

Pennsylvania Department of Education

March 8-10, 2010

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 Pennsylvania Department of Education (PDE) the week of March 8-10, 2010. This was a comprehensive review of Pennsylvania'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 ED team reviewed evidence of State-level monitoring and technical assistance, implementation of the State's Title III accountability system, and fiscal and administrative oversight with the State educational agency (SEA). The ED team also visited one local educational agency (LEA) - Harrisburg School District (HSD) where they reviewed documentation and interviewed district and school staff.

Previous Audit Findings: None

Previous Monitoring Findings: ED last reviewed the Title III, Part A program in the Pennsylvania Department of Education during the week of April 20-24, 2009. ED identified compliance findings in the following areas:

Element 1.1 - State Submissions: Follow-up on areas identified through desk audit and document reviews.

Finding (1): The PDE did not submit, in section 1.6.3.2.2 of its 2007-2008 Consolidated State Performance Report (CSPR), complete English language proficiency achievement results for Title III LEP students making progress in learning English and attaining English language proficiency.

Finding (2): The PDE did not submit, in section 1.6.3.6.2 of its 2007-2008 CSPR, data on the number of monitored former LEP students who were tested on the annual mathematics assessment, the number who scored at or above proficient, and the number who scored below proficient.

Finding (3): The PDE did not submit, in section 1.6.3.6.3 of its 2007-2008 CSPR, data on the number of monitored former LEP students who were tested in reading/language arts in all AYP grades, the number who scored at or above proficient, and the number who scored below proficient.

Finding (4): The PDE did not submit, in section 1.6.3.6.4 of its 2007-2008 CSPR, data on the number of monitored former LEP students who were tested in science, the number who scored at or above proficient, and the number who scored below proficient.

Finding (5): The PDE did not submit, in section 1.6.4.1 of its 2007-2008 CSPR, data on the performance of Title III subgrantees.

Finding (6): The PDE did not submit, in section 1.6.4.2 of its CSPR, information on whether the State met all three Title III AMAOs.

Finding (7): The PDE reported, in its 2007-2008 CSPR, that 1,073 immigrant students participated in programs for immigrant children and youth funded under section 3114(d)(1), but reported zero for the number of subgrants. During the on-site review, the PDE reported that it made fifty-seven awards for immigrant and youth subgrants. The State included the following comment in its response to section 1.6.4.3: “No LEA received immigrant funding that did not receive a Title III grant for LEP.”

Element 2.1 – Within State Allocations, Reallocations and Carryover

Finding (1): The PDE does not have a process for reallocating Title III funds. LEAs do not report to the SEA on the use of funds until the end of the 27 months of availability. Accordingly, the PDE does not have a mechanism in place to determine when LEAs may have funds that would be available for reallocation, and therefore, does not notify its LEAs of the availability of reallocated funds.

Finding (2): The PDE has not complied with the requirements in section 3114(d) for making immigrant children and youth awards. The State’s definition of significant increase is “interpreted as any increase over the average of the two previous years.”

Element 2.2 – Within District

Finding (1): The PDE has not ensured that its LEAs comply with the requirement in section 3115(b) to use a maximum of two percent of Title III funds for administrative costs. The PDE’s electronic application allows LEAs to enter indirect costs above the two percent maximum. While no indirect costs were included in YCSD’s application, a budget worksheet indicated the LEA used more than two percent of its Title III funds for administrative costs.

Finding (2): The PDE has not complied with the requirement to make subgrants of \$10,000 or more. The PDE has combined section 3114(a) Title III grants and immigrant grants under section 3114(d) to enable LEAs to meet the \$10,000 minimum imposed by section 3114(b).

Finding (3): The PDE has not ensured that staff paid with Title III funds as well as other funds have supported the charges to Title III. A staff member in ASD who is paid partially with Title III funds as well as other funds has not kept time and effort records.

Element 3.4 – Annual Measurable Achievement Objectives

Finding (1): The PDE has not made annual measurable achievement objectives (AMAOs) determinations for the 2007-2008 school year. As a result, the PDE has not notified LEAs that did not meet Title III AMAOs.

Finding (2): The PDE did not require LEAs that did not meet Title III AMAOs for two consecutive years to comply with the requirement to develop improvement plans.

