

Utah State Office of Education

April 27-30, 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 Utah State Office of Education (USOE) the week of April 27-30, 2009. This was a comprehensive review of USOE's administration of the following programs authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended: Title I, Part A, Subpart 3; 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).

In conducting this comprehensive review, the ED team carried out a number of major activities. In reviewing the Title I, Part A program, the ED 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 educational agency (SEA). During the onsite week, the ED team visited Washington County School District (WCSD) and Salt Lake City School District (SLCSD), interviewed administrative staff, and conducted parent meetings. The ED team then interviewed the USOE personnel to confirm the accuracy of data collected in each of the three monitoring indicator areas.

In its review of the Title I, Part D program, the ED team examined the State's application for funding, procedures and guidance for State agency (SA) applications under Subpart 1, the State's oversight and monitoring plan and activities, SA subgrant plans and evaluations of the program. The ED team visited and interviewed the SA coordinator and the Title I, Part D State educational agency coordinator to discuss administration of the program.

In its review of Title VII, Subtitle B of the McKinney-Vento Homeless Assistance Act (Education for Homeless Children and Youth), the ED 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 Nebo and Salt Lake City. The ED team visited and interviewed administrative and program staff in those two LEAs and interviewed staff from North Sanpete and Murray School districts. The ED team also interviewed the McKinney-Vento state coordinator to confirm information obtained at the local sites and discuss administration of the program.

Previous Audit Findings: None.

Previous Monitoring Findings: ED last reviewed Title I programs in Utah during the week of December 12-15, 2005. ED identified compliance findings in the areas of subrecipient monitoring; calculation of adequate yearly progress (AYP); SEA and LEA report cards; statewide system of support; parental involvement requirements; parental notification requirements; requirements for schools identified for improvement; schoolwide plans; reallocation procedures for Title I funds; requirements for reservations for parent involvement; equitable services; requirements related to supplement, not supplant; audits; services to children attending private schools; committee of practitioners; adequate controls for equipment; adequate controls regarding procurement of goods and services; time and effort; oversight process for the Subpart 1, SA plan; and policies for identifying and enrolling homeless students.

Overarching Requirement – SEA Monitoring

A State’s ability to fully and effectively implement the requirements of ESEA 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 ESEA.

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, States must have mechanisms in place sufficient to ensure that they are able to collect and review critical implementation data with the frequency and intensity required to ensure effective (and fully compliant) programs under ESEA. Such a process should promote quality instruction and lead to achievement of the proficient or advanced level on State standards by all students.

Recommendation: The ED team recommends that the USOE strengthen its monitoring process to include a formalized tracking process that is able to be accessed by all appropriate staff. Currently there is one USOE staff member who tracks the progress of resolution of findings by noting them on a calendar.

**Title I, Part A
Summary of Monitoring Indicators**

Monitoring Area 1, Title I, Part A: Accountability			
Indicator Number	Description	Status	Page
1.1	The SEA has approved systems of academic content standards, academic achievement standards and assessments (including alternate assessments) for all required subjects and grades, or has an approved timeline for developing them.	Findings	4
1.2	The SEA has implemented all required components as identified in its accountability workbook.	Findings	5
1.3	The SEA has published an annual report card as required and an Annual Report to the Secretary.	Finding	7
1.4	The SEA has ensured that LEAs have published annual report cards as required.	Finding	8
1.5	The SEA indicates how funds received under Grants for State Assessments and related activities (Section 6111) will be or have been used to meet the 2005-06 and 2007-08 assessment requirements of NCLB.	Met Requirements	N/A
1.6	The SEA ensures that LEAs meet all requirements for identifying and assessing the academic achievement of limited English proficient students.	Met Requirements	N/A

Indicator 1.1 – The SEA has approved systems of academic content standards, academic achievement standards and assessments (including alternate assessments) for all required subjects and grades, or has an approved timeline for developing them.

Finding (1): The USOE has not ensured that it has approved systems of academic content standards, academic achievement standards and assessments (including alternate assessments) for all required subjects and grades. Mathematics content standards were revised in 2007-2008 with implementation of new mathematics core tests (grades 3-8 and 10) in 2008-2009. Mathematics core test blueprints were changed and academic achievement standards may be re-established at the end of June 2009.

Citation: Section 1111(b)(3)(C)(iii) of the ESEA requires assessments to be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards. Also, section 1111(b)(3)(C)(iv) requires the SEA to provide to the Secretary evidence from the test publisher or other relevant sources that the assessments used are of adequate technical

quality for each purpose required under this Act and are consistent with the requirements of this section.

