



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Honorable Jim Rex
State Superintendent of Education
South Carolina Department of Education
1006 Rutledge Building
1429 Senate Street
Columbia, South Carolina 29201

MAR 05 2009

Dear Superintendent Rex:

During the week of January 12, 2009, a team from the U. S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office reviewed the South Carolina Department of Education's (SCDE) 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 (Basic);
- Title I, Part D (Neglected and Delinquent); and
- Title VII, Subtitle B of the McKinney-Vento Homeless Assistance Act (Education for Homeless Children and Youth Program) as amended by NCLB.

Enclosed is a report based upon this review.

The 2008-2009 fiscal year begins the third year of the second full cycle of monitoring for these requirements under NCLB. Based on five years of monitoring, we have learned significantly more about the status of States, districts, and schools in implementing the requirements of Title I. For the first time, ED has collected data on critical compliance issues under NCLB in all States. This knowledge has informed the current cycle of monitoring, and is reflected in the procedures and monitoring protocols utilized in the onsite review process.

The ESEA, as amended by NCLB, has increased the emphasis on accountability for all students, and has focused on States' responsibilities to work with districts and schools to improve instruction and student achievement. ED will continue to work closely with States to define their responsibilities in implementing the requirements of NCLB.

Monitoring for the Title I, Part A; Neglected and Delinquent; and Education for Homeless Children and Youth Programs will continue to be conducted in three broad areas – accountability; program improvement, parental involvement and options; and fiduciary responsibilities. Prior to, during, and following the onsite monitoring review, the ED team conducted a number of activities (described in the enclosed report) to verify compliance with the critical monitoring indicators in each of the three broad areas for all three programs.

The enclosed report contains a listing of the critical monitoring elements in each of the three areas for the three programs monitored, 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 SCDE 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 South Carolina at the time of SASA's onsite review. SCDE may receive further communication from ED that will require it to address noncompliance occurring prior or subsequent to the onsite visit.

The ED team would like to thank Steven Abbott 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 four programs monitored.

We look forward to working further with your staff to resolve the issues contained in this report and to improve the quality of Title I programs in South Carolina.

Sincerely,



Zollie Stevenson, Jr., Ph.D.

Director

Student Achievement and

School Accountability Programs

Enclosure

cc: Steven Abbott, Title I Coordinator
Brenda Myers, McKinney-Vento Homeless Education Program

South Carolina Department of Education

January 12-15, 2009

Scope of Review: A team from the U.S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office monitored the South Carolina Department of Education (SCDE) the week of January 12, 2009 through January 15, 2009. This was a comprehensive review of the SCDE'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 and Title I, Part D. Also reviewed was Title VII, Subtitle B of the McKinney-Vento Homeless Assistance Act (Education for Homeless Children and Youth) as amended by NCLB.

In conducting this comprehensive review, the SASA team carried out a number of major activities. In reviewing the Part A program, the SASA team conducted an analysis of State assessments and State Accountability System Plans, reviewed the effectiveness of the instructional improvement and instructional support measures established by the State to benefit local educational agencies (LEAs) and schools, and reviewed compliance with fiscal and administrative oversight requirements required of the State education agency (SEA). During the on-site week, the SASA team visited two LEAs –Charleston County School District (CCSD) and Aiken County School District (ACSD) – and interviewed administrative staff, eight school leadership teams in the LEAs that have been identified for improvement, and conducted two parent meetings. The SASA team then interviewed SCDE personnel to confirm data collected in each of the three monitoring indicator areas.

In its review of the Title I, Part D program, the SASA team examined the State's application for funding, procedures and guidance for State agency (SA) applications under Subpart 1, technical assistance provided to the SA, the State's oversight and monitoring plan and activities, SA subgrant plans and evaluations for the Department of Corrections; Juvenile Justice; John De La Howe School (Subpart 1); and CCSD and ACSD (Subpart 2). The ED team interviewed administrative, program and teaching staff. The ED team also interviewed the SCDE Title I, Part D State coordinator to confirm information obtained at the SA site and discuss administration of the program.

In its review of the Education for Homeless Children and Youth program (Title VII, Subtitle B, as amended by NCLB), the SASA team examined the State's procedures and guidance for the identification, enrollment and retention of homeless students, technical assistance provided to LEAs with and without subgrants, the State's McKinney-Vento application, and LEA applications for subgrants and local evaluations for projects in CCSD, ACSD, and Dorchester County School District. The ED team visited local programs where they interviewed administrative and program staff. The ED team also interviewed the SCDE homeless coordinator to confirm information obtained at the local sites and to discuss administration of the program.

Previous Audit Findings: None.

Previous Monitoring Findings: ED last reviewed Title I, Part A programs in South Carolina in June 2006. The SCDE had the following compliance issues: adequate yearly progress (AYP) identification for LEAs on a process that differed from that in the approved Accountability Workbook, missing elements on the State's and LEAs' report card, parental notification through broader means of dissemination, including the required elements for parent notification, incomplete parent involvement policies.

