



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAY 19 2010

Honorable Deborah Gist  
Commissioner of Education  
Rhode Island Department of Education  
Shepard Building  
255 Westminster Street  
Providence, Rhode Island 02903

Dear Commissioner Gist:

During the week of March 1-4, 2010, a team from the U. S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office reviewed the Rhode Island Department of Education's (RIDE) administration of the Title III program authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended. Enclosed is a report based upon the review of the Title III program.

The report includes a brief description of the scope of the monitoring review, recommendations and findings, and required corrective actions resulting from the review. The RIDE has 30 business days from receipt of this report to respond to all of the non-compliance issues cited in the report. We will review the State's response to determine if all non-compliance issues have been addressed sufficiently and request additional information, if necessary. We will allow 30 business days for the State to submit additional information or work with the State to identify a reasonable timeline that allows the State to address and correct all compliance issues. A State that has significant unresolved non-compliance findings or findings that are repeated from one monitoring review to the next may have a condition placed on the grant award.

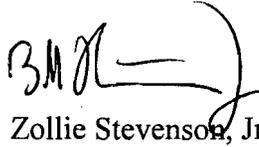
Please note that the issues cited in the report reflect the status of compliance in Rhode Island at the time of the onsite review.

The ED team would like to thank Ken Swanson, Susan Rotblat-Walker, Emily Klein, Bob Measel, and other RIDE staff who participated in the review for their hard work and

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assistance before and during the review. We look forward to continuing to work with you and your staff to address the needs of English language learners.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zollie Stevenson, Jr.', with a stylized flourish at the end.

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

Enclosure

Cc: Ken Swanson, Director, Office of Special Populations

## Rhode Island Department of Education

March 1-4, 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 Rhode Island Department of Education (RIDE) the week of March 1-4, 2010. This was a comprehensive review of the RIDE's administration of Title III, Part A 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) - Pawtucket School Department (PSD), Providence Public School District (PPSD), and Central Falls School District (CFSD) - 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 RIDE during the week of May 23-26, 2005. ED identified compliance findings in the following areas:

- (1) Rhode Island did not reserve any funds to support programs for immigrant students in 2004-2005. The State indicated that none of the LEAs in the State experienced an increase in their immigrant student populations.
- (2) The State is conducting combined monitoring of LEAs, which is not program specific, i.e., not focused on any specific Titles. It is a monitoring of overall LEA performance, looking at limited English proficient (LEP) student issues and closing the gaps between LEP students and their peers. Even though the State provided copies of self-assessment guidebooks, it was not clear to the Office of English Language Acquisition (OELA) Monitoring Team whether there is an identifiable section on the Title III program in these guidebooks. The Rhode Island SEA has not conducted focused monitoring to date for Title III programs. The State reported that a plan is being developed for this purpose.
- (3) One of the LEAs visited was not sure whether the SEA had formally notified the LEA whether or not it met Title III annual measurable achievement objectives (AMAOs) last year. The LEA also could not determine whether parental notifications were issued.

### 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 of the ESEA; EDGAR 34 CFR 80.40	Recommendation	2

#### 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:** The RIDE has made significant progress since the last Title III onsite review in developing and implementing a system for monitoring subgrantees' implementation of Title III. The ED team recommends that the State continue to refine and improve upon its monitoring practices, and in particular, strengthen formal follow-up with subgrantees on identified areas of non-compliance.

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

### **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.**

**Finding:** The RIDE must ensure Statewide implementation of the State ELP standards. The RIDE has made progress in providing professional development and implementation support for the ELP standards to some subgrantees; however, in one subgrantee visited, teachers and administrators did not demonstrate familiarity with or indicate that they had received training on the State ELP standards. Furthermore, teachers and administrators in this LEA did not indicate that ELP standards and a standards-aligned curriculum were being implemented at the classroom level.

**Citation:** Section 3113(b)(2) of the ESEA requires States to develop and implement State English language proficiency standards in Title III-served LEAs.

**Further Action Required:** The RIDE must develop and implement a plan and timeline for how it will ensure that Title III subgrantees Statewide implement State English language proficiency standards. The RIDE must submit this plan and evidence that the plan is being implemented to ED.

