

California Department of Education

September 26-30, 2005

Scope of Review:

A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, Formula Grant Division conducted an on-site review at the California Department of Education (CDE) the week of September 26-30, 2005. This was a comprehensive review of CDE's administration of the following program authorized by the Elementary and Secondary Education (ESEA), as reauthorized by the No Child Left Behind Act (NCLB): Title III, Part A.

In conducting this comprehensive review, the ED team carried out a number of major activities. In its review of the Title III, Part A program, the ED team analyzed evidence of implementation of the State accountability system, reviewed the effectiveness of the language instruction educational programs and professional development processes established by the State to benefit local educational agencies (LEAs) as well as district level professional development implementation and reviewed compliance with fiscal and administrative oversight activities required of the State educational agency (SEA). During the onsite review, the ED team visited four school districts: Sacramento City Unified School District, Fresno Unified School District, Los Angeles Unified School District, and Santa Ana School District. In each of the school districts, the ED team interviewed administrative staff and teaching staff from the schools and the districts.

California Department of Education Representatives:

Sue Stickel, Deputy Superintendent of Curriculum & Instruction;

Geno Flores, Deputy Superintendent of Assessment & Accountability;

Bill Padia, Director of Accountability;

Deb Sigman, representing Director of Assessment, Mark Fetler;

Scott Hannon, Director for Business Services;

Kim Sakata, Designee for Director of Auditing, Kevin Chan;

Keric Ashley, Director of Data Management;

Tom Adams, Director of Curriculum and Frameworks and Instructional Resources; Gerry Shelton, Fiscal Officer for the Division of Instruction;

Camille Maben, School and District Accountability Director;

Donald Kairott, Title II Director;

Jesus Contreras, Designee Categorical Program Monitoring;

Veronica Aguila, Title III Administrator;

Cathy George, Lilia Sanchez, David Almquist, Alice Ng, Terry Delgado, Judy Lambert, and Paula Jacobs, Title III Administrative support.

LEA representatives:

Sacramento City Unified School District:

Arturo Flores, Associate Superintendent

Evan Lum, Associate Superintendent

Daisy Lee, Academic Achievement Administrator

Graciela Albiar-Gates, Curriculum and Professional Development Administrator

Ed Lee, Director, Assessment, Research and Evaluation

Ed Eldridge, Assessment Research and Evaluation

Audrey Kilpatrick, Budget Services Department Director

Mike Smith, Fiscal Analyst, Budget Services Department

Suzen Holtemann, Student Achievement Specialist, Multilingual Education Department and Assistant Principal at Edward Kemble Elementary School

Wanda Shironaka, Chimeng Yang, William Yang, and Angela Ng, Student Achievement Specialist, Multilingual Education Department

Lue Vang, Student Success Specialist, Multilingual Education Department

Lori Aoun, Assistant Principal at E.I. Baker Elementary School

Hamed Razawi, Assistant Principal at Oakridge Elementary School

Mary DeSprinter, Principal at Elder Creek Elementary School

Carrie Hansen, Elder Creek Elementary School Resource Teacher

See Lor, Elder Creek Elementary School Teacher

Luda Hedger, Interim Matriculation and Orientation Center Supervisor

Obdulia Solis, Tsucheng Vang, Ram Vu, Nora Castro, Mai Sepan, and Victor Guardado, Parent Advisors at the Matriculation and Orientation Center

Fresno Unified School District:

Barbara Bengel, Assistant Superintendent, Office of State & Federal Programs, K-8 Instruction

Paul Garcia, Director English Learner Services

Pat Roehl, Coordinator Title III Office and Parent/Community Liaison

Caran Resciniti, Administrator Curriculum, Instruction, and Professional Development

Sam Nofziger, Coordinator English Language Development

Lewis Wiley, Director Fiscal Services

Rita Nunez, Fiscal Services

Los Angeles Unified School District:

Alma Peña Sanchez, Assistant Superintendent Instructional Services

Jesús Limón, Language Acquisition Branch

Rita Caldera, Assistant Superintendent, Specially Funded Programs

Oscar Lafarga, English Learner Coordinator

Sandra Kim, Coordinator for Dual Language Programs

Carmen Tavitian, English Learner Specialist

Ana Estevez, English Learner Specialist

Yumi Takahashi and Margaret Lam, Budget Services

Jesús Salazar, Specialist Program Evaluation and Research Branch

Veronica Herrera, Immigrant Education Program,

Patricia Galbraith, Private Schools

Lloyd Houske, Principal Cahuenga Elementary

Adeline Shoji, Assistant Principal

Santa Ana Unified School District:

