

Connecticut State Department of Education

May 16 – 20, 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 Connecticut State Department of Education (CSDOE) the week of **May 16 -20, 2011**. This was a comprehensive review of the CSDOE'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 3 local educational agencies (LEAs) – New Haven School District, New Britain School District and East Hartford School District 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 CSDOE during the week of April 23-27, 2007. ED identified compliance findings in the following areas:

1. Element 6.1 - State Monitoring of Subgrantees: The CSDOE did not provide sufficient evidence that it has implemented a monitoring plan for evaluating how LEAs comply with Title III requirements.
2. Fiscal Indicator 2.3 - Supplement, not Supplant: The CSDOE did not provide sufficient evidence that it has implemented a monitoring plan for ensuring that LEAs comply with Title III fiscal requirements and that LEA expenditures are examined for their consistency with the supplement not supplant requirements in order to identify potential LEA noncompliance in time to take the necessary corrective action(s).

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	Finding	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.

Finding (1): The CSDOE has not ensured that all areas of Title III noncompliance were identified. The monitoring protocol and procedures are not sufficiently comprehensive to address the Title III statute. The monitoring protocol did not ensure that Title III funds are monitored on a regular basis for all compliance issues.

Furthermore, the CSDOE did not provide sufficient documentation in its monitoring protocol regarding follow-up procedures to ensure that Title III subgrantees take corrective actions that address all compliance issues identified during state monitoring.

Citation: Section 80.40 of the Education Department General Administrative Regulations (EDGAR) requires grantees to monitor grant and subgrant activities to ensure compliance with applicable Federal requirements.

Section 9304(a) of the ESEA requires that the SEA ensure that (1) programs authorized under the ESEA are administered in accordance with all applicable statutes, regulations, program plans, and applications, and (2) the State will use fiscal controls and funds accounting procedures that will ensure the proper disbursement of and accounting for Federal funds.

Further Action Required: Even though the CSDOE has begun developing a “formal” monitoring process beginning with school year 2010-2011, the State must submit to ED its plan for reviewing and revising its monitoring procedures to ensure that it includes all Title III requirements. Once the monitoring procedures have been revised, CSDOE must submit to ED evidence of full implementation.

Additionally, the CSDOE must establish corrective action reporting procedures to ensure that Title III subgrantees have addressed and resolved all compliance issues. Documented evidence of the findings’ resolution shall be submitted to ED.

Standards, Assessments and Accountability			
Element Number	Description	Status	Page
Element 1.1	English Language Proficiency (ELP) Standards section 3113	Met requirements	X
Element 1.2	English Language Proficiency (ELP) Assessment sections 3113 and 3116	Met requirements	X
Element 1.3	Annual Measurable Achievement Objectives (AMAOs) sections 3122(a)(1)(2)(3) and 1111(b)(2)(B)	Findings	3-4
Element 1.4	Data Collection and Reporting sections 3121 and 3123; EDGAR 34 CFR 76.731	Met requirements	X

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 (1): The CSDOE 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 2 or 4 consecutive years. The State's documents related to Title III requirements, the Accountability Plan and the Districts' Improvement Plan, do not clearly state the specific 2 and 4 year accountability requirements.

Citation: Section 3122(b)(2)(3) of the ESEA requires that if a State determines that an LEA has failed to meet Title III AMAOs for 2 consecutive years, the State must 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)(4) of the ESEA states that, if an SEA determines that a subgrantee has not met AMAOs for 4 consecutive years, it shall 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 such objectives, and require the subgrantee to replace educational personnel connected to this failure.

Further Action Required: The CSDOE must provide ED with evidence that it will hold subgrantees that have not met AMAOs for 2 and 4 consecutive years accountable using the specific sanctions required in section 3122(b)(2)(3) and 3122(b)(4) of the ESEA. The CSDOE must develop and submit to ED a plan, including a timeline, outlining the steps it will take to ensure that subgrantees not meeting AMAOs for 2 and 4 consecutive years develop an improvement plan. The plan needs to specifically address the factors that prevented the LEAs from meeting Title III AMAOs and provide evidence that the plan has been implemented.

Finding (2): The CSDOE's procedures and timeline for making AMAO determinations do not ensure timely notification to Title III subgrantees that have not met the State's AMAOs. The CSDOE did not notify subgrantees of their failure to meet the 2009-2010 AMAOs until November 2010.

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 CSDOE 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.