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

**Finding:** The RIDE was unable to demonstrate that LEA improvement plans specifically addressed the factors which prevented the LEAs from meeting Title III AMAOs. Additionally, at one LEA visited that had not met AMAOs, none of the teachers or administrators interviewed demonstrated familiarity with Title III AMAOs or the Title III improvement plan process.

Citation: Section 3122(b)(2) of the ESEA requires subgrantees that did not meet Title III AMAOs to develop improvement plans that specifically address the factors that prevented the entity from achieving such objectives.

Further Action Required: The RIDE must develop and submit a plan for how it will ensure that LEA improvement plans specifically address the factors that prevented the LEAs from meeting AMAOs. This plan must include technical assistance to LEAs on development of improvement plans that address identified areas of need.

<b>Instructional Support</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
Element 2.1	<b>State Level Activities</b> section 3111 (b)(2) of the ESEA	X	N/A
Element 2.2	<b>State Oversight and Review of Local Plans</b> sections 3116(a) and 3115(c) of the ESEA; EDGAR 34 CFR 76.770	Finding	5
Element 2.3	<b>Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth</b> sections 3114 and 3115 of the ESEA	X	N/A
Element 2.4	<b>Private School Participation</b> section 9501 of the ESEA	Finding	6
Element 2.5	<b>Parental Notification and Outreach</b> section 3302 of the ESEA	Finding	6

### **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) of the ESEA).**

**Finding:** The RIDE did not ensure that subgrantees were providing high-quality language instruction educational programs (LIEP) based on scientifically based research. Specifically, in one subgrantee visited, staff indicated that there were significant differences among LIEPs throughout the LEA in terms of level and quality of language services provided to LEP students.

**Citation:** Section 3115(c) of the ESEA requires subgrantees to provide high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency and student academic achievement in the core academic subjects.

**Further Action Required:** The RIDE must evaluate its method for reviewing subgrantee plans to ensure that subgrantees provide high-quality language instruction educational programs. The RIDE must also evaluate its process for monitoring subgrantees to incorporate a full review of whether subgrantees are providing such programs that are based on scientifically based research. The RIDE must provide evidence to ED that both its method for reviewing subgrantee plans and the SEA’s subgrantee monitoring process require subgrantees to demonstrate evidence of high-quality language instruction educational programs.

**Element 2.4 - Private School Participation: LEAs comply with ESEA requirements regarding participation of LEP students and teachers in private schools in Title III.**

**Finding:** The RIDE has not ensured that all Title III subgrantees in the State conduct timely and meaningful consultation with appropriate private school officials during the design and development of Title III services. The RIDE has also not ensured that subgrantee consultation with private school officials addresses how the services to LEP students in private schools will be assessed and how the results of the assessment will be used to improve those services. Additionally, the private school representatives interviewed in one LEA did not demonstrate awareness of the process available for filing of complaints by private school officials.

**Citation:** Section 9501 of the ESEA requires LEAs to comply with ESEA requirements regarding participation of LEP students and teachers in private schools in Title III.

**Further Action Required:** The RIDE must develop and implement a plan to ensure that Title III subgrantees conduct timely and meaningful consultation with private school officials, and meet all requirements for services to private school students described in section 9501. The RIDE must submit this plan and evidence of its implementation to ED.

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

**Finding:** In one LEA visited, neither the letter for identification and placement for returning LEP students nor the letter regarding the LEA’s AMAO status had been transmitted to parents.

**Citation:** Section 3302(b) of the ESEA requires subgrantees that do not meet AMAOs to separately inform parents of children identified for or participating in a Title III-funded language instructional educational program of the LEA’s AMAO status not later than 30 days after such failure occurs.

**Further Action Required:** The RIDE must develop and implement a plan to ensure that all subgrantees provide both the required parental notification on identification and placement for new and returning LEP students, and the required notification regarding LEA AMAO status. The RIDE must provide evidence that this plan has been implemented to ED.

