

**HIGHLY QUALIFIED TEACHERS AND
IMPROVING TEACHER QUALITY STATE GRANTS (ESEA TITLE II, PART A)**

MONITORING REPORT

District of Columbia Office of the State Superintendent of Education August 27-28, 2014

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LEAs participating in the monitoring visit

1. District of Columbia Public Schools (DCPS)
2. Basis DC Public Charter School
3. Bridges Public Charter School

Overview:

Number of LEAs: 62
Number of Schools: 227
Number of Teachers: 6,464

State Allocation (FY 2012)	\$11,493,668	State Allocation (FY 2013)	\$10,869,261
LEA Allocation (FY 2012)	\$10,809,796	LEA Allocation (FY 2013)	\$10,222,541
State Activities (FY 2012)	\$284,468	State Activities (FY 2013)	\$269,014
SAHE Allocation (FY 2012)	\$301,859	SAHE Allocation (FY 2013)	\$286,405
SEA Administration (FY 2012)	\$97,545	SEA Administration (FY 2013)	\$91,301
SAHE Administration (FY 2012)	\$17,391	SAHE Administration (FY 2013)	\$17,391

Scope of Review:

Like all State educational agencies (SEAs), as a condition of receiving funds under Title I, Part A and Title II, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), on the basis of its consolidated State application, the District of Columbia Office of the State Superintendent of Education (OSSE), provided an assurance to the U.S. Department of Education (ED) that it would administer these programs in accordance with all applicable statutory and regulatory requirements, other than those waived by ESEA flexibility. See §9304(a)(1) of the ESEA. These requirements include those in Title I, Part A that concern “Highly Qualified Teachers” (HQT) and those that govern the use of Title II, Part A funds. In addition, one of the specific requirements ED established for an SEA’s receipt of program funds on the basis of its consolidated State application (§9302(b)) was submission to ED of annual data on how well the State has been meeting its performance target for Performance Indicator 3.1: “The percentage of classes being taught by ‘highly qualified’ teachers (as the term is defined in §9101(23) of the ESEA), in the aggregate and in ‘high-poverty’ schools (as the term is defined in §1111(h)(1)(C)(viii) of the ESEA).”

ED’s monitoring visit to the District of Columbia had two purposes. One was to review the progress of the State in meeting the ESEA’s highly qualified teacher requirements. The second was to review the use of ESEA Title II, Part A funds by the SEA, selected LEAs, and the State agency for higher education (SAHE), to ensure that the funds are being used to recruit, prepare, and retain high-quality teachers and principals so that all children will meet a high academic achievement standard and achieve their full potential.

Summary of Monitoring Indicators

State Educational Agency				
Critical Element	Requirement	Citation	Status	Page
I.	The State must use procedures for identifying teachers as highly qualified that are consistent with the statutory definitions of highly qualified teachers (HQT) in the ESEA, §9101(23), and the Individuals with Disabilities Education Act (IDEA), §601(10).	ESEA §9101(23); IDEA §601(10)	Finding Recommendation	5

State Educational Agency				
Critical Element	Requirement	Citation	Status	Page
II.1.	The SEA ensures that all teachers hired after the first day of the 2002-2003 school year to teach in Title I programs were highly qualified at the time of hire.	§1119(a)(2)	Finding	6
II.2.	The SEA ensures that all teachers paid with Title II, Part A funds for class size reduction are highly qualified.	§2123(a)(2)(B)	Finding	6
II.3.	The SEA ensures that all LEAs that receive Title I funds notify parents of their right to request and receive information on the qualifications of their children's teachers.	§1111(h)(6)(A)	Met Requirements	N/A
II.4.	The SEA ensures that all schools that receive Title I funds notify parents when their children are taught by teachers who are not highly qualified.	§1111(h)(6)(B)(i)	Finding	6
III.A.1.	The SEA reports annually to the Secretary in the Consolidated State Performance Report (CSPR) the number and percentage of classes taught by highly qualified teachers, in the aggregate and in high- and low-poverty schools.	§1111(h)(4)(G)	Finding	6
III.B.1.	The SEA has published an annual report card with the required teacher information.	§1111(h)(1)(C)(viii)	Finding Recommendation	7
III.B.2.	The SEA has ensured that LEAs have published annual report cards with the required teacher information for both the LEA and the schools it serves.	§1111(h)(2)(B)	Finding	7
IV.A.1.	Once hold harmless provisions are taken into consideration, the SEA allocated additional funds to LEAs using the most recent Census Bureau data found at: http://www.census.gov/did/www/saipe/data/interactive	§2121(a)	Recommendation	8
IV.A.2.	The SEA has ensured that LEAs have completed assessments of local needs for professional development.	§2122(c)	Met Requirements	N/A
IV.A.3.	To be eligible for Title II, Part A funds, LEAs must "submit an application to the State educational agency at such time, in such manner, and containing such	§2122(b)	Met Requirements	N/A