Further action required: The USOE must submit the revised mathematics criterion-referenced tests in grades 3-8 and 10 for peer review consistent with the Standards and Assessments Peer Review Guidance as revised. See <http://www.ed.gov/policy/elsec/guid/saaprguidance.doc>.

Finding (2): The USOE has not ensured that it has tracked migrant participation in assessments. No LEA report shows that 100% of migrant students are being assessed.

Citation: Section 1111(b)(3)(C)(ix)(I) of the ESEA requires the participation in such assessments of all students. Section 200.6 (c) of the Title I regulations requires that SEAs must include migrant students in its academic assessment system, even if those students are not included for accountability purposes under section 1111(b)(3)(C)(xi).

Further action required: The USOE must provide ED with a report that shows the percentages of migrant students participating in each of the assessments required for adequate yearly progress (AYP) in 2008-2009.

Indicator 1.2 -The SEA has implemented all required components as identified in its accountability workbook.

Finding (1): The USOE has not ensured that parent notification was provided in time to permit informed decisions regarding choice and supplemental educational services. adequate yearly progress (AYP) determinations and the identification of schools in need of improvement were released to the public after the beginning of school. (See finding in Indicator 2.3.)

Citation: Section 1116(b)(1)(A) and (B) of the ESEA requires that an LEA identify for school improvement any elementary school or secondary school served under Title I that fails for two consecutive years to make adequate yearly progress as defined in the State plan. The identification shall take place before the beginning of the school year following such failure to make adequate yearly progress.

Further action required: The USOE must identify schools in need of improvement in a timely fashion so that school improvement requirements may be implemented. Such timely identification would allow enough time to notify parents about public school choice or SES options. The USOE must provide ED with a plan and timeline for the timely identification of schools and implementation of Title I choice and supplemental education services (SES) and evidence that the plan has been implemented.

Finding (2): The USOE has not ensured that it approves appeals consistent with the criteria in its Accountability Workbook. The USOE approved 104 appeals in 2008. Several categories of approved appeals are not consistent with the criteria approved in Utah's Accountability Workbook.

Appeals should not be sustained on the following grounds: (1) mismatch between the new mathematics curriculum taught and the old mathematics curriculum tested; (2) attendance increase for students with disabilities; (3) increase in Hispanic attendance; and (4) progress of low-income students.

Citation: Section 1116(b)(2)(B) of the ESEA specifies that if the principal of a school proposed for school improvement believes, or a majority of the parents of the students enrolled in such school believes, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the SEA, which shall consider that evidence before making a final determination.

Further action required: The USOE must discontinue the practice of approving appeals on grounds other than identification errors for statistical or other substantive reasons. The USOE must provide ED with the justification for numbers and results of all 2008-09 appeals.

Finding (3): The USOE has not ensured that its accountability system includes all students in the State. Mathematics AYP calculations for grades 10-12 include either Algebra 1 or Geometry. Students who take Algebra 1 and/or Geometry in middle schools are never included in mathematics AYP calculations for grades 10-12. The middle school scores are not banked for use in AYP determinations in grades 10-12. Students who took the assessment in middle school are not allowed to take the Algebra 1 or Geometry test in high school even if they retake the course.

Citation: Section 1116(b)(2)(I)(ii) of the ESEA specifies that each year for a school to make adequate yearly progress not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments.

Further action required: The USOE must discontinue the practice of not including all students at least once in AYP calculations for mathematics in grades 10-12. The USOE must provide ED with a plan and timeline for ensuring not less than 95 percent of each group of students participate in the accountability system as required.

Finding (4): The USOE has not ensured that it holds all students to the same accountability standards. Grades 10-12 mathematics AYP calculations can include either Algebra 1 or Geometry. It is not clear whether all students are required to take both Algebra 1 and Geometry to graduate from high school. The use of Algebra and Geometry was approved by ED (2003) to ease transition to a "new" 11th grade

mathematics test that would be used for AYP in grades 10-12. The test was developed, but it is not being used for AYP accountability.

Citation: Section 1116(b)(2)(C)(i) of the ESEA requires the SEA to define AYP in a manner that applies the same high standards of academic achievement to all public elementary and secondary school students in the State.

