

New Jersey Department of Education

December 3-7, 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 New Jersey Department of Education the week of December 3, 2007. The purpose was to conduct a comprehensive review of New Jersey'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).

New Jersey Department of Education Participants:

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Raquel Sinai, Title III Education Specialist
Art Levinowitz, Supervisor
Robert K. Goertz, Director
Anne Cornell, Director, Office of Grants Management
Lori Ramella, Education Specialist
Ericka Reed, Title III Education Specialist
Andrea Sunderville, Entitlement Grant Coordinator
Cheryl Wild, Psychometrician Consultant
Beverly Hetrick, Education Specialist/Somerset County Office
Gil Eckert, Consultant
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LEA Representatives

Camden City Public Schools Participants:

Luis A. Pagán, Assistant Superintendent
Migdalia Soto, Director Bilingual/ESL
Deborah Polk, NCLB Coordinator Supervisor
Rachel Poller, Supervisor Bilingual
Gloria Cruz, Supervisor
James Devereau, Business Administrator

Paterson County Public Schools Participants:

Petra Liz-Morell, Director of Bilingual/ESL
Anthony Maestry, Supervisor Bilingual/ESL

Michael Kanarek, Director of Assessment, Planning and Evaluation
Brenda Patterson, Assistant Superintendent Curriculum & Instruction
Grace Ayala, Director of NCLB
Joseph Fulamore, Assistant Superintendent Community Service/Parent Involvement

Jersey City Public Schools

Joseph Ramos, Director Bilingual/ESL/World Languages Programs
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U.S. Department of Education Participants:

Rubén J. Vázquez, Education Program Specialist, OELA
Petraine Johnson, 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

State Submissions			
Element Number	Description	Status	Page
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Reviewed	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	Fiscal Report Forthcoming	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) 	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

Element Number	Description	Status	Page
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	7
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	8
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.	Reviewed Recommendation	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.	Reviewed Recommendation	8

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 funds retained at the State-level , 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	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	9
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Reviewed	9
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	9

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	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 Recommendation	10
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Reviewed	10
State Monitoring of Subgrantees			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.	Finding Further Action Required	10
Parental Notification			
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 New Jersey State Department of Education (NJDOE) has submitted all 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

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 New Jersey Department of Education demonstrated that it has a process in place that addresses the requirements in Section 3113.

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

Element 3.2 - ELP Assessments

Reviewed: The New Jersey Department of Education 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 New Jersey Department of Education demonstrated that it has a process in place that addresses the requirements in Sections 3113 and 3116.

Citation: Section 3113 and 3116

Element 3.4 – Annual Measurable Achievement Objectives

Reviewed: The New Jersey Department of Education provided evidence that the State made Annual Measurable Achievement Objectives (AMAOs) determinations using all three AMAOs and notified Title III subgrantees that failed to meet AMAOs. The State provided evidence that it applied consequences as required in Section 3122.

Recommendation: The New Jersey Department of Education should revisit the AMAO targets set by the State so that these goals reflect the amount of time limited English proficient students in the State have been enrolled in a language instruction educational program. The State's current AMAO targets are based on the goal that all limited English proficient students will – without regard to the amount of time the students have been served in a language instruction educational program -- reach English language proficiency by 2013-2014 school year. The State should ensure that Title III subgrantees have a full understanding of AMAOs.

Element 3.5 – Data Collection

Reviewed: The New Jersey Department of Education has developed procedures to ensure the accuracy of the Title III required data. The State also described how it is further enhancing its data collection system by incorporating a unique student identifier into its current system.

Recommendation: The State should hold additional discussions with Title III subgrantees to ensure that the entire data collection and reporting process provides Title III subgrantees with data in the form that is most useful. All LEAs visited expressed concern regarding the need for additional collaboration between the State, the LEAs and the data contractor.

Citation: Section 3121 and 3122

**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), Section 3113, and Section 3115(c)

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.

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: The New Jersey Department of Education described how it reviews local plans for activities under the immigrant children and youth program through the State Consolidated Application for New Jersey and Title III programs.

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

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed: Title III subgrantees in the State described the development of the Title III local plan and the application process. The New Jersey Department of Education has a consolidated application process in place for submission of Title III proposals and budget summaries.

Citation: Section 3116

Element 5.2 – Private School Participation

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

Recommendation: The State should revisit the private school data collection system to ensure that private schools identify students as English language learners through a formal assessment.

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Reviewed: The New Jersey Department of Education 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

Finding: The New Jersey Department of Education did not provide sufficient evidence that it has developed and implemented a monitoring plan to review and evaluate LEA compliance with Title III programmatic and fiscal requirements.

Further Action Required: The State must develop a monitoring plan that includes a timeline for reviewing and evaluating all Title III subgrantees' compliance with all Title III requirements. The State must submit to ED the monitoring plan and timeline.

Citation: Section 3116, 34 CFR 80.40

Parental Notification and Participation

Element 7.1– Parental Notification and Participation

Reviewed: The New Jersey Department of Education has developed guidance for LEAs regarding parental notification, identification, and placement of LEP students in language instruction educational programs.

Citation: Section 3302