Howard Bryan, Director of the Bilingual Education Department

Nuria Solis, Title III Coordinator; Budget; Standards/Assessment/Instruction; Data Collection

Jon Guenzler, Budget

Leslie Crucil, Standards/Assessment/Instruction

Jenny Shumar, Standards/Assessment/Instruction; Data Collection

Michelle LePatner, Standards/Assessment/Instruction; Data Collection

Mary L. Espinosa, Curriculum Specialist, ELD/Bilingual Education and Student Achievement Department

Jose Luis Pedroza, Data Collection

Dan Salcedo, Principal Santa Ana High School

Debby Sawyer, Assessment Coordinator Santa Ana High School

Laura Pickerell, Professional Development Santa Ana High School

Victoria Zaragoza, Chairperson of Parent Advisory Committee

Maria Torres, Vice President of Parent Advisory Committee

Maria Gallardo, Secretary of Parent Advisory Committee
Patricia Gomez, Parent Advisory Committee Parent Trainer

USDOED Representatives:

Kathleen Leos, Assistant Under Secretary and Director of OELA
Harpreet Sandhu, Director of the State Formula Grant Division, OELA
Sue Kenworthy, USDOED, Office of English Language Acquisition
Sam Lopez, USDOED, Office of English Language Acquisition
Marilyn Rahilly, USDOED, Office of English Language Acquisition
Margarita Ackley, USDOED, Office of English Language Acquisition
Diana Schneider, USDOED, Office of English Language Acquisition
Jamila Booker, USDOED, Office of the Secretary

Previous Monitoring Findings:

This is the first on-site monitoring activity for Title III programs.

Summary of Title III, Part A

Monitoring Indicators

Title III, Part A: Submission Indicators			
Element Number	Critical element	Status	Page
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews.	Reviewed: Comments Finding Further Action Required	8

Title III, Part A: Fiduciary Indicators			
Element 2.1	Audits: The SEA ensures that its LEA/Subgrantees are audited annually in accordance with the Single Audit Act, and that all corrective actions required through this process are fully implemented	Reviewed: Comments	8
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 as outlined in Sec. 3114(d). • The reallocation provisions in Section 3114(c) 	Reviewed: Comments Recommendation	9
Element 2.3	Reservation of funds: The SEA has a system in place that enables it to account for: <ol style="list-style-type: none"> (1) funds reserved for State administration, (2) funds reserved to provide technical assistance and other State level activities (3) the reservation of funds for immigrant activities, and (4) funds that become available for reallocation. 	Reviewed: Comments	9
Element 2.4	Supplement Not Supplant: The SEA ensures that Title III funds are used only to supplement or increase other Federal and non-Federal sources used for the education of participating children and not to supplant funds from those sources.	Reviewed: Comments	9
Element 2.5	Equipment and Real Property: The SEA ensures that equipment and real property is procured at a reasonable cost and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire Real	Reviewed: Comments	9

	Property.		
--	-----------	--	--

Title III, Part A: ELP Standards, Assessments and Accountability Indicators			
Element Number	Critical element	Status	Page
Element 3.1	English language proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Reviewed: Comments Recommendation	10
Element 3.2	ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented.	Reviewed: Comments Finding Further Action Required Recommendation	10
Element 3.3	Data Collection: The State 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 on-going quality of its assessment systems	Reviewed: Comments	11
Element 3.4	New English language proficiency Assessment: Transition to new ELP assessment or revising the current State ELP assessment	Reviewed: No Comments	11
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Reviewed: Comments	11
Element 3.6	Data system in place to meet all Title III data requirements including capacity to follow Title III served students for two years after exiting; State approach to follow ELP progress and attainment over time, using cohort model	Reviewed: Comments Finding Further Action Required	11

