

## Massachusetts Department of Education

March 5-9, 2007

**Scope of Review:** A team from the U.S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office monitored the Massachusetts Department of Education (MADOE) the week of March 5-9, 2007. This was a comprehensive review of MADOE's administration of the following programs authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB): Title I, Part A; Title I, Part B, Subpart 3; and Title I, Part D. Also reviewed was Title VII, Subtitle B of the McKinney-Vento Homeless Education Assistance Act (Education for Homeless Children and Youth) as amended by NCLB.

In conducting this comprehensive review, the ED team carried out a number of major activities. In reviewing the Part A program, the ED team conducted an analysis of State assessments and State Accountability System Plans, reviewed the effectiveness of the instructional improvement and instructional support measures established by the State to benefit local educational agencies (LEAs) and schools, and reviewed compliance with fiscal and administrative oversight requirements required of the SEA. During the onsite week, the ED team visited two LEAs – Lowell Public Schools (LPS) and Worcester Public Schools (WPS) and interviewed administrative staff, interviewed staff from eight schools in the LEAs that have been identified for improvement, and conducted a parent meeting. The ED team then interviewed the MADOE personnel to confirm data collected in each of the three monitoring indicator areas. As part of the expanded monitoring for public school choice and supplemental educational services (SES) portion of the review, the ED team reviewed only these requirements in Boston Public Schools (BPS), Cambridge Public Schools (CaPS), and Chelsea Public Schools (CPS). The team interviewed LEA and school administrators, parents and SES providers in these additional LEAs.

In its review of the Title I, Part B, Subpart 3 Even Start program, the ED team examined the State's request for proposals, State Even Start guidance, State indicators of program quality and the most recent applications and local evaluations for Otis Even Start Project and The Family School local projects located in East Boston, and Lowell. During the onsite review, the ED team visited these local projects and interviewed administrative and instructional staff. The ED team also interviewed the Even Start State Coordinator to confirm information obtained at the local sites and to discuss State administration issues.

In its review of the Title I, Part D program, the ED team examined the State's application for funding, procedures and guidance for State Agency (SA) applications under Subpart 1 applications, technical assistance provided to the SA, the State's oversight and monitoring plan and activities, SA subgrant plans and evaluations for the Hampden Sheriffs Department; Essex Sheriffs Department; Department of Youth Services and Department of Corrections (Subpart 1) and Lowell and Worcester School Districts (Subpart 2). The ED team interviewed administrative, program and teaching staff. The

ED team also interviewed the MADOE Title I, Part D State coordinator to confirm information obtained at the State agency site and discuss administration of the program.

In its review of the Education for Homeless Children and Youth program, (Title VII, Subtitle B), the ED team examined the State's procedures and guidance for the identification, enrollment and retention of homeless students, technical assistance provided to LEAs with and without subgrants, the State's McKinney-Vento application, and LEA applications for subgrants and local evaluations for programs in LPS, WPS, and Fitchburg LEAs. The ED team also interviewed the MADOE McKinney-Vento State coordinator to confirm information obtained at the local site and discuss administration of the program.

**Previous Audit Findings:** None to report.

**Previous Monitoring Findings:** ED last reviewed Title I, Part A programs in Massachusetts in March of 2004. Compliance findings were identified as a result of that review in the following areas: implementation of Accountability workbook requirements, hiring and retention of highly qualified staff and the content of school improvement plans and schoolwide program plans. The MADOE subsequently provided ED with documentation sufficient to address all required corrective actions. ED has not previously conducted a comprehensive review of the Even Start, Neglected/Delinquent or Education for Homeless Children and Youth programs in Massachusetts.

### **Overarching Requirement – SEA Monitoring**

A State's ability to fully and effectively implement the requirements of NCLB is directly related to the extent to which it is able to regularly monitor its LEAs and provide quality technical assistance based on identified needs. This principle applies across all Federal programs under NCLB.

Federal law does not specify the particular method or frequency with which States must monitor their grantees, and States have a great deal of flexibility in designing their monitoring systems. Whatever process is used, it is expected that States have mechanisms in place sufficient to ensure that States are able to collect and review critical implementation data with the frequency and intensity required to ensure effective (and fully compliant) programs under NCLB. Such a process should promote quality instruction and lead to achievement of the proficient or advanced level on State standards by all students.

Status:

**Finding:** The MADOE's procedures for monitoring its LEAs were insufficient to ensure that LEAs were operating in compliance with all ESEA requirements related to the Title I programs reviewed by ED. The ED team requested copies of the most recent monitoring report from the two LEAs visited. LPS was monitored by MADOE in April 2006, and WPS was monitored by MADOE in March 2002. The monitoring reports identified findings in LPS in the areas of parental involvement and schoolwide programs and in the areas of parental involvement, schoolwide programs, private schools, and school improvement in WPS. Action plans were due to MADOE in April 2007 (LPS), and November 2002 (WPS). Since the ED team identified a number of areas of noncompliance in both LEAs visited that were not identified by MADOE, the ED team concludes that the MADOE's current procedures for monitoring its grantees are insufficient to ensure identification and correction of compliance issues under Title I of the NCLB.

**Citation:** Section 80.40 of the Education Department General Administrative Regulations (EDGAR) – Grantees must monitor grant and subgrant activities to ensure compliance with applicable Federal requirements.

Section 9304(a) of the ESEA requires that the SEA must ensure that (1) programs authorized under ESEA are administered in accordance with all applicable statutes, regulations, program plans, and applications; and (2) the State will use fiscal control and funds accounting procedures that will ensure the proper disbursement of and accounting for Federal funds.

Section 722(g)(2) of the ESEA states that State plans for the education of homeless children and youth require the State to ensure that LEAs will comply with the requirements of the McKinney-Vento statute.

Further action required: The MADOE must ensure that it has an effective method to monitor for compliance with all requirements of Title I Part A, Part B, Part D and the McKinney-Vento Homeless Education Program, including procedures to identify and correct issues of noncompliance. The MADOE can utilize its onsite monitoring procedures, LEA application review and approval process or some other mechanism for this purpose. The MADOE must ensure that it has an effective method to monitor for compliance with all requirements of Title I, Part A, Part B, and Part D, including procedures to identify and correct issues of noncompliance. The MADOE must submit to ED written procedures that it will use to monitor for compliance with all requirements of Title I, Part A, Part B, Part D and the McKinney-Vento Homeless Education Programs, including procedures to identify and correct issues of noncompliance.

**Response from Massachusetts**

The Massachusetts Department of Education (MADOE) believes that its procedures for monitoring its LEAs adequately ensure compliance with Title I program requirements.

MADOE uses the annual LEA application review and approval process, cyclical desk-based document review, and on-site monitoring procedures, as necessary, to ensure LEA compliance with the requirements of Title I and the McKinney-Vento Homeless Education Act.

The table on the following page presents an overview of Massachusetts' Title I monitoring procedures for 2006-07. The remainder of this document describes specific steps MADOE is taking to enhance its support for and monitoring of LEAs.

## 2006-07 Title I Program Review and Monitoring Procedures – Plan Overview

Description	Interval	Districts Reviewed	Program Elements Reviewed	Instruments
Desk-based	Annually	All districts applying for and receiving Title I funds <sup>1</sup>	<ul style="list-style-type: none"> <li>▪ Identification, selection, and allocation of funds to eligible public and private schools, as well as facilities for neglected or delinquent children</li> <li>▪ Required reservation of funds</li> <li>▪ Use of funds in Targeted Assistance schools</li> <li>▪ School-wide program requirements</li> <li>▪ Fiscal requirements (comparability of services, maintenance of effort, supplement not supplant)</li> <li>▪ Parental involvement requirements</li> <li>▪ Implementation of requirements for schools/district identified for improvement (technical assistance, school choice, supplemental educational services, corrective actions, restructuring)</li> <li>▪ NCLB public reporting requirements (NCLB report card)</li> <li>▪ Highly-qualified teacher requirements</li> </ul>	<ul style="list-style-type: none"> <li>▪ Coordinated NCLB grant application, including Superintendent's Assurances</li> <li>▪ Title I Performance &amp; Achievement report</li> </ul>
Desk-based; on-site, as needed	Cyclical (6-year cycle)	All districts receiving Title I funds that are scheduled for Coordinated Program Review (CPR)	<p>As above, plus:</p> <ul style="list-style-type: none"> <li>▪ School &amp; district improvement plans</li> <li>▪ Parent involvement policies</li> <li>▪ Communications with parents, private schools, and Neglected or Delinquent facilities</li> <li>▪ Needs analysis and program evaluation</li> <li>▪ Professional development activities</li> <li>▪ School-wide and Targeted Assistance program plans</li> </ul>	<ul style="list-style-type: none"> <li>▪ Title I Program Review Procedures</li> <li>▪ Required district documentation</li> </ul>

<sup>1</sup> Districts in corrective action status undergo extensive program review.

## Overview of Public School Choice and SES Implementation

**Public School Choice** -According to data submitted by the MADOE for the Consolidated State Performance Report, in the 2004-2005 school year, 114,579 students statewide were eligible to transfer under the requirements of Title I, Part A of the ESEA. Of that number, 412 students, or 3.6%, actually were able to take advantage of this option. In 2005-2006, there were 173,424 students eligible statewide, and 1,671 students transferred under this option, or .96% of those students eligible.

In the LEAs that participated in the targeted review of these requirements, all three (BPS, CaPS and CPS) had open enrollment policies in place prior to the enactment of NCLB. The pre-existing open enrollment plans in these LEAs allow parents to select a transfer school in the zone within the LEA; however, students are denied the request to transfer if there is no space available at the requested receiving school, and there is no provision for students to attend a school outside of their LEA.

The three LEAs allow widely differing amounts of time within which parents of eligible students may elect to request a transfer under NCLB requirements. BPS allows parents up to six months to make a selection, CPS requires parents of eligible students to select a school to transfer to within six weeks, while CaPS only allows parents ten days to make a selection. Parents interviewed in these three LEAs informed the ED team that even though they were offered a choice option under Title I, they were satisfied with the schools that their children attended and had developed a relationship with the principal, teachers and family liaison that they did not want to change.

