

Georgia Department of Education

May 3-5, 2005

Scope of Review: A team from the U.S. Department of Education's (USDE's) Office of English Language Acquisition (OELA), Consolidated State Grant Division conducted an on-site review of the Georgia Department of Education (GA DOE) the week of May 3-5, 2005. This was a comprehensive review of the GA DOE's administration of the Title III, Part A program authorized by the No Child Left Behind Act (NCLB).

In conducting this comprehensive review, the USDE team carried out a number of major activities. In its review of the Title III, Part A program, the USDE team reviewed the seven elements addressed in the Title III monitoring guide. The review included analysis of implementation of English language proficiency standards, assessment, and accountability requirements, a review of State activities under Title III, and other essential components of the Title III State Formula Grant Program. During the on-site review, the USDE team visited two LEAs: DeKalb County Public Schools and Fulton County Public Schools. During the LEA visits, the USDE team interviewed school leadership, administrative staff, teaching staff, parents, and others responsible for the implementation of Title III LEA subgrants.

GA DOE Participants: Dr. Ida Love (Deputy Superintendent for Curriculum and Instruction), Elizabeth Webb (Interim Director for Innovative Academic Programs), Judson Turner (Chief Legal Counsel), Dr. Jeff Gagne (Senior Policy Analyst), Dr. Melodee Davis (Director of Office of Student Achievement), Carmen Hernandez (Budget Analyst II), Melissa Fincher (Assistant Director for Student Assessment), Dr. Evelyn Barker (Program Manager-ESOL/Title III, Migrant Education, Refugee Children), Victoria Webbert (ESOL/Title I Program Specialist), Craig Geers (Migrant Education Program Specialist), Verdi Avila (Migrant Education Comprehensive Needs Coordinator)

USDE Team: Harpreet Sandhu (Director, State Consolidated Grant Division), Dr. Sam Lopez (Senior Education Program Specialist), Dr. Millie Bentley-Memon (Senior Education Program Specialist), Members of the Department's Risk Management Team who participated in LEA visit to Fulton County Public Schools on May 4: Phil Maestri (Director, Management Improvement Team), Tina Otter (Senior Consultant, Management Improvement Team), Cynthia Brown (Senior Consultant, Management Improvement Team)

Previous Audit Findings: None.

Previous Monitoring Findings: None. This is the first Title III on-site monitoring review.

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-No further action required at this time	6
Title III, Part A: Fiduciary Indicators			
Element 2.3	Reservation 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) the reservation of funds for immigrant activities, and (4) funds that become available for reallocation.	Reviewed-No further action required at this time	6
Element 2.4	Supplement not Supplant: The SEA ensures that Title III funds are used only to supplement or increase non-Federal sources used for the education of participating children and not to supplant funds from non-Federal sources.	Reviewed-No further action required at this time	6
Element 2.5	Equipment and Real Property: The SEA ensures that equipment 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 Property.	Reviewed-No further action required at this time	7

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

Element Number	Critical element	Status	Page
Element 3.1	English Language Proficiency (ELP) Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented.	Finding	7
Element 3.2	English Language Proficiency (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.	Recommendations	7-8
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 ELP assessment system.	Reviewed-No further action required at this time	8
Element 3.4	New English Language Proficiency Assessment: Transition to new ELP assessment or revising the current State ELP assessment.	Reviewed-No further action required at this time	9
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.	Reviewed-No further action required at this time	9
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 a cohort model.	Reviewed-No further action required at this time	9

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: Using funds 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 • Promote parental and community participation • Provide recognition. 	Commendations	10
Element 4.2	<p>Required Subgrantee Activities: The LEA/Subgrantee is responsible to increase the English proficiency of LEP students by providing high quality language instructional programs and to provide 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 CBO personnel.</p>	Reviewed-No further action required at this time	10
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Commendation	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>	Reviewed-No further action required at this time	11

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 annual application to the SEA (Section 3116(a)).	Recommendation	11
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-No further action required at this time	11
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116(c)).	Reviewed-No further action required at this time	12
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.	Finding Recommendation	12
Element 6.2	Consortia: Any governance issues in the State; policy of fiscal agents.	Reviewed-No further action required at this time	12-13
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-No further action required at this time	13

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

Element 1.1- State Submissions

Reviewed:

The Georgia Department of Education (GA DOE) has submitted all reports required under Title III, Part A, and the Consolidated State Application to the U.S. Department of Education (USDE).

No further action required at this time

Citation: Section 3123, 34 CFR 80.40

**Title III, Part A
Fiduciary Indicators**

Element 2.3 – Reservation of Funds

Reviewed:

The Office of English Language Acquisition (OELA) is currently working with the GA DOE to provide technical assistance relative to Georgia's option to provide funds on a competitive basis to fund programs that serve immigrant children and youth.

The GA DOE provided documentation of the State's reservation of funds under Title III, and documentation of its formula used for making State Formula and immigrant subgrants to LEAs. The GA DOE reserves 10% of its total allocation under Title III for LEAs under the immigrant children and youth program.

