

Tennessee Department of Education

April 3-7, 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 monitoring review of the Tennessee Department of Education (TDE) the week of April 3-7, 2006. This was a comprehensive review of TDE'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. The ED team analyzed evidence of implementation of the State's 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: Memphis City School District and Metropolitan Nashville School District. The ED team interviewed administrative and teaching staff at each of the school districts.

Tennessee Department of Education Participants:

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LEA Representatives:

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Alison Effinger, Principal, J.E. Moss Elementary
Donna Wilburn, Assistant Principal, J.E. Moss Elementary
Shelley Archuleta, Lead ELL Teacher
Robin Bryant, ELL Teacher
Marisela Mercado, Parent Representative

U.S. Department of Education Participants:

Margarita Ackley, 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	Finding: 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 Finding: Further action Required	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) 	Finding: Further action required	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 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	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 Comment	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	Reviewed: No 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	Finding: Further action required Recommendation Comment	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	10
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; State approach to follow ELP progress and attainment over time, using cohort model	Finding: Further action required	11

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 	<p>Reviewed: No further action required</p> <p>Comment</p>	11
Element 4.2	<p>Required Subgrantee Activities: The subgrantee is responsible for increasing 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>	<p>Reviewed: No further action required</p>	11
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities</p>	<p>Reviewed: No further action required</p>	12
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>Finding: Further action required</p>	12

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 Commendation	12
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 Recommendation	13
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	13
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 Recommendation	14
Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format as required under Section 3302	Finding: Further action required Commendation	14

State Submissions

Element 1.1 - State Submissions

Finding:

In the March 6, 2006 Consolidated State Performance Report (CSPR), the Tennessee Department of Education (TNDOE) did not submit data on: (1) the percent and number of all LEP students in the State who made progress in learning English and the percent and number who attained English proficiency (Table 1.6.8); (2) the percent and number of Title III-served LEP students in the State who made progress in learning English and the percent and number who attained English proficiency (Table 1.6.9); and, (3) the number of Title III subgrantees that met and the number that did not meet the AMAOs (Table 1.6.10).

Further action required:

Tennessee must submit all missing CSPR data to OELA by September 30, 2006.

Citation: Section 3123; 34 CFR 80.40

Fiduciary

Element 2.1 – Reservation of Funds

Reviewed:

Tennessee has a system in place that enables it to account for funds reserved for State administration of Title III State-level activities. The State provided adequate evidence on expenditures for State administration, funds for technical assistance, professional development, planning and evaluation, and other allowable expenditures under Title III.

No further action required

Citation: Sections 3111, 3115, and 3116

Recommendation:

The State should provide more guidance to local educational agencies (LEAs) on the utilization of the 2% for administrative costs, particularly concerning the fact that the indirect costs claimed by an LEA, plus any direct administrative costs, cannot exceed the 2% limit.

Finding:

For school year (SY) 2004-2005, Tennessee did not reserve funds for distribution to LEAs that experienced a “significant increase” in their immigrant population as required under the “significant increase” definition in Section 3114(d)(1)(2).

Further action required:

Tennessee must develop a State definition of “significant increase” for allocating Title III funds reserved for immigrant children and youth under Section 3114(d). The State must develop procedures on how the funds will be distributed to LEAs consistent with the requirements in Section 3114(d).

Citation: Section 3114(d)

Element 2.2 – Allocations, Reallocations, and Carryover

Finding:

The State did not monitor LEAs for timely expenditure of Title III funds. For example, one school district had a large carryover of more than \$612,148, approximately two-thirds of the total monies allocated from the State for 2004-2005.

Further action required:

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

Citation: OMB A-87; EDGAR; 34 CFR 76.722; 34 CFR 80.4.

Element 2.3 – Supplement not Supplant

Reviewed:

The ED team received evidence from Tennessee that the State has provided 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:

Tennessee described its procedures, policies, and guidance to LEAs for ensuring that equipment purchased with Title III funds is accounted for and adequately managed. Title III funds cannot be used to acquire real property.

