

Utah State Office of Education

October 16-21, 2005

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 at the Utah State Office of Education (USOE) the week of October 16-21, 2005. This was a comprehensive review of USOE's administration of Title III, Part A of the No Child Left Behind Act (NCLB).

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. It reviewed the effectiveness of the language instruction educational programs and professional development activities implemented 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 of activities required of the State educational agency (SEA). During the on-site review, the ED team visited three districts: Granite Public School District, Davis Public School District and Jordan Public School District, and interviewed administrators and teaching staff.

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Previous Monitoring Findings: This is the first on-site monitoring activity for Title III.

Summary of Title III, Part A Monitoring Indicators

| State Submissions | | | |
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| Critical Elements | Indicator Description | Status | Page |
| Element 1.1 | State Submissions: Follow-up on areas identified through desk audit and document reviews | Finding: Further action required | 5 |
| Element 1.3 | 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, principals, administrators, and other school or community-based organization personnel | Finding: Further action required Recommendation | 5 |
| Element 1.5 | Activities by Subgrantees 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 | Finding: Further action required Recommendation | 6 |
| Element 1.7 | Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements | Finding: Further action required Recommendation | 6 |

| Standards, Assessments, Data Collection | | | |
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| Critical Elements | Indicator Description | Status | Page |
| Element 2.1 | English Language Proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented | Findings: Further action required Recommendation | 7 |
| Element 2.2 | English Language Proficiency (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 2.4 | 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 on-going quality of its assessment systems | Finding: Further action required Recommendations | 8 |
| Element 2.5 | Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served districts | Finding: Further action required | 9 |

| Fiduciary | | | |
|--------------------------|--|---|-------------|
| Critical Elements | Indicator Description | Status | Page |
| Element 3.1 | <p>Allocations, Reallocations, and Carryover: The SEA complies with:</p> <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) | <p>Finding: Further action required</p> <p>Recommendation</p> | 9 |
| Element 3.2 | <p>Reservation of Funds: The SEA has a system in place that enables it to account for:</p> <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 | <p>Finding: Further action required</p> <p>Recommendation</p> | 9-10 |
| Element 3.3 | <p>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 LEP students and not to supplant funds from non-Federal sources</p> | <p>Finding: Further action required</p> <p>Recommendation</p> | 10 |

State Submissions

Element 1.1 - State Submissions

Finding:

The Consolidated State Performance Report lacked critical Title III data. The data for this report period was due in January 2005 and was received on September 29, 2005. After discussing the data collection process with the director of the IT Data Collection and the Assessment and Accountability staff, it was clear that the data collection process did not cause the delay in submitting the report on time. The delay was due to the process USOE used to prepare the report for final approval and submission to ED.

Further action required:

USOE must provide a timeline and a plan that describes how the State will ensure that future reports are complete and sent to the Department of Education by the specified due date. The plan must also address the steps the State will take to ensure that reports contain all the required information and data.

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

Element 1.3 - Required Subgrantee Activities

Finding:

Through district level interviews and evidence presented, the ED team determined that the districts do not have a clear understanding of the activities that are required to be carried out under Title III. Each LEA visited was, as required, using Title III funds for professional development activities. However, some of the LEAs did not provide evidence that they are using Title III funds to implement the required language instruction educational programs. .

Further action required:

The State must describe how it will ensure that all Title III subgrantees are, in fact, implementing the two required activities: high quality language instruction educational programs and professional development to effectively help LEP students attain English proficiency and meet State academic content and achievement standards.

Recommendation:

The ED team recommends that the State provide further technical assistance to Title III subgrantees to ensure that the districts understand the criteria used for selecting a language instruction educational program that is based on scientific research.

Citation: Section 3115(c)

Element 1.5 - Activities by Subgrantees Experiencing Substantial Increases in Immigrant Children and Youth

Finding:

The SEA and LEAs did not present evidence of specific activities provided for immigrant children and youth. During the interview with the ED team, there was a discussion regarding newcomer centers. However, the ED team was not provided further information or evidence that immigrant funds are being used for the purposes specified in Title III.

Further action required:

The State must provide a summary of the following: activities that are supported by immigrant funds conducted by the districts, the names of the districts that are receiving immigrant funds, and the activities conducted in school year 2005-2006 to provide enhanced instructional opportunities for immigrant children and youth. In addition, the State must provide a description of the process it uses to ensure that subgrantees are expending immigrant funds for activities that are included in their approved plans.

Recommendation:

The State should ensure that LEAs are using immigrant funds to conduct the activities specified in their approved Title III plans.

Citation: Section 3115(e)(1)

Element 1.7 - Monitoring

Finding:

The self-monitoring instrument used by LEAs for all Federal programs has limited use in meeting the State's obligation to monitor Title III subgrantees.

Further action required:

USOE must assess the effectiveness of the self-monitoring instrument to determine if the instrument is useful in meeting the State's obligation to monitor subgrantees for compliance with Title III requirements.

Recommendation:

USOE is encouraged to provide training on Title III requirements to all monitoring staff to ensure effective monitoring of subgrantees.

