

Illinois State Board of Education

April 27-May 1, 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 Illinois State Board of Education (ISBE) the week of April 27-May 1, 2009. This was a comprehensive review of the ISBE's administration of the Title III, Part A program, which is authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended.

During the review, the ED team conducted several monitoring activities. The team reviewed evidence of 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 educational agencies (LEAs) – Waukegan Public Schools (WPS), Chicago Public Schools (CPS), and District U46 (U46) - 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 program in the ISBE during the week of May 23-25, 2005. ED identified compliance findings in the following areas:

1. Element 2.3 – Reservation of Funds: The State was unable to fully report how it was using Title III funds for State-level activities, including funds for personnel for 2004-2005. The State had a large carryover balance from 2003-2004, and indicated that it was still in the process of deciding how to use funds for State-level activities. After the site visit, the State provided ED with an itemized budget for years 2003-2005, but the Title III administration section of this budget was not sufficiently detailed to determine SEA expenditures under this section.

2. Element 6.1 – State Monitoring of Subgrantees: During the review, representatives from the Division of English Language Learning (DELL) indicated that, due to a shortage of staff, the ISBE had not yet enacted a comprehensive onsite monitoring plan for Title III subgrantees. The ISBE must develop and implement a plan for conducting monitoring of Title III subgrantees. This monitoring should include monitoring of English language proficiency (ELP) assessment administration and monitoring of LEAs' use of Title III funds to ensure that funds used for teachers are supplementing, not supplanting, local educational programs. In addition, we recommend that this plan include provisions for onsite monitoring.

A letter indicating that the ISBE had responded to and satisfactorily addressed these findings was transmitted to the State on April 11, 2007.

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 requirements	N/A
Fiduciary			
Element 2.1	<p>Within State Allocations, Reallocations and Carryover: The SEA complies with-</p> <ul style="list-style-type: none"> ▪ The subgrant provision under section 3111 of the ESEA. ▪ The State activities provision under section 3111(b) of the ESEA. ▪ 20 USC 6821(b)(3). ▪ The provisions related to allocations under section 3114(a)-(b) of the ESEA. ▪ The provisions related to reallocations under section 3114(c) of the ESEA. ▪ The provisions related to making immigrant subgrants under section 3114(d) of the ESEA. 	Recommendations	3
Element 2.2	Within District: The SEA ensures that its LEAs comply with the provisions related to LEA use of funds under section 3115 of the ESEA.	Met requirements	N/A
Element 2.3	Maintenance of Effort: The SEA ensures that the LEAs comply with the procedures for ensuring maintenance of effort (MOE) as outlined in section 9521 of the ESEA.	Met requirements	N/A
Element 2.4	Supplement, Not Supplant – General: The SEA ensures that the LEA complies with the provision related to supplement, not supplant under section 3115(g) of the ESEA.	Met requirements	N/A
Element 2.4A	Supplement, Not Supplant – Assessment: The SEA has met requirements related to supplement, not supplant and use of Title III funds to develop and administer State ELP assessments under sections 1111(b)(7) and 3113(b)(2) of the ESEA.	Met requirements	N/A

Monitoring Area 2: Fiduciary

Element 2.1 – Within State Allocations, Reallocations and Carryover: The SEA complies with required provisions.

Recommendation (1): ED recommends that the ISBE review its processes for reviewing and approving subgrantee local applications to ensure that subgrants are made in a timely manner. Of the three subgrantees visited, Title III funds for the 2008-2009 school year were received during the period from December 10, 2008 (U46) to March 27, 2009 (CPS).

Recommendation(2): ED recommends that the ISBE provide further guidance to LEAs that receive Title III funds as part of a consortium in order to ensure that these subgrantees carry out the activities required under Title III. When lead LEAs redistribute the allocations to consortium member LEAs rather than coordinating services across the consortium, as is the practice for some consortia, services provided may not be sufficient to fulfill all of the requirements of the Title III State Formula Grant Program.

English Language Proficiency (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 limited English proficient (LEP) students in the State.	Finding Recommendation	5
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.	Findings	6
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 (ELP) Standards, Assessments, and Accountability

Element 3.2 – The State provided evidence of a process that complies with Title III, section 3113 and evidence that an English Language Proficiency (ELP) assessment has been administered to all K-12 limited English proficient (LEP) students in the State.