**SES** - According to data submitted by the MADOE for the Consolidated State Performance Report, in the 2004-2005 school year, 20,859 students statewide were eligible to receive SES under the requirements of Title I, Part A of the ESEA. Of that number, 3,411 students, or 16.35%, actually received services. In 2005-2006, there were 75,558 students eligible statewide, and 6,430 students actually received SES, only about 8.5% of those students eligible.

The MADOE has 36 State approved SES providers, and is currently in the process of implementing procedures to meet the requirements for publicly reporting their effectiveness. To this end, the MADOE is working with an external evaluator to compile data from the participating LEAs, the SES providers and the State assessment system. The contractor will merge data from these sources to compile a report of SES provider effectiveness, and will also initiate a focus group comprised of parents, students and teachers statewide. Some concerns expressed by the MADOE staff include refining a process to remove SES providers that do not demonstrate effectiveness (currently done on a case-by-case basis), the overall quality of services provided, and providers not serving students because it is not deemed cost effective for the provider. The SES provider agreements reviewed by the ED team did not include requirements such as detailed achievement goals for individual students, a timeline for meeting the goals, a method to measure student improvement, a schedule for informing parents and teachers about student progress, nor a statement referring to the possible termination of the agreement if the provider does not meet the goals and timeline.

In the three LEAs that participated in the targeted review, BPS extends the opportunity to parents to participate in SES once each year, and letters informing parents of this opportunity were sent in early October. In CPS, parent notices regarding SES were sent in September via U.S. mail for high school students, and home with students in middle school grades. CaPS sent notices home via U.S. mail and with students in late October. All of the parent notices reviewed from these three LEAs lacked some of the required content (see Indicator 2.6 on page 12 of this Report). The ED team also noted that services were not provided until February for some students, and others were still waiting for the initiation of services at the time of the onsite review in March.

During meetings with parents in these three LEAs, parents reported the following to the ED team: a parent from BPS stated that information provided by BPS was adequate but confusing; CPS parents stated that the information provided by the LEA was clear and that the LEA was very supportive in getting service started; and parents in CaPS expressed concerns about SES beginning late in the year (February/March) and that certain providers still had not delivered services. One parent stated that she had been waiting since January for a computer to be delivered from an on-line provider so that services could begin. Another parent did not know that she needed a computer for service and was waiting to get her computer repaired so that the SES provider could begin to provide services.

In interviews with SES providers in these LEAs, the ED team was informed of the following:

- An SES provider from BPS stated that the LEA's implementation of the process was difficult for families, and that parents have a hard time getting forms. There was also a concern expressed that BPS was 'pushing' their [LEA] program over other SES programs
- CPS providers stated that parents did not have a clear understanding of how the SES program works.
- SES providers in CPS stated that they receive notification of students requesting their services very late in the school year (February/March).

**Title I, Part A  
Summary of Monitoring Indicators**

<b>Monitoring Area 1, Title I, Part A: Accountability</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
1.1	SEA has approved system of academic content standards, academic achievement standards and assessments (including alternate assessments) for all required subjects and grades, or has an approved timeline for developing them.	Met Requirements	N/A
1.2	The SEA has implemented all required components as identified in its accountability workbook.	Met Requirements	N/A
1.3	The SEA has published an annual report card as required and an Annual Report to the Secretary.	Met Requirements	N/A
1.4	The SEA has ensured that LEAs have published annual report cards as required.	Finding	9
1.5	The SEA indicates how funds received under Grants for State Assessments and related activities (Section 6111) will be or have been used to meet the 2005-06 and 2007-08 assessment requirements of NCLB.	Met Requirements	N/A
1.6	The SEA ensures that LEAs meet all requirements for identifying and assessing the academic achievement of limited English proficient students.	Met requirements	N/A

**Title I, Part A**  
**Monitoring Area 1 - Accountability**

**Indicator 1.4 - The SEA has ensured that LEAs have published annual report cards as required.**

**Finding:** The ED team found that LEA report cards do not include the total number of schools identified for school improvement, corrective action or restructuring and the percentage of schools in the district they represent; however, the MADOE website provides detailed and accurate information regarding the preparation and dissemination of LEA reports and a “Frequently Asked Questions” document for parents available in several languages at <http://www.doe.mass.edu/nclb/reportcard/faq/english.html>.

**Citation:** Section 1111(h)(2)(B)(i) of the ESEA establishes minimum requirements for annual LEA report cards, which include “the number and percentage of schools identified for school improvement under section 1116(c) and how long the schools have been so identified.”

**Further action required:** The MADOE must submit to ED evidence that it has revised its LEA report cards to include all required data elements.

**Response from Massachusetts**

In Massachusetts LEAs are responsible for producing and disseminating annual district report cards. The Massachusetts Department of Education has developed an online tool to help LEAs meet this obligation. The tool provides districts with data maintained by the Department and gives them the option of customizing their report cards with additional information not required by the ESEA.

LEA report cards produced with the Department’s report card tool include lists of all district schools identified for improvement, corrective action, or restructuring, as well as information on each identified school’s adequate yearly progress history.

MADOE will modify the NCLB report card tool for 2007-08 to include the total number of district schools, the number of district schools identified for improvement, corrective action, or restructuring, and the percentage of district schools represented by that number of ELA report cards. The tool will be available for district use in early 2008.

Please refer to Tab A of the Appendix for a sample of the modified NCLB report card tool.

<b>Monitoring Area 2, Title I, Part A: Program Improvement, Parental Involvement and Options</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
2.1	The SEA has developed procedures to ensure the hiring and retention of qualified paraprofessionals.	Met Requirements	N/A
2.2	The SEA has established a statewide system of support that provides, or provides for, technical assistance to LEAs and schools as required.	Finding	11
2.3	The SEA ensures that LEAs and schools meet parental involvement requirements.	Finding	13
2.4	The SEA ensures that LEAs and schools identified for improvement, corrective action, or restructuring have met the requirements of being so identified.	Met Requirements	N/A
2.5	The SEA ensures that requirements for public school choice are met.	Met Requirements	N/A
2.6	The SEA ensures that requirements for the provision of supplemental educational services (SES) are met.	Finding	15
2.7	The SEA ensures that LEAs and schools develop schoolwide programs that use the flexibility provided to them by the statute to improve the academic achievement of all students in the school.	Met Requirements	N/A
2.8	The SEA ensures that LEA targeted assistance programs meet all requirements.	Met Requirements	N/A

**Indicator 2.2 – The SEA has established a statewide system of support that provides, or provides for, technical assistance to LEAs and schools as required.**

**Finding:** The MADOE has not ensured that LEAs understand the support and services that are available through the statewide system of support. One LEA reported that notification of a teleconference was not sent until after the meeting had occurred. Additionally, LEAs reported that they were unclear of the purpose of the statewide system of support and did not know what supports were provided, including those that are required by statute.

**Citation:** Section 1117(a) of the ESEA requires each State to establish a “statewide system of intensive and sustained support and improvement” for LEAs and schools receiving Title I funds to increase the opportunity for all students to meet the State’s academic content and achievement standards. The system of support must be centered around a network of school support teams, distinguished educators, and other technical assistance such as institutions of higher education, regional comprehensive centers, or private providers of scientifically based technical assistance. The priorities of this system of support are first to serve schools subject to corrective action; second to provide support and assistance to other LEAs with schools identified as in need of improvement; and third to provide support and assistance to other LEAs and schools participating in Title I that need support and assistance. Section 1117(a)(5)(A) of the ESEA requires that support teams include individuals who are knowledgeable about scientifically based research and its potential for improving teaching and learning and about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students. Section 1117(a)(5)(B) lists the tasks that each school support team must perform.

**Further action required:** The MADOE must submit to ED a detailed plan and timeline of the supports provided by the statewide system of support including the elements required by statute. This plan should outline the organization of the statewide system of support and clearly articulate how each LEA that needs support is served. Additionally, the MADOE must communicate with each appropriate LEA the services and supports offered, including outlining activities and services that will be provided and contact information for the assigned school support team for the LEA. The MADOE must also submit to ED the documentation to demonstrate that the plan has been implemented.

**Response from Massachusetts**

At present, the Massachusetts Department of Education (MADOE) is in the process of redesigning our state system of support for districts with below-standard student performance. We propose to implement a two-tiered system of support, utilizing different approaches to deliver needed supports to our large, high poverty urban districts, on the one hand, and to our medium, small, rural and single-school low-performing districts, on the other. The conceptual framework for our proposed two-tier system of support calls for the Commonwealth’s largest, highest poverty, lowest performing districts -- Boston, Springfield, Worcester, New Bedford, Fall River, Brockton, Lowell, Lawrence and Holyoke -- to be identified as “Commissioner’s Districts.”

These nine districts are responsible for the operation of 80 percent of the 121 schools that MADOE has designated *Commonwealth Priority Schools*, schools that have been identified as underperforming and placed in *corrective action* or *restructuring* status as a result of persistent low performance by students in the aggregate. These nine districts are home, as well, to nearly half of the 201 Massachusetts public schools currently identified for *improvement* based on aggregate AYP results.

In response to their urgent, ongoing need for high levels of state intervention and support, our State System of Support proposal calls for the *Commissioner's Districts* to receive top priority for state provided and/or funded assistance to build the districts' capacity to effectively address chronic student performance shortfalls/gaps.

The Department, working cooperatively with district leaders in the nine Commissioner's Districts, is in the process of crafting individually customized, written service agreements with each of these districts. The agreements will document the actions to be taken by the district, the support that will be provided by or on behalf of the Department, and the progress measures that will be monitored to determine the efficacy of agreed-upon district initiatives to improve student performance.