Further action required: The USOE must discontinue the practice of not holding all high school students to the same high mathematics standards of academic achievement. The USOE must provide ED with a plan and timeline for ensuring that all high school students are held to the same high mathematics standards of academic achievement.

Indicator 1.3 – The SEA has published an annual report card as required and an Annual Report to the Secretary.

Finding: The USOE has not ensured that it has met requirements for State report cards. The USOE publishes an annual State report card; however, the report card lacks two required items: a comparison of highly qualified teachers in high-poverty and low-poverty LEAs and the number of newly arrived limited English proficient (LEP) students who were not assessed on the State's reading/language arts test.

Citation: Section 1111(h)(1) of the ESEA requires the SEA to include the following information in its annual State report card:

- Information, in the aggregate and disaggregated by required subgroups, on student achievement at each proficiency level on the State academic assessments;
- Information that provides a comparison between the actual achievement levels of each group of students and the State's annual measurable objectives on each of the academic assessments required;
 - The percentage of students not tested for all required groups;
 - The most recent 2-year trend in student achievement in each subject area, and for each grade level, for which assessments under this section are required;
- Aggregate information on any other indicators used by the State to determine adequate yearly progress (AYP);
 - Graduation rates for secondary school students;
 - Information on the performance of the local educational agencies in the State regarding making AYP, including the number and names of each school identified for school improvement under section 1116; and
 - The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which means schools in the top and bottom quartile of poverty in the State.
- The number of recently arrived limited English proficient (LEP) students exempted from one administration of the State's reading/language arts assessment (NOTE: this is a new requirement based on section 200.6(b)(4)(i)(C)).

Further action required: The USOE must amend the State report card to include a comparison of highly qualified teachers in high-poverty and low-poverty schools and the number of recently arrived LEP students exempted from one administration of the USOE's reading/language arts assessment. The USOE must provide ED with a copy of the revised State report card.

Indicator 1.4 - The SEA has ensured that LEAs have published annual report cards as required.

Finding: The USOE has not met requirements related to LEA report cards. The USOE publishes district reports annually. The most recent documents available (based on 2007-2008 data) lack two required items: a comparison of highly qualified teachers in high-poverty and low-poverty schools within the LEA and the number of newly arrived LEP students exempted from the reading test.

Citation: Section 1111(h)(2)(B) of the ESEA requires the SEA to ensure that each LEA include the following information in the LEA annual report as applied to the LEA and each school served by the LEA:

- Information, in the aggregate and disaggregated by required subgroups, on student achievement at each proficiency level on the State academic assessments;
- Information that provides a comparison between the actual achievement levels of each group of students and the State's annual measurable objectives on each of the academic assessments required under this part;
 - The percentage of students not tested for all required groups;
 - The most recent 2-year trend in student achievement in each subject area, and for each grade level, for which assessments under this section are required;
 - Aggregate information on any other indicators used by the State;
 - Graduation rates for secondary school students;
 - The number of recently arrived LEP students exempted from one administration of the State's reading/language arts assessment (NOTE: this is a new requirement based on section 200.6(b)(4)(i)(C));
- Information on the performance of the local educational agency regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116; and
 - The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools.

For the LEA:

- The number and percentage of schools identified for school improvement and how long the schools have been so identified; and
- Information that shows how students served by the LEA achieved on the statewide academic assessment compared to students in the State as a whole.

For each school within the LEA:

- Whether the school has been identified for school improvement; and
- Information that shows how the school's student achievement on the statewide academic assessment and other indicators of AYP compared to student achievement in the LEA and the State as a whole.

Further action required: For each LEA, the USOE must prepare and disseminate a complete report card that includes all required data elements, including a comparison of highly qualified teachers in high-poverty and low-poverty schools within the LEA and the number of newly arrived LEP students exempted from the reading/language arts test. The USOE must provide ED with a complete sample LEA report card that includes all required information.

Monitoring Area 2, Title I, Part A: Program Improvement, Parental Involvement and Options

Indicator Number	Description	Status	Page
2.1	The SEA has developed procedures to ensure the hiring and retention of qualified paraprofessionals.	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 LEAs and schools meet parental involvement requirements.	Findings	10
2.4	The SEA ensures that LEAs and schools identified for improvement, corrective action, or restructuring have met the requirements of being so identified.	Recommendations	11
2.5	The SEA ensures that requirements for public school choice are met.	Findings Recommendations	12
2.6	The SEA ensures that requirements for the provision of supplemental educational services (SES) are met.	Findings Recommendations	12
2.7	The SEA ensures that LEAs and schools develop schoolwide programs that use the flexibility provided to them by the statute to improve the academic achievement of all students in the school.	Recommendations	14
2.8	The SEA ensures that LEA targeted assistance programs meet all requirements.	Met Requirements	N/A

Indicator 2.3 - The SEA ensures that the LEA and schools meet parental involvement requirements.

