

## **Hawaii Department of Education**

**December 3 -7, 2007**

### **Scope of Review:**

The U.S. Department of Education's (ED) Office of English Language Acquisition, State Grants Division, conducted an on-site monitoring review of the Hawaii Department of Education (HDOE) from December 3 through December 7, 2007. The purpose was to conduct a comprehensive review of Hawaii's administration of the Title III, Part A program authorized by the No Child Left Behind (NCLB) Act.

During the review, the U.S. Department of Education's team conducted several monitoring activities. The team reviewed evidence of the implementation of the State's Title III accountability system, State level monitoring, technical assistance activities as well as fiscal and administrative oversight activities. The team also conducted monitoring visits to local education agencies (LEAs).

### **Hawaii Department of Education Participants:**

Patricia Hamamoto, State Superintendent  
Daniel Hamada, Assistant Superintendent  
Linda Unten, Director OCISS  
Ed Koyama, Director of Administrative Services Branch, Office of Fiscal Services  
Cara Tanimura, Director Systems Accountability Office  
Alan Shimano, Acting Operations Specialist  
Robert Campbell, Director PS &D  
Spencer Adams, Education Specialist for Title I  
Sean Murakami, Administrative Assistant  
Kurt Hinton, Administrative SAS  
Cathy Nishimura, Director  
Judy McCoy, Languages Section Administrator OCISS  
Lyn Ackerman, Title III Specialist  
Milton Ching, State Title III Resource Teacher  
Aran Dandasan, Program Specialist

### **LEA Representatives**

#### **Farrington-Honolulu District Complex Participants:**

Ronn Nozoe, Honolulu Complex Area Superintendent  
Estelle Wong, Kaimuki/Kalani Complex Area Superintendent  
Ruth Silberstein, Principal Palolo School  
Catherine Payne, Principal Farrington High School  
Alan, Ramos, School Renewal Specialist  
Joanna Jacob, Chuukese Bilingual School /Home Assistant  
Sonja Samsonas, Palolo School Counselor  
Suzanne Williams, Curricular Coordinator  
Wilna Fong, ELL Coordinator-Palolo

Nalani Koch, ELL Resource Teacher Kaimuki/Kalanai  
Patricia Lopez, Account Clerk  
Liane Auyong-Imamura, ELL Resource Teacher  
Douglas Chong, ELL Resource Teacher Farrington Complex  
Florencia Ranchez, ELL Resource Teacher  
Lorri Kondo, ELL Resource Teacher  
Jon Taguchi, ELL Resource Teacher  
Colleen Nakayama, Farrington High ELL Coordinator  
Douglas Wong, Farrington Resource Teacher  
Lisa Joy Andres, Farrington Complex School Renewal Specialist  
Florencia A. Ranchez, ELL Resource Teacher, Farrington Complex  
Almalyn Aquitamia, Clerk  
Diane Riate, Complex Area Administrative Services Assistant

**Leeward Complex Participants:**

Keith Hayashi, Complex Area Superintendent  
Gary Chun, Vice Principal of Waipahu High School  
Paul Taga, Principal of Waipahu Elementary  
Margo Torigoe, Leeward District School Renewal Specialist  
Greg Uchishiba, Resource Teacher

**U.S. Department of Education Participants:**

Margarita Pinkos, Assistant Deputy Secretary, OELA  
Cynthia Brown, Assistant Director Risk Management Services, Office of the Secretary  
Sue Kenworthy, Education Program Specialist, OELA  
Lorena Dickerson, Education Program Specialist, OELA

**Previous Audit Findings:** None

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

## Summary of Title III, Part A Monitoring Indicators

<b>State Submissions</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Finding Cited in Special Conditions	7
<b>Fiduciary</b>			
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	Findings Further Action Required  Recommendation	7
Element 2.2	Allocations, Reallocations, and Carryover: The SEA complies with— <ul style="list-style-type: none"> <li>• The procedures for Title III allocations outlined in Section 3114</li> <li>• The procedures for allocating funds for immigrant children and youth programs as outlined in Section 3114(d)</li> <li>• The reallocation provisions in Section 3114(c)</li> </ul>	Reviewed Recommendation	8
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	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
Element 2.5	Other Financial Management Issues	Finding Further Action Required	9