Overarching Requirement – SEA Monitoring

A State's ability to fully and effectively implement the requirements of NCLB is directly related to the extent to which it is able to regularly monitor its LEAs and provide quality technical assistance based on identified needs. This principle applies across all Federal programs under NCLB.

Federal law does not specify the particular method or frequency with which States must monitor their grantees, and States have a great deal of flexibility in designing their monitoring systems. Whatever process is used, it is expected that States have mechanisms in place sufficient to ensure that States are able to collect and review critical implementation data with the frequency and intensity required to ensure effective programs that are in full compliance with NCLB. Such a process should promote quality instruction and lead to achievement of the proficient or advanced level on State standards by all students.

Status: Met requirement

Summary of Title I, Part A Monitoring Indicators

Monitoring Area 1, Title I, Part A: Accountability			
Indicator Number	Description	Status	Page
Indicator 1.1	The SEA has approved academic content standards for all required subjects or an approved timeline for developing them.	Met requirements	N/A
Indicator 1.2	The SEA has approved academic achievement standards and alternate academic achievement standards in required subject areas and grades or an approved timeline to create them.	Met requirements	N/A
Indicator 1.3	The SEA has approved assessments and alternate assessments in required subject areas and grades or an approved timeline to create them.	Met requirements	N/A
Indicator 1.4	Assessments should be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards.	Met requirements	N/A
Indicator 1.5	The SEA has implemented all required components as identified in its accountability workbook.	Met requirements	N/A
Indicator 1.6	The SEA has published an annual report card as required and an annual report to the Secretary.	Met requirements	N/A
Indicator 1.7	The SEA has ensured that LEAs have published annual report cards as required.	Met requirements	N/A
Indicator 1.8	The SEA indicates how funds received under Grants for State Assessments and related activities (§6111) will be or have been used to meet the 2005-06 and 2007-08 assessment requirements of NCLB.	Met requirements	N/A
Indicator 1.9	The SEA ensures that LEAs meet all requirements for identifying and assessing the academic achievement of limited English proficient students.	Met requirements	N/A

Title I, Part A

Monitoring Area: Accountability

There were no compliance issues for this section.

Monitoring Area 2, Title I, Part A: Instructional Support

Indicator Number	Description	Status	Page
2.1	The SEA designs and implements procedures that ensure the hiring and retention of qualified paraprofessionals and ensure that parents are informed of educator credentials as required.	Met requirements	N/A
2.2	The SEA has established a statewide system of support that provides, or provides for, technical assistance to LEAs and schools as required.	Met requirements	N/A
2.3	The SEA ensures that the LEA and schools meet parental involvement requirements.	Met requirements	N/A
2.4	The SEA ensures that schools and LEAs identified for improvement, corrective action, or restructuring have met the requirements of being so identified.	Finding	7
2.5	The SEA ensures that requirements for public school choice are met.	Met requirements	N/A
2.6	The SEA ensures that requirements for the provision of supplementary educational services (SES) are met.	Met requirements	N/A
2.7	The SEA ensures that LEAs and schools develop schoolwide programs that use the flexibility provided to them by law to improve the academic achievement of all students in the school.	Met requirements	N/A
2.8	The SEA ensures that LEA targeted assistance programs meet all requirements.	Met requirements	N/A

Monitoring Area: Instructional Support

2.4 —The SEA ensures that LEAs and schools identified for improvement, corrective action, or restructuring have met the requirements of being so identified.

Finding: The SCDE gives its LEAs a list of the allowable options for corrective actions that must be implemented in Title I schools identified for corrective action. One of the allowable options included on the SCDE list is the provision of professional development alone. This interpretation was based on non-regulatory guidance issued by ED, January 7, 2004, which incorrectly stated that an appropriate corrective action for a school failing to make AYP by the end of the second full school year after its identification for school improvement could be solely the provision of professional development. However, a corrected version of the guidance was published in July 21, 2006.

Citation: Section 1116(b)(7)(C)(iv)(II) of ESEA includes the following corrective action option for a school that fails to make adequate yearly progress (AYP) by the end of the second full school year in school improvement: “Institute and fully implement a new curriculum, including providing appropriate professional development, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make AYP.”

Further action required: The SCDE must amend the guidance it provided to its LEAs to reflect the legislation and the non-regulatory guidance issued by ED. The SCDE must provide its amended guidance and appropriate technical assistance to its LEAs. The SCDE must provide ED with copies of any guidance and/or copies of communication forwarded to LEAs reflecting the accurate corrective action options as outlined in the most recent ED guidance and in the ESEA. Lastly, the SCDE must replace the guidance currently posted on its website with the revised guidance and provide the web link to ED.