Finding (1): The USOE did not ensure that its LEAs sent letters to parents about public school choice prior to the start of school. (See Finding 1.2.)

Citation: Section 1116(b)(6)(F) of the ESEA requires that an LEA promptly (i.e., 14 days prior to the start of school per C.F.R. 200.37 (b)(4)(iv)) provide to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement, corrective action, or restructuring an explanation of the parents' option to transfer their child to another public school or to obtain SES.

Further action required: The USOE must identify schools in need of improvement in a timely fashion so that school improvement requirements may be implemented. Such timely identification would allow enough time to notify parents about public school choice or SES options. The USOE must provide ED with a plan and timeline for the timely identification of schools and

implementation of Title I choice and supplemental education services (SES) and evidence that the plan has been implemented.

Finding (2): The USOE has not consistently ensured that schools receiving Title I funds conduct an annual Title I meeting for parents. Principals interviewed in SLCS and WCSD indicated that they discussed certain aspects of Title I, Part A requirements such as school improvement status, public school choice, and SES at back-to-school nights/open houses, but did not necessarily provide information about specific Title I requirements or the use of Title I funds. Parents interviewed were unaware of what it meant to be a Title I school or that their school was operating a schoolwide program and how they can be involved in the planning, implementation, and evaluation of such a program. Parents also noted that they were not clear about ways they can be involved in the LEA and/or school improvement planning processes.

Citation: Section 1118(c)(1) of the ESEA requires each school served under Title I, Part A to convene an annual meeting, at a time convenient for parents, to inform them of their school's participation in Title I, Part A programs, and to explain the program requirements and their right to be involved. In order to keep parents informed, schools must invite to this meeting all parents of children participating in Title I, Part A programs and encourage them to attend. Schools must offer a flexible number of additional parental involvement meetings, such as in the morning or evening, so that as many parents as possible are able to attend. Section 1118(c)(3) of the ESEA requires each school to involve parents in an organized, ongoing, and timely way in planning and reviewing LEA and school improvement processes as well as in the development of schoolwide program plans.

Further action required: The USOE must notify LEAs that each school receiving Title I funds must conduct an annual meeting for parents that includes information about the Title I program in each school. This communication must remind LEAs that they must document this meeting with minutes, agenda, sign-in lists, etc. The USOE must provide ED with a copy of this notification. Additionally, the USOE must provide ED with a plan and timeline for providing technical assistance to LEAs and schools in evaluating the effectiveness of parental involvement activities. This technical assistance should include information on how to create parental involvement activities that will help parents better understand the educational system, their role in the district and/or school improvement planning process, the choices they have, and how to take advantage of the opportunities available to them.

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

Recommendation (1): ED recommends that the USOE provide written guidance and technical assistance to LEAs about the purpose and structure of the peer review instrument. This technical assistance should be designed to help LEAs document that a peer review process has taken place and necessary adjustments have been made to the

improvement plan as a result of the peer review prior to submitting the plan to the USOE. The technical assistance should also include tools an LEA may use to provide feedback to a school about areas needing revisions and samples of letters or other methods an LEA may use to inform the school about the approval status of its improvement plan.

Recommendation (2): ED recommends that the USOE provide technical assistance to LEAs and schools regarding the school improvement planning process to ensure that the goals, strategies, and activities described in the plans, including any supporting documentation, adequately address the individual needs of each school and also meet State and Federal requirements. Although all plans reviewed by the ED team addressed the required components, there was considerable variance in the manner the school improvement plans in SLCS and WCS D addressed each element and provided sufficient information for analyzing problems, identifying underlying causes, and addressing instructional issues to improve teaching and learning. For example, in addressing each of the required components, some plans provided a one- or two-sentence description of research based practices, parental involvement strategies, and activities related to the 10 percent requirement for professional development while other plans were comprehensive, highly structured, specific, and focused primarily on strategies to improve student achievement. As previously noted above in Recommendation 1, ED recommends that the USOE work closely with LEAs to improve the peer review process as one method to improve the quality and compliance review of plans. Additionally, ED recommends that USOE staff and/or members of the State's School Support Teams provide assistance and training to LEAs and schools in the design and development of improvement plans based on the State's school improvement plan template.

