

## Michigan Department of Education

May 14-17, 2013

**Scope of Review:** The U.S. Department of Education's (ED) Student Achievement and School Accountability Programs office, Title III State Consolidated Grant Group monitored the Michigan Department of Education (MDE) the week of May 14-17, 2013. This was a comprehensive review of MDE's administration of the Title III, Part A program, which is authorized by the Elementary and Secondary Education Act of 1965, as amended (ESEA).

During the review, the ED team conducted several monitoring activities. ED 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 four subgrantees – Detroit Public Schools, Grand Rapids Public Schools and Taylor Public Schools and Wayne-Westland Public Schools (Wayne RESA Consortium) - where they reviewed documentation and interviewed district and school staff.

**Previous Audit Findings:** None.

**Previous Monitoring Findings:** This was the second monitoring visit to Michigan for Title III, Part A. The first visit was conducted in September 2007. ED identified compliance findings in the following areas:

- 1) Although the monitoring team found that the State had issued an immigrant award for 2006–2007, the team found that the LEA that received the immigrant subgrant did not qualify for the grant.
- 2) Further fiscal review by the Title III monitoring team indicated that the definition that the State was using for “significant increase” did not comply with Title III regulations.
- 3) At one of the LEAs visited, the team found that Title III funds were being spent on ELP assessments used for initial identification and placement of LEP students.
- 4) At one of the LEAs visited, the team found that a program position, funded fully by Title III, also included responsibilities for oversight of the local and State budgets.
- 5) The MDE did not ensure that all students who are categorized as LEP are annually assessed for English language proficiency.
- 6) The LEA plans for 2006–2007 from both districts that were visited exceeded the two percent allowable limit for Title III LEA administrative funds.
- 7) The MDE's monitoring plan must include information regarding the immigrant children and youth program as defined in Section 3301(6).

The above findings have all been resolved.

**Monitoring Indicators for Title III, Part A**

**Monitoring Area 1: Standards, Assessments and Accountability**

<b>Indicator 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	X	N/A
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

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

**Finding (1):** The MDE’s decision rules for making AMAO determinations do not comply with section 3122(b)(1) of the ESEA, which requires States to hold Title III subgrantees accountable for meeting all three Title III AMAOs. The MDE also does not require LEAs that fail to meet all the AMAOs for two and four consecutive years to comply with the required accountability provisions. The State only requires compliance with accountability provisions in cases where an LEA does not meet one of the objectives for multiple years. For example, if an LEA did not meet AMAO 1 in year one, while meeting AMAO 2 and AMAO 3, but, in year two, the same LEA did not meet AMAO 2, while meeting AMAO 1 and AMAO 3, the LEA would not be considered as having failed to meet the AMAOs for two consecutive years. A Title III subgrantee, however, must meet all three AMAOs in any particular year.

**Citation:** Section 3122(b)(1) of the ESEA requires States receiving Title III funds to hold subgrantees accountable for meeting all annual measurable achievement objectives under subsection 3122(a). Subgrantees, to meet the AMAOs, must meet each of the three AMAOs every year.

**Further Action Required:** The MDE must develop and submit to ED decision rules for making AMAO determinations that comply with the requirements in section 3122(b)(1) of the ESEA. These decision rules must be applied to AMAO determinations for school year 2013–2014. The MDE must provide evidence that the plan has been implemented.

**Monitoring Area 2: Instructional Support**

<b>Indicator 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	X	N/A
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	Recommendation	4
Element 2.5	<b>Parental Notification and Outreach</b> section 3302 of the ESEA	X	N/A

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

**Recommendation:** The MDE requires LEAs to verify that consultation has occurred with appropriate private school officials before the LEAs make decisions that affect the participation of Title III eligible private school children. There is also evidence that consultation did occur in the LEAs visited during the review. In one of the LEAs visited, the technical assistance packet provided to the private schools by the LEAs inviting them to attend a meeting about their Federal programs contained little information about the Title III program. The ED team recommends that the MDE encourage LEAs to provide information about Title III, and other Federal programs in the initial letter and packets sent to private schools so that private school officials will be fully informed about what services their children are eligible to receive, and they can make an informed decision about whether or not to attend the meeting and/or to request to participate in Title III.

**Monitoring Area 3: Fiduciary**

<b>Indicator 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	X	N/A
Element 3.2	<b>District Allocations, Reallocations and Carryover</b> section 3115 of the ESEA	Recommendation	5
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	5-6
Element 3.4A	<b>Supplement, Not Supplant – Assessment</b> sections 1111(b)(7) and 3113(b)(2) of the ESEA	X	N/A

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

**Recommendation:** Several of the LEAs visited used significant amounts of Title III funds to purchase food. The MDE should provide technical assistance to its LEAs to ensure that these food purchases are reasonable, allocable and necessary. Therefore, the MDE should review all of its LEA requests to use Title III funds to purchase food and beverages and require its LEAs to identify unique circumstances, while justifying these costs as reasonable and necessary. The MDE should review local plans, which must describe the activities the LEA plans to conduct, to ensure that all proposed expenditures are allowable under the cost principles.

**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 MDE has not ensured that its subgrantees comply with Title III supplement, not supplant requirements. One LEA used Title III funds to purchase items for its Pre-K program. Although Title III funds may be used for services to ELs that are pre-school age, such services or materials must be supplementary and also must be allowable as reasonable and necessary for purposes of Title III. Purchases such as glue sticks, scissors, post-its, facial tissue, and bath towels are not supplementary materials that are unique to the needs of limited English proficient students.

In another LEA, Title III funds were used to translate its parent waiver of language support services notice and its Civil Rights Equal Opportunity policy into multiple languages. These translations are required by other Federal laws; therefore, the use of Title III funds for these translations constitutes a violation of the Title III non-supplanting requirement.

**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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

**Further Action Required:** The MDE 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.