

Alabama Department of Education

February 25 – 28, 2008

Scope of Review:

The U.S. Department of Education's (ED) Office of English Language Acquisition (OELA), State Grants Division, conducted an on-site monitoring review of the Alabama Department of Education from February 25 - 28, 2008. The purpose was to conduct a comprehensive review of the Alabama Department of Education's administration of the Title III, Part A program authorized by the No Child Left Behind (NCLB) Act.

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, and technical assistance activities, as well as fiscal and administrative oversight activities. The team also conducted monitoring visits to two local educational agencies (LEAs): Shelby County Public Schools and DeKalb County Public Schools.

Alabama Department of Education Participants:

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Deanna Stone, Director of Federal Programs
Gloria Turner, Director of Student Assessment
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LEA Representatives:

Shelby County Public Schools Participants:

Randy Fuller, Superintendent
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DeKalb County Public Schools Participants:

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Jason Mayfield, Federal Programs
Mary Jane Collins, Special Education
Mary Lance, Instructional Supervisor
Ronnie Campbell, Central Office Supervisor
Gelane Nelson, Career Tech
Angela McClain, Migrant

U.S. Department of Education Participants:

Millie Bentley-Memon, Senior Education Program Specialist, OELA
Amy Weinmann, Education Program Specialist, OELA

Previous Audit Findings: None.

Previous Monitoring Findings: None. This was the first Title III monitoring review.

Summary of Title III, Part A Monitoring Indicators

State Submissions			
Element Number	Description	Status	Page
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Reviewed	7
Fiduciary			
Element 2.1	Reservation and Use of Funds: The SEA has a system in place that enables it to account for: (1) Funds reserved for State administration (2) Funds reserved to provide technical assistance and other State-level activities (3) Funds reserved for immigrant activities, and (4) Funds that become available for reallocation	Reviewed	7
Element 2.2	Allocations, Reallocations, and Carryover: The SEA complies with— <ul style="list-style-type: none"> • The procedures for Title III allocations outlined in Section 3114 • The procedures for allocating funds for immigrant children and youth programs outlined in Section 3114(d) • The reallocation provisions in Section 3114(c). 	Recommendation	7
Element 2.3	Supplement not Supplant: The SEA ensures that Title III funds are used only to supplement or increase Federal, State, and local funds used for the education of participating children and not to supplant those funds.	Finding, Further Action Required	7-8
Element 2.4	Equipment and Real Property: The SEA ensures that equipment is procured at a cost that is recognized as reasonable and that the equipment is necessary for the performance of the Federal award. Title III funds may not be used to acquire real property.	Reviewed	8

ELP Standards, Assessments and Accountability

Element Number	Description	Status	Page
Element 3.1	English Language Proficiency (ELP) Standards: State English language proficiency standards: The State provided evidence of a process that complies with Section 3113.	Recommendation	8
Element 3.2	ELP Assessments: The State provided evidence of a process that complies with Section 3113.	Finding, Further Action Required	8
Element 3.3	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.	Reviewed	8
Element 3.4	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. 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.	Recommendations	9

State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth			
Element Number	Description	Status	Page
Element 4.1	<p>State-Level Activities: Using funds retained at the State-level, the State carries out one or more activities that may include:</p> <ul style="list-style-type: none"> • Professional development • Planning, evaluation, administration and interagency coordination • Promoting parental and community participation • Providing recognition to subgrantees that have exceeded AMAO requirements. 	Commendation, Recommendation	9
Element 4.2	<p>Required Subgrantee Activities: The subgrantee must provide high quality language instruction educational programs and sustained professional development activities to all classroom teachers of LEP students (including teachers in classroom settings that are not defined as language instruction educational programs). Training activities must also include principals, administrators, and other school or community-based organization personnel.</p>	Finding, Further Action Required	10
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Reviewed	10
Element 4.4	<p>Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth: The subgrantee receiving funds under Section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.</p>	Finding, Further Action Required	10

State Review of Local Plans			
Element Number	Description	Status	Page
Element 5.1	Application: The SEA ensures that its LEAs comply with the provision for submitting an application to the SEA. (Section 3116(a))	Reviewed	10
Element 5.2	Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III.	Reviewed	10
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Recommendation	10
State Monitoring of Subgrantees			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements.	Commendation	11
Parental Notification			
Element 7.1	Parental Notification: Parent notification in an understandable format as required under Section 3302 for identification and placement and for not meeting the State AMAOs.	Reviewed	11

State Submissions

Element 1.1 - State Submissions

Alabama received Attachment T Special Conditions with the State's Title III, Part A grant award on July 1, 2007. The conditions have been lifted as of May 14, 2008.

Citation: Section 3123; 34 CFR 80.40

Fiduciary

Our consideration of internal controls over compliance would not necessarily disclose all internal control matters that may be considered weaknesses. Our review was limited by time to only those areas that immediately affect the Title III program objectives.

Element 2.1 – Reservation and Use of Funds

Reviewed

Citation: Sections 3111, 3114(d), 3115, and 3116

Element 2.2 – Allocations, Reallocations, and Carryover

Recommendation: The Alabama Department of Education (ALDOE) is advised to review and revise the local educational agency (LEA)/subgrantee Title III, Part A application and approval process in order to make funds accessible to LEAs in a more timely manner. Shelby County Public Schools indicated that the State's process for making Title III funds accessible continues to be a primary concern affecting the planning and effective implementation of Title III program activities. The LEA indicated that it submits an electronic application via EGAP in October of each year, but does not have access to Title III funds until January, more than five months after the school year has begun.