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. See Element 1.1.

Element 4.4 - Authorized Subgrantee Activities

Finding: The PDE did not require subgrantees to submit plans for the use of immigrant funds to provide enhanced instructional opportunities for immigrant children and youth.

Element 5.1 – State Review of Local Plans Application: The SEA ensures that its LEAs comply with the provision for submitting an application to the SEA.

Finding: The PDE has not required LEAs to specify in their Title III applications sufficient information about the activities they will implement to meet the professional development requirements under section 3115(c)(2). One of the local plans the team reviewed contained a list of generic activities.

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

Finding: The PDE's procedures for monitoring its Title III subgrantees for compliance with Title III programmatic and fiscal requirements are insufficient to ensure that all areas of non-compliance are identified and corrected. Although the PDE has procedures to monitor Title III subgrantees, the procedures do not include follow up to ensure LEAs have corrected the areas of non-compliance.

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

Finding: The PDE has not notified the subgrantees regarding AMAO status for the 2007-2008 school year and, as a result, Title III subgrantees that have failed to make progress on the AMAOs have been unable to comply with the parent notification requirements.

Monitoring Indicators for Title III, Part A

State Monitoring of Subgrantees			
Element Number	Description	Status	Page
	State Monitoring of Subgrantees sections 3115, 3116, and 3121; EDGAR 34 CFR 80.40	Recommendation	4

State Monitoring of Subgrantees

State Monitoring: The State has a process to monitor subgrantees and the evaluation components of the monitoring plan address the requirements under sections 3113, 3115, 3121, 3122 and 3302 of the ESEA.

Recommendation: ED recommends that the PDE ensure that contractors and Intermediate Unit staff (IUs) who are hired to monitor LEA compliance with Title III have sufficient training in Title III to have a comprehensive understanding of Title III in programs and services for LEP students.

Standards, Assessments and Accountability			
Element Number	Description	Status	Page
Element 1.1	English Language Proficiency (ELP) Standards section 3113	Recommendation	5
Element 1.2	English Language Proficiency (ELP) Assessment sections 3113 and 3116	N/A	N/A
Element 1.3	Annual Measurable Achievement Objectives (AMAOs) sections 3122(a)(1)(2)(3) and 1111(b)(2)(B)	Finding	5
Element 1.4	Data Collection and Reporting sections 3121 and 3123; EDGAR 34 CFR 76.731	Finding Recommendation	6

Monitoring Area 1: Standards, Assessments and Accountability

Element 1.1 - ELP Standards: The State provided evidence of a process that complies with section 3113 of the ESEA.

Recommendation: Even though there is evidence of a process for alignment of State English Language Proficiency (ELP) standards with the achievement of State academic content standards, the process is in the beginning stages. In the State's Standards and Alignment System, the PDE needs to ensure that cognitive loads are not compromised for lower proficiency levels and that adequate language scaffolding is provided.

Element 1.3 - AMAOs: AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.

Finding: The PDE has not made annual measurable achievement objectives (AMAOs) determinations for the 2007-2008 and 2008-2009 school years; only preliminary data have been determined by the State. As a result, the PDE has not notified LEAs that did not meet Title III AMAOs.

Citation: Sections 3122(a)(3) and (b)(1) and 3302(b) of the ESEA require SEAs to determine whether an LEA has met the AMAOs and to communicate AMAO determinations to the LEAs, and to the parents of LEP students served by the LEAs' Title III programs when the LEAs do not meet AMAOs.

Further Action Required: The State must provide ED evidence that it will make AMAO determinations for school years 2007-2008 and 2008-2009, as well as for future school years, and notify Title III subgrantees that did not meet AMAOs, and require the subgrantees to comply with the parent notification requirements.

Element 1.4 - 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 the State's approach to following ELP progress and attainment over time.

Finding: The PDE did not provide evidence that its' procedure for collecting data to meet all the Title III requirements enable the State to collect data on Title III-served students for two years after exiting.

