

## **Texas Education Agency**

**May 1-5, 2006**

**Scope of Review:** A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, State Formula Grant Division conducted an on-site review of the Texas Education Agency (TEA) the week of May 1-5, 2006. This was a comprehensive review of TEA'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 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 school districts: El Paso Independent School District, and Houston Independent School District. In each of the school districts, the ED team interviewed administrators, teachers, and parents.

### **Texas Education Agency Representatives:**

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Christina Villarreal, Title III Director  
Sharon Jackson, George Rislov, and Georgina Gonzalez, Curriculum Division  
Lisa Chandler, and Laura Ayala, Student Assessment  
Criss Cloudt, Rachel Harrington, and Shannon Housson, Accountability  
Gene Lenz, and Laura Taylor, Monitoring and Interventions  
Nora Hancock, Ellsworth Schave, and Elaine Martinez, Formula Funding

### **LEA Representatives:**

#### **El Paso Independent School District**

Robert Ortega, High School Associate Superintendent  
Dr. Linda Holman, Middle School Associate Superintendent  
Elfida Gutierrez, Elementary Associate Superintendent  
Elizabeth Montes, Executive Director, Curriculum and Instruction  
Art Jordan, Executive Director, Research and Evaluation  
Mario Acosta, Testing Coordinator  
Ken Parker, Chief Financial Officer  
Joe Yanez, Internal Audit  
Ana Soledad, English as a Second Language Secondary Facilitator  
Gloria Hernandez, Bilingual Elementary Facilitator

### **LEA Representatives:**

#### **Houston Independent School District**

Irma Rohatgi, Title III Manager

David Guezow, Student Assessment Manager  
Noelia Garza, Director, Multilingual Education  
Will Bass, Director, Budgeting Department  
Yolanda Jones, Senior Budget Analyst  
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**U.S. Department of Education Participants:**

Samuel Lopez, Senior Education Program Specialist, OELA  
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**Previous Monitoring Findings:** None

This is the first on-site monitoring activity for Title III programs.

## 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	Reviewed	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>	Reviewed	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	Reviewed	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	8

<b>ELP Standards, Assessments and Accountability</b>			
<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 have been developed, adopted, disseminated, and implemented	Finding: Further action required	8
Element 3.2	ELP Assessments: ELP assessments have been administered to all limited English proficient (LEP) students in the State in grades K-12. Accountability through data collection has been implemented	Reviewed	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  Comment Recommendation	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	Reviewed	10

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

<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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"> <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>	<p align="center">Reviewed  Commendation</p>	10
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 align="center">Reviewed</p>	11
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities</p>	<p align="center">Reviewed  Recommendation</p>	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>	<p align="center">Reviewed</p>	12

<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	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	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	12
<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	13
<b>Parental Notification</b>			
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	Reviewed Commendation	13

## **State Submissions**

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

Reviewed:

The Texas Education Agency (TEA) provides LEA/Subgrantees guidance and technical assistance regarding the collection and submission of data required for the Consolidated State Performance Report (CSPR) and the Biennial Evaluation Report (BER) in order to ensure that all required reports are submitted to ED in a timely manner.

Citation: Section 3123 and 34 CFR 80.40

## **Fiduciary**

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

Reviewed:

Texas provided adequate evidence on how it uses Title III funds for State administration, technical assistance, professional development, planning and evaluation, and all allowable expenditures. Texas has a system in place that enables it to manage and track expenditure of funds reserved for State administration of Title III State level activities.

Citation: Sections 3111, 3115 and 3116

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

Reviewed:

The State has a three level financial audit review system in place to ensure that LEAs manage the expenditure of Title III funds in a timely manner. LEAs utilize a centralized system that requires the submission of a budget item form to the State before funds are distributed to local school districts.

Citation: Sections 3114, 3115 and OMB-A-87; EDGAR; 34 CFR 76.722; 34 CFR 80.4

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

Reviewed:

The State’s financial audit review system helps to ensure that expenditures at the State and the LEA levels are specifically examined for compliance with Title III supplement, not supplant requirements. In addition, Texas provides training and requires that principals fill out and submit a “Supplement, not Supplant” form along with their budget requests.

Citation: Section 3115(g)

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

Reviewed:

Texas ensures that equipment is procured at a cost that is reasonable and necessary to carry out the Title III program activities. TEA ensures that equipment purchased with Title III funds is accounted for and adequately managed. LEAs have a process for tracking the equipment, which is bar-coded and identified as having been purchased with Title III funds.

Citation: OMB A-87, 34 CFR 76.533, 80.32

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

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

Finding:

Texas did not provide sufficient evidence in the March 6, 2006 Consolidated State Performance Report on how it is complying with the requirement to establish State English language proficiency (ELP) standards that are aligned to State academic content and achievement standards in mathematics as required by Section 3113(b)(2).

Further action required:

Texas must submit evidence that demonstrates that it has developed and implemented ELP standards that are aligned to State academic content and achievement standards in mathematics.

Citation: Section 3113(b)(2)

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

#### Reviewed:

Texas provided evidence that the State administered an expanded version of its ELP assessment to all limited English proficient students in grades K-12.

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

#### Finding:

Texas did not provide sufficient evidence in the March 6, 2006 Consolidated State Performance Report on how the State is complying with the requirement to implement an ELP assessment that is aligned to the State ELP standards by spring 2006, as required under Section 3113(b)(2) and (b)(3)(D).

#### Further action required:

Texas must provide evidence that the Texas Observational Protocol (TOP) is aligned to the State ELP standards. TEA must also provide evidence that the TOP is valid, reliable, and of high technical quality.