In each of the nine districts, MADOE will make a district-specific determination as to the oversight and assistance approach best suited to the district's context. A systems-level approach, designed over time to enhance the district's own service delivery capacity, will be employed. Currently, the provision of targeted assistance to the nine Commissioner's districts consumes the vast majority of MADOE staff resources and available state and federal funding for school improvement. As a result of our school accountability and targeted assistance initiatives over the past 7 years, MADOE's small but talented staff of school intervention specialists have acquired knowledge of each urban district's operating context, leadership structure, and improvement initiatives. They have, as well, developed useful data analysis and planning skills and formed productive relationships with district staff and many of the districts' routine external service delivery partners. Consequently, although we continue to be under-staffed, we have in place at the present time an operational, though insufficient, system of support for our nine Commissioner's districts. Key to the success of our supports to these districts are the networks that we have established to facilitate the sharing of information and ideas among district and school leaders in our urban districts.

The second tier of the refined State System of Support that we propose will address the needs of medium and small districts in corrective action, districts identified as *underperforming*, and districts with fewer than 4 schools designated as *Commonwealth Priority Schools*. We propose to designate districts that meet these criteria as *Commonwealth Priority Districts* and give these districts next priority for state assistance services and resources.

We propose to provide training and deliver assistance to our *Commonwealth Priority Districts* via a statewide support system comprised of several regionally-based "educational services cooperatives" functioning as intermediate service delivery units.

We envision the formation of cooperatives, comprised of educational collaboratives, professional organizations, higher education institutions, and private educational service delivery groups, constituted geographically to cover all districts. The concept is for the Department to provide information and training to staff of each cooperative, and for the cooperative to deliver, or broker the delivery of, training and support services to medium, small, rural, and single-school districts identified for improvement. Some services delivered by the cooperative would be commissioned and directly paid for by the MADOE. Other services would be offered on a fee for service basis by the cooperative, in response to district service requests.

Preliminary discussions of the conceptual framework for our refined State System of Support for Commonwealth Priority Schools and Districts with participants in our Urban Superintendents Network and with our Stakeholder Working Group have generated generally positive reactions. We have requested assistance from the NE Regional Comprehensive Center in the further articulation of our system proposal. We intend to present a more detailed proposal for the State System of Support to the Massachusetts Board of Education, for further consideration, in February 2008. We will take further steps toward the establishment of this expanded, two-tier system of support over the course of the next year. We are hopeful that any statutory or regulatory amendments required, and a proposed appropriation to support the new system of district support, will be taken up by the legislature during the 2007 – 2008 legislative season. Our goal is to have a redesigned system of support, designed to address the needs of both large urban, and medium/small high-need districts, in place for the opening of the 2008-09 school year. Please refer to Tab B of the Appendix for a copy of the modified Concept Paper regarding the proposed State System of Support.

The MADOE has not received substantial funds from the USED to implement a comprehensive state system of support over the past few years. We recently applied for 1003(g) funds in order to begin to build our proposed system. We are working with the New England Comprehensive Center and RMC Research to further develop and begin to operationalize the system. The MADOE welcomes the recommendations and support of the USED in framing and building the system.

**Indicator 2.3 -- The SEA ensures that LEAs and schools meet parental involvement and parental notification requirements.**

**Finding:** The MADOE has not ensured that SES and public school choice parental notification letters contain all of the components required by the statute. The notification letters issued to parents in LPS and BPS did not include all of the required elements, such as how the school compares in terms of academic achievement, and the academic achievement of the school options for choice. In LPS, the process for enrolling students in supplemental education services is unclear. Additionally, parents are not informed of their rights to choose a provider from the State approved list.

**Citation:** Section 1116(b)(6) of the ESEA requires LEAs to promptly provide parents with an explanation of the identification of their child's school that includes (1) how the school compares academically to other schools in the LEA and the State, (2) why the school has been identified, (3) what the school is doing to address the achievement problem, (4) what the LEA and State

educational agency (SEA) are doing to help the school to address the achievement problem, (5) how parents can be involved in addressing the achievement problem, and (6) parents' options to transfer their child to another school, and, if applicable, obtain SES. Section 200.37(b)(4)(ii) of the Title I regulations requires that the explanation of the parents' option to transfer must include, at a minimum, information on the academic achievement of the school or schools to which the child may transfer. Section 200.37(b)(5) requires that the notice, in the case of a school in the second year of improvement, corrective action or restructuring address: (1) the availability of the supplemental educational services; (2) the identity of the approved providers that are within the LEA or whose services are reasonably available in neighboring LEAs; and (3) a brief description of the services, qualifications, and demonstrated effectiveness of each provider. Section 1116(e)(2)(A) of the ESEA and section 200.36 of the Title I regulations require that communications with parents be in an understandable format.

Further action required: The MADOE must provide ED with a detailed plan with a timeline for implementation describing how it will ensure that its LEAs with schools in improvement, corrective action or restructuring send out parent notices that include all the required components. The plan must address how technical assistance will be provided and how the MADOE will monitor to ensure that letters contain all the required information and are sent according to applicable timelines. The MADOE also must provide ED with evidence that the plan has been implemented.

**Response from Massachusetts**

MADOE will require all districts with schools identified for improvement, corrective action, or restructuring to submit dated copies of their 2007-08 parent notification letters. MADOE staff will review the submitted samples and provide written feedback to all Massachusetts districts on notification letter timelines, content, and form. In addition, MADOE will revise the selection of parent notification letter samples posted on its Web site. In subsequent years, MADOE will collect sample parent notification letters from all districts undergoing Title I program monitoring reviews. Timeline described below.

Please refer to Tab C of the Appendix for a copy of the letter notifying districts of the requirement to submit copies of parent notification letters.

**Timeline:**

<b>Date</b>	<b>MADOE Action</b>
December 2007	Notify all districts with schools in improvement status of submission requirement
January-February 2008	Review submitted samples, provide written feedback to districts, revise selection of sample parent notification letters for MADOE Web site.
Spring 2008	Post revised selection of sample parent notification letters on MA DOE Web site
Fall 2008	Collect sample parent notification letters from all districts scheduled for FY09 Title I program monitoring review.

**Indicator 2.6 -- The SEA ensures that requirements for the provision of supplemental educational services (SES) are met.**

**Finding (1):** Although the MADOE has provided guidance to LEAs on the required elements of SES, the State has not ensured that agreements between the LEA and SES providers are in place as well as ensuring that LEAs implementing SES have agreements that outline student level learning objectives and were established jointly by the parents, the LEA, and SES provider.

**Citation:** Section 1116(e)(3)(A) of the ESEA specifically requires the LEA to develop the goals and objectives in consultation with parents and providers in a “statement of specific achievement goals for the student, how the student’s progress will be measured.”

**Further action required:** The MADOE must provide ED with written guidance that includes detailed procedures and timelines ensuring that LEAs know that agreements for student learning objectives meet the Title I requirements. The procedures must also describe how the MADOE will monitor to ensure that the requirements are fulfilled. The MADOE must submit to ED evidence that it has provided the information to its LEAs and has fully implemented these procedures.

Additionally, if an LEA and an SES provider agree that the providers will work with parents to identify the learning objectives without the LEA in attendance, then the LEA must review those objectives. For additional information, please see information about SES and tools to help States and LEAs to implement the requirements, including examples of student learning plans that are available at ED’s website at:

[http://www.ed.gov/admins/comm/suppsvcs/sesprograms/report\\_pg8.html](http://www.ed.gov/admins/comm/suppsvcs/sesprograms/report_pg8.html).

**Response from Massachusetts**

Each year the MADOE SES Coordinator provides all Massachusetts districts required to offer SES guidance in the form of written materials and direct technical assistance regarding individual student learning plan requirements. Sample student learning plans are posted on the Department’s SES Web site at [www.doe.mass.edu/ses/](http://www.doe.mass.edu/ses/) and are included in the SES provider application materials.

This year, MADOE will require all districts required to offer SES to submit sample copies of their 2007-08 student learning plans. MADOE staff will review the submitted samples and provide written feedback to districts on student learning plan planning, content, and form. In addition, MADOE may revise and/or supplement the student learning plan samples posted on its Web site. In subsequent years, MADOE will collect sample student learning plans through its regular SES monitoring activities and provide technical assistance as necessary. Timeline noted below.

**Timeline:**

<b>Date</b>	<b>MADOE Action</b>
December 2007	Notify all districts required to offer SES of submission requirement
January-February 2008	Review submitted samples, provide written feedback to districts, revise selection of sample materials available via MADOE Web site (if appropriate).
Spring 2008	Post revised selection of sample student learning plans on MA DOE Web site (if appropriate)
2008-09 School Year	Collect sample student learning plans from all districts undergoing regular SES monitoring.

**Finding (2):** The MADOE has not ensured that SES is implemented in accordance with the intent of the statute. Parents and providers in CaPS and CPS reported SES did not begin until February or March.

**Citation:** Section 1116(e) of the ESEA requires that LEAs with schools in the second year of improvement, corrective action, or restructuring offer SES to eligible children. The Title I regulations (§200.45) define SES as tutoring or other supplemental academic enrichment services that are: (1) in addition to instruction provided during the school day; (2) specifically designed to increase the achievement of eligible students as measured by the State’s assessment system; and (3) of high quality and research-based.

**Further action required:** The MADOE must provide ED with a detailed plan and timeline of the steps it will take, including monitoring, to ensure that its LEAs that must offer SES begin services as early in the school year as possible so that eligible students have the opportunity to take full advantage of these services.

**Response from Massachusetts**

In an attempt to encourage the timely start-up of SES in the 2007-08 school year, MADOE staff have taken the following steps:

1. May 2007: Held technical assistance session for staff from all districts required or likely to be required to offer SES in 2007-08. Distributed timeline for start-up of services.
2. July 2007: Revised SES provider application materials to include more explicit guidance regarding timeline for start-up of services.
3. July 2007: Mailed all district SES contacts memoranda regarding 2007-08 SES provision.
4. September 2007: Mailed all district SES contacts follow-up memorandum regarding 2007-08 SES provision.

For additional information, please visit <http://www.doe.mass.edu/ses/?template=nclb>.