Citation: Section 3121(a)(4) requires each Title III subgrantee to provide an evaluation at the conclusion of every second fiscal year during which the subgrant is received that includes a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

Further Action Required: The PDE is in the process of implementing the Pennsylvania Information Management System (PIMS); however, the State must submit evidence demonstrating how its data system will enable the State to collect accurate and complete data that address all Title III data requirements.

Recommendation: ED recommends that the PDE ensure that the data collection processes include consistent quality control procedures.

Instructional Support			
Element Number	Description	Status	Page
Element 2.1	State-Level Activities section 3111 (b)(2)	N/A	N/A
Element 2.2	State Oversight and Review of Local Plans sections 3116(a) and 3115(c); EDGAR 34 CFR 76.770	Recommendation	7
Element 2.3	Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth sections 3114 and 3115	N/A	N/A
Element 2.4	Private School Participation section 9501	N/A	N/A
Element 2.5	Parental Notification and Outreach section 3302	Finding	7&8

Monitoring Area 2: Instructional Support

Element 2.2 – State Oversight and Review of Local Plans: The SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (section 3116(a)).

Recommendation: ED recognizes that the local application has improved from last year; however, ED recommends that the Title III local application include sufficient detail in the listed generic activities for the SEA to evaluate whether the language instruction programs will ensure that the programs serving LEP children are high-quality and effective and meet the statutory requirements of Title III.

Element 2.5 – Parental Notification and Outreach: Parental notification in an understandable format as required under section 3302 for identification and placement and for not meeting the State AMAOs.

Finding (1): The PDE has not notified subgrantees regarding Title III AMAO status for the 2007-2008 and 2008-2009 school years and, as a result, Title III subgrantees that have failed to meet the AMAOs have been unable to comply with the parent notification requirements.

Citation: Section 3302(b) of the ESEA requires subgrantees to provide parents of LEP children participating in or identified for participation in a Title III funded program with notification of the failure of the LEA to meet the AMAOs not later than 30 days after such failure occurs.

Further Action Required: The PDE must notify subgrantees regarding their AMAO status. The State must also ensure that LEAs that fail to meet AMAOs notify parents in an understandable

and uniform format, and to the extent practicable, in a language that the parent can understand, not later than 30 days after the LEA fails to meet AMAOs. The State must provide to ED a timeline and a plan to comply with this requirement.

Fiduciary			
Element Number	Description	Status	Page
Element 3.1	State Allocations, Reallocations and Carryover section 3111(b); 20 USC 6821(b)(3); sections 3114(a)-(d)	Finding	9
Element 3.2	District Allocations, Reallocations and Carryover section 3115	N/A	N/A
Element 3.3	Maintenance of Effort sections 1120A and 9021	N/A	N/A
Element 3.4	Supplement, Not Supplant – General section 3115(g)	Finding	9&10
Element 3.4A	Supplement, Not Supplant – Assessment sections 1111(b)(7) and 3113(b)(2)	N/A	N/A

Monitoring Area 3: Fiduciary

Element 3.1 – State Allocations, Reallocations and Carryover: The SEA complies with required provisions.

Finding: The PDE has not reserved the determined State percentage for immigrant subgrants from the agency’s total allotment.

Citation: Section 3114(d) of the ESEA shall reserve not more than 15 percent of the agency’s allotment under section 3111(c)(3) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth.

Further Action Required: The PDE must provide ED evidence to ensure that the immigrant required reservation be calculated from the total allocated amount to the State.

Element 3.4 - 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.

Finding (1): The PDE has not ensured its LEAs meet Federal requirements related to supplement, not supplant as evidenced by the following:

- Harrisburg School District (HSD) indicated that Title III funds are being used to pay for personnel who support administrative functions, such as sitting on interview committees;

- HSD staff indicated that Title III funds are being used to purchase paper to copy and distribute required forms; and
- HSD staff indicated that Title III funds are used to pay for a doctoral study for a bilingual psychologist to obtain a degree. The study was not reasonable or necessary for the implementation of the Title III program.

Citation: Section 3115(g) of the ESEA prohibits an LEA from using Title III funds to support services or activities that it would provide in the absence of a Title III subgrant.

Further Action Required: The PDE must also provide ED with a plan for how it will annually ensure the correct implementation of the supplement, not supplant requirement and evidence that the plan has been implemented.