

**Oregon Department of Education**  
**May 15-19, 2006**

**Scope of Review:** A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, State Formula Grant Division, conducted an on-site review of the Oregon Department of Education (ODE) the week of May 15-19, 2006. This was a comprehensive review of the ODE's administration of the following program authorized by the No Child Left Behind (NCLB) Act: 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 Title III 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 on-site review, the ED team visited two LEAs: Portland and Salem-Keizer School Districts. In each of the school districts, the ED team interviewed administrative and teaching staff.

**Oregon Department of Education Participants:**

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**Portland School District Participants:**

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Susan Enfield, Director of Teaching and Learning

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**Salem-Keizer School District Participants:**

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Maria Palacio, Director of Compensatory ED

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

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**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	Reviewed: No further action required	7
<b>Fiduciary</b>			
Element 2.1	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) Funds reserved for immigrant activities, and (4) Funds that become available for reallocation	Reviewed: No further action required	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: No further action required	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	Reviewed: No further action required	8
Element 2.4	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	8

<b>ELP Standards, Assessments and Accountability</b>			
<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 have been developed, adopted, disseminated, and implemented	Finding: Further action required	8
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	Finding: Further action required	8
Element 3.3	New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment	Reviewed: Recommendation	9
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Reviewed: Recommendation	9
Element 3.5	Data Collection: The State established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and the State 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; State approach to following ELP progress and attainment over time, using cohort model	Reviewed: No 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 reserved for State level activities, 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: No further action required	10
Element 4.2	<p>Required Subgrantee Activities: The LEA/subgrantee is responsible for increasing the English proficiency of LEP students by providing high-quality language instructional programs and 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 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: No further action required	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>	Reviewed: No 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: No further action required	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	Finding: Further action required	12
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116(c))	Reviewed: Recommendation	12
<b>State Monitoring of Subgrantees</b>			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements	Reviewed: No further action required	12
<b>Parental Notification</b>			
Element 7.1	Parental Notification: Provisions for identification and placement and for failure to meet the AMAOs; notification in an understandable format (Section 3302)	Finding: Further action required	13

## **State Submissions**

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

Reviewed:

The Oregon Department of Education has submitted all reports required under Title III, Part A, and the Consolidated State Application to the U.S. Department of Education. All reports were submitted in a timely manner. Addendums were reviewed and found to be complete. The Title III Director has responded promptly to any requests for additional information or clarification from ED.

No further action required

Citation: Section 3123; 34 CFR 80.40

## **Fiduciary**

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

Reviewed:

The State provided adequate evidence for expenditures for State administration, funds for technical assistance, funds for immigrant children and youth, and other allowable expenditures under Title III.

No further action required

Citation: Sections 3111, 3114, 3115, and 3116

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

Reviewed:

The State provided adequate information regarding the fiduciary indicators and its monitoring of LEA budgets and allocations.

No further action required

Citation: Sections 3114 and 3115, EDGAR; 34 CFR 76.7707-76.710

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

Reviewed:

The State ensures that Title III funds are used only to supplement Federal, State, and local funds that, in the absence of Title III funding, would have been used for the education of participating children and not to supplant funds from these sources.

No further action required

Citation: Section 3115(g)

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

Reviewed:

The State 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 cannot be used to acquire real property.

No further action required

Citation: OMB A-87; EDGAR 76.533, 80.32

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

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

Finding:

The Oregon Department of Education did not provide sufficient evidence that it had fully implemented statewide English language proficiency standards.

Further action required:

The Oregon Department of Education must submit a plan and a timeline that delineates how the State will ensure statewide dissemination and implementation of the English language proficiency standards.

Citation: Sections 3113 and 3116

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

Finding:

Oregon did not assess all K-1 LEP students for English language proficiency in the domains of reading and writing in school year 2004-2005.



Further action required:

The State must ensure that all LEP students in the State in grades K-12 are annually assessed in the domains of reading, writing, listening and speaking. Oregon must submit a plan and timeline to comply with this requirement.

Citation: Sections 3113 and 3116

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

Reviewed:

The Oregon Department of Education did not fully implement the new State English language proficiency assessment, (ELPA), by spring 2006, as the State was in the process of field-testing the ELPA in the spring of 2006. In some districts, 50% of students were tested with the new ELP assessment, and 50% of students were tested with the old ELP assessment in order to collect data to study the comparability of the two assessments.