As described in the response to Indicator 2.3 above, MADOE will collect dated copies of 2007-08 parent notification letters from all Massachusetts districts. At the same time, MADOE will require districts offering SES to provide information on the timeline for start-up of services in 2007-08. Based on the information gathered, MADOE staff will follow up with districts that have not begun services in a timely way to better understand the difficulties districts may face in beginning services and provide assistance in planning for earlier start-up of services.

**Timeline:**

<b>Date</b>	<b>MADOE Action</b>
December 2007	Notify all districts required to offer SES of submission requirement
January-February 2007	Review submitted documentation.
February-March 2008	Follow up with identified districts as necessary.
May 2008	Conduct SES technical assistance session, including focus on start-up timeline, for all districts required or likely to be required to offer SES in 2008-09 school year.

<b>Monitoring Area 3, Title I, Part A: Fiduciary Responsibilities</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
3.1	SEA complies with— The procedures for adjusting ED-determined allocations outlined in sections 200.70 – 200.75 of the regulations. The procedures for reserving funds for school improvement, State administration, and (where applicable) the State Academic Achievement Awards program. The reallocation and carryover provisions in section 1126(c) and 1127 of Title I statute.	Finding	19
3.2	SEA ensures that its LEAs comply with the provision for submitting an annual application to the SEA and revising LEA plans as necessary to reflect substantial changes in the direction of the program.	Met Requirements	N/A
3.3	SEA ensures that all its LEAs comply with the requirements in section 1113 of the Title I Statute and sections 200.77 and 200.78 of the regulations with regard to (1) Reserving funds for the various set-asides either required or allowed under the statute, and (2) Allocating funds to eligible school attendance areas or schools in rank order of poverty based on the number of children from low-income families who reside in an eligible attendance area.	Findings	21
3.4	SEA complies with the maintenance of effort (MOE) provisions of Title I. SEA ensures that its LEAs comply with the comparability provisions of Title I. SEA ensures that Title I funds are used only to supplement or increase non-Federal sources used for the education of participating children and do not supplant funds from non-Federal sources.	Finding Recommendation	23
3.5	SEA ensures that its LEAs comply with all the auditee responsibilities specified in Subpart C, section 300(a) through (f) of OMB Circular A-133.	Findings	25
3.6	SEA ensures that its LEAs comply with requirements regarding services to eligible private school children, their teachers and families.	Findings	27
3.7	SEA complies with the requirement for implementing a system for ensuring prompt resolution of complaints.	Met Requirements	N/A
3.8	SEA complies with the requirement to establish a Committee of Practitioners and involves the committee in decision-making as required.	Finding	31

**Indicator 3.1 - SEA complies with: the procedures for adjusting ED-determined allocations outlined in sections 200.70 – 200.75 of the regulations; the procedures for reserving funds for school improvement, State administration, and (where applicable) the State Academic Achievement Awards program; and the reallocation and carryover provisions in section 1126(c) and 1127 of the Title I statute.**

**Finding:** The MADOE has not ensured that it has met requirements regarding the State reservation for school improvement. The MADOE has not provided consistent evidence that, for the 2006–2007 school year, it has allocated at least 95% of the amount reserved for activities under section 1003 of the ESEA to schools identified for improvement, corrective action or restructuring. Although during the review, the MADOE provided evidence that it has reserved 4% of its Title I, Part A allocation for activities under section 1003 of the ESEA, the MADOE initially provided the ED team with evidence that the MADOE had provided some funds from this amount to non-Title I schools. Immediately after the exit interview, the MADOE informed the ED team that the documentation that the ED team received was incorrect, and that the MADOE would provide correct information at a later time. The additional information provided by the MADOE indicated that only Title I schools had received any of these funds. However, the MDOE also indicated that it had allocated \$501,000 thus far, it expected to award more later this fiscal year, and it would carry over the remainder to support the award of school improvement grants at the start of the next school year.

**Citation:** Section 1003(a)- (b) of the ESEA requires SEAs to reserve 4% of their Title I, Part A allocations and allocate at least 95% of that amount to LEAs for schools identified for improvement, corrective action or restructuring. These funds may be used to carry out school improvement responsibilities under sections 1116 and 1117 of the ESEA and these provisions apply only to Title I schools.

Section 1003(d) of the ESEA specifies that if, after consultation with its LEAs, the SEA determines that the amount of funds reserved to carry out activities under this section is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with the relative allocations the SEA made to those agencies for that fiscal year under subpart 2 of Part A, or section 1126(c) of the ESEA.

**Further action required:** The MADOE must submit to ED evidence that, for the 2006–2007 school year, it has allocated at least 95% of the amount reserved under section 1003 of the ESEA to LEAs for schools identified for improvement, corrective action or restructuring. The evidence must include a listing by LEA of the schools, their Title I status, and the amount that each school has received. If the MADOE has not allocated the entire amount, the MADOE must submit evidence to ED that, if, after it has consulted with its LEAs, it has determined that the amount of funds reserved is greater than the amount needed to provide assistance to these schools, the MADOE has allocated the excess amount to LEAs in accordance with accordance with the relative allocations the MADOE made to its LEAs for that fiscal year under subpart 2 of Part A, or section 1126(c) of the ESEA.

### **Response from Massachusetts**

Massachusetts DOE has awarded more than 95% of the amount reserved under section 1003 of the ESEA to LEAs for schools identified for school improvement, corrective action or restructuring, as the figures below indicate.

FFY	Total Title I Award	% of Award	School Improvement Allocation	Distribution to Title I Schools	Administration	Grants Awarded with Current Year Funds	Grants Awarded with Prior Year Funds
2002	\$220,313,729.00	1.7%	\$ 3,849,299.00	\$ 3,849,299.00		\$ 3,297,780.00	
2003	\$260,050,569.00	2.0%	\$ 5,201,010.73	\$ 5,201,010.73		\$ 4,910,802.00	\$ 522,823.00
2004	\$234,039,373.00	0.1%	\$ 234,234.00	\$ 234,234.00		\$ 200,000.00	\$ 271,519.00
2005	\$230,006,730.00	1.1%	\$ 2,617,177.00	\$ 2,486,318.15	\$ 130,858.85	\$ 1,977,388.00	\$ 14,677.00
2006	\$207,264,303.00	0.4%	\$ 779,628.00	\$ 740,646.60	\$ 38,981.40	\$ 76,788.00	\$ 503,974.00
2007	\$211,607,027.00	2.1%	\$ 4,524,545.00	\$ 4,298,317.75	\$ 226,227.25	\$ 4,298,317.75	\$ 740,646.60

As a result of decreases or minimal increases in annual Title 1 awards to Massachusetts since 2003 and the requirements of the special rule in section 1003(e) of the ESEA, the MADOE was permitted to reserve for school improvement grant awards only a small portion of the 4% set-aside that the No Child Left Behind statute contemplates will be available, annually, to support school improvement initiatives in school identified for improvement, corrective action or restructuring.

With school improvement fund amounts being highly variable year to year, and school improvement funds in each year being well below the funding levels needed to meet the support needs of schools so identified, the MADOE has made best efforts to allocate and utilize the available funds strategically, in tandem with state funds, to provide modest support for sustainable improvement initiatives.

Out of necessity, our approach has been to manage funds across fiscal years, enabling us to moderate the “feast or famine” year-to-year variability in funding availability. We have complied with the provisions of section 1126(c) for reallocation of unused funds from the previous fiscal year to address funding shortfalls in the subsequent year. Based on the level of need demonstrated in LEA applications, their readiness and commitment to undertake school improvement activities, and their proportion of lowest-achieving schools, awards to districts in 2004 and 2006 were supplemented with awards of unallocated funds from the prior year. To protect against the possibility that we would again, in 2007, be allowed to reserve only a minimal amount for school improvement, we again withheld a portion of 2006 funds for award in 2007.

For 2007, we have been permitted to reserve 2.1% of our Title 1 grant award for school improvement. We plan, this year, to fully expend the amount reserved to address the support needs of our growing list of schools identified for corrective action and restructuring.

We plan to award grants totaling 95% of our FY2007 Title 1 reservation for school improvement to LEAs during this fiscal year, as well as providing supplemental awards, from 2006 school improvement funds, to our highest need districts, using the criteria described here and derived from section 1126(c).

**Indicator 3.3 – Within District Allocation Procedures. The LEA complies with the requirements in sections 1113, 1116, & 1118 of the Title I Statute and sections 200.77 and 200.78 of the regulations with regard to: (1) Reserving funds for the various set-asides either required or allowed under the statute, and (2) Allocating funds to eligible school attendance areas or schools in rank order of poverty based on the number of children from low-income families who reside in an eligible attendance area.**

**Finding (1):** The MADOE has not ensured that its LEAs comply with the provision of Title I that allows LEAs to choose not to serve or “skip” an eligible school that has a higher percentage of children from low-income families than schools that are served if certain conditions are met. A review of the consolidated application for Revere Public Schools (RPS) indicated that Sea Coast Middle/High School had been “skipped”.

The MADOE has no process in place to ensure that LEAs have met all the requirements for “skipping” schools.

**Citation:** Section 1113(b)(1)(D) of ESEA permits LEAs not to serve or “skip” an eligible Title I school that has a higher percentage of low-income students if the school meets all three of the following conditions: 1) The school meets the comparability requirements of section 1120(A)(c); 2) The school is receiving supplemental funds from other States and local sources that are spent according to the requirements of sections 1114 and 1115; and 3) The funds expended from these other sources equal or exceed the amount that would be provided by Title I.

**Further action required:** The MADOE must provide ED with evidence that it has provided guidance for ensuring that its LEAs comply with the “skipping” provision of Title I, as well as a copy of the procedures that have been developed to ensure LEA compliance with this provision. In addition, the MADOE must ensure that, for the 2007-2008 school year, RPS, if appropriate, has complied with this provision and submit evidence to ED for review.

