



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

APR 03 2009

Honorable Kathy Cox
Superintendent of Education
Georgia Department of Education
2066 Twin Towers East
Atlanta, Georgia 30334

Dear Superintendent Cox:

During the week of January 26, 2009, a team from the U. S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office reviewed the Georgia Department of Education's (GaDOE) administration of the Title III program authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended. The review of the Title III program was conducted in coordination with a review of the Title I, Parts A and D and the McKinney Vento Homeless Assistance Act programs. Enclosed is a report based upon the review of Title III.

The enclosed report contains a listing of the critical monitoring elements for the Title III program, a description of the scope of the monitoring review, and the findings, required corrective actions, and recommendations that the team cited as a result of the review. The GaDOE has 30 business days from receipt of this report to respond to all of the compliance issues contained herein. ED staff will review your response for sufficiency and will determine which areas are acceptable and which will require further documentation of implementation. ED will allow 30 business days for receipt of this further documentation if required. ED recognizes that some corrective actions may require longer than the prescribed 30 days, and in these instances ED will work with you to determine a reasonable timeline. In those instances where additional time is required to implement specific corrective actions, you must submit a request for such an extension in writing to ED, including a timeline for completion of all related actions.

Each State that participates in an onsite monitoring review and that has significant compliance findings in one or more of the programs monitored will have a condition placed on that program's grant award specifying that the State must submit (and receive approval of) documentation that all compliance issues identified in the monitoring report have been corrected. When documentation sufficient to address all compliance areas has been submitted and approved, ED will then remove the condition from your grant award.

Please be aware that the issues presented in the enclosed report reflect the status of compliance in Georgia at the time of SASA's onsite review. You may receive further

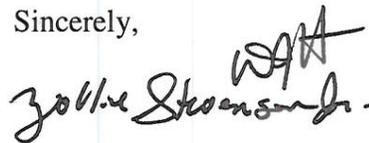
Page 2 - Honorable Kathy Cox

communication from ED that will require you to address noncompliance occurring prior or subsequent to the onsite visit.

The ED team would like to thank Chris Scott and his staff for their hard work and the assistance they provided prior to and during the review in gathering materials and providing access to information in a timely manner. The ED team was impressed with the efforts of your State's staff to implement the many requirements of the Title III program.

We look forward to working further with your staff to resolve the issues contained in this report and to improve the quality of Title III program in Georgia.

Sincerely,

A handwritten signature in black ink, appearing to read "Zollie Stevenson, Jr.", with a stylized flourish above the name.

Zollie Stevenson, Jr., Ph.D.
Director
Student Achievement and
School Accountability Programs

Enclosure

cc: Chris Scott, Program Manager
Clara J. Keith, Associate Superintendent
Sandra Moore, Homeless Coordinator

Georgia Department of Education

January 26-30, 2009

Scope of Review: The U.S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office, Title III State Consolidated Grant Group monitored the Georgia State Department of Education (GaDOE) the week of January 26-30, 2009. This was a comprehensive review of the GaDOE's administration of the following programs authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB): Title I, Part A; Title I, Part D; and Title III, Part A. Also reviewed was Title X, Part C, Subtitle B of the McKinney-Vento Homeless Assistance Act, as amended by NCLB (also known as the McKinney-Vento Homeless Education Assistance Improvements Act of 2001). This is a report of the Title III, Part A program only. Title I, Part A; Title I, Part D; and Subtitle B of the McKinney-Vento Homeless Assistance Act are addressed in a separate report.

During the review, the ED team conducted several monitoring activities. The team reviewed evidence of the implementation of the State's Title III accountability system, State level monitoring, technical assistance, and fiscal and administrative oversight with the State educational agency (SEA). During the onsite week, the ED team also visited three local education agencies (LEA) – Gwinnett County School District (GCSD), Cobb County School District (CCSD), and Habersham County School District (HCSD) where they reviewed documentation and interviewed administrative and school staff.

Previous Audit Findings: None

Previous Monitoring Findings: ED last reviewed the Title III, Part A programs in the GaDOE during the week of May 3-5, 2006. ED identified compliance findings in the following areas: (1) The GaDOE had not yet developed and fully implemented State English language proficiency (ELP) standards that are linked/aligned with State academic content and achievement standards in reading/language arts, mathematics and science; (2) The GaDOE had not yet developed or implemented a comprehensive plan for onsite monitoring of LEA implementation of Title III, Part A.

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	Met Requirement	N/A
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	Met requirements	N/A
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); and • The reallocation provisions in Section 3114(c) 	Met requirements	N/A
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.	Met requirements Recommendation	3
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.	Met requirements	N/A
Element 2.5	Other Financial Management Issues	Met requirements	N/A

Monitoring Area 2: Fiduciary

Element 2.3 - Supplement not Supplant

Recommendation: ED recommends that the GaDOE ensure that Title III subgrantees comply with the supplement not supplant requirements regarding the use of Title III funds for assessment purposes. One of the LEAs is currently using Title III funds for the initial assessment to identify and place limited English proficient (LEP) students and for teacher substitutes to enable English for speakers of other languages (ESOL) teachers to administer the State's annual English Language Proficiency (ELP) assessment. The Department issued guidance on October 2, 2008 related to the use of Title III funds for assessment purposes. The Department expects States and LEAs to comply with the guidance.