Recommendation:

The specific manner in which Oregon establishes this comparability is left to its discretion. When the Oregon Department of Education conducts an analysis to show the relationship between the old and new ELP assessments; it is strongly advised that the State do the following:

Since the State is changing its assessments, Oregon is strongly advised to undertake a comparability or correlation study, double testing or other method to demonstrate the relationship between the old and new assessments. Oregon should explicitly define all methods used to make comparisons of scores from two different assessments; the State also should identify and explain any instances where recalibration of prior assessment results are made for purposes of increasing reliability and validity of high-stakes decisions. Oregon is advised to use technically sound, empirical and/or judgmental procedures to make such comparisons. Judgmental procedures involve a systematic and detailed crosswalk evaluation of all items on the two tests, including analyses of items, subtest and test-level inferences. Double testing a representative group of students on both tests in question or placing common items on each of the assessments are examples of empirical analyses.

Citation: Section 3113

**Element 3.4 – Annual Measurable Achievement Objectives (AMAOs)**

Reviewed:

The State reported that the majority of LEAs have not met AMAO targets.

Recommendation:

The State should examine the reasons for LEAs' failure to meet AMAO targets and provide the LEAs the necessary technical assistance to help school districts with LEP students to meet these targets.

Citation: Section 3122

**Element 3.5 – Data Collection**

Reviewed:

The Oregon Department of Education has established and implemented an English language proficiency data collection system and an ongoing plan for improving the quality of this system.

No further action required

Citation: Sections 3113, 3121, and 3122

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

**Element 4.1 – State Level Activities**

Reviewed:

The State has conducted a number of professional development workshops and training for teachers and administrators regarding Title III and LEP students' educational needs.

No further action required

Citation: Sections 3111 and 3122

**Element 4.2 – Required Subgrantee Activities**

Finding:

The Oregon Department of Education did not ensure that subgrantees have a comprehensive professional development plan in place to train teachers of LEP students. The on-site monitoring team visited two LEAs: Portland School District and Salem-Keizer School District, and was not provided sufficient evidence that professional development activities were fully implemented.

Further action required:

The State must ensure that subgrantees are fully implementing professional development activities as required under Title III. Oregon must submit a plan and timeline to comply with this requirement.

Citation: Section 3115(g)

**Element 4.3 – Authorized Subgrantee Activities**

Reviewed:

During the on-site visits to Portland and Salem-Keizer School districts, the ED team found that subgrantees are conducting authorized activities, such as parental outreach and family literacy services.

No further action required

Citation: Section 3115(d)

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

Reviewed:

Oregon complied with the requirement to distribute subgrants to LEAs that had experienced substantial increases in immigrant children and youth.

No further action required

Citation: Section 3114(a)

**State Review of Local Plans**

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

Reviewed:

A process is in place for collecting and reviewing local plans. The SEA ensures that the subgrantees comply with the provision to submit a plan to the SEA. The State is planning to make local plans available online this year.

No further action required

Citation: Section 3116(a)

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

### **Finding:**

The Oregon Department of Education did not ensure that subgrantees are meeting the requirement to provide equitable services to LEP children and educational personnel in private schools that are located in the geographic area served by the LEA.

### **Further action required:**

The State must ensure that, after timely and meaningful consultation with appropriate private school officials, LEAs receiving Title III funds provide educational services to LEP children and educational personnel in such schools.

Citation: Section 9501

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

### **Reviewed:**

The State Teacher Standards and Practices Commission (TSPC) is the agency that issues teacher licenses in Oregon. TSPC requires all teachers applying for teaching licenses to pass a PRAXIS test in their subject of endorsement, as well as a test of basic skills. Both tests assess the applicant teachers' knowledge and skills in English reading and writing. Additionally, applicant teachers seeking an ESOL/Bilingual endorsement are required to take the recommended institution's test in the additional language (for example, Spanish).

Citation: Section 3116(c)

### **Recommendation:**

During the on-site LEA visits, the ED team observed that a few teachers used grammar and pronunciation that interfered with LEP students' English language comprehension. The State should emphasize to LEAs the importance of employing highly qualified teachers who are fluent in English and any other language of instruction.

## **State Monitoring of Subgrantees**

### **Element 6.1 – State Monitoring of Subgrantees**

#### **Reviewed:**

The State has established a five-point monitoring system that includes both on-site monitoring and desk audits. The Oregon Department of Education collects information regarding administrative, fiscal, program and school-level activities through this system.

Citation: Sections 3113 and 3122; 34 CFR 80.40

## **Parental Notification**

## **Element 7.1– Parental Notification**

### Finding:

The Oregon Department of Education did not ensure that the subgrantees met the requirement to notify parents of their failure to meet Title III AMAOs.

Citation: Section 3302(b)

### Further action required:

The State must ensure that Title III-served LEAs that fail to meet AMAOs notify parents, in an understandable and uniform format, and to the extent possible, in a language that the parents can understand, not later than 30 days after the LEA fails to meet AMAOs.