**Response from Massachusetts**

MADOE will insert the following text in the ‘Identifying, Selecting, And Allocating Funds To Eligible Title I Schools’ section of the instructions districts must use to complete and submit their FY09 Title I grant application:

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**Note:** A district may elect not to serve (or "skip") an eligible school attendance area or school that has a higher percentage of children from low-income families than a school that is served only if all three of the following conditions are met:

1. The "skipped" school meets comparability requirements;
2. The school is receiving supplemental funds from other State or local sources that are spent according to the requirements of either a Title I Schoolwide program or a Title I Targeted Assistance program; and

3. The funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A.

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To ensure district compliance with this provision, MADOE will include the same text in the FY09 Title I grant application review instrument its staff uses to review and approve all district Title I grants.

Evidence that the Revere Public Schools has complied with this provision for FY08 is attached. Please refer to Tab D of the Appendix for the FY08 Title I Form 1 for Revere.

**Finding (2):** The MADOE has not ensured that its LEAs correctly calculate equitable services for services to the teachers and families of private school students.

- Neither LPS nor WPS has correctly calculated the amount of Title I funds for equitable services for teachers and families of private school students.
- There is no process or mechanism at the State level to determine whether LEAs have calculated equitable services, if appropriate, on activities that they fund with carryover funds.

**Citation:** Section 1118(a)(3)(A) of the ESEA requires that LEAs with a Title I, Part A allocation of greater than \$500,000 to reserve not less than 1% of their Title I, Part A allocation to carry out parental involvement activities. Section 200.65 of the Title I regulations requires LEAs to calculate from these funds the amount of funds available for parental involvement activities for families of private school students based on the proportion of private school students from low-income families residing in Title I attendance areas. The LEA then must distribute to its public schools at least 95 % of the remainder, leaving the balance of the reserved funds for parental involvement activities at the LEA level. Any funds related to this requirement that the LEA does not use that year must be carried over into the next fiscal year and used for parental involvement activities. If an LEA reserves more than the required 1% of its Title I, Part A funds for parental involvement activities, the requirement to allocate an equitable amount for the involvement of private school parents applies to the entire amount set aside for this purpose.

If an LEA reserves funds under section 1119 of the ESEA for carrying out professional development activities, the LEA must provide equitable services to teachers of private school participants from this set-aside. Section 200.65(a)(1) – (2) of the Title I regulations requires an LEA to calculate the amount of funds available for professional development activities from the reserved funds based on the proportion of private school children from low-income families residing in participating public school attendance areas. Activities for the teachers of private school participants must be planned and implemented with meaningful consultation with private school officials and teachers.

Section 200.64(a)(2)(i)(A) of the Title I regulations requires that if an LEA reserves funds for instructional related activities for public elementary or secondary students at the district level, the LEA must also provide from these funds, as applicable, equitable services to eligible private

school children. The amount of funds available to provide equitable services from the applicable reserved funds must be proportional to the number of private school children from low-income families residing in participating public school attendance areas.

Further action required: The MADOE must ensure that its LEAs correctly calculate equitable services for services to the teachers and families of participating private school students. The MADOE must provide ED with a detailed description of how and when the MADOE informed its LEAs of these requirements. This documentation must include letters to LEAs and/or agendas for technical assistance meetings. The MADOE must provide to ED a description of how it will ensure the correct implementation of these requirements. The MADOE must also submit to ED evidence that, for the 2007–2008 school year, LPS and WPS have correctly calculated the amount of Title I funds, including any applicable carryover funds that must be reserved for services for the teachers and families of private school students.

### **Response from Massachusetts**

In an effort to ensure that districts correctly calculate equitable services for services to the teachers and families of participating private school students for the 2007-08 school year, MADOE staff have taken the following steps:

1. May 2007: Revised Title I grant application form used by districts to identify, select, and allocate Title I funds to their schools. The FY08 form now automatically calculates reservations for private school professional development and parental involvement based on overall district reservations and private school student data. The FY08 Form is available at <http://www.doe.mass.edu/nclb/grant/>.
2. May 2007: Revised FY08 instructions for completing the ‘Identifying, Selecting, And Allocating Funds To Eligible Title I Schools’ section of the Title I grant application to include information regarding the revisions noted above.
3. May 2007: Held technical assistance session with staff from Title I districts; detailed changes to FY08 Title I grant application, including those noted above.

Additionally, MADOE will revise its written guidance regarding the use of Title I carryover funds to include the requirement that any funds related to the parental involvement requirement described above that the district does not use in a given year must be carried over into the next fiscal year and used for parental involvement activities.

Evidence regarding the use of applicable carryover funds for these districts will be available in fall 2008. Please refer to Tab E of the Appendix for a copy of the FY08 Title I Form 1 for Lowell and Worcester.

### **Indicator 3.4 – Fiscal Requirements: Maintenance of Effort, Comparability, and Supplement not Supplant---The SEA ensures that the LEA complies with---**

- **The procedures for ensuring maintenance of effort (MOE) as outlined in §1120A(a) and 9021 of the ESEA**

- **The procedures for meeting the comparability requirement as outlined in §1120A(c) of the ESEA**
- **The procedures for ensuring that Federal funds are supplementing and not supplanting non-Federal sources used for the education of participating children as outlined in §1120A(a), of the ESEA, §1114(a)(2)(B), of the ESEA, §115(b)(3), of the ESEA, and §1116 of the ESEA**

**Finding:** The MADOE has not ensured that in its LEAs, Title I, Part A funds are used in participating Title I schools to provide services that, taken as a whole, are at least comparable to services in non-Title I schools.

- Although the MADOE has collected comparability calculation reports for all its LEAs, all reports for the current school year (2006-2007) had not been reviewed by the date of the monitoring review.
- The MADOE instructions for calculating comparability do not include information about including “skipped” schools with Title I schools.

**Citation:** Section 1120A(c) of the ESEA states that an LEA may receive Title I, Part A funds only if State and local funds are used in participating Title I schools to provide services that, taken as a whole, are at least comparable to services in non-Title I schools. Demonstrating comparability is a prerequisite for receiving Title I funds. Because Title I allocations are made annually, comparability is an annual requirement. While an LEA is only required to document compliance with the comparability requirement biennially (once every two years), it must perform the calculations necessary every year to demonstrate that all of its Title I schools are in fact comparable and make adjustments if any are not.

Section 1113(b)(D) of the ESEA allows an LEA to “skip” an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if: 1) the school meets the comparability requirements; 2) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and 3) the funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A.

**Further action required:** The MADOE must develop procedures for reviewing LEA comparability calculation reports in a timely manner. The MADOE must provide ED with a copy of these procedures as well as a projected timeline for collecting and reviewing comparability calculations for the 2007–2008 school year. The MADOE must submit to ED evidence that, for the 2007–2008 school year, the MDOE has revised its instructions for determining comparability to include “skipped” schools with Title I schools.

**Recommendation:** Since the comparability process must enable an LEA to identify, and correct during the current school year, instances in which it has non-comparable schools, an early determination of comparability would allow an LEA to make adjustments with the least amount of disruption. The MADOE required all LEAs to submit comparability reports by February 9, 2007. The MADOE may wish to consider an earlier date for these reports to be submitted to

allow LEAs sufficient time to identify, and correct during the current school year, instances in which it has non-comparable schools.

### **Response from Massachusetts**

The Department's School Business Services (SBS) office is now responsible for Comparability report reviews.

District Title I Directors/coordinators were notified on November 14, 2007 that comparability reports were due to MADOE by no later than December 14, 2007 for review. The notification letter is posted on the MADOE Web site at [http://finance1.doe.mass.edu/account/comp\\_07.html](http://finance1.doe.mass.edu/account/comp_07.html).

If schools are not comparable, adjustments in staffing must be made promptly in consultation with school district business managers and district supervisory personnel who are responsible for staffing. While MADOE anticipates that school districts will make staff adjustments for schools that are not comparable without MADOE prompting, SBS plans to complete its review of 50 percent of the submitted reports by January 4, 2007 to ensure that compliance with comparability requirements.

School Business Services has revised its instructions for determining comparability to include "skipped" schools and posted them on the MADOE Web site at [http://finance1.doe.mass.edu/account/comp\\_07.html](http://finance1.doe.mass.edu/account/comp_07.html).

### **Indicator 3.5 - The SEA ensures that its LEAs comply with all the auditee responsibilities specified in Subpart C, section 300(a) through (f) of OMB Circular A-133.**

**Finding (1):** The MADOE did not ensure that LPS and WPS received written guidance in the form of documented procedures for the preparation of corrective action plans and the timely completion of corrective actions to address audit findings.

**Citation:** Section 80.26(b)(3) of the Education Department General Administrative Regulations (EDGAR) requires that "State and local governments . . . that provide Federal awards to a subgrantee, which expends \$300,000 or more (or other amount as specified by the Office of Management and Budget (OMB)) in Federal awards in a fiscal year, . . . Ensure that appropriate corrective action is taken within six months after receipt of the audit report in instances of noncompliance with Federal laws and regulations." OMB Circular A-133, Subpart D, Section \_\_\_\_\_.400(d)(5) requires a pass-through entity to ". . . ensure that the subrecipient takes appropriate and timely corrective action."

**Further action required:** The MADOE must document and distribute to the LEAs written procedures defining the form and content for corrective action plans that address findings in audits and monitoring reviews. The guidance must address requirements for formulating, monitoring, and completing timely corrective action steps and establishing individual accountability for the completion of each step. The MADOE must provide a copy of the procedures and transmittal document to all LEAs to ED.

### **Response from Massachusetts**

The Massachusetts Department of Education annually transmits communication to each of its LEAs (subgrantees) reminding them of the requirements of the Single Audit Act and the reporting deadlines within the statute.

Additionally MADOE ensures through its desk review process that Management Decision Letters are issued within six months of the receipt of the reports. By doing this we work to ensure that subgrantees take appropriate and timely corrective action.

One thing we have not done is to design a single set of forms and content for their corrective action plans. We have no current inclination to do this. This is not a requirement of OMB A-133 or other regulatory citation. We work with each of our units to determine the best possible mechanism for finding resolution relating to their individual programs. Directly working with the LEAs and reviewing their plans and documentation to resolve issues appears to be the most prudent format for us.

Details regarding MADOE's public school Coordinated Public Review (CPR) process, including recent reports, are available at <http://www.doe.mass.edu/pqa/review/cpr/>. Samples of corrective actions plans associated with the CPR process, as well as a sample Management Decision Letter, are located in Tab F of the Appendix.

