

Washington State

April 25-29, 2011

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 Washington Office of the Superintendent of Public Instruction (OSPI) the week of April 25-29, 2011. This was a comprehensive review of the OSPI'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 two local educational agencies (LEAs) Highline Public Schools (HPS) and Tukwila Public Schools (TPS) 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 OSPI during the week of February 26-March 2, 2007. ED identified compliance findings in the following areas:

1. Element 3.1-English Language Proficiency (ELP) Standards: Washington has not provided sufficient evidence of the process it is following to comply with the requirement of aligning State English language proficiency (ELP) standards to the achievement of academic content and achievement standards in mathematics. Additionally, the State has not initiated the process of complying with the requirement to align State ELP standards to the achievement of academic content and achievement standards in science.

2. Element 3.2-English Language Proficiency Assessments: Due to a misinterpretation of NCLB requirements at the local level, LEAs in the State exempt LEP students whose parents refuse their participation in language instruction educational programs from the annual ELP assessment.

3. Element 3.4-Annual Measurable Achievement Objectives (AMAOs): The State did not consider the results of adequate yearly progress (AYP) for the LEP subgroup as one of the three required components in determining whether LEAs had met the annual measurable achievement objectives (AMAOs) under Title III. The State only considered the English language progress and proficiency AMAOs in determining if LEAs met the Title III AMAOs.

4. Element 5.1-State Review of Local Plans: The State did not provide evidence that it has implemented an effective LEA plan/application review, approval and notification process. The State can take up to 12 months to review the local LEA plans. Additionally, funding is made available to LEAs without an approved plan.

5. Element 5.2-Private School Participation: ED’s monitoring review confirmed that Washington State has not provided technical assistance and guidance to LEAs regarding their responsibility to provide equitable services to eligible LEP students and teachers serving LEP students in non-public schools.

6. Element 7.1-Parental Notifications: The State informed LEAs of their status with regard to meeting or not meeting AMAO targets, however, the State only notified LEAs of the results of AMAO1 (ELP progress) and AMAO2 (ELP attainment). Adequate Yearly Progress (AYP) was not included in the Title III AMAO calculations.

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	Met requirements	N/A

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.

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

Monitoring Area 1: Standards, Assessments and Accountability

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

Finding: The OSPI has not ensured that its procedures for notifying Title III subgrantees of their AMAO determinations are implemented in a timely manner. The OSPI did not notify subgrantees of their failure to meet the 2009-2010 AMAOs until December 2010. Therefore, the subgrantees that failed to meet AMAOs for 2009-2010 were unable to inform parents of such failure until January 2011. Additionally, subgrantees that did not meet their Title III AMAOs for 2 or 4 consecutive years were not able to develop and implement Title III improvement plans until the middle or end of the school year.

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. 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 subgrantee's AMAO status not later than 30 days after such failure occurs.

Further Action Required: The OSPI must develop and adhere to a timeline for making AMAO determinations that ensures Title III subgrantees receive timely notification of their AMAO status and are able to develop and implement improvement plans or other required accountability actions during the school year following the school year in which the AMAO determinations were made.

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 State approach to following ELP progress and attainment over time.

Recommendation: The OSPI has State guidance entitled "Steps for Determining Placement of In-state Transfers" for the placement of students who transfer from one district to another within the State. One LEA was not following the guidance which resulted in a student(s) not receiving appropriate services for half of the school year. The ED team recommends that the State ensure its LEAs understand and follow the State's guidance for determining the placement of in-state transfer students in order to ensure that these students are properly tracked and properly included within the State and LEA data collection and accountability systems.

Instructional Support			
Element Number	Description	Status	Page
Element 2.1	State-Level Activities section 3111 (b)(2)	Met Requirement	N/A
Element 2.2	State Oversight and Review of Local Plans sections 3116(a) and 3115(c); EDGAR 34 CFR 76.770	Met Requirement	N/A
Element 2.3	Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth sections 3114 and 3115	Finding	4
Element 2.4	Private School Participation section 9501	Finding	4/5
Element 2.5	Parental Notification and Outreach section 3302	Finding Recommendation	5 5/6

Monitoring Area 2: Instructional Support

Element 2.3 - Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth: The subgrantee receiving funds under section 3114(d)(1) of the ESEA shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.

Finding: The OSPI has not distributed funds for immigrant subgrants in a timely manner. The State did not allocate fiscal year 2010-2011 funds until March 2011. As a result, one LEA was unable to implement the approved immigrant programs and activities until summer of 2011.