LEA budgets for Title III, Part A were reviewed for DeKalb and Fulton County Public Schools.

No further action required at this time

Citation: Section 3111 and 3114

Element 2.4 – Supplement Not Supplant

Reviewed:

Georgia has implemented rigorous fiscal management procedures to ensure that all Federal requirements regarding supplanting are met at the State and LEA levels.

No further action required at this time

Citation: Section 3115(g)

Element 2.5 – Equipment and Real Property

Reviewed:

The State described its processes for ensuring that equipment obtained with grant funds is procured at a cost that is reasonable and necessary for the performance of the federally funded activities under Title III. These processes appear to be well managed with accountability procedures in place. Title III funds cannot be used to acquire Real Property.

No further action required at this time

Citation: OMB A-87, EDGAR 76.533, 80.32

Title III, Part A English Language Proficiency (ELP) Standards, Assessments, and Accountability Indicators

Element 3.1 - ELP Standards

Finding:

Georgia has not yet developed and fully implemented State English language proficiency (ELP) standards that are linked/aligned with State academic content and achievement standards in reading/language arts, mathematics and science. The GA DOE indicated that it was planning to begin revising State English language proficiency standards to meet Title III requirements beginning in June 2005.

Further action required: Georgia must submit evidence of its full implementation of English language proficiency (ELP) standards that are linked/aligned with State academic content and achievement standards in reading/language arts, mathematics and science.

Such efforts may include involving LEAs that have already established benchmarks and curriculum for English language proficiency in development and refinement of State English language proficiency standards.

Citation: Section 3113 (b)(2)

Element 3.2 - ELP Assessments

Recommendation:

During the review, both LEA and GA DOE representatives mentioned challenges regarding the State's current definition of proficient in English. Georgia is advised to revisit whether its current definition of proficient in English, which includes exit of students at the 40th percentile, is appropriate for students in the State. This definition is

of critical importance in determining which services LEP students in the State receive. The GA DOE is advised to consult with LEAs regarding this definition, and to inform them of any changes to the definition.

Recommendation:

During the review, several LEA representatives noted some mainstream teachers' reluctance to provide instructional accommodations to LEP students. The English to Speakers of Other Languages (ESOL) program at the GA DOE is advised to collaborate with State Title I staff regarding the alignment of test accommodations with instructional accommodations for LEP students participating in State achievement assessments. The two offices may wish to collaborate to ensure that all districts and local school personnel are fully informed of State requirements regarding the appropriate use of accommodations. Test accommodations to achievement assessments are addressed under Title I, Part A.

Citation: Title I, Part A, Section 1111(b)(3)(C)(ix)(III), 3113(b)(3)(D)

Element 3.3 – Data Collection (Reporting Components of ELP Assessments)

Reviewed:

The State provided evidence that the ELDA, the State's new ELP assessment, was field-tested for Grades 3-12 for the second time in spring 2005. According to a March 10, 2005 memo to superintendents from the Deputy Superintendent of Curriculum and Instruction, 157 schools in 24 school systems in the State were randomly selected to participate in the field test for grades K-2, 3-5, 6-8, and 9-12. The State reported that it was unable to conduct the field test for K-2 due to delays by the test publisher in providing the K-2 assessment. The State indicated that it anticipates it will field test the ELDA for Grades K-2 in fall 2005.

The State uses the Language Assessment Battery (LAB) for identification and placement of LEP students, and administered Form B of the LAB to all LEP students in the State in grades K-12, including those who participated in the ELDA field test, in spring 2005.

The State provided a technical report regarding Bookmark standard setting procedures that had been conducted in order to set performance standards on the LAB.

No further action required at this time

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

Element 3.4 – Transition to New ELP Assessment

Reviewed:

See comment for Element 3.3.

No further action required at this time

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

Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)

Reviewed:

Georgia submitted Annual Measurable Achievement Objective (AMAO) targets and determinations for 2003-04 in the State Biennial Evaluation Report and the Consolidated State Performance Report. The GA DOE affirmed the accuracy of these determinations during the on-site review, and reported that all Title III-served LEAs in the State met Title III AMAOs in 2003-04.

The GA DOE indicated that it plans to revise its AMAO targets during the summer of 2005.

No further action required at this time

Citation: Section 3122(a)(3)(A)(i-iii)

Element 3.6 – Data Collection (Data Collection System)

Reviewed:

Georgia has submitted data on the number and percentage of students assessed for English proficiency as well as on the number and percentage of students scoring at the proficient and advanced levels in reading/language arts and mathematics Statewide.

No further action required at this time

Citation: Section 3121 and 3122

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

Element 4.1 – State Level Activities

Commendations:

Recent restructuring and reorganization within the Georgia Department of Education from the top down seems aligned with State needs and NCLB requirements. These efforts have also had a positive impact on the administration of the Title III program at the State level.