Title III, Part A: State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth Indicators			
Element Number	Description	Status	Page
Element 4.1	<p>State Level Activities</p> <p>Using funds the reserved for State–level activities, 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 	Reviewed: Commendation Comments	12
Element 4.2	<p>Required Subgrantee Activities</p> <p>The LEA/Subgrantee is responsible for increasing the English proficiency of LEP students by providing high quality language instructional programs and providing high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or community based organization personnel</p>	Reviewed: Commendation Comments Recommendation	12
Element 4.3	<p>Authorized Subgrantee Activities:</p> <p>The LEA may use the funds by undertaking one or more authorized activities</p>	Reviewed: Commendation Comments	13
Element 4.4	<p>Activities by Agencies experiencing substantial increases in immigrant children and youth</p> <p>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>	Reviewed: Comments	13

Title III, Part A: State Review of Local Plans			
Element Number	Critical element	Status	Page
Element 5.1	SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (Section 3116 (a))	Reviewed: Comments	13
Element 5.2	Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under	Reviewed: Commendation Comments	14

	Title III		
Element 5.3	Teacher English fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116 (c))	Reviewed: Comments	14

Title III, Part A: State Monitoring of Subgrantees			
Element 6.1	Monitoring The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements	Reviewed: Comments Recommendation	14
Element 6.2	Consortia: Any governance issues in the State; policy on fiscal agents	Reviewed: Comments	15

Title III, Part A: Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format (Section 3302)	Reviewed: Comments	15

**Title III, Part A
State Submission Indicators**

Element 1.1- State Submissions

Review Comments: Review of the January 2005 Consolidated State Performance Report (CSPR) indicated the following: The California Department of Education (CDE) does not require local school districts to use the State Board of Education guidelines for classifying students, based on the English Language Development Test (CELDT), as Initial Fluent English Proficient (I-FEP) or English Learner (EL). CDE currently is unable to determine what portion of students who took the CELDT for initial identification purposes were classified as English Learner. CDE indicated that the reclassification from EL to FEP involves multiple criteria: teacher input, parent input, in addition test results. Therefore, CDE is unable to determine how many students were reclassified to FEP when they took the CELDT for annual assessment purposes.

Finding: CDE is unable to determine what portion of students who took the CELDT for initial identification purposes were classified as EL and is unable to determine how many students who took the CELDT for annual assessment purposes were reclassified to Fluent English Proficient status.

Citation: Sections 3116, 3121, 3122, and 3123

Further Action Required: The CDE must implement a data collection system that will collect all necessary Title III data as required in the CSPR.

**Title III, Part A
Fiduciary Indicators**

Element 2.1 – Audits

Review Comments: CDE ensures that LEAs submit an annual financial and compliance audit report. In response to recommendations from three findings related to Title III from the 2002 and 2003 audits, CDE responded that in 2005-2006, the State is implementing a process of assessing the needs of “sub-recipients” prior to releasing funds on an installment basis.

The State reported that the challenge to the CDE’s budget process is staffing: additional staff is needed if more steps are added to the process.

Citation: Circular A-133

Element 2.2 – Allocations, Reallocations, and Carryover

Review Comments: The State reserved 15% of the State allocation to make subgrants to LEAs experiencing significant increases in their immigrant population under Section 3114(d)(1). The balance of the Title III funds is distributed to LEAs that have a State approved LEA plan pursuant to Section 3114(a). In the spring of the prior year, LEAs receive a letter with the estimated amount of the award. The State indicated that LEA expenditure reports are reviewed prior to making allocations and that LEAs can automatically carry-over Title III funding for twelve months after the end of the initial subgrant period.

Citation: Section 3111 and 3114

Recommendation: The State is advised to encourage LEAs to carry out prudent fiscal planning that would ensure that funds are utilized as soon as possible, even though the LEAs have the twelve months of carry-over period to utilize Title III funds.

Element 2.3 – Reservation of funds:

Review Comments: The State reserves 5 percent of its Title III allocation for State activities. The bulk of the State reservation is used for funding “consultant” positions to the State office. Many of these positions provide technical assistance and outreach services to LEAs.

Citation: Section 3111

Element 2.4 – Supplement Not Supplant

Review Comments: The CDE audits districts through the Coordinated Compliance Review (CCR) process during which expenditures are specifically examined for their consistency with the supplement not supplant requirement.

Citation: Section 3115 (g),

Element 2.5 – Equipment and Real Property

Review Comments: CDE ensures that equipment is procured at a cost that is reasonable and necessary to carrying out the Title III program.