#### Comment:

During the on-site monitoring visit conducted from May 1-5, 2006, the ED team interviewed administrators and teachers at Houston Independent School District, (Rodriguez Elementary and Burbank Middle), and at El Paso Independent School District (Guillen Middle and Caldwell Elementary). Administrators and teachers at both districts expressed concerns regarding test score results attained by LEP students on the Texas Observational Protocol (TOP) assessment for listening and speaking. Administrators specifically commented that the instrument is “subjective” and may compromise reliability as far as attaining results that are “bias free” and able to reflect accurate score computations. Comments made by raters trained to administer and score the TOP seemed to suggest inconsistencies with regards to strict adherence to procedures for administering and scoring a technically sound, valid, and reliable instrument.

#### Recommendation:

Texas should conduct an expert analysis of the Texas Observational Protocol (TOP) assessment instrument and provide ED with a report that substantiates the validity and reliability of test scores that serve to accurately represent the proficiency levels assessed for K-2 limited English proficient students in listening and speaking.

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

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

#### **Finding:**

Texas did not provide sufficient evidence in the March 6, 2006 Consolidated State Performance Report regarding the setting of a target and the submission of supporting data for the “making progress” requirement of the Title III annual measurable objectives (AMAOs) for grades K-2. TEA indicated that 22 to 24 consortia member school districts did not report ELP data for school year 2004-2005, and therefore, the TEA was unable to make AMAO determinations for those LEAs.

#### **Further action required:**

Texas must submit a plan and timeline for setting a target and submitting data on the “making progress” AMAO requirement for both K-2 and all consortia member school districts.

Citation: Section 3122(a)(1)-(a)(3)(A)(i)-(iii) and 3123(a)

### **Element 3.5 – Data Collection**

#### **Reviewed:**

The State has a system in place to meet all Title III data collection requirements, including the capacity to monitor Title III-served students for two years after exiting. In addition, the State has data quality control managers that assist LEAs with technical assistance and guidance related to all data issues. The Public Education Information Management System (PEIMS) is a statewide database for reporting and tracking student data and assessment status. The system serves as a checks and balance to verify that all students are being assessed. A report card is generated for each school campus showing the Texas Assessment of Knowledge and Skills (TAKS) results by grade level. LEAs issue a report card on student achievement that goes out to every parent.

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:**

Texas provides extensive professional development and training for teachers and personnel who are directly involved in the education of LEP students. TEA uses State

funds to support schools and districts in preparing teachers to attain certification credentials in instructional services to LEP students. TEA provides extensive training and technical assistance to LEAs via a team of bilingual instructional consultants based throughout the State's Regional Service Centers.

Commendation:

Regional Service Centers, sponsored by the SEA, provide curriculum development training, technical assistance, and disseminate information on licensure requirements and professional development to prepare teachers that work with LEP students throughout the State.

Citation: Section 3111(b)(2)

**Element 4.2 – Required Subgrantee Activities**

Reviewed:

School districts provided evidence that they are using Title III funds to implement the required subgrantee activities.

Citation: Section 3115(c)

**Element 4.3 – Authorized Subgrantee Activities**

Reviewed:

School districts indicated that TEA provides guidance and technical assistance regarding the types of activities that LEAs are authorized to implement with Title III funds. However, at some schools, it was evident from interviews that some teachers still lacked a full understanding of Title III requirements.

Recommendation:

Texas should utilize the Regional Service Centers to conduct more intensive training of Title III requirements for all teachers, particularly those who serve LEP students in the State.

Citation: Section 3115(d)

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

Reviewed:

Texas provides LEAs guidance related to Title III funds available to school districts experiencing a substantial increase in immigrant children and youth.

Citation: Section 3114(d)(1)

### **State Review of Local Plans**

#### **Element 5.1 – Application**

Reviewed:

Texas has implemented a review process of LEA local plans. The State provided evidence of its guidance for developing and evaluating the LEP/Title III Plans, as well as the State’s Consolidated State Grant Application guidelines. The guidelines provide information to LEAs regarding the purpose of Title III, required and authorized activities, elements of the local plan, evaluation and monitoring process, and Title III requirements in general.

Citation: Section 3116(a)

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

Reviewed:

The State has developed an integrated system that provides private schools information and technical assistance related to Title I and Title III program services. An appeal process has been instituted allowing private schools to communicate directly with the Director for External Funding.

Citation: Section 9501

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

Reviewed:

The State requires that all teachers meet the “Highly Qualified” Title II, NCLB requirements. The State issues the teaching licenses and certifications and TEA ensures that teachers serving LEP students are fluent in English and any other language of

instruction. LEAs are only allowed to hire teachers from a pool of applicants, those who are certified and qualified to teach LEP students.

Citation: Section 3116(c)

## **State Monitoring of Subgrantees**

### **Element 6.1 – Monitoring**

Reviewed:

The State has instituted a performance-based monitoring system tied to a set of indicators across program areas. A desk monitoring of every district is conducted each year. Three levels of compliance interventions may be applied to help districts meet performance related issues to ensure compliance with Title III requirements.

Citation: Sections 3113 and 3116 and 34 CFR 80.40

## **Parental Notification**

### **Element 7.1– Parental Notification**

Reviewed:

Parents that were interviewed during the on-site monitoring visit gave their local school districts high marks for parental involvement initiatives.

Commendation:

The Bilingual Counselor at El Paso Independent School District provides parents with family counseling, referral services and English language classes as well as a variety of innovative activities related to improving the parents' literacy and appreciation for literature.

Citation: Section 3302(a)(b)