Finding: The ISBE did not provide evidence that the English language proficiency of all LEP children is assessed on an annual basis. According to the State’s Consolidated State Performance Report (CSPR) for the 2007-2008 school year, more than 9,000 Title III-served LEP students were recorded as non-participants on the State ELP assessment, the ACCESS (Assessing Comprehension and Communication in English State-to-State for English Language Learners). During the onsite review, the ISBE staff made concerted efforts to gather data regarding non-participation, including an attempt to explain the reason why 7,000 students who were not assessed and were assigned a reason code of “unknown” did not participate in the assessment. However, further efforts must be made so that the ISBE is able to document and monitor the number of students that did not participate in the ACCESS, and the reasons for their non-participation.

Citation: Section 3113(b)(3)(D) of the ESEA requires States to ensure that Title III subgrantees annually assess the English language proficiency of all LEP children in grades K-12.

Further Action Required: The ISBE must provide written guidance to its Title III subgrantees reiterating the requirement to assess annually the English language proficiency of all LEP students in grades K-12, and provide a copy of this guidance to ED. The ISBE must also develop a means of documenting reasons for student non-participation in the ACCESS, and provide evidence to ED that this system has been implemented.

Recommendation: The ISBE is strongly advised to ensure that subgrantees are following test administration procedures for the ACCESS for LEP students with disabilities. Staff interviewed at CPS was unaware of available accommodations for LEP students with disabilities on the ACCESS, though the ISBE was able to provide a report verifying that some LEP students with disabilities had participated in the ACCESS with accommodations in 2008. This report however, did not demonstrate that the participation of LEP students with disabilities using accommodations on the ACCESS was accurately recorded.

Element 3.4 – Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs:

Finding (1): The ISBE’s AMAO1 (making progress in English) and AMAO2 (attainment of ELP) targets do not reflect annual increases, as required in section 3122(a)(3)(A) of Title III. This information was communicated in the April 30, 2009 letter sent from ED to the ISBE in response to the State’s January 14, 2009 request to change its AMAOs. The letter stated that Illinois’s request to amend its Consolidated State Application for use during the 2008-2009 school year was approved; but that the State would need to change its AMAO targets for the 2009-2010 school year and beyond to ensure that they reflect the statutory requirement for annual increases.

The ISBE has submitted a May 21, 2009 letter to ED acknowledging receipt of ED’s April 30, 2009 correspondence, and indicating that Illinois recognizes that it will need to change its Title III AMAO targets for the 2009-2010 (and future) school year(s). This letter further indicates that the ISBE is currently working to finalize such changes to ensure that AMAO targets reflect Title III requirements.

Citation: Section 3122 of the ESEA indicates that the State’s AMAOs “...shall include at a minimum, annual increase in the number or percentage of children making progress in learning English;” and “at a minimum, annual increases in the number or percentage of children attaining English language proficiency by the end of each school year...”

Further Action Required: As indicated in the April 30, 2009 letter cited above, the ISBE must submit an electronic copy of the revised section of the amendment to Illinois’s Consolidated State Application that pertains to Title III to Jenelle Leonard, Director of School Support and Technology Programs, at oese@ed.gov for review and approval by ED.

Finding (2): The ISBE did not provide evidence that it is holding subgrantees that have not met AMAOs for four consecutive years accountable using the specific sanctions required in section 3122(b)(4). The ISBE was unable to demonstrate that it is requiring LEAs that have not met AMAOs for four consecutive years to modify their curriculum, program, and method of instruction or make a determination whether funds should be received and require the LEA to replace personnel. The ISBE has required such LEAs to develop improvement plans and attend data workshops to address the reasons for not meeting AMAOs however.

Citation: Section 3122(b)(4) of the ESEA states that, if an SEA determines that a subgrantee has not met AMAOs for four consecutive years, it must require the subgrantee to modify its curriculum, program, and method of instruction, or make a determination whether the subgrantee shall continue to receive funds related to its failure to meet such objectives, and require the subgrantee to replace educational personnel relevant to this failure.