Citation: OMB A-87; 34 CFR 76.533, 80.32

Title III, Part A
ELP Standards, Assessments, and Accountability Indicators

Element 3.1 - ELP Standards

Review Comments: The State Board of Education adopted the English Language Development (ELD) Standards for California Public Schools, K-12, in 1999. The CDE has contracted with a test publisher to do a study on how the English Language Development (ELD) standards can be aligned to the content standards of science and math. The CDE provided OELA with evidence of the alignment of ELD standards to English Language Arts (ELA) standards and a sample of the ELD/ELA standards correlation matrix for supplemental ELD materials for grades K-2 in the domain of ELD writing.

Citation: Section 3113 (b)(2)

Recommendation: CDE is encouraged to review the alignment of the State English Language Development (ELD) curriculum to the State ELD standards.

Element 3.2 - ELP Assessments

Review Comments: According to information on CDE's website, all English language learners must be tested annually for English language proficiency using the CELDT within the testing window of July 1 – October 31. The CELDT assesses listening and speaking skills in kindergarten and first grade, but does not assess reading and writing in these grades. Students in grades 2-12 receive an overall proficiency level score and separate proficiency scores for each of the skill areas.

Finding: The CDE does not test the English language proficiency of K-1 English language learners (ELLs) in reading and writing.

Citation: Section 3113 (b)(3)(D)

Further action required: The State must develop a developmentally appropriate English language proficiency assessment of reading and writing skills for ELL students in kindergarten and grade one.

Recommendation: The CDE should review the use of the CELDT as a measure for initially identifying K-12 students as ELLs. It should also consider whether development of a separate screening measure aligned to the CELDT would be beneficial.

Element 3.3 – Data Collection (Reporting components of ELP assessments)

Review Comments: The CELDT annual assessment window ends October 31st of each year. Under CDE procedures, school districts must return a completed test to the test contractor for scoring before the test contractor’s final deadline. Notifications, updates, and specific instructions regarding the CELDT are sent to the CELDT District Coordinators (CDC) on a regular basis via e-mail and through regular mail. Each CDC is responsible for ensuring that the information is current and accurate. Annually, on November 15, the CDE distributes to each school district an *Apportionment Information Report* with the number of students assessed with the CELDT, based on the number of answer documents submitted to the test contractor.

Citation: Section 3121(a)(4) and Performance Indicator 2.1 of the Consolidated State Application.

Element 3.4 – Transition to new ELP assessment

Reviewed - No Comments.

Citation: Section 1111 (b)(7); Section 3113 (b)(3)(D)

Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)

Review Comments: During 2004-2005, 85% of the Title III served districts met the first AMAO for “making progress”, 85% met the second AMAO for “attaining proficiency”, and 65% met the third AMAO for making Adequate Yearly Progress.

Notifications for Title III Improvement Plans were sent September 15, 2005. The CDE developed the English Learner Subgroup Self Assessment (ELSSA) document that is designed to assist LEAs in discerning strengths and weaknesses of their current LEA Plan and development of the required Title III LEA Improvement Plan. Complete CDE guidance on Title III AMAOs is accessible at:
<http://www.cde.ca.gov/sp/el/t3/documents/04-05amao.doc>

Citation: Sec. 3122 (a)(3)(A)(i-iii)

Element 3.6 – Data Collection (Data collection system)

Review Comments: Information on CDE’s website indicates: (1) the assignment of individual student identifiers for all K-12 students; and (2) the establishment of the

California Longitudinal Pupil Achievement System (CALPADS) that includes Statewide assessment data, enrollment data, and other demographic elements required to meet federal reporting requirements.

Finding: Refer back to Element 1.1, State Submissions, for Finding related to State data collection to meet all federal NCLB, Title III reporting requirements.

Citation: Section 1111 (b)(7) & Section 3113(b)(3)(D)

Further Action Required: The CDE must implement a data collection system that will collect all required data to meet Title III data components.

Title III, Part A
State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State Level Activities

Commendation: The CDE provided excellent documentation on professional development and training for teachers and personnel staff who are directly involved in the education of ELLs.

Review Comments: The CDE uses state funds for the Bilingual Teacher Training Program (BTTP), which helps support schools and districts in preparing teachers to attain authorizations and credentials to provide instructional services to ELLs. The CDE provides extensive training and technical assistance to LEAs through the State Bilingual Coordinators Network, the annual accountability institute, the National Two-Way Bilingual Immersion Program Summer Conference, and through other means.