<b>Fiduciary</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
Element 3.1	<b>State Allocations, Reallocations and Carryover</b> section 3111(b) of the ESEA; 20 USC 6821(b)(3); sections 3114(a)-(d) of the ESEA	Finding	7
Element 3.2	<b>District Allocations, Reallocations and Carryover</b> section 3115 of the ESEA	Finding	7
Element 3.3	<b>Maintenance of Effort</b> sections 1120A and 9021 of the ESEA	X	N/A
Element 3.4	<b>Supplement, Not Supplant – General</b> section 3115(g) of the ESEA	Finding, Recommendation	8
Element 3.4A	<b>Supplement, Not Supplant – Assessment</b> sections 1111(b)(7) and 3113(b)(2) of the ESEA	Finding	9

### **Monitoring Area 3: Fiduciary**

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

**Finding:** The count of LEP students enrolled in LEAs used to calculate the amount of each subgrantee allocation does not include participating private school LEP students. Therefore, the RIDE does not provide grants to LEAs based on the total number of LEP students in public and private schools.

**Citation:** Section 3114(a) of the ESEA requires States to award subgrants utilizing a formula based on the population of LEP children in schools served by the subgrantee.

**Further Action Required:** The RIDE must develop and implement a means to ensure that LEAs include LEP students enrolled in private schools in LEAs in subgrantee counts of LEP students for Title III allocation purposes. The RIDE must provide evidence to ED that it has fulfilled this requirement.

**Element 3.2 – District Allocations, Reallocations and Carryover: The SEA ensures that its LEAs comply with the provisions related to LEA use of funds under section 3115 of the ESEA.**

**Finding:** The RIDE was not able to demonstrate that it has ensured that subgrantees meet requirements related to the maximum percentage allowed for administrative costs. Subgrantees report the two percent administrative cost based on their current fiscal year budgets, which include carryover funds from the previous fiscal year, from which the two percent administrative

cost was already subtracted. As a result, the total amount of funds permitted for administrative expenses may be greater than two percent of the amount of Title III subgrant funds expended in some LEAs.

Citation: Section 3115(b) of the ESEA requires that Title III subgrantees limit the amount that they may spend on administrative costs in any fiscal year to two percent of the subgrantee's total Title III expenditures in that fiscal year. This includes all direct and indirect costs associated with administering the Title III program.

Further Action Required: The RIDE must provide ED with a detailed description of how and when it informed its Title III subgrantees of this requirement. This documentation must include letters to Title III subgrantees or agendas for technical assistance meetings. The RIDE must also provide ED with a description of how it will annually ensure the correct implementation of this requirement.

**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: The RIDE was not able to demonstrate that it has ensured its subgrantees fully comply with supplement, not supplant requirements. Consequently, Title III funds are used for district positions that should be supported with other funding sources. Rhode Island has a State rule (L-4-11) which requires that all high-incidence English language learner (ELL) districts shall have at least one School/Community Liaison to effectively support the district's ELL program. One LEA visited employs an ELL Liaison whose salary is paid with Title III funds. Another LEA's budget included use of Title III funds for a Scheduling Coordinator for ELL students. This individual also served as the Assistant Principal and a Graduation Regulations Coordinator for ELL students whose duties consisted of numerous required tasks, including translating transcripts for immigrant students. Not only should these positions be supported with other funding sources, but the duties described for both of these positions appear to be primarily administrative, however, this district did not include administrative funds in its budget.

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 RIDE must provide ED with a detailed description of how and when it informed its Title III subgrantees of supplement, not supplant requirements. This documentation must include letters to Title III subgrantees or agendas for technical assistance meetings. The RIDE must also provide ED with a description of how it will annually ensure the correct implementation of this requirement, and evidence that activities described have taken place.

Recommendation: Rhode Island has a State rule (L-4-12) that requires that all school districts with ELL programs have sustained high quality job-embedded professional development. Personnel at the districts visited were unable to determine which professional development activities were supplementary to the State-required professional development. ED recommends

that the RIDE work with subgrantees to enhance their understanding of the difference between required and supplementary professional development activities.

**Element 3.4A - 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.**

**Finding:** The RIDE was not able to demonstrate that it has ensured its LEAs comply with the non-supplanting provisions related to the use of Title III funds for assessment purposes. One LEA utilizes Title III funds to pay the salaries of personnel who perform duties associated with administration of the annual ELP assessment, including an English as a Second Language (ESL) Instructional Coach. Among the responsibilities of the ESL Instructional Coach is assistance in administering the State ELP assessment.

**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 RIDE must provide ED with a description of how it will annually ensure the correct implementation of the supplement, not supplant requirement for assessment, and evidence that activities described have taken place.