Citation: Section 3115(a)(1-4); (c)(1-2); (e)(1)(A-G); Section 3116(b)(6); (c); Section 3302(a)(1-8)(b); 34 CFR 76.770 and 34 CFR 80.40(a)

Standards, Assessments, Data Collection

Element 2.1 - English Language Proficiency Standards

Finding (1):

The State did not provide written evidence of its adoption or approval of the English language proficiency (ELP) standards. The State indicated that the standards have been adopted or approved, but only draft minutes of a Board of Education meeting were provided as documentation.

The State mentioned that it plans to provide guidance for implementation of ELP standards that are aligned to academic content standards. LEA level interviews demonstrated that there is varied understanding of the English language proficiency standards and how they apply to English language learners.

Further action required:

The State must provide evidence that English language proficiency standards have been formally adopted and approved. The State must also provide a description of the process and timeline associated with the dissemination and implementation of ELP standards at the district level.

Recommendation:

The State should ensure that there is sufficient technical assistance provided to LEA administrators and teachers regarding the implementation of the English language proficiency standards. The state should follow up with the districts to ensure effective implementation of the ELP standards.

Citation: Section 3113(b)(2)

Element 2.2- English Language Proficiency Assessment

Finding:

Under Title III, LEAs are required to develop English language proficiency assessments that are aligned with the English language proficiency standards. The state must provide evidence that it has developed an assessment that is aligned to the English language proficiency standards.

Further Action required:

The State must provide a plan and timeline that describes how the state will ensure that the English language proficiency assessment will be aligned to the State English language proficiency standards. In addition, the State must demonstrate that the English language proficiency assessment measures language acquisition in the four required domains of reading, writing, listening and speaking.

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

Element 2.4 - Data Collection

Finding:

Data submitted in the Biennial Evaluation Report reflected different numbers of Title III-served LEP students than the numbers reported in the Consolidated State Performance Report. During the interview, the State indicated that the discrepancy between the 30, 370 LEP students reported in the Biennial Evaluation Report and the 47, 219 LEP students reported in the Consolidated State Performance Report was due to counting 19,143 students who were in the monitoring status and who were no longer receiving Title III services.

Further action required:

The State must submit revised data on the number of students served under Title III and provide an explanation for the discrepancy in the numbers reported in the Biennial Evaluation Report and the Consolidated State Performance Report. In future reports, the State must include an explanation to clarify the reasons for any discrepancies in data.

Recommendation:

The ED team recommends that the State develop procedures to ensure that the data reported for Title III requirements is accurate.

Recommendation:

The State should establish a process that ensures that all Title III reporting requirements are met and reviewed by the State Title III Program Specialist prior to submitting the Consolidated State Performance Report and the Biennial Evaluation Report to ED. This will ensure timely submission of the required data to ED.

Citation: Section 3121(a)

Element 2.5 - Annual Measurable Achievement Objectives

Finding:

The State has not notified twenty-nine (29) school districts that they did not meet the Title III AMAOs in 2003-2004. In addition, the State did not notify districts about whether or not they met Title III AMAOs in 2004-2005. The State also did not provide any evidence or explanation about how the State determined which districts met all three Title III AMAOs. The State indicated that it did not consider AYP results for the LEP subgroup as part of the calculations for making Title III AMAO determinations.

Further action required:

The State must provide ED a plan, including a timeline, that specifies the steps it will take to calculate properly whether each Title III subgrantee met all Title III AMAOs for 2003-2004 and 2004-2005. In addition, the State must describe how it will ensure that Title III subgrantees meet the timeline specified in Section 3302(b) for notifying parents of participating LEP students when districts fail to meet the Title III AMAOs.

Citation: Section 3122(b)(1)

Fiduciary

Element 3.1 - Allocations, Reallocations, and Carryover

Finding:

The ED team determined that the State does not have a process to reallocate Title III subgrant funds that will not be used by an eligible entity for Title III purpose to other eligible entities consistent with Section 3114(a).

Further action required:

The State must develop and submit a plan, consistent with Section 3114(a), for reallocating Title III subgrant funds.

Citation: Section 3114(c)

Element 3.2 - Reservation of Funds

Finding:

During the on-site review, the State did not demonstrate that it has a clear understanding about how to calculate the maximum amount of its Title III allocation that may be set aside under Section 3114(d) for awards to LEAs experiencing a significant increase in the number or percentage of immigrant students. The State also did not provide information regarding its criteria for determining whether an LEA had experienced a “significant increase” in immigrant students

Further action required:

The State must submit information about the immigrant set-aside funds in its budget and provide a copy of its fiscal 2006-2007 budget. The State must also describe the process it will implement, including a timeline, to provide technical assistance to districts receiving Title III immigrant funds and monitor the use of the funds.

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

Element 3.3 - Supplement, not Supplant

Finding:

In each of the districts visited by the ED team, the majority or all of Title III funds are being used to pay for the salaries of regular classroom teachers. Such a use of Title III funds violates the non-supplanting provisions.

Further action required:

The State must describe its plan for ensuring that LEAs are not using Title III funds to supplant, rather than supplement, State, local and other Federal funding sources. The State's plan should include details of the process that will be used to ensure that the local plans submitted include budgets that demonstrate the support of the specific program activities. These plans should ensure that Title III funds are used consistent with the requirements in Section 3115.

Citation: Section 3115(c)(1)-(2)