State Educational Agency				
Critical Element	Requirement	Citation	Status	Page
	information as the State educational agency may reasonably require.”			
IV.B.1.	The SEA has ensured that LEAs maintain effort.	§9521	Met Requirements	N/A
IV.B.2.	The SEA ensures that LEA funds do not supplant other, non-Federal funds.	§2123(b)	Met Requirements	N/A
IV.B.3.	The SEA and LEAs are audited, as required by EDGAR §80.26.	EDGAR §80.26	Met Requirements	N/A
IV.B.4.	The SEA regularly and systematically monitors LEAs for compliance with Federal statutes and regulations, applicable State rules and policies, and the approved subgrantee application, as required by EDGAR §76.770 and §80.40(a).	EDGAR §76.770 and §80.40(a) (34 CFR §§76.770 and 80.40(a))	Finding	8
IV.B.5.	The SEA ensures that LEAs comply with requirements with regards to services to eligible nonprofit private schools.	§9501	Finding	8
V.1.	The SEA ensures that State-level activity funds are expended on allowable activities.	§2113(c)	Met requirements	N/A
V.2.	The SEA ensures that State-level activity funds do not supplant other, non-Federal funds.	§2113(f)	Met Requirements	N/A
V.3.	The SEA complies with requirements with regards to services to eligible nonprofit private schools using State-level activity funds.	§9501(a) and (c)	Finding	9

State Agency for Higher Education				
Critical Element	Requirement	Citation	Status	Page
1.	The SAHE manages a competition to award grants to carry out appropriate professional development activities.	§2132 and §2133	Met Requirements	N/A
2.	The SAHE works in conjunction with the SEA (if the two are separate agencies) in awarding the grants.	§2132(a)	Not applicable	N/A
3.	The SAHE awards grants only to eligible partnerships that include at least an	§2131	Met Requirements	N/A

	institution of higher education and the division of the institution that prepares teachers and principals, a school of arts and sciences, and a high-need LEA.			
4.	The SAHE ensures that each partnership awarded a grant engages in eligible activities.	§2134	Finding	9
5.	The SAHE has procedures in place to ensure that no partner uses more than 50 percent of the funds in the grant.	§2132(c)	Met Requirements	N/A
6.	The SAHE regularly and systematically monitors grantees for compliance with Federal statutes and regulations, applicable State rules and policies, and the approved sub grantee application, as required by EDGAR §76.770 and §80.40(a)	EDGAR §76.770 and §80.40(a) (34 CFR §§76.770 and 80.40(a))	Finding	10

Area I: HQT Definitions and Procedures

Critical Element I: The State must use procedures for identifying teachers as highly qualified that are consistent with the statutory definitions of highly qualified teachers in the ESEA, §9101(23), and the Individuals with Disabilities Education Act (IDEA), §601(10).

Citation: ESEA §9101(23); IDEA §601(10); 34 CFR 200.56(a)(2)(ii)

Finding: OSSE's written guidance and communication on the requirements to meet highly qualified status are not sufficiently detailed, which could result in LEAs incorrectly identifying teachers as highly qualified. During visits with LEAs, LEA staff did not fully understand various HQT requirements and definitions, such as when and how a teacher not new to the profession may use the high-objective uniform State standard of evaluation (HOUSSE) in order to demonstrate needed subject-matter knowledge for the subject(s) he or she teaches. In addition, notwithstanding 34 CFR 200.56(a)(2)(ii), under which participants in alternative routes to teaching are considered to have full State certification if the programs in which they participate meet certain basic criteria, one LEA reported that it had identified Teach for America participants as not highly qualified. Finally, OSSE's guidance on requirements for special education teachers did not specify that special education teachers new to the profession who teach multiple core academic subjects and are highly qualified in mathematics, language arts, or science at the time they are hired, have two additional years after the date of hire to become highly qualified in all other core academic subject they teach, including through use of HOUSSE.