Indicator 2.5 – The SEA ensures that requirements for public school choice are met.

Indicator 2.6 – The SEA ensures that requirements for the provision of supplemental educational services (SES) are met.

Finding (1): In August 2008, ED entered into a flexibility agreement with the USOE, granting the USOE a waiver under section 9401 of the ESEA that allows SLCS D to offer SES in lieu of public school choice to eligible students in Title I schools in the first year of improvement, thereby reversing the order of the interventions outlined in sections 1116(b)(1)(E) and 1116(b)(5)(B) of the ESEA. The USOE has not fully met the conditions of the flexibility agreement detailed in ED's August 1, 2008 letter to the USOE as follows:

- **Availability of SES providers.** The USOE has not ensured that at least two SES providers were available in SLCS D from which parents could choose. Although there are 16 approved SES providers on the State's approved list to serve either SLCS D or the entire State, SLCS D was unable to offer parents at least two choices of providers until spring 2009.

- Effective parent notification and outreach. The USOE has not ensured that SLCSO, within 30 days of ED's August 1, 2008 letter, provided notice and information to the public about its participation in the pilot in the manner in which it customarily provides similar notice to the public. The SLCSO did not inform parents about the pilot until spring 2009. Additionally, the SLCSO did not offer continuous enrollment in SES or multiple SES enrollment periods throughout the 2008-2009 school year until the LEA had met the 20 percent obligation required by Title I or until all students who requested SES and public school choice were served.

Citation: Section 1116(e) of the ESEA and section 200.45 of the Title I regulations specify the requirements that SEAs and LEAs must meet to fully implement SES. Section 9401(b)(3)(B) of the ESEA requires each LEA receiving a waiver to provide notice and information to the public regarding the waiver in the manner in which it customarily provides similar notice to the public.

Further action required: The USOE's SES waiver is for the 2008-2009 school year only. In order to participate in any future waiver related to SES, the USOE must submit to ED a plan and timeline to ensure timely and full implementation of such a future waiver. This plan must also describe the oversight and technical assistance that the USOE will provide to LEAs that receive such a waiver to ensure that all conditions and timelines are met. Additionally, the plan must detail specific corrective actions, with timelines, that USOE will take to ensure full compliance in cases where actions taken by LEAs receiving such a waiver have not been adequate or do not meet statutory requirements.

Finding (2): The USOE has not consistently ensured that parents may choose any SES provider approved by the SEA to serve that LEA. Letters sent to parents from the two schools offering SES in SLCSO indicated that tutoring would be offered only in mathematics in late spring 2009 and again during the summer. The LEA had sufficient funds to provide SES to each eligible student whose parents requested SES and therefore services should not have been limited to mathematics. In WCSO, the Title I coordinator indicated that not all providers on the State's list that were approved to serve the LEA were invited to offer services because of the LEA's concerns about certain providers. However, an LEA may not restrict a parent's ability to select any provider from the State-approved list as long as that provider is able to provide services in or near the area served by the LEA.

Citation: Sections 1116(b)(5), (7), and (8) of the ESEA require LEAs with schools identified for the second year of improvement, corrective action, and restructuring to offer SES consistent with the requirements of section 1116(e). However, if the funds available are insufficient to provide SES to each eligible student whose parent requests those services, under section 1116(b)(10)(C) of the ESEA and section 200.45(d) of the Title I regulations an LEA must give priority to the lowest-achieving eligible students. In this situation, the LEA should use objective criteria to determine which students are the lowest-achieving. For example, the LEA may focus services on the lowest-achieving eligible students in the subject area that resulted in the school being identified for improvement, corrective action, or restructuring.

Further action required: The USOE must provide documentation to ED that it has provided guidance to all LEAs required to offer SES that parents may select any provider, without regard to the subject in which the provider offers services, from the State-approved list as long as the provider is able to provide services in or near the area served by the LEA. The guidance must also note that if the funds available are insufficient to provide SES to each eligible student whose parent requests those services, an LEA must give priority to the lowest-achieving eligible students as determined by objective criteria.

Finding (3): The USOE has not ensured that all providers on the State-approved list have met their service area obligations. Both SLCS and WCSD indicated that although providers were approved to serve their LEAs, certain providers informed them that they were unable to do so.