Instructional Support			
Element Number	Description	Status	Page
Element 2.1	State-Level Activities section 3111 (b)(2)	Met requirements	X
Element 2.2	State Oversight and Review of Local Plans sections 3116(a) and 3115(c); EDGAR 34 CFR 76.770	Finding	5
Element 2.3	Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth sections 3114 and 3115	Met requirements	X
Element 2.4	Private School Participation section 9501	Finding	5-6
Element 2.5	Parental Notification and Outreach section 3302	Findings	6-7

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)).

Finding (1): The CSDOE has not ensured that its procedures and timeline for reviewing and approving LEA plans, including immigrant subgrants, enables LEAs to implement Title III activities during the full grant award period. The State did not notify LEAs that their plans were approved until November and December of 2010, which impeded the ability of subgrantees to plan for and implement their Title III subgrants during the school year in which they were awarded. (See also Element 3.1).

Citation: Section 3116 of the ESEA requires eligible entities that wish to receive a grant under section 3114 of the ESEA to submit an application to its SEA at a time and in a manner as prescribed by that SEA.

Further Action Required: The CSDOE must develop and submit to ED a corrective action plan that includes a timeline for reducing the period of time for CSDOE to review and approve LEA Title III plans.

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 (1): The CSDOE has not provided accurate information and guidance regarding the requirements related to equitable services to LEP students and teachers in private schools. The

State has issued a directive that requires LEAs to apply the State annual assessment and the State's exit criteria to private school students. Decisions about how the services provided to private school LEP students and their teachers should be discussed and decided upon during consultation between LEAs and private school officials.

Citation: Section 9501(c)(1)(D) of the ESEA requires that to ensure timely and meaningful consultation, an LEA shall consult with appropriate non-public school officials during the design and development of the funded program, on issues such as how the services will be assessed and how the results of the assessment will be used to improve those services.

Further action required: The CSDOE must revise its written guidance to subgrantees regarding section 9501(c)(1)(D) requirements, and also provide technical assistance to subgrantees regarding these requirements, with a focus on components of the consultation process that must be conducted with non-public school officials. The CSDOE must submit to ED evidence that it has developed and disseminated guidance and provided technical assistance to Title III subgrantees.

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 CSDOE has not ensured that LEAs include all the required information in their notification to parents about placement of their child in a language instruction educational program (LIEP). The notifications provided to the ED team do not include information on the expected rate of graduation and how the programs meet the needs of students with disabilities.

Citation: Section 3302(a) of the ESEA states 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 CSDOE 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 CSDOE must submit to ED evidence that it has developed and disseminated the guidance to Title III subgrantees.

Finding (2): The CSDOE has not ensured that all Title III subgrantees separately inform parents of the LEAs failure to meet AMAOs not later than 30 days after such failure occurs. One

subgrantee that failed to meet the AMAOs for 2009-2010 was unable to inform parents of such failure until March 2011.

Citation: Section 3302(b) of the ESEA requires subgrantees that failed to make progress on AMAOs to separately inform parents of children identified for or participating in a Title III-funded language instruction educational program of such failure not later than 30 days after it occurred.

Further Action Required: The CSDOE must provide written guidance to its subgrantees regarding parental notification requirements for failure to meet AMAOs, and must include monitoring for parental notification for failure to meet AMAOs in its Title III monitoring protocol and procedures. The CSDOE must provide to ED a copy of this guidance and its revisions to subgrantee monitoring protocol and procedures.

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)	Findings	8-9
Element 3.2	District Allocations, Reallocations and Carryover section 3115	Findings	9-10
Element 3.3	Maintenance of Effort sections 1120A and 9021	Met requirements	X
Element 3.4	Supplement, Not Supplant – General section 3115(g)	Findings	10-12
Element 3.4A	Supplement, Not Supplant – Assessment sections 1111(b)(7) and 3113(b)(2)	Findings	13

Monitoring Area 3: Fiduciary

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

Finding (1): The CSDOE has not ensured that it allocates Title III funds in a timely manner. All three LEAs reported that the application for the Title III grant is not available for LEAs to complete until typically after the school year has started, sometimes as late as October. One LEA’s grant award notification was dated December 2, 2010 and another LEA’s immigrant grant award notification was dated December 13, 2010. As a result of the late review and approval process, Title III LEAs were implementing Title III-ELL programs and activities based on allocations posted on the SEA website before their Title III grant applications were approved. Also, the Title III Immigrant grant had not been implemented at all in one district at the time of the visit.

