

Alaska Department of Education and Early Development

May 14-16, 2013

Scope of Review: The U.S. Department of Education's (ED) Office of Student Achievement and School Accountability Programs, Title III State Consolidated Grant Group monitored the Alaska Department of Education and Early Development (EED) the week of May 14-16, 2013. This was a comprehensive review of the EED'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 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 interviewed staff in four local educational agencies (LEAs) – Lower Kuskokwim School District (LKSD), Anchorage School District (ASD), Matanuska-Susitna Borough School District (MSBSD), & Juneau School District (JSD).

Previous Audit Findings: None

Previous Monitoring Findings: ED last reviewed the Title III, Part A program in the EED during the week of March 3-10, 2008. ED identified compliance findings in the following areas:

Element 2.2 (1): The State's procedures for awarding Title III immigrant subgrants do not comply with Title III requirements.

Element 2.2 (2): Fiscal review by the Title III monitoring team found that the definition that the State is using for "significant increase" does not comply with Title III regulations.

Element 2.3 (1): At one of the LEAs visited, ED found that Title III funds were being spent on English Language Proficiency (ELP) assessments used for initial identification and placement of LEP students.

Element 2.3 (2): The Title III monitoring team found several violations of the supplement/supplant rule for use of Title III funds, including funds being spent for student transportation and monetary testing incentives for teachers.

Element 4.4: Alaska did not ensure that LEAs that are awarded funds under Section 3114(d)(1) understand the full definition of "immigrant," nor activities that provide enhanced instructional opportunities for immigrant children and youth.

Element 5.2: The EED did not ensure that Title III subgrantees provide an opportunity for equitable participation by limited English proficient (LEP) students and educational personnel in private schools in the Title III program.

Element 6.1: Although the Alaska Department of Education & Early Development guidance from the State indicates that all students who are categorized as LEP for English language proficiency need to be assessed annually, not all districts/schools are complying with this requirement.

Monitoring Indicators for Title III, Part A

Overarching Requirement - State Monitoring of Subgrantees

Indicator	Description	Status	Page
Overarching Requirement	State Monitoring of Subgrantees sections 3113—3116, 3121-3022 and 3302 of the ESEA; EDGAR 34 CFR 80.40	Recommendation	2

Recommendation: ED recommends that EED review its monitoring procedures to ensure LEAs are operating in compliance with all Title III requirements. The State should review Title III-funded activities and programs to determine whether LEAs' language instruction educational programs are high-quality, based on scientifically-based research, and are effective for LEP students. See finding under Element 2.2 - State Oversight and Review of Local Plans.

Monitoring Area 1: Standards, Assessments and Accountability

Indicator Number	Description	Status	Page
Element 1.1	English Language Proficiency (ELP) Standards section 3113 of the ESEA	Finding	3
Element 1.2	ELP Assessment sections 3113 and 3116 of the ESEA	Findings	3
Element 1.3	Annual Measurable Achievement Objectives (AMAOs) sections 3122(a)(1)(2)(3) and 1111(b)(2)(B) of the ESEA	Findings	4
Element 1.4	Data Collection and Reporting sections 3121 and 3123 of the ESEA; EDGAR 34 CFR 76.731	Recomendation	6

Element 1.1 –ELP Standards

Finding: The EED did not provide evidence that it has implemented ELP standards statewide. While the State has sponsored training on the ELP standards through the WIDA consortium, there was no evidence that two out of the four LEAs reviewed were implementing the ELP standards in the classroom.

Citation: Section 3113(b)(2) of the ESEA requires States to establish standards and objectives for raising the level of English proficiency.

Further action required: The EED must develop and submit to ED a plan, including a timeline, outlining the steps it will take to ensure that ELP standards are implemented statewide.

Element 1.2 – English Language Proficiency (ELP) Assessment

Finding (1): The EED has not ensured that Title III subgrantees comply with the parental notification requirements in section 3302(a) of the ESEA. The SEA required LEAs to send letters to parents only once after the student enrolled, not annually. Additionally, one of the LEA’s letter includes a statement referring to a Federal requirement to exit students within a set amount of years. This is not required under the ESEA.

Citation: Section 3302(a) 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 regarding such placement each school year.

Further action required: The EED must provide evidence that the State ensures its subgrantees met the requirements regarding parental notification for identification and placement in Title III language instruction educational programs. The SEA must provide a plan and timeline including

a description of how the SEA will annually ensure that its Title III subgrantees comply with this requirement.