**Finding (2):** The MADOE did not ensure that the New Bedford Public Schools (NBPS) has taken appropriate corrective action to resolve findings cited by the Office of Inspector General for FY 2003, FY 2004, and FY 2005 regarding procurement. MADOE staff indicated in reviews with ED staff that they were unaware of these findings.

**Citation:** Section 80.26(b)(3) of EDGAR requires that "State and local governments . . . that provide Federal awards to a subgrantee, which expends \$300,000 or more (or other amount as specified by OMB) in Federal awards in a fiscal year, . . . Ensure that appropriate corrective action is taken within six months after receipt of the audit report in instances of noncompliance with Federal laws and regulations." OMB Circular A-133, Subpart D, Section \_\_\_\_\_.400(d)(5) requires a pass-through entity to ". . . ensure that the subrecipient takes appropriate and timely corrective action."

**Further action required:** The MADOE must provide ED with a plan to monitor NBPS to ensure that it has taken appropriate corrective action to resolve these findings.

### **Response from Massachusetts**

MADOE has not received a copy of the Office of the Inspector General's audit report regarding the New Bedford Public Schools procurement audit findings for FY2003, FY2004, and FY2005. In addition to researching our Audit and Compliance and our School Business Services audit files, we have contacted the New Bedford Public School business manager for a copy of the Inspector General's audit report. The NBPS business manager did not receive a copy and is unaware of its issuance.

Had MADOE received a copy of the Inspector General’s audit report, MADOE would have issued a Management Decision Letter to NBPS within six months of receipt of the report and thus ensured that the LEA take appropriate and timely corrective action.

Prior to 2007, the New Bedford Public Schools business manager and the district’s Title I director responded to inquiries from Inspector General regarding procurement, including procurement of professional development items, and supplied supporting documentation at that time. The New Bedford Public Schools understood that the procurement issues were resolved to the satisfaction of the Office of the Inspector General, as there have been no further inquiries for approximately one year.

Please refer to Tab G of the Appendix for a copy of the e-mail from NBPS Chief Administrator for Finance & Operations regarding this issue.

**Indicator 3.6 – Services to Eligible Private School Children. LEA complies with requirements in sections 1120 and 9306 of the Title I statute, Section 443 of GEPA, and §200.62-200.67, 200.77 and 200.78 of the regulations with regard to services to eligible private school children, their teachers and their families.**

**Finding (1):** The MADOE has not ensured that its LEAs meet consultation requirements regarding services to private school students, their parents and teachers. The MADOE does not have a process to determine that its LEAs annually meet consultation requirements regarding services to private school students, their parents and teachers.

**Citation:** Under section 200.63 of the Title I regulations consultation must, at a minimum, address the following issues:

- How the LEA will identify the needs of eligible private school children.
- What services the LEA will offer to eligible private school children.
- How and when the LEA will make decisions about the delivery of services.
- How, where, and by whom the LEA will provide services to eligible private school children.
- How the LEA will assess academically the services to private school children and how the LEA will use the results of that assessment to improve Title I services.
- The size and scope of the equitable services that the LEA will provide to eligible private school children and the proportion of its Title I funds that the LEA will allocate for these services and the amount of funds that the LEA reserves from its Title I allocation for the purposes listed in section 200.77 of the Title I regulations.
- The method, or the sources of data, that the LEA will use to determine the number of private school children from low-income families residing in participating public school

attendance areas, including whether the LEA will extrapolate data if a survey is used.

- The services the LEA will provide to teachers and families of participating private school children.

Consultation must also include – –

- A discussion of service delivery mechanisms the LEA will use to provide services; and
- A thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider.

Consultation must occur before an LEA makes any decision that affects the opportunity for eligible private school children, their teachers, and their families to participate in the Title I program.

Section 1120(4) of the ESEA requires each LEA to maintain and provide to the SEA a written affirmation signed by the officials of each participating private school that the required consultation has occurred.

In addition, section 200.64(a)(2)(ii)(A-B) of the Title I regulations requires LEAs to reserve funds generated by private school children, and, in consultation with private school officials, may:

- Combine those amounts, along with funds generated by students in other private schools to create a pool of funds from which the LEA provides equitable services to eligible private school children, in the aggregate, in greatest need of those services; or
- Provide equitable services to eligible children in each private school with the funds generated by children who attend that private school.

Further action required: The MADOE must provide ED with a detailed description of how and when the MADOE informed its LEAs of this requirement. This documentation must include letters to LEAs and/or agendas for technical assistance meetings. The MADOE must also provide ED with a description of how it will ensure the correct implementation of this requirement.

### **Response from Massachusetts**

In an effort to ensure that districts meet the Title I consultation requirements regarding services to private school students, MADOE staff has taken the following steps:

1. Spring 2007: Revised information and resources regarding Title I services for private school students posted on MADOE Web site at <http://www.doe.mass.edu/titlei/students/?section=private>, including direct link to federal non-regulatory guidance and Title I Resource Tool Kit *Ensuring Equitable Services to Private School Children*, and directed district staff responsible for Title I activities to

those resources.

2. Spring 2006: Conducted technical assistance sessions with district staff regarding Title I services for private school students.
3. Annually: Review documentary evidence of private school consultation as part of regular Title I monitoring activities (approximately 50~60 districts each year).

MADOE is in the process of developing an administrative manual for district use that will require all districts to provide documentation regarding the way they meet specific statutory and regulatory requirements mandated by ESEA. This manual will include documentation regarding private school consultation. All districts will be required to submit their administrative manuals for review prior to the receipt of FY09 Title I funds.

Additionally, this fall MADOE will share with all Massachusetts districts the findings of this federal monitoring review that are related to the provision of services to eligible private school children.

**Finding (2):** The MADOE has not ensured that the Title I services meet the requirements of section 1120 of the ESEA. The ED team discovered that, at one private school in LPS, Title I funds that have been generated for instructional costs pay the salary for a paraprofessional who manages the computer assisted instructional (CAI) program. It is unclear whether the paraprofessional provides just oversight of the computer program that provides Title I services to the private school students or instruction as well as oversight.

**Citation:** Section 200.77(f) of the Title I regulations requires that LEAs reserve such funds as necessary to administer Title I programs for both public and private school children, including capital expenses, if any, incurred in providing services to eligible private school children, such as (1) the purchase and lease of real and personal property; (2) insurance and maintenance costs; (3) transportation; and (4) other comparable goods and services, including non-instructional computer technicians.

Section 1120(a)(4) of the ESEA requires that Title I expenditures for other benefits to eligible private school students be equal to the proportion of funds allocated to participating public school attendance areas based on the number of private school students from low-income families. Funds generated by private school students must only be used for instructional costs associated with providing Title I services to eligible private school students.

Sections 1119(g)(2)(G) and (g)(3)(A) of the ESEA require paraprofessionals to provide instructional support work under the direct supervision of a public school teacher. A paraprofessional works under the direct supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities that the paraprofessional carries out, and (2) the paraprofessional works in close and frequent proximity to the teacher.

**Further action required:** The MADOE must require all its LEAs serving private school students to reserve the amount of funds generated for instructional services for only instructional services

for eligible private school students. The MADOE must require all its LEAs serving private school students to charge administrative costs such as non-instructional computer technicians to the administrative reservation under section 200.77 of the Title I regulations rather than to the instructional funds generated by private school students from low-income families. The MADOE must provide ED with a detailed description of how and when the MADOE informed its LEAs of this requirement. This description must include any documents such as letters to LEAs and/or agendas for technical assistance meetings. The MADOE must also provide to ED information on procedures it will use to ensure the correct implementation of this requirement.

The MADOE must also require that LEAs that use paraprofessionals to provide instructional support to students attending private schools work under the direct supervision of a public school teacher. The MADOE must provide ED with a detailed description of how and when the MADOE informed its LEAs of this requirement. This description must include any documents such as letters to LEAs and/or agendas for technical assistance meetings. The MADOE must also provide ED with information on procedures it will use to ensure the correct implementation of this requirement.

### **Response from Massachusetts**

In response to this finding, this winter MADOE will:

1. Direct district staff to revise information and resources regarding Title I services for private school students posted on MADOE Web site at <http://www.doe.mass.edu/titlei/students/?section=private>, including direct link to federal non-regulatory guidance and Title I Resource Tool Kit *Ensuring Equitable Services to Private School Children*.
2. Share with all Massachusetts districts the findings of this federal monitoring review that are related to the provision of services to eligible private school children.

**Finding (3):** The MADOE has not ensured that its LEAs have met the requirements for evaluation of the Title I program for private school students including what constitutes annual progress for the Title I programs serving private school participants. Although both LPA and WPS administer a pre and post test to participating private school students, neither LEA has determined, in consultation with private school officials, how the Title I program that is provided to private school students will be assessed, what the agreed upon standards are, and how the annual progress will be measured.

**Citation:** Section 1120(b)(1)(D) of the ESEA and section 200.63 (b)(5) of the Title I regulations require an LEA to consult with appropriate officials from private schools during the design and development of the LEA's program for eligible private school students on issues such as how the LEA will assess academically the services to eligible private school students and how the LEA will use the results of that assessment to improve Title I services.

**Further action required:** The MADOE must ensure that its LEAs as part of the consultation process, make a determination as to what standards and assessments will be used to measure the annual progress of the Title I programs provided private school participants. The MADOE must

provide ED with a detailed description of how and when the MADOE informed its LEAs of this requirement, and procedures it will use to ensure the correct implementation of this requirement.

### **Response from Massachusetts**

See response to Indicator 3.6, Finding (1).

### **Indicator 3.8 - Committee of Practitioners. The SEA establishes a Committee of Practitioners and involves the committee in decision making as required.**

**Finding:** The MADOE has not ensured that the Committee of Practitioners (COP) has the required membership and that it has been involved in matters regarding State administration of the Title I program. The current list of COP members does not include members of local school boards or more than one parent. MADOE staff indicated that there has only been one meeting within the past year, and was not able to provide the ED team with an agenda or minutes for that meeting.

