

Pennsylvania Department of Education

October 23-27, 2005

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 Pennsylvania Department of Education the week of October 23-27, 2005. This was a comprehensive review of the Pennsylvania's administration of the following program authorized by the Elementary and Secondary Education Act (ESEA) as reauthorized by No Child Left Behind Act (NCLB): 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 accountability system. The ED team also reviewed 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 onsite review, the ED team visited two LEAs: School District of Lancaster and the School District of Philadelphia. In each of the school districts, the ED team interviewed administrative staff and teaching staff from the schools and the districts. The ED team also conducted a meeting with parents in both school districts.

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Previous Monitoring Findings: This was the first on site Title III monitoring visit.

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 2.3	Reservation of Funds: The SEA has a system in place that enables it to account for: <ul style="list-style-type: none">• 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	Reviewed: No further Action Required at this time	6
Element 2.4	Supplement, not Supplant: The SEA ensures that Title III funds are used only to supplement or increase non-Federal sources used for the education of participating children and not to supplant funds from non-Federal sources	Finding: Further Action Required	6
Element 2.5	Equipment and Real Property: The SEA ensures that equipment is procured at a cost reasonable and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire real property	Reviewed: No further action required at this time	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: No further action required at this time	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	Finding: Further Action Required	7
Element 3.3	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 on-going quality of its ELP assessment system	Reviewed: No further action required at this time	8
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	8
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Finding: Further Action Required	8
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: No 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"> • Providing 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 at this time	9
Element 4.2	<p>Required Subgrantee Activities: The LEA/Subgrantee is responsible 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</p>	Reviewed: No further action required at this time	9
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 at this time	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: No further action required at this time	9

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 (Section 3116(a))	Reviewed: No further action required at this time	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: No further action required at this time	10
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 at this time	10
State Monitoring of Subgrantees Indicators			
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
Element 6.2	Consortia: Any governance issues in the State; policy of fiscal agents	Reviewed: No further action required at this time	11
Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format (Section 3302)	Finding: Further Action Required	11

State Submissions

Element 1.1- State Submissions

Reviewed:

The Pennsylvania State 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 to any requests for further information or clarifications from ED.

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

Fiduciary

Element 2.3 – Reservation of funds

Reviewed:

The State provided adequate evidence of appropriate expenditures for State administration, funds for technical assistance, funds for immigrant children and youth and other allowable expenditures under Title III.

Citation: Section 3111 and 3114

Element 2.4 – Supplement, not Supplant

Finding:

Title III funds in the School District of Lancaster were used exclusively for teacher salaries.

Further action required:

Title III funds must be used for both a language instruction educational program and providing professional development. The SEA needs to ensure that its LEAs are properly utilizing Title III grant funds for both instructional services and professional development and ensure compliance with the non-supplanting requirement. Consequently, the SEA must take steps to determine whether Lancaster's use of Title III funds exclusively for teacher salaries is consistent with the non-supplanting requirement. If Lancaster would have used other Federal, State, or local funds, in the absence of its Title III subgrant, for the cost of these teacher salaries, then a violation of the non-supplanting requirement has taken place. The SEA, within thirty days of receipt of this report, must inform OELA of its findings and, if a violation has been found, the corrective action it is requiring the LEA to take to resolve this situation. In addition, the SEA must take steps to ensure that all other Title III subgrant recipients are aware of and complying with the non-supplanting requirement.

Citation: Section 3115(g)

Element 2.5 – Equipment and Real Property

Reviewed:

The State described its processes for ensuring that equipment obtained with grant funds is necessary for the performance of the federally-funded activities under Title III and is procured at a reasonable cost. These processes appear to be well-managed and accountability is in place. Title III funds cannot be used to acquire real property.

Citation: OMB A-87 and EDGAR 34 CFR 76.533; 34 CFR 80.32

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Reviewed:

The ED monitoring team reviewed Pennsylvania’s English language proficiency standards during the on-site visit. The State reported that English language proficiency standards in four language domains are in place and appear to be satisfactory under the current State English language proficiency requirements for LEP students. The State reported, however, that the State ELP assessment would need to be aligned with the State ELP standards for grades K-12.

The State reported that the State ELP standards are aligned with the State academic standards established for grades 3, 5, 8 and 11, although the ELP standards do not bridge every academic standard within those grade levels.