Finding (2): The EED has not ensured that its LEAs comply with the ESEA requirements to annually assess the English language proficiency of all LEP students. Staff in one large LEA stated that the annual ELP assessment is not administered to English language learners whose parents refuse to have their children assessed. The LEA provided evidence that, out of the 521 LEP students not assessed for ELP, more than 100 were not assessed because of parental refusal. District staff stated that the students were assessed in core content. (The State also received a finding in 2008 for not all districts/schools assessing all LEP students annually.)

Citation: Section 3113(b)(3)(D) of the ESEA requires States to ensure that Title III subgrantees annually assess the English language proficiency of all LEP children in grades K-12.

Further action required: The EED must provide evidence that the State ensures its Title III subgrantees comply with the requirement to annually assess the English language proficiency of all LEP students in grades K-12. The SEA must provide a plan and timeline including a description of how the SEA will annually ensure that its Title III subgrantees comply with this requirement. The State must also review subgrantees' practices and procedures regarding the annual ELP assessment of LEP students and require corrective actions to ensure compliance.

Element 1.3 – AMAOs

Finding (1): The EED's procedures and timeline for making AMAO determinations do not ensure timely notification to LEAs that have not met AMAOs. The EED did not notify subgrantees of their failure to meet the 2011–2012 AMAOs until March 2013.

Citation: Section 3122(b)(1) requires a SEA that receives a grant under subpart 1 of the ESEA to hold eligible entities receiving a subgrant accountable for meeting Title III AMAOs.

Further action required: The EED must develop and submit to ED a timeline for making AMAO determinations that ensures Title III subgrantees receive timely notification of their AMAO status. The EED must also provide evidence that it will adhere to the timeline beginning with AMAO determinations for school year 2012–2013.

Finding (2): The EED did not provide evidence that it has accurately applied the accountability requirements in section 3122(b) of the ESEA to Title III subgrantees that have not met the AMAOs for two or four consecutive years as evidenced by the following:

- The EED was not requiring Title III subgrantees that failed to meet AMAOs for four consecutive years to modify their curriculum, program, and method of instruction, or make a determination whether the subgrantee shall continue to receive funds related to its failure to meet the objectives, and require the subgrantee to replace educational personnel relevant to the failure to meet the objectives. All the LEAs reviewed had not met their AMAOs for more than four consecutive years and the State had not applied any of the above sanctions.

- The EED did not provide evidence that it is requiring subgrantees that failed to make progress toward meeting AMAOs for two consecutive years to develop an improvement plan that addresses the factors that prevented the subgrantee from achieving such objectives. While the State requires that districts submit improvement plans, one LEA's plan did not address the factors that prevented it from meeting its AMAOs.
- The EED did not provide evidence that it had provided the required technical assistance to subgrantees that failed to meet their AMAOs during the development and implementation of the improvement plans.
- The EED was not requiring subgrantees that did not meet their AMAOs to implement improvement plans until the next school year, thereby, potentially failing to address the specific factors which caused the LEAs to not meet their AMAOs.

Citation: Section 3122(b)(2) of the ESEA requires a SEA that determines that a subgrantee has failed to meet Title III AMAOs for 2 consecutive years to require the LEA to develop an improvement plan that will ensure that the LEA meets such objectives. The improvement plan must specifically address the factors that prevented the LEA from achieving the objectives.

Section 3122(b)(3) of the ESEA requires a SEA to provide technical assistance to subgrantees during the development of the improvement plans and throughout the implementation. The SEA is required to provide technical assistance to the LEAs; provide technical assistance, if applicable, to schools served by the LEAs that need assistance to enable the schools to meet the AMAOs; develop, in consultation with the entity, professional development strategies and activities, based on scientifically-based research, that the agency will use to meet such objectives; require LEAs to utilize such strategies and activities; and develop, in consultation with the LEAs, a plan to incorporate strategies and methodologies, based on scientifically-based research, to improve the specific program or method of instruction provided to LEP children.

Section 3122(b)(4) of the ESEA requires a SEA that determines that a subgrantee has not met AMAOs for four consecutive years to require the subgrantee to modify its curriculum, program, and method of instruction, or make a determination whether the subgrantee shall continue to receive funds related to its failure to meet the objectives, and require the subgrantee to replace educational personnel relevant to the failure to meet the objectives.

Further action required: The EED must develop and submit to ED a plan, including a timeline, which demonstrates it will accurately apply Title III accountability provisions to subgrantees that fail to meet AMAOs. The plan must demonstrate that the EED will apply the accountability provisions in section 3122(b)(2) of the ESEA to subgrantees that fail to meet AMAOs for two consecutive years and the accountability provisions in section 3122(b)(4) of the ESEA to subgrantees that fail to meet AMAOs for four consecutive years. The plan must also include a description of how the EED will provide the required technical assistance to subgrantees during the development of the improvement plans and throughout implementation. The EED must provide evidence that the plan has been implemented during the 2013–2014 school year.