**Citation:** Section 1903(b)(2) of the ESEA requires that the COP include: as a majority of its members, representatives from LEAs; administrators, including the administrators of programs described in other parts of this title; teachers, including vocational educators; parents; members of local school boards; representatives of private school students; and pupil services personnel.

**Further action required:** The MADOE must ensure that the individuals serving on its COP reflect the membership requirements in section 1903(b)(2) of the ESEA. The MADOE must provide ED with a revised list of COP members that meets that statutory requirement, including the membership category that each member represents. The MADOE must also submit to ED a timeline of projected meetings of the COP for the 2007–2008 school year.

### **Response from Massachusetts**

Please see Tab H in the Appendix for:

- Letter of Invitation to participate
- Roster of individuals participating on the Committee of Practitioners, which includes the membership category that each member represents, per the requirements in section 1903(b)(2) of the ESEA
- Agenda and Minutes from the November 14, 2007 conference call
- Agenda for December 13, 2007 Meeting (Note: the December meeting was cancelled due to snow and has been rescheduled for January 10, 2008, at which time the December agenda will be presented)
- Another meeting is scheduled for April 17, 2008

**Summary of Title I, Part B, Subpart 3 (Even Start) Monitoring Indicators**

<b>Monitoring Area 1, Title I, Part B, Subpart 3: Accountability</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
1.1	The SEA complies with the subgrant award requirements.	Finding	33
1.2	The SEA requires applicants to submit applications for subgrants with the necessary documentation.	Finding	33
1.3	In making non-competitive continuation awards, the SEA reviews the progress of each subgrantee in meeting the objectives of the program and evaluates the program based on the indicators of program quality, and refuses to award subgrant funds to an eligible entity if the agency finds that the entity has not sufficiently improved the performance of the program.	Met Requirements	N/A
1.4	The SEA develops indicators of program quality for Even Start programs, and uses the Indicators to monitor, evaluate, and improve projects within the State.	Recommendation	N/A
1.5	The SEA ensures that projects provide for an independent local evaluation of the program that is used for program improvement.	Met Requirements	N/A
1.6	The SEA reports to ED in a timely manner using the required performance measures and ensures that local projects are assessing the progress of their participants using those measures.	Met Requirements	N/A
1.7	The SEA ensures compliance with all Even Start program requirements.	Met Requirements	N/A

**Indicator 1.1 – The SEA complies with the subgrant award requirements.**

**Finding:** The MADOE’s request for proposals for the new subgrant award competition does not include the priority for projects located in empowerment zones/enterprise communities.

**Citation:** Section 1238 (2)(B) of the ESEA requires that the SEA give priority for subgrants to applicants that are located in areas designated as empowerment zones or enterprise communities.

**Further action required:** The MADOE must revise its application to include the required statutory priority for projects located in empowerment zones/enterprise communities. The MADOE must submit evidence that it revised its application to include all the required statutory priorities.

**Response from Massachusetts**

The competitive RFP application that the monitoring team reviewed to make its finding did not include this priority because existing programs in mid-cycle were already located in our state’s designated empowerment or enterprise communities. The empowerment zone is the city of Boston where we had funded two programs. The enterprise communities, which are now referred to as renewal communities, are Lowell and Lawrence; we had funded one program in each community.

Due to a cut in the federal allocation, our state has reduced its number of programs from 22 to 4 for 2007-2008. Two of the four programs are located in Boston and Lowell.

Due to the uncertainty of funding, it is not clear whether a competitive RFP will be issued for 2008-2009. In any future RFPs, priority will be given to applicants from Boston, Lowell and Lawrence, which are designated as empowerment zones or enterprise/renewal communities. Additional points will be awarded to said applicants above and beyond their base rating.

**Indicator 1.2 – The SEA requires applicants to submit applications for subgrants with the necessary documentation.**

**Finding:** The MADOE did not ensure that its application included a statement that would require applicants to describe how their program goals are consistent with State indicators of program quality.

**Citation:** Section 1237(1)(A) of the ESEA states that an application submitted to the SEA in request of an Even Start subgrant includes a description of the program strategies and objectives and how those objectives and strategies are consistent with the program indicators established by the State.

**Further action required:** The MADOE must revise its application to include a statement that requires applicants to describe how their program goals and objectives are consistent with the program indicators established by the State. The MADOE must submit evidence that it revised its application to include a statement requiring all applicants to describe their programs’ consistency with State established indicators.

**Response from Massachusetts**

Due to the uncertainty of funding, it is not clear whether a competitive RFP will be issued for 2008-2009. In any future RFPs, applicants will be required to describe how their program goals and objectives are consistent with our state's Indicators of Program Quality. This requirement will be inserted in Section III of the RFP, Program Design.

<b>Monitoring Area 2, Title I, Part B, Subpart 3: Program Support</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
2.1	The SEA uses funds to provide technical assistance to local projects to improve the quality of Even Start family literacy services and comply with State indicators of program quality.	Met Requirements	N/A
2.2	Each program assisted shall include the identification and recruitment of eligible families.	Met Requirements	N/A
2.3	Each program assisted shall implement all 15 program elements.	Finding	36
2.4	The SEA ensures that all families receiving services participate in all four core instructional services.	Met Requirements	N/A
2.5	The local programs shall use high-quality instructional programs based on scientifically based reading research (SBRR) for children and adults.	Met Requirements	N/A

**Indicator 2.3 – Each program assisted shall implement all 15 program elements.**

**Element # 4 – Intensity of Instructional Services**

**Finding:** The MADOE did not ensure that the recommended number of instructional hours was not being offered at the local Even Start projects visited by the ED team.

**Citation:** Section 1235(4) of the ESEA requires Even Start programs to include high quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood education services, and preparation of children for success in regular school programs. Each of the required four components (adult literacy training, early childhood education, parenting education, and interactive literacy activities) is considered an instructional program.

**Further action required:** The MADOE must develop, submit to ED, and implement an action plan to ensure that local projects provide high quality and intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, and in preparation of children for success in regular school programs. The recommended minimum intensities for the four core components are:

Adult Education – 60 hours per month

Early Childhood Education (birth-3) – 60 hours per month

Early Childhood Education (3-4) – 65 hours per month

Parenting Education and Interactive Literacy Activities between Parents and Children – 20 hours per month

**Response from Massachusetts**

We are committed to ensuring that local Even Start programs provide high quality and intensive instructional programming that promotes adult literacy and empowers parents to support the educational growth of their children, and in the preparation of children for success in regular school programs. Due to funding cuts, 18 out of 22 programs were eliminated; the four programs with the highest performance levels are continuing.

In developing policy for 2007-2008, our state reviewed the USED recommended minimum number of instructional hours offered for the four core components and conducted a literature search of evidence-based literacy models that result in significant outcomes for children, adults and families. As a result, our state has increased the required level of intensity for all components. This includes a required minimum of intensity to be provided, not offered, as well as a preferred range to allow the programs to be responsive to the needs of families and a schedule to which they can realistically commit. An evaluation and analysis will be conducted at the end of the program year to assess the outcomes and performance of parents and their children to determine the efficacy of the newly increased intensity levels. Listed below are our state's revised intensity levels and the levels provided in the four funded programs for 2007-2008.

### **Adult Education**

A required minimum is 32 hours/month with a preferred range of 48 hours/month to 60 hours/month. The four existing programs currently provide: 32 hours/month, 36 hours/month, 48 hours/month and 48-72 hours/month.

### **Early Childhood (ages 3-4)**

A required minimum is 40 hours/month with a preferred range of 84 - 100 hours/month. The four existing programs currently provide: 80-100 hours/month, 120 - 175 hours/month, 70-94 hours/month and 48 - 64 hours/month.

### **Parenting Education, Interactive Literacy Activities, and Home Visits**

A required minimum is 10 hours/month and 14 hours/month preferred. The four existing programs currently provide: 13-22 hours/month, 20 hours/month, 14 hours/month; and 13 hours/month.

### **Element # 6 – Staff Training**

**Finding:** The MADOE did not ensure that the project directors at the two projects visited received training in the operation of family literacy services.

**Citation:** Section 1235(5)(A)(ii) of the ESEA states that the individual responsible for administration of family literacy services must have received training in the operation of a family literacy program.

**Further action required:** The MADOE must submit an action plan to ED for ensuring, through technical assistance, monitoring, and training, that all local projects are aware of and receive the required training in the operation of a family literacy program.

### **Response from Massachusetts**

There are only 4 programs that have been funded for 2007 – 2008. Two of these programs have been in operation for 5 years, one for 6 years and one for 7 years. The program coordinators who are responsible for administration of family literacy services have participated in ongoing training and technical assistance since their inception. These four programs have received continued funding for 2007-2008 because they were rated with the highest performance in the state out of 22 programs and excelled in the operation of implementing their program.

Program Coordinators of any programs that will be funded in the future will be provided with a mandatory training in the operation of their program within the first two months after a grant award has been made. This training will be in addition to a required training for all program staff as well as the coordinator in all aspects of the program.

**Monitoring Area 3, Title I Part B, Subpart 3: SEA Fiduciary Responsibilities**

<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
3.1	The SEA complies with the allocation requirements for State administration and technical assistance and award of subgrants.	Met Requirements	N/A
3.2	The SEA ensures that subgrantees comply with statutory and regulatory requirements on uses of funds and matching.	Finding	39
3.3	The SEA complies with the cross-cutting maintenance of effort provisions.	Met Requirements	N/A
3.4	The SEA ensures that grantees comply with requirements with regard to services for eligible private school children, their teachers, and their families.	Finding	40
3.5	The SEA has a system for ensuring fair and prompt resolution of complaints and appropriate hearing procedures.	Met Requirements	N/A

**Indicator 3.2 – The SEA ensures that subgrantees comply with statutory and regulatory requirements on uses of funds and matching.**

**Finding:** The MADOE made supplemental awards of \$6,800.00 in FY 2006 to Even Start projects but did not include those additional funds when calculating the match.