Further Action Required: Within 30 business days of receipt of this report, the State must submit a timeline and a plan to ED for clarifying and implementing the HQT requirements, including when and how a teacher not new to the profession may use HOUSSE to demonstrate subject-matter knowledge for each subject (s)he teaches, and any special considerations for special education teachers and participants in alternative routes to teacher certification. In addition to clarifying the definitions for future highly qualified teacher determinations, OSSE needs to confirm in its response that it has identified any teachers whom it erroneously deemed highly qualified, and implement procedures for ensuring that they become highly qualified. Along the same lines, OSSE must identify any teachers it has erroneously deemed not highly qualified.

Because these clarifications have ramifications for how OSSE carries out other statutory provisions related to the proper identification of highly qualified teachers, the plan for correcting this finding also must address how OSSE will perform the following:

- ensure that parents are notified when their children are taught by a teacher who is not highly qualified for four or more weeks, as required by ESEA section 1111(h)(6)(B);
- ensure that all teachers hired for Title I positions are highly qualified 119(a)(2);
- ensure that all teachers paid with Title II, Part A for the purpose of class-size reduction are highly qualified 2123(a)(2)(B); and,

- correctly report HQT data in the CSPR and State report cards as required by 1111(h)(1)(c), and ensure that all LEAs do the same in their local report cards, as required by ESEA section 1111(h)(2)(B).

In addition, OSSE must provide ED with evidence that it is implementing this corrective action.

Recommendation: ED recommends that OSSE create a comprehensive formal communication plan with its LEAs regarding HQT definitions and requirements. OSSE should formalize its strategies for disseminating and communicating the information to LEAs.

Area II: HQT Data Reporting and Verification

Critical Element II.1: The SEA ensures that all teachers hired after the first day of the 2002-2003 school year to teach in Title I programs were highly qualified at the time of hire.

Citation: ESEA §1119(a)(2)

Finding: Though OSSE has appropriate procedures in place, because of the definitional issues discussed in Critical Element I, OSSE cannot ensure that LEAs are hiring highly qualified teachers.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit a plan for ensuring that all LEAs are hiring only highly qualified teachers to teach core academic subjects. This plan must include a description of how OSSE will ensure LEAs are using the correct criteria for identifying highly qualified teachers, as discussed under Critical Element I.

Critical Element II.2: The SEA ensures that all teachers paid with Title II, Part A funds hired for class size reduction are highly qualified.

Citation: ESEA §§2123(a)(2)(B); 2123(a)(7)

Finding: Because of the definitional issues discussed in Critical Element I, OSSE cannot ensure that all teachers paid with Title II, Part A funds and hired to reduce class size are highly qualified.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit a plan for ensuring that all teachers paid with Title II, Part A funds to reduce class size are highly qualified. This plan must include a description of how OSSE will ensure that LEAs are using the correct criteria for identifying highly qualified teachers, as discussed in Critical Element I.

Critical Element II.4: The SEA ensures that all schools that receive Title I funds notify parents when their children are taught by teachers who are not highly qualified.

Citation: ESEA §1111(h)(6)(B)(ii)

Finding: Because of the definitional issues discussed in Critical Element I, OSSE cannot ensure that schools receiving Title I, Part A funds are accurately notifying parents when their children are assigned, or taught for four or more consecutive weeks, by a teacher who is not highly qualified.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit a plan for ensuring that all public schools in the District of Columbia that receive Title I, Part A funds accurately notify parents when their children are assigned or taught for four or more consecutive weeks by a teacher who is not highly qualified. This plan must include a description of how OSSE will ensure that schools are using the correct criteria for identifying highly qualified teachers, as discussed in Critical Element I.

Area III: HQT Data Reporting and Verification

Critical Element III.A.1: The SEA reports annually to the Secretary in the Consolidated State Performance Report (CSPR) the number and percentage of classes taught by highly qualified teachers, in the aggregate and in high- and low-poverty schools.

Citation: ESEA §1111(h)(4)(G)

Finding: Due to the definitional issues discussed in Critical Element I, OSSE cannot ensure that it is reporting accurate CSPR data.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit a plan for ensuring that the data it submits on the number and percentage of classes taught by highly qualified teachers, in the aggregate and in high- and low-poverty schools reflect definitions in ESEA section §1111(h)(1)(C)(viii) and implementing regulations in 34 CFR 200.56(a)(2). This plan must include a description of how OSSE will ensure the reported data are correct and reflect the correct criteria for highly qualified teachers, as discussed in Critical Element I.

Critical Element III.B.1: The SEA has published an annual report card with the required teacher information.