Citation: Sections 3114 and 3115; 34 CFR 76.722; 34 CFR 80.40

Element 2.3 – Supplement not Supplant

Finding: DeKalb County Public Schools is currently using Title III funds to pay for salaries for 2.5 teachers.

Further Action Required: The ALDOE must ensure that Title III subgrantees do not expend Title III funds for teacher salary costs unless those costs are related to services that would not, in the absence of a Title III grant, have been provided. The ALDOE must submit to the Department evidence that it has provided written guidance to Title III subgrantees regarding the appropriate use of Title III funds to supplement, not supplant

State, local, and other Federal funds. The ALDOE must also develop and implement a plan to ensure that this guidance is being implemented.

Citation: Section 3115(g)

Element 2.4 – Equipment and Real Property

Reviewed

Citation: OMB A-87; EDGAR 76.533, 80.32

English Language Proficiency (ELP) Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Recommendation: The ALDOE provided evidence that extensive training for educational personnel has been conducted on the State ELP standards (WIDA standards) and the ACCESS assessment. Based on conversations with LEA and school personnel, however, it appears that there is a need for the ALDOE to provide further training and guidance to LEAs on: 1) effective research-based methodologies for instructing LEP students, and 2) curriculum aligned with the State English language proficiency standards.

Citation: Section 3113(b)(2)

Element 3.2 - ELP Assessments

Finding: LEAs reported using exit criteria for LEP students to exit from language instruction educational programs that differed from those reported by the State. For example, Shelby County Public Schools reported that the ELL committee could exit some students from language instruction educational programs without requiring those students to reach the State-set cut score of 4.8 for proficient on the ACCESS.

Further Action Required: The State must review the practices of Title III-funded LEAs with regard to the exit of LEP students from language instruction educational programs, and develop and implement a plan to ensure that they are consistent with State policy.

Citation: Section 3113(b)(3)(D) and 3122(a)(3)(A)(ii)

Element 3.3 – Annual Measurable Achievement Objectives

Reviewed

Citation: Sections 3122(a) and 1111(b)(2)(B)

Element 3.4 – Data Collection

Recommendation: The ED team found that some LEAs had been reporting some data on LEP students, such as their status as MFLEP and membership in the State’s NOM PHLOTE category, incorrectly. Some LEAs had also made errors when inputting data, such as AYP performance data, into the State’s data compilation form. The ALDOE demonstrated its awareness of this problem, and has already taken steps to address it through training. The ALDOE is advised to continue with its plans to offer training, and maintain awareness of possible LEA data entry errors.

Recommendation: The ALDOE utilizes multiple databases for following the progress of LEP students. These databases do not fully interface with one another, or with LEA databases. The ALDOE is advised to examine ways that these databases can be coordinated to improve data quality and reporting.

Citation: Sections 3113 and 3121 - 3123

State-Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State-Level Activities

Commendation: The State’s comprehensive needs assessment for English language learners appears to provide a good foundation for planning the ALDOE’s work related to LEP students. The ED team observed concrete actions undertaken by the ALDOE in response to this needs assessment.

Recommendation: Based upon interviews conducted in Shelby and DeKalb County Public Schools, it appears that LEAs may benefit from technical assistance regarding methods for evaluating placement of LEP students in language instruction educational programs, in particular, methods for evaluating academic records of newly arrived LEP students who do not possess transcripts from their country of origin.

Citation: Sections 3111(b)(2) and 3113

Element 4.2 – Required Subgrantee Activities

Finding: The ALDOE did not ensure that Title III subgrantees carry out the two required activities under Title III: providing a high-quality language instruction educational program and high-quality professional development to classroom teachers of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in the classroom.

Further Action Required: The ALDOE must ensure that Title III subgrantees carry out the two required activities under Title III. The ALDOE must submit a timeline and plan for addressing this requirement.

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Reviewed

Citation: Section 3115(d)

Element 4.4 – Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth

Finding: The ALDOE did not ensure that LEAs that were awarded funds under Section 3114(d)(1) used the funds for activities that provided enhanced instructional opportunities for immigrant children and youth.

Further Action Required: The ALDOE must ensure that LEAs receiving funds under Section 3114(d)(1) use such funds to pay for enhanced instructional opportunities for immigrant children and youth as defined in Section 3301(6).

Citation: Sections 3114(d)(1) and 3115(e)

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed

Citation: Section 3116

Element 5.2 – Private School Participation

Reviewed

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Recommendation: LEAs reviewed expressed lack of clarity about consistent means for ensuring teacher English fluency within their districts. Although the ALDOE addresses this requirement as an assurance in EGAP, LEAs may benefit from suggestions for consistently verifying teacher English fluency within their districts using district procedures.

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Commendation: The ALDOE Title III staff has engaged in long-term sustained efforts to provide technical assistance to and monitoring of LEAs identified as requiring assistance in developing their programs for LEP students.

Citation: Section 3116; 34 CFR 80.40

Parental Notification and Participation

Element 7.1– Parental Notification and Participation

Reviewed

Citation: Section 3302(b)