Citation: Section 1116(e)(4)(C) of the ESEA requires States to maintain an updated list of approved providers across the State, by school district, from which parents may select.

Further action required: The USOE must ensure that SES providers meet their service area obligations as detailed in their approved SES application. This means that if a provider indicates in its application that it can serve certain areas of Utah, but then later tells the State or LEA that it is not able to do so, the USOE must discuss with such providers the reasons why this is the case. The USOE must submit to ED a plan and timeline for contacting all approved providers to determine if the providers met their service area obligations. In cases where a provider did not meet its service obligations, the USOE must make a determination about continuing the provider on its approved list or permitting the provider to amend its application to more accurately reflect its service area. Additionally, the plan must detail specific corrective actions, with timelines, that USOE will take with providers who fail to meet their service obligations, and how the USOE will ensure that it maintains an accurate, up-to-date list of approved providers.

Recommendation (1): The ED team recommends that the USOE consider ways to expand opportunities to enhance marketing and communication about SES with LEA staff, school principals, and providers. Interviews with LEA and State staff revealed that the procedures and expectations vary across LEAs for developing and executing SES contracts, individual student learning plans, student progress reports, and marketing SES through provider fairs, back-to-school nights, newspapers, radio, and public service announcements. To facilitate communication and coordination, the USOE should consider convening statewide or regional meetings that bring together local Title I coordinators, school principals, and SES providers to discuss Federal and State requirements for SES, including expectations for parent notification and outreach, student learning plans, and the providers' student progress reports to parents and teachers.

Recommendation (2): The ED team recommends that the USOE explore ways to collect and manage public school choice and SES data on a regular basis throughout the school year in order to make determinations about student participation. On-going collection of student participation data would assist the USOE in conducting an analysis of LEA public school choice and SES participation rates and, when such rates are low,

reviewing LEA implementation practices to determine the cause and establish methods and procedures to increase these rates where applicable.

Indicator 2.7 – The SEA ensures that LEAs and schools develop schoolwide programs that use the flexibility provided to them by the statute to improve the academic achievement of all students in the school.

Recommendation (1): The ED team recommends that the USOE provide additional technical assistance and support to staff in schoolwide program schools to ensure that principals and staff in these schools are fully aware of the requirements of schoolwide programs. Additionally, the USOE should consider working with the Southwest Comprehensive Center at WestED to develop training materials on schoolwide program requirements for use by SEA Title I staff and members of the State technical assistance teams. Based on the interviews with principals in schoolwide program schools, it appears that principals, especially new principals, might not be clear about the purpose of a schoolwide program or how schoolwide programs contribute to and intersect with their school improvement efforts.

Recommendation (2): The ED team recommends that the USOE provide technical assistance to schools operating schoolwide programs to seek ways to increase parental involvement in these schools. Based on information gathered in meetings with parents conducted during the visit, the ED team concluded that parents are not clear about the purpose of a schoolwide program or how they can be involved in the planning, implementation, and evaluation of such a program. One of the components of a schoolwide program requires the school to employ strategies to increase parental involvement (section 1114(b)(1)(F) of the ESEA). All parents in a schoolwide program school are eligible to participate in parental involvement activities. However, given that the focus of a schoolwide program is to raise the achievement of the lowest-achieving students, the USOE should seek ways to provide technical assistance to staff of schoolwide program schools to ensure that their parental involvement activities include the parents of the lowest-achieving students in order that they may better assist in the education of their children.

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.	Findings	17
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 Requirements	N/A
3.6	SEA ensures that its LEAs comply with requirements regarding services to eligible private school children, their teachers and families.	Finding	18
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

Indicator 3.3 – Within District Allocation Procedures The LEA complies with the requirements in sections 1113, 1116, and 1118 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.

Finding (1): The USOE has not ensured that its LEAs correctly calculate equitable services. Although SLCSO had correctly calculated equitable services, the USOE has no process for annually ensuring its LEAs correctly calculate equitable services for private school children, their teachers and families. LEAs are required to submit the final amounts for services for private school children, their teachers and families. However, the USOE does not request that LEAs provide the actual calculations to ensure that the calculations have been done correctly.

Citation: Section 1118(a)(3)(A) of the ESEA requires that LEAs with a Title I, Part A allocation of greater than \$500,000 to reserve not less than one percent of their Title I, Part A allocation to carry out parental involvement activities. Section 200.65 of the Title I regulations requires LEAs to calculate from these funds the amount of funds available for parental involvement activities for families of private school students based on the proportion of private school students from low-income families residing in Title I attendance areas.