Citation: ESEA §1111(h)(1)(C)(viii)

Finding: OSSE’s annual report cards were missing several required elements, including the professional qualifications of teachers, the percentage of classes in high- and low-poverty schools taught by teachers who are not highly qualified, and the percentage of teachers on emergency or temporary licenses. Additionally, due to the definitional issues discussed in Critical Element I, OSSE cannot ensure that it is reporting accurate data on highly qualified teachers.

Further Action Required: Within 30 business days of receipt of this report, OSSE must provide ED with a written plan with specific procedures and a timeline for publishing an annual State report card that includes all required information about teachers, along with evidence that it is implementing this corrective action. In addition, it must ensure that reported data are accurate and reflect the correct criteria for identifying highly qualified teachers, as discussed in Critical Element I.

Recommendation: During the monitoring visit, OSSE described its plans to move from manual reporting via spreadsheets to an automated data transfer system that OSSE expects will significantly reduce reporting errors and increase data quality. OSSE’s current manual reporting process does not include automatic data verification checks or other internal controls on data reported by LEAs other than the monitoring that occurs when OSSE formally conducts monitoring visits with its LEAs. ED recommends that OSSE continue its plan to shift to an automated data transfer system that includes data quality control checks to improve its data reporting and verification processes and oversight.

Critical Element III.B.2: The SEA has ensured that each LEA has published annual report cards with the required teacher information for both the LEA and the schools it serves.

Citation: ESEA §1111(h)(2)(B)

Finding: The LEA annual report cards were missing several required elements, including the professional qualifications of teachers, the percentage of classes in high- and low-poverty schools taught by teachers who are not highly qualified, and the percentage of teachers on emergency or temporary licenses. Additionally, due to the definitional issues discussed in Critical Element I, OSSE cannot ensure that its LEAs are reporting accurate data on highly qualified teachers.

Further Action Required: Within 30 business days of receipt of this report, OSSE must provide ED with a written plan with specific procedures and a timeline for ensuring that LEAs publish annual report cards that includes all required information about teachers, along with evidence that it has carried out this corrective action. In addition, it must ensure that reported data are

accurate and reflect the correct criteria for highly qualified teachers, as discussed in Critical Element I.

Area IV: Administration of Title II, Part A

Critical Element IV.A.1: Once hold harmless provisions are taken into consideration, the SEA allocated additional funds to LEAs using the most recent Census Bureau data found at: <http://www.census.gov/did/www/saife/data/interactive>

Citation: ESEA §2121(a)

Recommendation: Based on feedback from LEA administrators and principals (in charter school LEAs), ED recommends that OSSE create a comprehensive formal communication plan to include improved communication with LEAs regarding changes in Title II, Part A allocations. OSSE should communicate with LEAs in advance of any possible changes in allocations and should explain why those changes in allocations occurred. OSSE should also provide explanations for any changes in the amounts that DCPS (the only LEA in the District of Columbia responsible for providing equitable services to educators working in nonprofit private schools) must reserve for equitable services.

Critical Element IV.B.4: The SEA regularly and systematically monitors LEAs for compliance with Federal statutes and regulations, applicable State rules and policies, and the approved subgrantee application, as required by EDGAR §§76.770 and 80.40(a) (34 CFR §§76.770 and 80.40(a)).

Citation: EDGAR §§76.770 and 80.40(a) (34 CFR §§76.770 and 80.40(a))

Critical Element IV.B.5: The SEA ensures that LEAs comply with requirements concerning provision of services to eligible nonprofit private school staff.

Citation: ESEA §9501

Finding (for both Elements IV.B.4 and IV.B.5): OSSE did not provide information on the guidance it provides to DCPS (again, the only LEA in the District of Columbia responsible for providing equitable services to educators working in nonprofit private schools) on how it should calculate the amount that it must reserve for equitable services of Title II, Part A staff, or the extent to which it monitors DCPS to confirm whether it calculates this amounts correctly. In the DCPS consolidated local application, OSSE required DCPS to submit the methodology used for the equitable services calculation. The methodology provided by DCPS did not include a comparison with the “hold-harmless” amount that DCPS spent on professional development in Fiscal Year 2001 under the former Eisenhower Professional Development and Class-Size Reduction programs, which is required as part of the calculation. In addition, OSSE’s guidance needs to state that DCPS is to annually reserve for equitable services a per pupil amount based on the higher of the current amount of Title II, Part A funds expended on professional

development or the amount of hold-harmless spending on professional development. OSSE did not provide evidence that it maintains records to confirm that DCPS' equitable services calculation was correct.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit a plan for providing guidance to DCPS, and monitoring compliance with regards to correct calculations of the amount of Title II, Part A funds that DCPS annually must reserve for equitable services. OSSE staff (including both SEA and SAHE staff who are responsible for providing guidance on equitable services) must also participate in any offered Office of Non-Public Education/OESE webinars on equitable services (such as the one offered November 24, 2014) to ensure adequate understanding of equitable services requirements for the Title II, Part A program, or view archived slides from such webinars posted to: www.ed.gov.