Recommendation (1): ED recommends that the EED reviews its guidance to LEAs regarding the requirement to notify parents once the LEA has not met its AMAOs. One LEA was sending

AMAO parental notification letters prior to being notified by the SEA of its failure to meet its AMAOs.

Recommendation (2): The EED has set an expectation that only 4 percent of LEP students will attain English proficiency. Alaska's low AMAO 2 target signals that districts may not be implementing high-quality language instruction educational programs that meet the standards set forth in section 3115 of the ESEA. Section 3115(c) requires that Title III subgrantees use Title III funds to increase the English proficiency of LEP students by providing high-quality language instruction educational programs, demonstrating their effectiveness in increasing the English proficiency and academic achievement of the students. ED urges the EED to reconsider the AMAO 2 target it has proposed and invites the EED to submit a more rigorous AMAO 2 target.

Element 1.4 – Data Collection and Reporting

Recommendation: ED recommends that the EED should review its data verification process. The State's current process makes it challenging for the State to report timely and complete data that addresses all Title III data requirements, including making AMAO determinations, awarding immigrant children and youth subgrants, and CSPR reporting.

Monitoring Area 2: Instructional Support

Indicator Number	Description	Status	Page
Element 2.2	State Oversight and Review of Local Plans sections 3116(a) and 3115(c) of the ESEA; EDGAR 34 CFR 76.770	Finding	7
Element 2.3	Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth sections 3114 and 3115 of the ESEA	Findings	8
Element 2.4	Private School Participation section 9501 of the ESEA	Finding	9

Element 2.2 - State Oversight and Review of Local Plans

Finding: The EED has not ensured that subgrantees are providing high-quality language instruction educational programs (LIEP) based on scientifically-based research. LEAs were not implementing LIEPs that were of high-quality or based on scientifically based research. In one LEA, there was only one English as a second language (ESL) teacher at the elementary level serving all grades. However, the teacher was only providing services to K-2 students. Students in grades 3-5 were not receiving any direct services. In the middle grades, LEP students only received services through an online math and English program. In high school, one teacher was providing reading interventions and some ESL support. In another LEA, teachers were only using Sheltered Instruction Observation Protocol (SIOP) to provide language support and the teachers did not have a specific curriculum. Additionally, both LEAs were not implementing ELP standards in the classroom and had not met their AMAOs.

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 EED must provide evidence that demonstrates the SEA ensures subgrantees provide high-quality language instruction educational programs. The EED 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.

Recommendation: Although there was insufficient evidence to issue a finding, there was some evidence that the EED was not ensuring that LEAs use funds for required activities described in section 3115(c). In developing their local plans called "Plan of Service", the State only requires districts to select one required activity out of the two. Section 3115(c) requires an eligible entity receiving funds under section 3114(a) to use the funds to conduct required activities to increase

the English proficiency of LEP students. The required activities include providing a high-quality language instruction education program that is based on scientifically based research and providing high-quality language professional development to classroom teachers, principals, administrators, and other school personnel. ED recommends that the EED review its process for approving local plans to ensure all LEAs are carrying out both required activities.

Element 2.3 - Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth

Finding (1): The EED did not issue immigrant children and youth subgrants in a timely manner. The FY 2010 immigrant children and youth award was made on March 30, 2011 for the 2010–2011 school year. With the school year nearly over, it is unclear how the grant served the intended student population during the 2010–2011 school year or if there was sufficient time to implement proposed activities during the school year for which the grant was made.

Citation: Section 3114(d) of the ESEA requires States to award subgrants to eligible entities in the State that have experienced a significant increase in immigrant children and youth. The SEA shall consider the quality of each local plan under section 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part. Section 3115(e) (1) of the ESEA requires LEAs to use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.

Further action required: The EED must provide evidence that it ensures immigrant children and youth funds are distributed in a time period appropriate to carry out the activities. The EED needs to submit a copy of its revised application process to ED.

Finding (2): The EED did not ensure that LEAs properly identify students as immigrant children and youth as required by section 3114(d)(1) of the ESEA. One LEA was not aware of the Federal definition of immigrant children and youth and included only their newly arrived LEP students born in another county in its immigrant count to the EED. SEA failure to maintain accurate data on immigrant children and youth diminishes the quality of data submitted to ED, and reduces the likelihood that State calculations for eligibility under this subgrant are accurate.