Citation: Section 3116 of the ESEA requires LEAs to submit a plan to the SEA that, among other things, describes the programs and activities proposed to be developed, implemented, and administered and describes how the LEA will use the subgrant funds to meet annual measurable achievement objectives.

Further Action Required: The OSPI must revise its procedures and timeline for approving LEA plans under the immigrant program to ensure immigrant funds are distributed in a timelier manner. OSPI must submit to ED its revised procedures and timeline demonstrating implementation in school year 2011-2012, as well as any training or guidance the State shares with LEAs to address this issue.

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 OSPI 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 for LEP students and teachers in private schools, including consultation on 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.

Citation: Section 9501 of the ESEA requires Title III subgrantees to comply with ESEA requirements regarding equitable services to LEP students and teachers in private schools.

Further Action Required: The OSPI must develop and implement procedures to ensure that Title III subgrantees conduct timely and meaningful consultation with private school officials, and comply with all of the requirements for equitable services to private school LEP students and teachers. The OSPI must submit to ED evidence that it has developed and implemented the procedures.

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: The OSPI has not ensured that Title III subgrantees comply with all the parental notification requirements regarding identification and placement in section 3302 (a) of the ESEA. LEA documentation indicated that the subgrantees' notifications did not include exit requirements, expected rate of graduation, and information about how the program will address the needs of children with disabilities.

Citation: Section 3302 (a) of the ESEA requires that each eligible entity using Title III funds is to provide a language instruction educational program and shall include the reasons for the identification and placement in a language instruction educational program; the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; the method of instruction used in the program; how the program will meet the educational strengths and needs of the child; how such program will specifically help the child learn English and meet age appropriate academic achievement standards for grade promotion and graduation; the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children; in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; information pertaining to parental rights that includes written guidance.

Further Action Required: The OSPI must develop and disseminate guidance to its subgrantees regarding the parental notification requirements in section 3302 (a) and develop procedures to ensure Title III subgrantees comply with the requirements. The State must submit to ED evidence that it has developed and disseminated the guidance to Title III subgrantees.

Recommendation: The ED team recommends that the State provide additional guidance and information to its LEAs on Parental notification requirements, including information related to Washington Language Proficiency Test-II (WLPT-II) scorecards. One LEA stated that the OSPI requires LEAs to purchase WLPT-II scorecards. However, the ED team verified with the OSPI that this is not a State requirement. Likewise, it is not a Title III requirement to purchase the

WLPT-II scorecards. The scorecards do not fulfill the Title III requirement of parental notification regarding identification and placement in section 3302 (a) of the ESEA.

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	6
Element 3.2	District Allocations, Reallocations and Carryover section 3115	Met Requirement	N/A
Element 3.3	Maintenance of Effort sections 1120A and 9021	Met Requirement	N/A
Element 3.4	Supplement, Not Supplant – General section 3115(g)	Finding	7
Element 3.4A	Supplement, Not Supplant – Assessment sections 1111(b)(7) and 3113(b)(2)	Met Requirement	N/A

Monitoring Area 3: Fiduciary

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

Finding: The OSPI has not ensured that it allocates Title III funds in a timely manner. The State has implemented a process in which LEA plans are reviewed and designated as “substantially approved status” (SAS). However, this process does not ensure that LEA plans are reviewed and fully approved in a timely manner. Additionally, one district submitted a completed application and budget in mid-September but no action was taken on the application until mid-December. This district did not apply for or receive SAS yet proceeded to spend grant funds without approval.

Citation: Section 76.702 of the Education Department General Administrative Regulations (EDGAR) requires a State to use fiscal control and fund accounting procedures that ensure proper disbursement and accounting for Federal funds.

Further Action Required: OSPI must develop and submit a corrective action plan that demonstrates that the State will allocate Title III funds for school year 2011-2012 and thereafter in a timely manner. OSPI must provide ED with evidence the corrective action plan has been implemented.

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 OSPI has not ensured that Title III subgrantees comply with the Title III supplement, not supplant requirements. One district provided samples of translation services, which included activities such as “parent teacher conferences”. The use of Title III funds to pay for these services violates the supplement, not supplant provisions since the school district is obligated to provide these basic services using State and local resources.

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. Title III funds must supplement the level of Federal, State, and local public funds in an LEA.

Further Action Required: The OSPI must provide information and guidance on Title III supplement, not supplant requirements to its subgrantees. This documentation must include letters to Title III subgrantees or agendas for technical assistance meetings. The OSPI must also provide ED with a description of how it will annually ensure the correct implementation of this requirement.