No further action required

Citation: OMB A-87; EDGAR 76.533, 80.32

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding:

Tennessee has not completed a formal independent study of the alignment of the ESL standards to the State academic content and student academic achievement standards in English language arts/reading, mathematics, and science.

Further action required:

Upon completion of the formal independent alignment study in summer 2006, TN must submit evidence that the ESL standards have been aligned to the State academic content and student academic achievement standards in English language arts/reading, mathematics, and science.

Citation: Sections 3113 and 3116

Comment:

During the visits to school districts in both Memphis and Nashville, the ED team observed implementation of the State's ESL Standards at the classroom level. The ED team observed teachers using the ESL standards and connecting them to the curriculum and lesson plans.

Element 3.2 - ELP Assessments

Reviewed:

In previous years, Tennessee used the Idea Proficiency Test (IPT) for the State's annual English language proficiency assessment. The *Comprehensive English Language Learning Assessment* (CELLA) replaced the IPT on March 3, 2005.

No further action required

Citation: Section 3113(b)(2)

Element 3.3 – New English Language Proficiency Assessment

Finding:

Tennessee did not provide evidence of the relationship (comparability) between the IPT (previous assessment) and the CELLA (new assessment).

Further action required:

Tennessee is required to accurately measure student performance on ELP assessments over time, as well as to ensure reliability and validity of decisions based on AMAO calculations. Tennessee, therefore, must provide evidence of the relationship (comparability) between the IPT and the CELLA assessments. The specific manner in which Tennessee establishes this comparability is left to its discretion. We have, however, set out some recommendations on how this might be done below.

Recommendation:

Since Tennessee is changing assessments, the State is strongly advised to undertake a comparability or correlation study, double testing or other method to demonstrate the relationship between the IPT and CELLA assessments. Tennessee should explicitly define all methods used to make comparisons of scores from two different assessments; the State also should identify and explain any instances where recalibration of prior assessment results are made for purposes of increasing reliability and validity of high-stakes decisions. Tennessee is advised to use technically sound, empirical and/or judgmental procedures to make such comparisons. Judgmental procedures involve a systematic and detailed crosswalk evaluation of all items on the two tests, including analyses of items, subtest and test-level inferences. Double testing a representative group of students on both tests in question or placing common items on each of the assessments are examples of empirical analyses.

Comment:

In December 2005, an alignment study was completed for the alignment of the ESL curriculum standards and the CELLA.

Element 3.4 – Annual Measurable Achievement Objectives

Finding:

Tennessee did not make AMAO determinations for SY 2004-2005. The State did not provide data on the number of Title III-served LEP students in the State who made progress in learning English.

Further action required:

Tennessee must specify a timeline and a projection of the steps the State will use for making AMAO determinations for SY 2004-2005 and SY 2005-2006 and for submitting all missing AMAO data to OELA.

Citation: Sections 3122(a) and Section 1111(b)(2)(B)

Element 3.5 – Data Collection

Finding:

For School Year (SY) 2004-2005, the first year that the CELLA was administered, the data collection system did not have “headers” in place, which prevented accurate matching of students to districts and schools. Therefore, the data was unreliable.

Further action required:

Tennessee must improve its data collection system so that accurate SY 2004-2005 and SY 2005-2006 ELP assessment data can be submitted to OELA as soon as it is available in summer 2006, as well as any future required assessment data.

Citation: Section 3113, 3121 and 3122

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

Element 4.1 – State Level Activities

Reviewed:

Tennessee provided examples of how it expended the 5% set aside for State-level activities. The State conducted various professional development workshops and training regarding LEP students’ educational needs and continues to provide technical assistance to the LEAs as needed.

No further action required

Citation: Section 3111 and 3122

Comment:

The State provided technical assistance to the LEAs regarding the implementation of the ELP assessment requirements for both the old assessment (IPT) and the new assessment (CELLA).