Area V: Title II, Part A State-Level Activities

Critical Element V.3: The SEA complies with requirements for providing equitable services to staff of eligible nonprofit private schools with State-level activity funds.

Citation: ESEA §9501(a) and (c)

Finding: OSSE could provide no evidence indicating that it is providing equitable services to staff of nonprofit private schools using State-level activity funds. Rather, it indicated that it expends State-level activity funds to supplement salaries of OSSE program staff whose roles include ensuring compliance with equitable services provisions. OSSE also indicated that State-level activity funds were used to support development of standards and data systems, monitoring, and dissemination of information and related technical assistance on State requirements related to Title II, Part A provisions.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit to ED a plan and a timeline detailing how it will comply with requirements regarding providing equitable services to staff of nonprofit private schools with State-level activity funds. The plan must address what process OSSE will use to determine the amount of State-level activity funds that OSSE will reserve for equitable services, and how, during the design and development of its use of State-level activity funds, it will have timely and meaningful consultation with representatives of nonprofit private schools about the needs of nonprofit private school educators and services that OSSE will provide to meet those needs.

State Agency for Higher Education

Critical Element 4: The SAHE ensures that each partnership awarded a subgrant with Title II, Part A funds engage in eligible activities.

Citation: ESEA §2134

Finding: The SAHE (OSSE) does not ensure that all Title II, Part A funded activities are allowable. Specifically, the SAHE awarded a grant that paid for the purchase of a 3-D printer, which during the grant period was first used for permissible educator professional development but was subsequently used by students, and thus in ways that Title II, Part A does not permit.

Further Action Required: Within 30 business days of receipt of this report, OSSE must submit to ED documentation showing that all current SAHE subgrantees use Title II, Part A funds only to provide services to teachers, principals, and highly qualified paraprofessionals that are authorized under ESEA §2134. For any project for which this documentation is not available, the State must submit a plan and a timeline for promptly confirming that all services are allowable, and then for ensuring that, as needed, projects are appropriately modified so that Title II, Part A funds are used only for the pro rata portion of costs associated with allowable activities. The plan must describe how the State will ensure that subgrantees use Title II, Part A funds only for the costs of equipment and supplies and these costs are allowable, reasonable, and allocable to the Title II, Part A program.

In the case of the purchase identified above, the SAHE must include in the documentation to be submitted to ED: (1) the total cost of the printer, (2) the percentage of time the printer is used in professional development versus the percentage of time the printer is used by students over the course of each project year, (and thus the proportion of cost properly paid with Title II, Part A funds are allocable to the Title II, Part A program), and (3) a plan and timeline for returning to the Federal account the portion of the printer's cost attributable to the percentage of time it has been used by students.

Critical Element 6: The SAHE regularly and systematically monitors grantees for compliance with Federal statutes and regulations, applicable State rules and policies, and the approved sub grantee application, as required by EDGAR §76.770 and §80.40(a) (34 CFR §§76.770 and 80.40(a)).

Citation: EDGAR §§76.770 and 80.40(a) (34 CFR §§76.770 and 80.40(a))

Finding: Although the SAHE regularly monitors grantees, as discussed under Critical Element 4, one of the grantees used Title II, Part A funds to pay all of the costs of a 3-D printer, despite the fact that for a significant portion of time the printer was used by students and thus not for allowable Title II, Part A activities. The SAHE knew of the purchase but when it monitored the grantee did not identify this use of the printer as being unallowable.

Further Action Required: Within 30 business days of receipt of this report, the SAHE must submit to ED a plan and a timeline to ensure that the SAHE will monitor all grantees for

compliance on allowable activities, particularly activities such as the purchase of technology, as required by statute. The SAHE must also develop guidance on the need to pro-rate the cost of expenditures charged to Title II, Part A funds in situations where equipment is used for purposes that go beyond allowable Title II, Part A uses.