ELP Standards, Assessments and Accountability

Element Number	Description	Status	Page
Element 3.1	English Language Proficiency (ELP) Standards: State English language proficiency standards: the State provided evidence of a process that complies with section 3113.	Met requirements	N/A
Element 3.2	ELP Assessments: The State provided evidence of a process that complies with Title III Section 3113 and evidence that an ELP assessment has been administered to all K-12 LEP students in the State.	Met requirements	N/A
Element 3.3	New English Language Proficiency Assessment: The State provided evidence of a process that complies with Title III, Section 3113. The process addresses the transition to a new ELP assessment or revision of the current State ELP assessment aligned to the State developed ELP standards.	Met requirements	N/A
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.	Finding	5
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. A 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, and State approach to following ELP progress and attainment over time.	Met requirements	N/A

Monitoring Area 3: English Language Proficiency Standards, Assessments, and Accountability

Element 3.4 – Annual Measurable Achievement Objectives

Finding: The GaDOE's method for making AMAO 1 determinations includes a "Second Look" indicator that enables a district to meet AMAO1 without meeting the State's target if, for a particular district, there is an increase percentage of students who made progress from the previous year. This provision appears to be inconsistent with the Title III statute, which does not include provisions for States to set different targets for different groups of LEP students based on any criteria other than time in a language education instructional program (i.e., the school district in which the LEP student resides).

Citation: Section 3122(b)(2) of the ESEA requires that States develop AMAOs in a manner that uses consistent methods and measurements and such AMAOs shall include at a minimum, annual increases in the number or percentage of children making progress in learning English. Such targets are to be developed in a manner that reflects the amount of time an individual student has been enrolled in a language instruction educational program.

Further Action Required: The GaDOE must submit to ED a revised plan for making AMAO 1 determinations that are consistent with Section 3122(b).

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 funds retained at the State-level, 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; and • Providing recognition to subgrantees that have exceeded AMAO requirements 	Met requirements	N/A
Element 4.2	<p>Required Subgrantee Activities: The subgrantee must provide high quality language instruction educational programs and sustained professional development activities to all classroom teachers of LEP students (including teachers in classroom settings that are not defined as language instruction educational programs). Training activities must also include principals, administrators, and other school or community- based organization personnel.</p>	Met requirements	N/A
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Met requirements	N/A
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>	Finding	7

**Monitoring Area 4: State Level Activities; LEA Authorized and Required
Activities, Immigrant Children and Youth**

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

Finding (1): The GaDOE awarded funds for immigrant subgrants to all LEAs that experienced a significant increase in the percentage/number of immigrant students. The State awarded some LEAs an amount of funds that made it difficult to implement activities that meet the purposes of the statute.

Finding (2): The GaDOE has not ensured that LEAs awarded funds for immigrant children and youth under section 3114(d)(1) use funds for activities that provide enhanced instructional opportunities for immigrant children and youth. One LEA was unable to specify how it uses funds awarded under section 3114(d)(1) specifically for immigrant children.

Citation: Section 3114(d)(1) of the ESEA requires eligible entities to use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth and shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and shall consider the quality of each local plan under section 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part. Section 3155(e) (1) of the ESEA requires LEAs to use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.

Further Action Required: The GaDOE must provide evidence that it has a process that ensures that funds awarded under section 3114(d)(1) are awarded to LEAs to use to fund projects that equally consider eligible entities that have limited or no experience in serving immigrant children and youth. The GaDOE should also ensure that each subgrant is of sufficient size and scope to meet the purposes of this part. Furthermore, the GaDOE must provide evidence that it has a process that ensures funds awarded under section 3114(d)(1) are awarded to LEAs to use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.

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)).	Met requirements	N/A
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.	Met Requirements Recommendation	9
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Met requirements	N/A
State Monitoring of Subgrantees			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.	Met requirements	N/A
Parent Notification			
Element 7.1	Parent Notification: Parent notification in an understandable format as required under Section 3302 for identification and placement and for not meeting the State AMAOs.	Finding	9

Monitoring Area 5: State Review of Local Plans

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.

Recommendation: ED recommends that the GaDOE ensure that LEA letters that invite private school officials to a consultation meeting where Title III, Part A services to eligible private school students are discussed include a brief description of the Title III, Part A program. A brief description of Title III, Part A program would provide private school officials an awareness of what services are available for their eligible children prior to them making any decisions whether to accept or decline services for their eligible children.

Monitoring Area 7: Parent Notification

Element 7.1: Parent Notification: Parent notification in an understandable format as required under Section 3302 for identification and placement and for not meeting the State AMAOs.

Finding: The GaDOE has not ensured that all Title III subgrantees have met the requirement to separately inform parents of the failure to meet AMAOs not later than 30 days after such failure occurs. One of the LEAs has not notified parents of the failure to meet AMAOs for the 2007-2008 school year.

Citation: Section 3302(b) of the ESEA requires eligible entities that have failed to make progress on the AMAOs described in section 3122 for any fiscal year for which part A is in effect, “shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs”.

Further Action Required: The GaDOE must submit evidence to ED that Title III subgrantees complied with the requirement to notify parents of the failure to meet AMAOs for school year 2007-2008.