Element 4.2 – Required Subgrantee Activities

Reviewed:

Tennessee described its process for reviewing the Title III portion of districts’ State consolidated applications and ensuring that LEAs carry out the activities/programs proposed in their applications. The ED team visited two LEAs that provided evidence of compliance with Title III required activities.

No further action required

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Reviewed:

The ED team observed the implementation of subgrantee activities during the visits to the two LEAs. The evidence demonstrated that the schools were implementing a variety of authorized activities designed to increase the English proficiency and academic achievement of English language learners.

No further action required

Citation: Section 3115(d)

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

Finding:

The SEA presented a list of LEAs that received immigrant grants totaling \$250,000, but did not include information on the types of activities or services that were provided.

Further action required:

Tennessee must develop a process to ensure that activities and services proposed by LEAs receiving immigrant funds are implemented.

Citation: Section 3115

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed:

Tennessee uses the *Comprehensive Systemwide Planning Process* (TCSPP), an online submission process for subgrantees. All LEAs are required to submit the required TCSPP completed templates to the Office of Accountability to be eligible for funding. Submissions are reviewed before they can be classified as “approved” or “approved with stipulations.”

No further action required

Citation: Section 3116(a)

Commendation:

Tennessee makes good use of its website by providing districts guidance and information on Title III requirements, along with the status of subgrant funding, on-line. The ED team also observed the State's use of technology to maintain ongoing contact with the field coordinators through the State's WebEX.

Element 5.2 – Private School Participation

Reviewed:

Tennessee provided evidence of its guidance to the LEAs, ensuring that all private schools are notified and given an opportunity to participate in Title III services. Tennessee does not directly monitor the instructional services and use of instructional materials provided to ELL students in private schools. Field consultants monitor private school services, but TN does not receive consistent feedback from the consultants.

No further action required

Citation: Sections 9501

Recommendation:

Tennessee should improve its process for monitoring the Title III instructional programs and services provided to private schools.

Element 5.3 – Teacher English Fluency

Reviewed:

The State determines teacher English fluency for ESL teachers through teacher licensure requirements and university coursework to ensure that teachers are fluent in oral and written English communication. Tennessee uses the Praxis ESL test for teachers and has adopted the Praxis ParaPro Assessment for paraprofessionals. Tennessee is an English-only State and does not offer bilingual programs of instruction. The State's ESL Program Guideline is on-line and addresses the licensure standards for ESL teachers.

No further action required

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Reviewed:

Tennessee uses field consultants who conduct on-site or desk monitoring of LEAs to ensure that the districts are carrying out their approved Title III programs/activities. The field consultants inform the State if a district is having difficulty and is in need of additional assistance from the State. Tennessee does not directly monitor the instructional services and use of instructional materials provided to ELL students in charter schools. Charter schools with ELLs report directly to the LEA, but the SEA does not receive consistent feedback from the LEAs on Title III services to ELL students in charter schools.

No further action required

Citation: Section 3113, 3122; and 34 CFR 80.40

Recommendation:

Tennessee should improve its process for monitoring the Title III instructional programs and services provided to charter schools.

Parental Notification

Element 7.1– Parental Notification

Finding:

Tennessee did not make AMAO determinations for SY 2004-2005. Therefore, the State has not informed Title III LEAs as to whether or not they met the “making progress” component of the AMAOs for SY 2004-2005. As a consequence, LEAs have not notified parents if the AMAO targets were met. Please refer to Elements 3.4 and 3.5.

Further action required:

Tennessee must 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.

Citation: Section 3302(b)

Commendation:

Tennessee has available on its website the State’s ESL Program Guideline, which is very thorough in addressing ELL topics and includes a section on parental notification and parental involvement. Parental outreach and parental involvement were evident at the two districts visited. For example, at one district, the ED team observed 10 parents attending a weekly mentor-led class to learn English. Tennessee also uses translators to ensure that communication with parents is carried out in an understandable manner, and to the extent practicable, in the native language of the parents.