

Nevada Department of Education

March 20-24, 2006

Scope of Review: A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, Formula Grant Division conducted an on-site review of the Nevada Department of Education (NDE) the week of March 20-24, 2006. This was a comprehensive review of NDE'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 two LEAs: Clark County and Carson City School Districts. The ED team interviewed administrative and teaching staff at each of the school districts.

Nevada Department of Education Participants:

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Gloria Dopf, Deputy Superintendent
Frankie McCabe, Director
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Sharyn Peal, Fiscal Consultant
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LEA Representatives:

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Nancy Alamo, Title III Assistant Director
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Ray Medina, Grants and Federal Programs
Kathy Haire, Data
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Carson City School District:

Mike Watty, Associate Superintendent
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Laurel Terry, Title III Director

U.S. Department of Education Participants:

Liz Bailey, Education Program Specialist, OELA,

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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	7
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 Recommendation	7
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 Recommendation	7-8
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	Reviewed: No further action required	8
Element 2.4	Equipment and Real Property: The SEA ensures that equipment is procured at a cost that is recognized as ordinary and that equipment is necessary for the performance of the Federal award. Title III funds are not used to acquire real property	Reviewed: No further action required	8

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	8-9
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	Finding: Further action required	9
Element 3.3	New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment	Reviewed: No further action required	9
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 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, using cohort model	Finding: Further action required	10

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

Element Number	Description	Status	Page
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"> • 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	10
Element 4.2	<p>Required Subgrantee Activities: The LEA/Subgrantee is responsible for increasing the English proficiency of LEP students by providing high-quality language instructional programs and 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</p>	Finding: Further action required	10
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities</p>	Reviewed: No further action required	11
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>	Finding: Further action required	11

Title III, Part A: State Review of Local Plans			
Element Number	Description	Status	Page
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: 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	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: No further action required	12
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 Finding: Further action required	12
Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for failure to meet the AMAOs; notification in an understandable format (Section 3302)	Finding: Further action required	13

State Submissions

Element 1.1- State Submissions

Reviewed:

The Nevada 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. Addendums were reviewed and found to be complete. 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:

The State has a functioning system in place that enables it to account for funds reserved for State administration, technical assistance and other State level activities, and for reservation and reallocation of funds for immigrant activities. The State provided adequate evidence for expenditures for State administration, funds for technical assistance, funds for immigrant children and youth, and other allowable expenditures under Title III. The recommendation below refers to the 2004-2005 Nevada audit report.

No further action required

Citation: Sections 3111, 3114, 3115, and 3116

Recommendation:

The State should improve its system for tracking how it expends the 5% reserved for State level activities. The State must adhere to the 3% cap on administrative cost, while utilizing the remaining 2% of the reservation for conducting professional development, planning and evaluation, delivering technical assistance, or providing recognition to subgrantees, as specified in Section 3111(2)(A-D).

Element 2.2 – Allocations, Reallocations, and Carryover

Reviewed:

The State provided adequate information regarding fiscal indicators. This system appears to be functioning well. Please note recommendation below.

No further action required

Recommendation:

The State should monitor Title III funds subgranted to LEAs to avoid high carryover of funds into the next year's budget. This will assist the LEA in ensuring that Title III funds subgranted to LEAs are either obligated in a timely manner to reallocated, as provided for in Section 3114(c).

Citation: OMB A-87; EDGAR; 34 CFR 76.722; 34 CFR 80.40

Element 2.3 – Supplement not Supplant

Reviewed:

The State indicated that it has informed LEAs that they must continue to provide educational services to LEP students using State or local funds. The SEA provided evidence to the ED team in its monitoring documents that the SEA has provided thorough 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:

The State described its processes for ensuring that equipment is procured at a cost that is deemed reasonable and necessary for the performance of federally funded activities under Title III. These processes appear to be well managed with an accountability system in place.

No further action required

Citation: OMB A-87; EDGAR 76.533, 80.32

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding:

Nevada's State ELP standards do not include standards specific to grades 9-11. Grade 12 ELP standards are used for grades 9-11. Furthermore, evidence from the on-site school and district visits showed that the ELP standards were not fully implemented.

Further action required:

The State must further revise the current ELP standards so that they are reflective of grades 9-12, and must fully implement the ELP standards throughout the State. The State must submit a timeline and a plan to comply with these requirements.