**ELP Standards, Assessments and Accountability**

<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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.	Reviewed Recommendation	9
Element 3.2	ELP Assessments: The State provided evidence of a process that complies with Title III section 3113 and evidence that an ELP assessment has been administered to all K-12 LEP students in the State.	Finding Further Action Required	9
Element 3.3	New English Language Proficiency Assessment: The State provided evidence of a process that complies with Title III section 3113. The process addresses the transition to a new ELP assessment or revision of the current State ELP assessment aligned to the State developed ELP standards.	Finding Cited in Special Conditions	10
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs.	Finding Cited in Special Conditions Reviewed Recommendation	10
Element 3.5	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 follow ELP progress and attainment over time.	Finding Further Action Required	10

<b>State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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"> <li>• Professional development</li> <li>• Planning, evaluation, administration and interagency coordination</li> <li>• Promoting parental and community participation</li> <li>• Providing recognition to subgrantees that have exceeded AMAO requirements</li> </ul>	Reviewed	10
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>	Reviewed	11
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities.</p>	Reviewed	11
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	11

<b>State Review of Local Plans</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
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	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	12
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116)	Finding Further Action Required	12
<b>State Monitoring of Subgrantees</b>			
Element 6.1	Monitoring: The SEA conducts monitoring sufficient to ensure compliance with Title III program requirements.	Finding Further Action Required	12
<b>Parental Notification</b>			
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	12

## **State Submissions**

### **Element 1.1- State Submissions**

Hawaii received Special Conditions as part of the Title III State formula grant award on July 1, 2007. Please refer to the Special Conditions document for a complete explanation related to findings specific to Element 1.1. These conditions have not been resolved pending State submission of additional information.

Citation: Section 3123, 34 CFR 80.40

## **Fiduciary**

### **Element 2.1 – Reservation of Funds**

Finding: The Title III monitoring team found that the definition the State is using for “significant increase” does not comply with Title III regulations.

Further Action Required: The HDOE must develop a definition of “significant increase” that includes “all”, immigrants within the state, not just students from the “Freely Associated States”. The State must submit to the Department evidence that this definition has been revised and implemented.

Finding: The Complex Areas and schools that were visited indicated that they were unaware of the procedures for purchasing, auditing, and monitoring.

Further Action Required: The HDOE should disseminate Standard Operating Procedures for purchasing, payroll processing, auditing, and monitoring of schools and its administrative subunits to ensure that all educational agencies are following uniform procedures throughout the State. It is the State’s legal responsibility to monitor for compliance with applicable grant requirements and ensure that proper internal controls and procedures are in place and followed.

Reviewed: The Title III monitoring team found that the State utilizes only one accounting code for both the Title III State Formula funds and the Title III Immigrant Program for Children and Youth.

Recommendation: In order to allow for a clearer determination of allowable costs, the State should utilize separate accounting codes for the Title III State Formula program and the Title III Immigrant Children and Youth.

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

## **Element 2.2 – Allocations, Reallocations, and Carryover**

Reviewed: The HDOE indicated that they are a unitary system with one SEA which is also an LEA; however, there appeared to be some confusion whether “subgrants” could be issued to administrative subunits referred to as “Complex Areas”.

Recommendation: The HDOE should develop and disseminate a policy for the allocation of Title III funds consistent with the State’s LEA/SEA unitary function. This policy should be disseminated within the State to schools and Complex Areas. Since Title III “subgrants” can only be given to “eligible entities” and the HDOE is the LEA, the State should clarify the role and responsibilities of the State as a single unitary system with administrative subunits/schools under Title III.

Citation: Sections 3114 & 3115; OMB A-87; EDGAR; 34 CFR 76.50(b) (2); 34 CFR 76.51.

## **Element 2.3 – Supplement not Supplant**

Finding: The Title III Monitoring team found several violations of the supplement/supplant rule for use of Title III funds, including funds used for janitorial supplies and part-time teachers.

Further Action Required: The State must provide training to its Complex Areas and schools that use Title III funds on the requirements of Title III, including the non-supplanting requirement. The State must provide evidence to ED of this training and ensure through monitoring of the subunits/schools that Title III funds are being used consistent with applicable statutory and regulatory requirements, including the non-supplanting requirement.

Citation: Section 3115(g)

## **Element 2.4 – Equipment and Real Property**

Citation: OMB A-87; EDGAR 76.533, 80.32

## **Element 2.5 – Other Financial Management Issues**

Finding: The HDOE did not provide information or documentation related to how Title III ESEA administrative funds, consolidated under Section 9201 of the ESEA, are being used.