Monitoring Area 3, Title I, Part A: Fiduciary Responsibilities

Indicator Number	Description	Status	Page
3.1	SEA complies with— <ul style="list-style-type: none"> ▪ The procedures for adjusting ED-determined allocations outlined in sections 200.70 – 200.75 of the regulations. ▪ The procedures for reserving funds for school improvement, State administration, and (where applicable) the State Academic Achievement Awards program. ▪ The reallocation and carryover provisions in section 1126(c) and 1127 of Title I statute. 	Met requirements	N/A
3.2	SEA ensures that its LEAs comply with the provision for submitting an annual application to the SEA and revising LEA plans as necessary to reflect substantial changes in the direction of the program.	Met requirements	N/A
3.3	SEA ensures that all its LEAs comply with the requirements in section 1113 of the Title I Statute and sections 200.77 and 200.78 of the regulations with regard to (1) Reserving funds for the various set-asides either required or allowed under the statute, and (2) Allocating funds to eligible school attendance areas or schools in rank order of poverty based on the number of children from low-income families who reside in an eligible attendance area.	Met requirements	NA
3.4	<ul style="list-style-type: none"> ▪ SEA complies with the maintenance of effort (MOE) provisions of Title I. ▪ SEA ensures that its LEAs comply with the comparability provisions of Title I. ▪ SEA ensures that Title I funds are used only to supplement or increase non-Federal sources used for the education of participating children and do not supplant funds from non-Federal sources. 	Met requirements	N/A
3.5	SEA ensures that its LEAs comply with all the auditee responsibilities specified in Subpart C, section 300(a) through (f) of OMB Circular A-133.	Met requirement	N/A
3.6	SEA ensures that its LEAs comply with requirements regarding services to eligible private school children, their teachers and families.	Met requirements	N/A
3.7	SEA complies with the requirement for implementing a system for ensuring prompt resolution of complaints.	Met requirements	N/A
3.8	SEA complies with the requirement to establish a Committee of Practitioners and involves the committee in decision-making as required.	Met Requirements	N/A

Monitoring Area: Fiduciary

There were no compliance issues for this section

Summary of Title I, Part D Monitoring Indicators

Neglected, Delinquent or At-Risk of Dropping-Out Program			
Indicator Number	Description	Status	Page
Indicator 1.1	The SEA has implemented all required components as identified in its Title I, Part D (N/D) plan.	Met requirements	N/A
Indicator 1.2	The SEA ensures that State Agency (SA) plans for services to eligible N/D students meet all requirements.	Finding	11
Indicator 1.3	The SEA ensures that Local Educational Agency (LEA) plans for services to eligible N/D students meet all requirements.	Met requirements	N/A
Indicator 2.1	The SEA ensures that institutionwide programs developed by the SA under Subpart 1 use the flexibility provided to them by law to improve the academic achievement of all students in the school.	Met requirements	N/A
Indicator 3.1	The SEA ensures each State agency has reserved not less than 15 percent and not more than 30 percent of the amount it receives under Subpart 1 for transition services.	Met requirements	N/A
Indicator 3.2	The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I, Part D program requirements.	Met requirements	N/A

Title I, Part D

Indicator 1.2 The SEA ensures that State Agency (SA) plans for services to eligible N/D students meet all requirements.

Finding: The SCDE did not ensure that a transition coordinator was designated for every facility within a State agency served by Title I, Part D funds.

Citation: Section 1414 (c)(11) of the ESEA requires the designation in the SA application of an individual in each facility participating in the Title I, Part D program to be responsible for issues relating to the transition of children and youth from such facility or institution to locally operated programs.

Further action required: The SCDE must provide ED with a copy of its 2009-2010 SA application form with a section that includes the name of an individual who will serve as the Title I, Part D transition coordinator at every facility planning to participate in the SA's Title I, Part D program.

Summary of Education for Homeless Children and Youth Program Monitoring Indicators

McKinney-Vento Homeless Education Program			
Indicator Number	Description	Status	Page
Indicator 2.1	The SEA implements procedures to address the identification, enrollment and retention of homeless students.	Met requirements	N/A
Indicator 2.2	The SEA provides, or provides for, technical assistance for LEAs to ensure appropriate implementation of the statute.	Met requirements	N/A
Indicator 3.1	The SEA ensures that LEA subgrant plans for services to eligible homeless students meet all requirements.	Met requirements	N/A
Indicator 3.2	The SEA ensures that the LEA complies with providing comparable Title I, Part A services to homeless students attending non-Title I schools.	Met requirements	N/A
Indicator 3.3	The SEA has a system for ensuring the prompt resolution of disputes.	Met requirements	N/A
Indicator 3.4	The SEA conducts monitoring of LEAs with and without subgrants, sufficient to ensure compliance with McKinney-Vento program requirements.	Met requirements	N/A

Title VII, Subtitle B

There were no compliance issues for this section.