Citation: Section 3111(b)(2)

Element 4.2 – Required Subgrantee Activities

Commendation: Los Angeles Unified School District provides a language rich instructional program at the elementary level that incorporates the arts.

Review Comments: As determined through interviews conducted in the four LEAs visited, districts provided evidence that they are using Title III funds to implement the required subgrantee activities, however, at the school level knowledge about Title III annual measurable achievement objectives was not evident.

Citation: Section 3115(c)

Recommendation: LEA administrators need to communicate more information on the definition of AMAOs at the school level.

Element 4.3 – Authorized Subgrantee Activities

Commendation: Fresno Unified School District provides a significant number of outreach activities aimed at bridging the potential gap and barriers that develop between school and communities; Sacramento City Unified School District provides strong administrative leadership and commitment to ELLs at both the district office and the sites visited; and Santa Ana Unified School District provides strong administrative team orientation for ELLs at both the district office and the site visited, as well as parental involvement.

Review Comments: Through the various technical assistance opportunities offered to the LEAs, the CDE conveys to districts the types of activities that LEAs can implement with Title III funds.

Citation: Section 3115 (d)

Element 4.4 – Activities by Agencies experiencing substantial increases in immigrant children and youth

Review Comments: The CDE provides an apportionment of Title III funds to support grants to eligible LEAs. The total immigrant subgrant, for each LEA experiencing a significant increase in the number or percentage of immigrant students, is based on the number of immigrant students submitted on the CDE's Student National Origin Report, a survey used to collect data on immigrant students.

Citation: Section 3114 (d)(1)

Title III, Part A State Review of Local Plans

Element 5.1 – State Review of Local Plans

Review Comments: The CDE has a State process for the review and approval of Title III LEA plans. The CDE provides guidance to LEAs on the preparation and submission of LEA Plans to receive Title III funds. Of 897 LEA plans reviewed in June 2003, 740

offered services to LEP students and 157 offered services to immigrant children and youth.

Citation: Section 3116 (a)

Element 5.2 – Private School Participation

Commendation: A private school workgroup meets quarterly to resolve any problems involving private schools and to help private schools that want to participate in receiving Title III services.

Review Comments: The CDE provides a guidance document to LEAs on private school participation. In addition, Title III Frequently Asked Questions (FAQs) are posted on the CDE web site. In order to ensure the provision of equitable services to eligible private school children and teachers, a Memorandum of Understanding (MOU) between the LEA and private school is required of all LEAs with private school participation, describing the services provided to the private school students and teachers. MOUs are kept on file with the Language Policy and Leadership Office.

Citation: Sections 9501-9506

Element 5.3 – Teacher English Fluency

Review Comments: The CDE requires an assurance from LEAs in their Title III State submitted plan that all teachers teaching English language learners are fluent in English and in any other language used for instruction.

Citation: Section 3116 (c)

Title III, Part A State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Review Comments: The CDE monitors the LEAs on the basis of a four-year cycle. For the 2005-2006 cycle, the CDE initiated a revised monitoring system and instrument called the Coordinated Compliance Review Instrument. The instrument contains program specific questions to which LEAs must respond. CDE indicated that on site monitoring of Title III served LEAs is challenging due to insufficient number of staff.

Citation: Section 3116; 34 CFR 80.40

Recommendation: ED recommends that Title III State staff be augmented in order that CDE can adequately monitor Title III subgrantees on site to ensure that they meet the program requirements of Title III.

Element 6.2 – Consortia

Review Comments: LEAs that are scheduled to receive less than \$10,000 must form a consortium in order to receive Title III funds. The CDE provides a sample Memorandum of Understanding for those that wish to enter into a consortium. One LEA acts as the lead and each LEA is responsible for reporting.

Citation: Section 3114 (b)

Title III, Part A Parental Notification

Element 7.1– Parental Notification

Review Comments: The CDE has available on its website a Title III Parental Notification Letter for subgrantees to use to notify parents. A brief guide, in English and ten other languages, provides general information to parents about the CELDT, how the results are reported, and what these results mean.

Parental outreach and parental involvement were evident from the attendance of parents in the schools visited.

Citation: Section 3302 (a) & (b)