State Performance Report regarding the academic achievement status of former Title III served LEP students for each of the two years after such students exit Title III-funded language instruction educational programs.

Further Action Required: The NDE must submit evidence demonstrating how its new data system will enable the State to collect and report data regarding the academic achievement status of LEP students for each of the two years after such students have exited language instruction educational programs.

Citation: Section 3122 and 3123

### **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 regarding Title III program requirements and the ELP assessment at regional conferences at various times of the year.

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

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

Reviewed: LEAs and schools in the State demonstrated their understanding of the required and authorized activities under Title III. The Title III State Director has provided technical assistance to LEAs regarding these activities.

Recommendation: LEAs requested that there be a statewide Title III annual conference focused on the training needs of school districts, teachers, paraprofessionals, and other staff responsible for the instructional needs of LEP students in the State.

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

### **Element 4.3 – Authorized Subgrantee Activities**

Reviewed: LEAs produced evidence of authorized activities provided to LEP students under Title III.

Citation: Section 3115(d)

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

Reviewed: Some school districts in the State have experienced a large enrollment increase in the number of immigrant children and youth. This has resulted in an increased need for funding in order to accommodate the educational needs of immigrant children and youth. The State reserved 5% of its Title III funding for subgrants to these students in FY 2006.

Citation: Section 3114(d)(1)

## **State Review of Local Plans**

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

Reviewed: LEAs in the State described the development of the Title III local plan and the application process. Nebraska has a consolidated application process in place for submission of Title III proposals and budget summaries.

Recommendation: Nebraska should ensure that LEAs do not allocate more than 2% of their total Title III subgrant for administrative expenses. The State should revise the online Consolidated Application so that LEAs provide detailed explanation on how they will use Title III LEP and immigrant funds.

Citation: Section 3116

### **Element 5.2 – Private School Participation**

Reviewed: LEA representatives demonstrated an understanding of the requirement to serve LEP students and their teachers in non-public schools in their districts. The LEAs had systems in place to document consultation with non-public school officials.

Recommendation: The NDE should add a section on the online Consolidated Application where LEAs can provide data and/or information on private school participation.

Citation: Section 9501

### **Element 5.3 – Teacher English Fluency**

Reviewed: The NDE addresses this requirement through State teacher licensing requirements and university requirements for graduation.

Citation: Section 3116(c)

## **State Monitoring of Subgrantees**

### **Element 6.1 – State Monitoring of Subgrantees**

Reviewed: The NDE monitors LEAs using a three-year cycle through a Consolidated Monitoring process. The NDE's monitoring instrument contains Title III program specific questions.

Citation: Section 3116, 34 CFR 80.40

## **Parental Notification and Participation**

### **Element 7.1– Parental Notification and Participation**

Reviewed: Nebraska has developed guidance for LEAs regarding parental notification, identification, and placement of LEP students in language instruction educational programs.

Citation: Section 3302