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: The CSDOE must develop and implement a comprehensive corrective action plan, including a timeline, implementation steps, staff, and resources, to ensure that Title III awards are made in a timely manner. The CSDOE must submit this plan to ED, along with evidence of implementation beginning with grant awards for the 2011-2012 school year.

Finding (2): The CSDOE did not demonstrate that it has a system in place to ensure fiscal control and accountability for Title III funds that are to be reserved for administration and funds to be reserved for state-level activities.

Citation: Section 3111(b)(2) of the ESEA states that "...each State educational agency receiving a Title III formula grant may reserve not more than 5 percent of the agency's allotment to carry out one or more of the following activities: (A) professional development activities. (B) planning, evaluation, administration and inter-agency coordination. (C) providing technical assistance and other forms of assistance to subgrantees. (D) providing recognition to subgrantees." Further, section 3111(b)(3) allows an SEA to use not more than 60 percent of the above reserved amount or \$175,000, whichever is greater, for the planning and administrative costs associated with section 3111(b)(1)-(2).

Further Action Required: The CSDOE must provide documentation of the Title III budget showing the amounts reserved for state-level activities under section 3111(b)(2) and amounts reserved for planning and administration under section 3111(b)(1-2) for the 2010-2011 school year. CSDOE must ensure that it will annually develop a budget for its Title III State-level reservations.

Finding (3): The CSDOE has not developed and implemented a process for reallocating Title III funds. The CSDOE does not have a process to determine when or if any amount of LEA allocations will not be used for the purpose for which the allocation was made.

Citation: Section 3114(c) of the ESEA requires that whenever an SEA determines that an amount from an allocation to LEAs under section 3114(a) will not be used for the purpose for which it was made, the SEA must reallocate the funds in accordance with its reallocation procedures.

Further Action Required: The CSDOE must provide ED with a detailed description including a timeline of how and when it will annually determine whether these funds will not be used by an LEA for the purpose for which it was made and, thus, can be reallocated to other LEAs.

Recommendation: ED recommends that the CSDOE review its decision rules for awarding immigrant subgrants. The State is applying a \$10,000 minimum award amount, which the State was unable to justify. Section 3114(b) of the ESEA does not apply the \$10,000 limitation to the immigrant program funds.

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 (1): The CSDOE allows LEAs to draw down up to 15% of their projected allocations before the LEA plans are approved. Title III requires States to award subgrants to eligible entities having an approved plan.

Citation: Section 3114(a) of the ESEA states that after making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 3111(c)(3) shall

award subgrants for a fiscal year by allocating to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of limited English proficient children in schools served by the eligible entity bears to the population of limited English proficient children in schools served by all eligible entities in the State.

Further Action Required: The CSDOE must provide ED with a corrective action plan in which the State approves the applications and distributes Title III funds in a timely manner.

Finding (2): Prior to September 2010, the New Britain School District (NBSD) was reimbursing non-public schools for expenditures. The State notified the LEA that this was not allowable and to discontinue this practice. However, the LEA's new process still does not comply with the requirement for LEAs to maintain control of the Title III program and funds. Under the new process, the private school orders materials and submits the invoice to the LEA for payment.

Citation: Section 9501(d)(1) of the ESEA states that the control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property. An LEA may not require private school officials to complete purchase orders or prepare other financial requests, such as budgets, as private school officials have no authority under the equitable services provisions to obligate Federal funds. Tasks related to administering services and programs funded by federal funds, such as purchasing materials for private school students and teachers, are the responsibility of the LEA.

Section 9506(a)(1) & (2) of the ESEA requires an LEA submitting a consolidated application to ensure that Title III is administered in accordance with all applicable rules, regulations, program plans, and applications and that the LEA will maintain control of funds provided and the title to any property acquired with Title III funds..

Further Action Required: The CSDOE must require LEAs that provide services to LEP students in private schools to be the fiscal agents for the contract. The CSDOE must provide ED with a detailed description of how and when it informed its LEAs of the requirement, along with how it will implement and monitor 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 1: The CSDOE has not ensured that its LEAs comply with Federal requirements related to supplement, not supplant as evidenced by the following:

One LEA is split funding four teachers with Title III funds; however, the job description for these teachers is the same as the job description for other locally funded ESL and bilingual teachers. Based on documentation provided by the LEA, two of the teachers appeared to be working in programs that were supplemental programs, but the other two were listed as

providing ESL instruction. The district does not have distinct job descriptions for ELL teachers funded with Title III funds.