Overall, the GA DOE demonstrated effective integration of Federal programs at the State level. Title III staff works closely with Title I Part A, Title I Part C, and other programs that serve the LEP student population. The State assessment team is also commended for collaborating with the Title III SEA Director regarding administration of the ELDA.

The State provided documentation of State-level activities, including planning, evaluation, and interagency cooperation, during the on-site visit. For example, Georgia provided documentation of 75 training and outreach activities conducted/planned by the GA DOE throughout the State from July 2004-June 2005 to provide technical assistance related to Title III and services to LEP students.

Citation: Section 3111(b)(2)

Element 4.2 – Required Subgrantee Activities

Reviewed:

Visits to LEAs, DeKalb Public Schools and Fulton Public Schools, produced evidence of required activities provided to LEP students under Title III, Section 3115(c).

No further action required at this time

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Commendation:

Fulton and DeKalb County Public Schools seemed to demonstrate adequate implementation of Title III overall. Fulton Public Schools, in particular, demonstrated strong fiscal management of its Title III funds, and exemplary practice in terms of its development of benchmarks and a curriculum for English language proficiency standards.

Citation: Section 3115(d)

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

Recommendation: During the on-site review, Georgia indicated that it was not certain if it was making full use of the Title III provisions for allocating funds to LEAs. Georgia should consider whether it would be advantageous to make use of multi-year grants or competitive grants under Section 3114(d) of Title III, which authorizes subgrants to LEAs experiencing a substantial increase in immigrant children and youth.

No further action required at this time

Citation: Section 3115(e)

Title III, Part A State Review of Local Plans

Element 5.1 – State Review of Local Plans

Recommendation:

During the on-site review, GA DOE staff expressed concern that many small and rural districts throughout the State were not participating in Title III. The GA DOE is advised to continue its outreach to small and rural districts in the State to advise them of availability of Title III subgrants and to ensure implementation of Title III requirements.

Reviewed:

Georgia has implemented a review process of LEA local plans. The State provided evidence of its “Guidance for Developing and Evaluating the ELL/Title III Plan,” as well as the State’s “Consolidated Grant Application Guidelines.” The “Guidelines” document provides information to LEA applicants regarding the purpose of Title III, required and authorized activities, elements of the local plan, evaluation, and other areas.

Citation: Section 3116(a)

Element 5.2 – Private School Participation

Reviewed:

The State described how it is ensuring that LEAs fulfill the requirement to assess the English language proficiency of LEP students in non-public schools, and to include participating non-public school students in Title III services. The State noted that it requires LEAs applying for Title III funds to notify non-public schools within their district of their application for such funds, and to consult with non-public school officials regarding services to be provided.

No further action required at this time

Citation: Sections 9501-9506

Element 5.3 – Teacher English Fluency

Reviewed:

The State described its system for ensuring that teachers working in Title III-funded language instruction educational programs meet Title III teacher English fluency requirements.

No further action required at this time

Citation: Section 3116(c)

Title III, Part A State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Finding:

Georgia has not yet developed or implemented a comprehensive plan for on-site monitoring of LEA implementation of Title III, Part A. Such a plan should include provisions for on-site monitoring.

Further action required: The State must develop and submit to the U.S. Department of Education a comprehensive plan for monitoring LEA implementation of Title III, Part A.

Such a plan may have some or all of the following characteristics:

- 1) monitoring is conducted according to a multi-year plan,
- 2) monitoring schedule is set according to identified priorities, such as LEAs with large numbers of LEP students, and
- 3) monitoring is coordinated, to the extent appropriate, with monitoring of other Federal programs by the GA DOE.

Citation: Section 3113 and 34 CFR 80.40

Recommendation:

Georgia should consider staffing needs in order to effectively conduct Title III subgrant oversight and coordination of program monitoring. Additional staff may help facilitate training, on-site reviews, desktop data analysis, desk audit reviews and follow up, and the provision of technical assistance to LEAs.

Element 6.2 – Consortia

Reviewed:

The Office of English Language Acquisition is in the process of providing technical assistance to the State on an ongoing basis as Georgia weighs its option to form consortia of small rural LEAs that best meet the needs of their LEP student population.

No further action required at this time

Citation: Section 3114(b)

**Title III, Part A
Parental Notification**

Element 7.1– Parental Notification

Reviewed:

The State has submitted evidence of its established procedures and timeline ensuring that LEAs make parental notifications required under Section 3302. The State subscribes to a Web-based translation library, TransACT, to which LEAs subscribe in order to download and prepare parental notification forms that meet Title III requirements. System training was offered on-line to LEAs throughout the State.

The State provided evidence of its December 2004 Resolution Agreement with the Office of Civil Rights concerning resolution of outstanding issues related to services provided for LEP students in the areas of evaluation and monitoring, identification and assessment, access to effective instructional programs, highly qualified staff, and parental notifications.

No further action required at this time

Citation: Section 3302(a) and (b)