Citation: Sections 3113 and 3116

Element 3.2 - ELP Assessments

Finding:

Nevada uses Title III funds to provide Title III services to students that have scored proficient on the English language proficiency assessment and are, under the State's own definition, no longer classified as limited English proficient.

Further action required:

The State must provide evidence that it is only using Title III funds for students that are limited English proficient.

Citation: Section 3113; 3115(a)

Element 3.3 – New English Language Proficiency Assessment

Reviewed:

The State has established and implemented the new ELP assessment: LAS/LINKS. A bridging study comparing scores on the LAS and on the LAS/LINKS was completed by McGraw Hill and the State. An alignment study was also completed, and charts showing the degree of alignment between the LAS/LINKS assessment and the State ELP standards were created.

No further action required

Citation: Section 3113

Element 3.4 – Annual Measurable Achievement Objectives (AMAOs)

Finding:

The State has completed an annual AMAO report for school year 2004-2005; however, AMAO determinations have not been provided to the districts. The majority of the LEAs in Nevada have not met Annual Measurable Achievement Objective targets.

Further action required:

The State must notify the LEAs of whether or not they met the AMAO targets. In addition, the State must examine the reasons for failure of LEAs to meet AMAO targets, and provide the LEAs with technical assistance so that the LEAs can take the necessary actions to meet such targets. The State must provide a timeline and a plan to comply with this requirement.

Citation: Section 3122(a)(1)(2)(3); Section 1111(b)(2)(B)

Element 3.5 – Data Collection

Finding:

Not all LEAs in Nevada are consistent in their use of the State’s ELP data collection system.

Further action required:

A more efficient, centralized data collection system must be established Statewide to accurately track LEP students’ ELP attainment and progress. The State must ensure that subgrantees understand and follow procedures for accurate coding of LEP students.

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 has conducted a number of professional development (PD) workshops, academies, and training for teachers and administrators regarding Title III and LEP students’ educational needs.

No further action required

Citation: Sections 3111 and 3122

Element 4.2 – Required Subgrantee Activities

Finding:

Title III subgrantees are not fully implementing professional development activities to provide high-quality professional development for teachers of LEP students. This is a required activity.

Further action required:

The State must ensure that subgrantees are providing full implementation of professional development activities as required under Title III. The State must provide a timeline and a plan to comply with this requirement.

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Reviewed:

During on-site visits to Clark County and Carson City School Districts, the ED team found that subgrantees are conducting authorized activities, such as parental outreach and family literacy services.

No further action required

Citation: Section 3115(d)

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

Finding:

Nevada did not uniformly apply the relevant criteria set out in Section 3114(d)(2) when making subgrants to LEAs with substantial increases in immigrant children and youth.

Further action required:

The State must develop and implement a system to inform LEAs of the availability of Title III funds for immigrant children and youth based on the State's definition of significant increase, and must uniformly apply criteria for making such awards. The State must provide a timeline and a plan to comply with this requirement.

Citation: Section 3115

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed:

The State collects and reviews local plans through the Title III grant monitoring and the School Improvement Plan processes.

No further action required

Citation: Section 3116(a)

Element 5.2 – Private School Participation

Reviewed:

The State has informed the LEAs of Title III private school participation requirements.

No further action required

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Reviewed:

The State determines teacher English fluency through teacher licensure requirements and university coursework that ensures that teachers are fluent in oral and written English communication.

No further action required

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Reviewed:

All Title III districts are monitored annually. The State uses a district monitoring form. The Title III SEA Director coordinates with the Title I SEA staff in monitoring and visiting LEAs. Please note finding below.

No further action required

Citation: Section 3113, 3122; 34 CFR 80.40

Finding:

The State did not monitor LEAs for timely expenditure of Title III funds.

Further action required:

Nevada must improve its monitoring system to ensure that subgrantees expend funds in a timely manner, and according to budgets in their approved local plans.

Citation: Sections 3114, 3115 and OMB A-87; EDGAR; 34 CFR 76.722; 34 CFR 80.40

Parental Notification

Element 7.1– Parental Notification

Finding:

The State has failed to notify the LEAs regarding AMAO status; therefore, school districts that failed to meet AMAOs have not sent parental notification letters.

Further action required:

The State must notify LEAs regarding their AMAO status. The State must also ensure that LEAs that fail to meet AMAOs notify parents in an understandable and uniform format, and to the extent practicable, in a language that the parent can understand, not later than 30 days after the LEA fails to meet AMAOs. The State must provide a timeline and a plan to comply with this requirement.

Citation: Section 3302(b)