If an LEA reserves funds under section 1119 of the ESEA for carrying out professional development activities, the LEA must provide equitable services to teachers of private school participants from this set-aside. Section 200.65(a)(1) – (2) of the Title I regulations requires an LEA to calculate the amount of funds available for professional development activities from the reserved funds based on the proportion of private school children from low-income families residing in participating public school attendance areas. Activities for the teachers of private school participants must be planned and implemented with meaningful consultation with private school officials.

Section 200.64(a)(2)(i)(A) of the Title I regulations requires that, if an LEA reserves funds for instructionally-related activities for public elementary or secondary students at the district level, the LEA must also provide from these funds, as applicable, equitable services to eligible private school children. The amount of funds available to provide equitable services from the applicable reserved funds must be proportional to the number of private school children from low-income families residing in participating public school attendance areas.

Further action required: The USOE must ensure that its LEAs serving private school children correctly calculate annually equitable services for services to the teachers and families of participating private school students. The USOE must provide ED with a description of how it will annually ensure the correct implementation of these requirements.

Finding (2): The USOE has not ensured that its LEAs meet requirements regarding carryover. There is no mechanism at the State level to determine whether LEAs have correctly allocated carryover funds.

Citation: Section 1113(3) of ESEA states that an LEA shall serve eligible schools in rank order. If carryover funds are allocated to schools, the funds must be distributed to schools in accordance with allocation procedures.

Further action necessary: The USOE must provide ED with a description of how it will ensure annually that its LEAs have met requirements related to the carryover provisions of Title I.

Finding (3): The USOE has not ensured that its LEAs, in reserving Title I funds for choice-related transportation and supplemental educational services, do not reduce Title I allocations to schools identified for corrective action or restructuring by more than 15 percent. There is no mechanism at the State level to ensure that LEAs meet this requirement.

Citation: Section 1116(b)(10)(D) of the ESEA prohibits LEAs, in reserving Title I funds for choice-related transportation and supplemental educational services, to reduce Title I allocations to schools identified for corrective action or restructuring by more than 15 percent.

Further action required: The USOE must provide ED with a detailed description of how and when it informed its LEAs of this requirement. This documentation must include letters to LEAs or agendas for technical assistance meetings. The USOE must also provide to ED a description of how it will annually ensure the correct implementation of this requirement.

Indicator 3.6 - Services to Private School Students

Finding: The USOE has not ensured that its LEAs have met the requirements for consultation regarding the evaluation of the Title I program for private school students, including consultation regarding what constitutes annual progress for the Title I program serving eligible private school children. Although SLCPs assess individual students, it had not determined in consultation with private school officials what the agreed upon standards are, and how the annual progress will be measured and how the effectiveness of the Title I program will be determined.

Citation: Section 1120(b)(1)(D) of the ESEA and section 200.63 (b)(5) of the Title I regulations require an LEA to consult with appropriate officials from private schools during the design and development of the LEA's program for eligible private school students on issues such as how the LEA will assess academically the services to eligible private school students and how the LEA will use the results of that assessment to improve Title I services.

Further action required: The USOE must ensure that its LEAs, as part of the consultation process, make a determination as to what standards and assessments will be used to measure the annual progress of the Title I programs provided private school participants and the effectiveness of the Title I program. The USOE must provide ED with a detailed description of how and when it informed its LEAs of this requirement and how it will monitor this requirement to ensure that the Title I programs provide reasonable promise that the private school participants will achieve to high levels.

**Title I, Part D
Summary of Monitoring Indicators**

Neglected, Delinquent or At-Risk of Dropping-Out Program			
Indicator Number	Description	Status	Page
1.1	The SEA has implemented all required components as identified in its Title I, Part D (N/D) plan.	Met Requirements	N/A
1.2	The SEA ensures that State agency (SA) plans for services to eligible N/D students meet all requirements.	Findings	20
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
2.1	The SEA ensures that institution-wide 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
3.1	The SEA ensures each SA 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
3.2	The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I, Part D program requirements.	Met Requirements Recommendation	21

Indicator 1.2 - The SEA ensures the SA plans for services to eligible N/D students meet all requirements.

Finding(1): The USOE has not ensured that its SA application review process is sufficiently independent of the SA program. Because Utah is unique among States in that the SEA and the SA are one and the same, the USOE staff members who review the SA application are also involved in the administration of the SA program. The ED team identified this same compliance issue when it monitored the USOE in 2005.