Further Action Required: The HDOE must submit to OELA evidence of the amount of Title III funds used for consolidation and the State’s use of consolidated administrative funds.

Citation: OMB Circular A-87; EDGAR 76.533, 80.32, Section 9201

## **ELP Standards, Assessments, and Accountability**

### **Element 3.1 - ELP Standards**

Reviewed: The HDOE provided evidence in its Attachment “T” response letter, dated March 20, 2008, to ED, that it has a process in place that complies with Section 3113(b)(2).

Recommendation: Upon completion of the alignment process of the new ELP standards to the State's content standards, the State should provide training to its administrative subunits/schools in implementation of the State's English language proficiency standards: the HELPS.

Citation: Sections 3113(b)(2) and (b)(3)(D).

### **Element 3.2 - ELP Assessments**

Finding: The HDOE does not annually assess all students who are categorized as LEP for English language proficiency.

Further Action Required: The HDOE must ensure that all LEP students are annually assessed for English language proficiency as long as they are in the LEP category. The State must submit to the Department evidence that it has provided written guidance to schools and Complex Areas on NCLB assessment requirements.

Citation: Section 3113(b) (2)

### **Element 3.3 – New English Language Proficiency Assessment**

Hawaii received Special Conditions as part of the Title III State formula grant award on July 1, 2007. Please refer to the Special Conditions document for a complete explanation related to findings specific to Element 3.3. These conditions have not been resolved pending State submission of additional information.

Citation: Section 3113 and 3116

### **Element 3.4 – Annual Measurable Achievement Objectives**

Hawaii received Special Conditions as part of the Title III State formula grant award on July 1, 2007. Please refer to the Special Conditions document for a complete explanation

related to findings specific to Element 3.4. These conditions have not been resolved pending State submission of additional information.

Reviewed: The Title III monitoring team found that not all the administrative subunits were aware of the State selected AMAO targets.

Recommendation: ED recommends that more training be conducted in order that administrative subunits/schools fully understand all aspects of the State's Title III accountability system.

Citation Sec. 3122 (a) & (b)

### **Element 3.5 – Data Collection**

Finding: The HDOE did not provide evidence of a written protocol for collecting and maintaining required Title III data submissions.

Further Action Required: The State must submit to the Department evidence of a written protocol for collecting and maintaining all required Title III data elements. The State needs to provide Technical Assistance to administrative subunits/schools on the procedures for verifying and reporting data.

Citation: Sec. 3123 (a)

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

### **Element 4.1 – State-Level Activities**

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

### **Element 4.2 – Required Subgrantee Activities**

Citation: Section 3115(c)

### **Element 4.3 – Authorized Subgrantee Activities**

Citation: Section 3115(d)

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

Finding: In the administrative subunits and schools that were visited not all of the grantees awarded funds under Section 3114 (d) (1) appeared to understand “allowable” expenditures.

Further Action Required: The HDOE should disseminate guidance to the administrative subunits/schools to ensure that funds awarded under 3114(d) (1) are used to pay for enhanced instructional opportunities for immigrant children and youth as defined in Section 3301(6). The State must submit evidence that it has disseminated this guidance.

Citation: Section 3114(d)(1); Section 3115(e)

### **State Review of Local Plans**

#### **Element 5.1 – State Review of Local Plans**

Citation: Section 3116

#### **Element 5.2 – Private School Participation**

Citation: Section 9501

#### **Element 5.3 – Teacher English Fluency**

Finding: The HDOE did not provide written evidence of the process it uses to ensure teacher fluency in English and any other language of instruction.

Further Action Required: The HDOE must develop and implement a written process for ensuring oral and written teacher language fluency. Evidence of this policy must be submitted to ED.

Citation: Section 3116(c)

### **State Monitoring**

#### **Element 6.1 – State Monitoring**

Finding: The HDOE did not provide sufficient evidence that it has implemented a monitoring plan for evaluating how the administrative subunits/schools comply with Title III requirements.

Further Action Required: The State must develop a monitoring plan and an instrument that includes the Title III programmatic and fiscal requirements. The State must develop a monitoring plan to ensure that administrative subunits/schools utilizing Title III funds are monitored regularly for both programmatic and fiscal compliance. Evidence of development and implementation of this policy must be submitted to the Department

Citation: Section 3116, 34 CFR 80.40

## **Parental Notification and Participation**

### **Element 7.1– Parental Notification and Participation**

Citation: Section 3302