Citation: Section 3113

Element 3.2 - ELP Assessments

Finding:

The State’s ELP assessment (Stanford English Proficiency Assessment or SELP) will need to be further revised for the purpose of testing English language proficiency in order to align with the ELP standards.

Further action required:

The State will need to revise the SELP to align with ELP standards.

Citation: Section 3113

Element 3.3 – Data Collection (Reporting components of ELP assessments)

Reviewed:

Pennsylvania has established and implemented criteria for the administration, security, analysis and scoring of the ELP assessments utilized in the State. The State has communicated to LEAs concerning the assessment requirements under Title III.

Citation: Section 3113 and 3121

Element 3.4 – Transition to new ELP assessment

Finding:

The State must ensure that the new ELP assessment (SELP) is aligned with the ELP standards.

Further action required:

The State must address the implementation of an English language proficiency (ELP) assessment that is aligned to State ELP standards.

Citation: Section 3113

Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)

Finding:

The State reported to the ED monitoring team that many LEAs did not meet Title III AMAO targets since the inception of No Child Left Behind. Inaccurate assessment data and an inadequate original AMAO model were two of the reasons that the State provided for the failure to meet AMAOs.

Further action required:

The State must re-examine the reasons for LEAs' failure to meet Title III AMAO targets and take the necessary actions to help school districts with LEP students meet these targets.

Citation: Section 3122

Element 3.6 – Data Collection (Data collection system)

Reviewed:

The State provided evidence to the ED monitoring team that it is utilizing a statewide data collection system called LEP System. The State informed the ED monitoring team

that it is making additional enhancements, including a student identifier system, that will be in place within a year.

Citation: Sections 3121 and 3123

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 workshops, informational meetings, and conferences regarding LEP students' educational needs. Technical assistance is regularly provided to the LEAs as needed.

Citation: Section 3111

Element 4.2 – Required Subgrantee Activities

Reviewed:

The ED on-site monitoring team visited an elementary school in Lancaster and a high school in Philadelphia with significant ELL populations and was provided evidence of the LEA's compliance with required activities.

Citation: Section 3115

Element 4.3 – Authorized Subgrantee Activities

Reviewed:

The ED on-site visit to the School District of Lancaster and the School District of Philadelphia revealed that subgrantees are conducting authorized activities, such as parental outreach and family literacy services.

Citation: Section 3115

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

Reviewed:

Significant increases of immigrant children and youth are determined by means of LEA data documentation. Title III funding is then distributed by formula to those LEAs that

have had a significant increase in the number of immigrant children and youth for the two preceding years.

Citation: Section 3115

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed:

The State utilizes an electronic online system for LEA applications for Title III funding review. LEAs may submit a revision to the application, if needed.

Citation: Section 3116

Element 5.2 – Private School Participation

Reviewed:

The State has informed the LEAs concerning Title III participation procedures and their requirement to report LEP numbers in non-public schools.

Citation: Sections 9501-9506

Element 5.3 – Teacher English Fluency

Reviewed:

The State of Pennsylvania requires teachers of LEP students to be fully certified by the Pennsylvania State Board of Education. All teachers in the State of Pennsylvania are required to provide an English writing sample for certification.

Citation: Section 3116

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Finding:

The State has established a 3-year cycle for monitoring of LEAs. In the monitoring process, an LEA is notified if any corrective action procedures are required. The State informed the ED monitoring team that the LEAs were not notified of AMAO determinations.

Further action required:

The State must notify LEAs of the AMAO determinations for the school year 2005-2006 so that the LEAs will be aware of any requirements for improvement.

Citation: Section 3113, 3122 and 34 CFR 80.40

Element 6.2 – Consortia

Reviewed:

Consortia are operational in the State; however, the State informed the ED monitoring team that some Intermediate Education Units (IUs) have withdrawn from the established consortia.

Citation: Section 3114

Parental Notification

Element 7.1– Parental Notification

Finding:

Since the LEAs have not been notified of the AMAO determinations, parents of ELLs in districts that did not meet the AMAOs were not notified.

Further action required:

The State must ensure that the LEAs notify parents of AMAO determinations for school year 2005-2006.

Citation: Sections 3116 and 3302