Finding (2): The USOE has not ensured that services provided under Subpart 1 are supplemental. The USOE staff could not articulate what is supplemental about the Subpart 1 program services and activities from the regular program of instruction.

Finding (3): The USOE has not ensured that it has complied with all applicable statutory and regulatory requirements. The ED team observed that there was no follow-up of students exiting institutions, although the SA application requires a description of efforts to share academic records with local educational agencies or alternative education programs to which the youth should be returning.

Citation: Section 1414 of the ESEA outlines the responsibilities of the SEA for reviewing and implementing the programs described in SA applications. Section 1414 (1)(C)(iii) requires the SEA to “ensure that the SAs receiving subgrants under this

subpart comply with all applicable statutory and regulatory requirements.” Furthermore, section 1414(c)(9) requires the SA to describe how it “will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program.”

Further action required: The USOE must submit to ED a written description of its SA application review process that ensures that applications are reviewed by SEA staff or other individuals with relevant expertise who are independent of the SA program. The USOE must submit to ED a written explanation of how the Title I, Part D, Subpart 1 program is supplemental to the regular program of instruction for the students it serves. Finally, the USOE must submit a written explanation of how the SA will coordinate with local educational agencies and alternative education programs in sharing student assessments and appropriate academic records in FY 2009-2010.

Indicator 3.2 - The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I, Part D program requirements.

Recommendation: The ED team recommends that the USOE create an annual program evaluation that refers to the previous year’s program targets and performance data to accompany or be included in the annual grant application or submission of the Consolidated State Performance Report (CSPR) data from each funded facility. The ED team observed a limited or inconsistent approach to using data to assess program impact in its interviews with subgrantees.

**McKinney-Vento Homeless Education Program
Summary of Monitoring Indicators**

McKinney-Vento Homeless Education Program			
Indicator Number	Description	Status	Page
Indicator 1.1	The SEA collects and reports to ED assessment data from LEAs on the educational needs of homeless children and youth.	Met Requirements	N/A
Indicator 2.1	The SEA implements procedures to address the identification, enrollment and retention of homeless students.	Met Requirements Recommendation	22
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.	Finding Recommendation	22
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 Recommendation	23

Indicator 2.1 - The SEA implements procedures to address the identification, enrollment and retention of homeless students.

Recommendation: The ED team recommends that the USOE collect periodic or annual reports from the LEAs regarding student transportation to their school of origin, including length of time and cost. ED observed that none of the LEAs interviewed are tracking transportation to school of origin nor reporting this to the SEA. At the LEA interviews, neither liaison could provide information or records regarding which students are transported to their school of origin, for how long, or at what cost.

Indicator 3.2 - The SEA ensures that LEAs comply with providing comparable Title I, Part A services to homeless students attending non-Title I schools.

Finding: ED observed inconsistency among the LEAs interviewed regarding coordination between the Title I, Part A program and the McKinney-Vento requirements concerning evidence of coordination to serve homeless students.

Citation: Section 1112 (a)(1) of the ESEA requires Title I, Part A programs to coordinate with the McKinney-Vento Homeless Assistance Act at the State and local levels.

Furthermore, section 1112(b)(E)(ii) requires LEAs to describe in their consolidated applications how services for homeless children will be coordinated and integrated with the Title I, Part A program “in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.” Finally, section 1112(b)(O) requires LEAs to describe the services to be provided through the LEA reservation to homeless students in non-Title I schools in the LEA plan.

Further action required: The USOE must provide ED with a plan for how it will ensure in its approval of consolidated applications that every LEA has demonstrated coordination and a discussion of any services provided with 1113(a)(3)(A) reservation of funds.

Recommendation: The ED team recommends that the USOE provide further written guidance to Title I coordinators and district homeless liaisons concerning the need for closer coordination in determining a suitable reservation of funds for homeless students from Title I, Part A. The ED team observed that one district had an \$850 reservation for 65 students as identified as homeless so far this year.

Indicator 3.4 - The SEA conducts monitoring of LEAs with and without subgrants, sufficient to ensure compliance with McKinney-Vento program requirements.

Recommendation: The ED team recommends that the USOE require an annual report or evaluation of program performance by the LEAs with subgrants regarding their goals and targets. The ED team observed that while planning for program evaluation was a requirement of the application process, no program evaluation reports were submitted to the USOE other than the Federal data requirement for the Consolidated State Performance Report.