Further Action Required: The ISBE must provide ED with evidence that each LEA that has not met AMAOs for four consecutive years is implementing one of the specific sanctions required in section 3122(b)(4) of the ESEA by the beginning of the 2009-2010 school year.

State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth			
Element Number	Description	Status	Page
Element 4.1	State Level Activities: Using funds retained at the State level, the State carries out one or more activities that may include: <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. 	Met requirements	N/A
Element 4.2	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.	Recommendation	7-8
Element 4.3	Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.	Met requirements	N/A
Element 4.4	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.	Met requirements	N/A

Monitoring Area 4: State Level Activities

Element 4.2 – 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.

Recommendation: Significant percentages of parents of LEP students refused services for their children’s identified needs in English language development in CPS (estimated 20% of parents of identified LEP students), U46 (estimated 25%), and Waukegan (estimated 19%). The ISBE is

strongly advised to continue to monitor these and other subgrantees with a high percentage or number of parent refusal of services to ensure that they are offering high-quality language instruction educational programs, and that parental notification regarding program placement is provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

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 comply with ESEA requirements regarding participation of LEP students and teachers in private schools in Title III.	Finding	9-10
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.	Finding	10
Parental Notification			
Element 7.1	Parental Notification: Parental notification in an understandable format as required under section 3302 for identification and placement and for not meeting the State AMAOs.	Met requirements	N/A

Monitoring Area 5: State Review of Local Plans

Element 5.2 – Private School Participation: LEAs comply with ESEA requirements regarding participation of LEP students and teachers in private schools in Title III.

Finding: The ISBE has not ensured that all Title III subgrantees in the State conduct timely and meaningful consultations with private school officials regarding:

- (A) how the children's needs will be identified;
- (B) what services will be offered;
- (C) how, where, and by whom the services will be provided; and
- (D) how the services will be assessed and how the results of the assessment will be used to improve those services.

For example, CPS had selected the WIDA ACCESS Placement Test (W-APT) ELP assessment as a tool to measure the effectiveness of services provided to LEP students; however, private school officials in CPS had different information regarding the LEA requirements for W-APT administration and the timeline for inclusion of students in the W-APT and counting them as eligible for Title III services.

Additionally, of the private school officials interviewed in CPS, one spoke about the LEA using Title III funds to provide instructional materials to the private school that were irrelevant to its needs. Specifically, Spanish language materials were provided to the private school when only a small number of Spanish-speaking LEP students were enrolled in this particular school.

Citation: Section 9501(a)(1) of the ESEA requires LEAs to conduct timely and meaningful consultation with appropriate private school officials. To ensure timely and meaningful consultation, section 9501(c)(1) requires that LEAs consult with appropriate private school officials during the design and development of the Title III program.

Further Action Required: The ISBE must develop and implement a timeline and plan to monitor subgrantees to ensure that they conduct timely and meaningful consultation with appropriate private school officials during the design and development of the Title III program. The ISBE must provide evidence to ED that the plan has been implemented.

Monitoring Area 6: State Monitoring of Subgrantees

Element 6.1 – Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.

Finding: The ISBE's procedures for monitoring its LEAs for compliance with Title III of the ESEA were insufficient to ensure that all areas of noncompliance were corrected in a timely manner. Although the ISBE has a plan and schedule for subgrantee monitoring, the ISBE's timeline for issuing reports to subgrantees that participated in onsite reviews was too prolonged to ensure that all areas of noncompliance were corrected in a timely manner. For example, the ISBE's Division of English Language Learning conducted an onsite monitoring review of Cobden School District from May 22-23, 2008, and the ISBE sent a monitoring report to the LEA in December of 2008. Additionally, the ISBE also indicated that, given the large number of subgrantees in the State, the ISBE is unable to conduct onsite reviews of all subgrantees within a monitoring review cycle.

Citation: Section 80.40 of the Education Department General Administrative Regulations (EDGAR) requires grantees to monitor grant and subgrant activities to ensure compliance with applicable Federal requirements.

Further Action Required: The ISBE must provide ED with a plan that indicates how it will: 1) amend its processes for issuing reports from subgrantee monitoring reviews to ensure that they are delivered to subgrantees in a timely manner, 2) incorporate onsite reviews of all subgrantees into a review cycle.