Another LEA has three staff tutors that are 100% Title III funded, but the LEA also has tutors that provide services to ELL students through the State bilingual grant. The job descriptions for the Title III funded tutors and the non-Title III funded tutors are the same. The district described the services provided as supplemental to the districts core ELL services, but the LEA was unable to provide documentation to support this assertion.

In the third LEA, the Parent Liaison is split funded. The job description for the Parent Liaison has an adequate description of the activities that are related to LEP students, but does not differentiate between Title III activities and non-Title III activities.

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 CSDOE must provide guidance on Title III supplement, not supplant requirements to its subgrantees and a detailed description of how and when it informed its Title III subgrantees of supplement, not supplant requirements. The CSDOE must also provide ED with a description of how it will annually ensure the correct implementation of this requirement.

Finding (2): One LEA was unable to produce time and effort logs, or personnel activities reports for the Title III staff. Another LEA has 4 staff that are Title III funded, but they have not required time and effort logs or biennial certifications.

Citation: Time and effort and semi-annual reporting for staff funded all or in part with Federal funds is required under OMB A-87, Attachment B, 8. h. (3) and (4):

h. Support of salaries and wages. These standards regarding time distribution are in addition to the standards for payroll documentation.

(3) Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semi-annually and will be signed by the employee or supervisory official having first hand knowledge of the work performed by the employee.

(4) Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports or equivalent documentation which meets the standards in subsection (5) unless a statistical sampling system (see subsection (6)) or other substitute system has been approved by the cognizant Federal agency. Such documentary support will be required where employees work on:

- (a) More than one Federal award,
- (b) A Federal award and a non Federal award,
- (c) An indirect cost activity and a direct cost activity,

- (d) Two or more indirect activities which are allocated using different allocation bases, or
- (e) An unallowable activity and a direct or indirect cost activity.

Further Action Required: The CSDOE must ensure that personnel costs funded with Title III funds must be supported by the documentation required by OMB Circular A-87, Attachment B, Section 8. The salaries of employees who work on more than one cost objective, e.g., Title III and non-Title III activities or Title III administrative and non-administrative activities, must be supported by appropriate time distribution records. The State must provide ED with evidence that LEAs have developed written procedures they will use to require employees to maintain time and effort records and provide evidence that the procedures have been implemented.

Finding (3): The CSDOE has not ensured that its LEAs meet Title III supplement, not supplant requirements. One LEA used Title III funds to translate report cards, while another LEA used Title III funds for translation services that were not specific to Title III, including interpretation at non-Title III parent meetings. The use of Title III funds for these activities is a violation of the supplement, not supplant provisions of Title III as these are services that are required to be provided by States and districts regardless of the availability of Federal Title III funds.

Citation: Section 3115(g) of the ESEA states that Federal funds made available under this subpart shall be used so as 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 CSDOE must provide ED with a detailed description of how and when it informed its Title III subgrantees of the supplement, not supplant requirement. This documentation must include letters to Title III subgrantees or agendas for technical assistance meetings. The CSDOE must also provide ED with a description of how it will annually comply and ensure the correct implementation of this requirement.

Finding (4): The job description of the State Title III Director, who is 100% funded by Title III, includes "Administer and manage Connecticut's required bilingual education grant program in accordance with Section 10-17e-j". This is not allowable as it is an activity that is required by a state law.

Citation: Section 3115(g) of the ESEA states that Federal funds made available under this subpart shall be used so as 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 CSDOE must ensure that appropriate accounting procedures are used for costs related to the Title III program and that the correct implementation of the supplement, not supplant requirement has been implemented.

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 (1): The CSDOE has not ensured that its LEAs comply with Title III non-supplanting provisions related to the use of Title III funds for assessment purposes. One LEA provided purchase orders that included payment for LAS Links booklets and training which are related to the administration of the State's annual English language proficiency assessment.

Citation: Section 3115(g) of the ESEA states that Federal funds made available under this subpart shall be used so as 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 CSDOE 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.

Finding (2): The CSDOE should review supplement, not supplant requirements with its Title III LEAs regarding training for administering the State's English Language Proficiency Assessment. In one LEA, part of a professional development training that was intended to provide ESL teachers with the skills to understand and interpret score reports of assessments included administration of the LAS Links assessment. That training was provided with Title III funds, but was intended to give the ELL teachers the background on the assessment so that they could use results to drive instruction. After this training, however, some of these teachers asked if they could administer the assessment since they had received the training necessary to qualify them to administer the assessment. They were given permission to administer the 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 CSDOE 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.