Citation: Section 3114(d) of the ESEA requires States to award subgrants to eligible entities in the State that have experienced a significant increase in immigrant children and youth.

Section 3301(6) of the ESEA defines immigrant children and youth as individuals who (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than three full academic years.

Section 3301(14) of the ESEA defines State as each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Further action required: The EED must provide ED with evidence that it has informed its LEAs about the Federal immigrant student and youth definition to ensure that LEAs properly identify and include the appropriate students in their immigrant children and youth counts. The

EED must also provide ED with evidence that it includes the appropriate students in the immigrant children and youth counts.

Finding (3): The EED did not correctly apply eligibility requirements for Title III immigrant children and youth subgrants. Specifically, the EED awarded a multi-year immigrant children and youth subgrant to the same LEA every year for 3 years but did not ensure the district was eligible each year.

Citation: Section 3114(d)(1) of the ESEA indicates that Title III immigrant subgrants should be awarded to eligible entities in the State that have experienced a significant increase, as compared to the average of the two preceding fiscal years, in the percentage or number of immigrant children and youth who have enrolled during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities. With their required reservation, States must award funds to LEAs that met the above definition.

Further action required: The EED must revise its eligibility requirements for Title III immigrant subgrants for FY2013 to meet the Title III statutory requirement outlined above. The EED must provide to ED evidence that it has awarded subgrants only to those entities that are eligible under Section 3114(d).

Element 2.4 - Private School Participation

Finding: The EED has not ensured that Title III subgrantees fully comply with the requirements in section 9501(c) of the ESEA for timely and meaningful consultation with private schools in the design and development of programs and services for eligible LEP students, teachers, and other educational personnel. One large LEA stated that identification using the MODEL screening assessment, annual assessment on the ACCESS, and an observation checklist are eligibility requirements for LEP children in private schools to receive Title III services. No private schools have opted to receive Title III services in any district visited. As a result of adding additional requirements not authorized by Federal law, private school students may not have received services for which they were eligible.

Citation: Section 9501(c)(1) of the ESEA requires LEAs to consult with private school officials during the design and development of the programs on issues such as —

- (A) how the children's needs will be identified;
- (B) what services will be offered;
- (C) how, where, and by whom the services will be provided;
- (D) how the services will be assessed and how the results of the assessment will be used to improve those services;
- (E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services; and
- (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

Further action required: The EED must provide evidence that the State ensures subgrantees comply with the requirements regarding section 9501(c)(1) of the ESEA. The SEA must provide a plan and timeline including a description of how the SEA will annually ensure that its Title III subgrantees comply with this requirement.

Monitoring Area 3: Fiduciary

Indicator Number	Description	Status	Page
Element 3.1	State Allocations, Reallocations and Carryover section 3111(b) of the ESEA; 20 USC 6821(b)(3); sections 3114(a)-(d) of the ESEA	X	N/A
Element 3.2	LEA Allocations, Reallocations and Carryover section 3115 of the ESEA	Recommendation	11
Element 3.3	Maintenance of Effort sections 1120A and 9021 of the ESEA	X	N/A
Element 3.4	Supplement, Not Supplant section 3115(g) of the ESEA	Finding	11

Element 3.2 – LEA Allocations, Reallocations and Carryover

Recommendation: ED recommends EED provide technical assistance to LEAs regarding requirements for recordkeeping related to personnel and include this element in regular monitoring events. Specifically, in one LEA, a job description for a Title III-funded staff member did not reflect their actual work. The staff member was designated to provide supplemental duties but the job description provided a generic description issued by the personnel office which included duties assigned to all staff with similar job assignments.

Element 3.4 – Supplement, Not Supplant

Finding: The EED has not ensured that its LEAs comply with the Title III supplement, not supplant provision. One large LEA used Title III funds for the following activities:

- Purchasing core curriculum materials
- Accommodation reviews for statewide assessments
- Salary of an ACCESS testing coordinator who works with accommodations and ELP assessment test security
- Training on the administration of the placement test
- Training on the administration of the annual assessment, ACCESS
- Salary of an K-12 teacher expert who ensures students with disabilities identified as LEP are properly identified

Citation: Section 3115 (g) of the ESEA requires Title III funds be used to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for LEP children and immigrant children and youth and in no case to supplant such Federal, State and local public funds.

Further action required: The EED must develop and provide ED with a detailed plan, including a timeline for ensuring that its Title III subgrantees comply with Title III non-

supplanting requirements. The plan must address how the State will annually ensure that its Title III subgrantees comply with Title III non-supplanting requirements.