**Citation:** Section 1234 of the ESEA requires Even Start local projects to provide a specific match or cost share amount. Section 76.731 of EDGAR (34 CFR section 76.731) requires States and subgrantees to keep records showing their compliance with program requirements, and sections 74.23 and 80.24 of EDGAR (34 CFR sections 74.23 and 80.24) require grantees and subgrantees to keep records verifying the costs and third-party, in-kind contributions counted toward satisfying the cost-share or matching requirement, including how the local project derived the value placed on third-party, in-kind contributions.

**Further action required:** The MADOE must recalculate the match to include the additional \$6,800.00. Also, the MADOE must ensure, through technical assistance, monitoring, and training, that local projects are aware of, provide and document the correct matching share. The MADOE must submit to ED an action plan for how it will ensure that such guidance and monitoring will occur.

**Response from Massachusetts**

The required match for all programs will be calculated on the full grant award including any supplemental awards. The match for the four existing programs for 2007-2008 has been calculated on the full grant award. Competitive and Continuation RFPs include a detailed review regarding how to calculate the correct matching share. This guidance is supported by individual technical assistance to programs by the Even Start State Coordinator.

All programs continue to submit a required detailed account of their match which includes the amount, source of funds and a budget narrative with a breakdown of costs. In addition, all programs are required to submit an annual *Statement of Assurances* signed by the Chief Administrative Officer of the grant and the Program Coordinator which states the match must be a documented and auditable contribution; separate and auditable records must be maintained; payrolls must be supported by time and attendance records; and salaries and wages of employees chargeable to more than one grant program must be supported by time distribution records. The state coordinator reviews and monitors the detailed match information submitted by each program to ensure it is complete and accurate prior to approving any grant awards. The *Statement of Assurances* also requires the grant recipient to notify the state regarding any changes in the match in order to continuously monitor and ensure the match is correct and the required documentation is maintained.

See Tab I in the Appendix for attached portion of FY 08 Continuation RFP, Match section, *Match Breakdown Chart*, and *Statement of Assurances*.

**Indicator 3.4 - The SEA ensures timely and meaningful consultation and provision of equitable services to private school children.**

**Finding:** The two sites visited did not provide any evidence that they consulted with private school officials on how to provide Even Start services and benefits to eligible elementary and secondary school students attending non-public schools and their teachers or other instructional personnel, and that local programs provide an appropriate amount of those services and benefits through an eligible provider.

**Citation:** Sections 9501-9506 of the ESEA require local Even Start projects to meaningfully consult, on a timely basis, with private school officials on how to provide Even Start services and benefits to eligible elementary and secondary school students attending non-public schools and their teachers or other instructional personnel, and to provide an appropriate amount of those services and benefits through an eligible provider.

**Further action required:** The MADOE must develop and submit to ED a plan for ensuring that all Even Start projects meaningfully consult with private school officials in order to provide equitable Even Start services and benefits to eligible private school students and their teachers or other educational personnel on an equitable basis.

**Response from Massachusetts**

The Even Start State Coordinator met with the local Even Start Program Coordinators on September 26, 2007 and reviewed the key areas and requirements in *Title IX, Part E, Uniform Provisions, Subpart 1 – Private Schools: Non-Regulatory Guidance on Equitable Services to Eligible Private School Students, Teachers and Other Educational Personnel* as well as the *Even Start Guidance, pages 24-25*. Please see Tab J of the Appendix for agenda of the September 26, 2007 meeting.

Even Start programs will be required to maintain documentation of all consultations with private schools. This requirement will be incorporated in the state's monitoring to ensure timely and meaningful consultation and provision of equitable services to private school children.

### Summary of Title I, Part D Monitoring Indicators

<b>Neglected, Delinquent or At-Risk of Dropping-Out Program</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
1.1	The SEA has implemented all required components as identified in its Title I, Part D (N/D) plan.	Met Requirements	N/A
1.2	The SEA ensures that State Agency (SA) plans for services to eligible N/D students meet all requirements.	Finding	42
1.3	The SEA ensures that Local Educational Agency (LEA) plans for services to eligible N/D students meet all requirements.	Met Requirements Recommendation	30
2.1	The SEA ensures that institutionwide programs developed by the SA under Subpart 1 use the flexibility provided to them by law to improve the academic achievement of all students in the school.	Met Requirements	N/A
3.1	The SEA ensures each State agency has reserved not less than 15 percent and not more than 30 percent of the amount it receives under Subpart 1 for transition services.	Met Requirements	N/A
3.2	The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I, Part D program requirements.	Finding	43

**Indicator 1.2 - The SEA ensures that State Agency (SA) plans for services to eligible N/D students meet all requirements.**

**Finding:** The ED team found that SAs were not contacting parents of incarcerated youth about the education of their children. Only the Department of Youth Services makes efforts to contact parents regarding the education of students in their custody. All SAs had signed assurances to this effect, except Hampden, which deleted this assurance from their State application.

**Citation:** Section 1414 (c)(14) of the ESEA states that SAs that request funds to operate programs under Title I, Part D, Subpart 1, need to submit in their application to the SEA an assurance that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth.

**Further action required:** MADOE must require all SAs to provide written assurance that they will contact and work with parents of children and youth participating in the Title I, Part D program. Additionally, MADOE must review when and how such parent contacts are made by SA grantees. ED requires MADOE to demonstrate how it will determine if SAs are complying with parental involvement requirements.

**Response from Massachusetts**

In response to this finding, this year MADOE staff will:

1. Require all state agencies to provide written assurance that they will contact and work with parents of children and youth participating in the Title I, Part D program as part of the grant application approval;
2. Conduct workshops to state agencies to emphasize the requirement that the state agency work with parents to secure their assistance in improving the educational achievement of their children and youth and prevent their further involvement in delinquent activities.

Additionally, as part of the FY09 N/D grant application, MADOE will require state agencies to describe when and how such parent contacts are made to determine if the state agencies are complying with parental involvement requirements. MADOE will also conduct state agency monitoring and/or onsite visits to determine compliance. For additional information, please see <http://www.doe.mass.edu/titlei/students/?section=ndr>.

**Indicator 1.3 - The SEA ensures that Local Educational Agency (LEA) plans for services to eligible N/D students meet all requirements.**

**Recommendation:** The MADOE requires local institutions to report only students who are enrolled for 30 days during the required count period, one day of which is in October. ED recommends that the MADOE revise its student data collection under Part D, Subpart 2 so that institutions may report on any student enrolled for at least one day during the thirty day count period. This will align the MADOE counts with ED directives.

### **Response from Massachusetts**

MADDOE has revised the instructions associated with its annual survey of institutionalized students to comply with the recommendation and posted them on the DOE Web site at [http://www.doe.mass.edu/titlei/grants/ccrchcsurvey\\_memo.html](http://www.doe.mass.edu/titlei/grants/ccrchcsurvey_memo.html).

### **Indicator 3.2 - The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I, Part D program requirements.**

**Finding:** The ED team observed that the SEA has not conducted compliance monitoring of SA programs. Additionally, reviews of Subpart 2 do not include sufficient items under the SEA coordinated compliance review process to determine compliance with Part D requirements. For example, question T1 29B of the compliance protocol asks for types of services provided and if a formal agreement exists with institutions. However, this information can be known from the LEA annual application for funds. Existing monitoring efforts for Subpart 2 showed reviews from 2004 for institutions that no longer receive grants. Additionally, the only protocol for an LEA Subpart 2 grantee on record from 2005 demonstrated the need for expanded questions as the information reported incorrectly identified the LEA as an SA and reviewed and reported on SA requirements not required for an LEA grantee.

**Citation:** Section 1414 of the SEA plan contains assurances that programs assisted under Title I, Part D will be carried out in accordance with the State plan. Additionally, the SEA is required to ensure that the State agencies and local educational agencies receiving Part D subgrants comply with all applicable statutory and regulatory requirements. Further, section 1426 of the ESEA requires the SEA to hold LEAs accountable for demonstrating student progress in identified areas. Finally, section 9304(a) of the ESEA requires that the SEA ensure that programs authorized under the ESEA are administered with all applicable statutes, regulations, program plans and applications.

**Further action required:** MADDOE must provide a plan to ED that indicates how it will (1) implement a monitoring process that determines whether the Title I, Part D programs are complying with Part D requirements; and (2) provide ED with information of how it will carry out comprehensive monitoring to ensure that both Subparts 1 and 2 programs implement appropriate requirements.

### **Response from Massachusetts**

The current facility monitoring guide and staff monitoring guide are attached in Tab K of the Appendix. These will be revised by May 2008 to provide MADDOE a monitoring guide for Title I, Subpart 1, state agencies and a separate guide for Subpart 2, LEA community residential facilities. The revisions will cover key compliance requirements. MADDOE will commence monitoring visits for state agency and LEA community residential facilities in spring 2008.

## Summary of McKinney-Vento Homeless Education Program Monitoring Indicators

<b>McKinney-Vento Homeless Education Program</b>			
<b>Indicator Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
1.1	The SEA collects and reports to ED assessment data from LEAs on the educational needs of homeless children and youth.	Met Requirements	N/A
2.1	The SEA implements procedures to address the identification, enrollment and retention of homeless students.	Met Requirements	N/A
2.2	The SEA provides, or provides for, technical assistance for LEAs to ensure appropriate implementation of the statute.	Met Requirements	N/A
3.1	The SEA ensures that LEA subgrant plans for services to eligible homeless students meet all requirements.	Finding	45
3.2	The SEA ensures that the LEA complies with providing comparable Title I, Part A services to homeless students attending non-Title I schools.	Finding	45
3.3	The SEA has a system for ensuring the prompt resolution of disputes.	Met Requirements	N/A
3.4	The SEA conducts monitoring of LEAs with and without subgrants, sufficient to ensure compliance with McKinney-Vento program requirements.	Met Requirements	N/A

**Indicator 3.1 - The SEA ensures that LEA subgrant plans for services to eligible homeless students meet all requirements.**

**Finding:** Interviews with LEA staff in Lowell indicated that subgrants funds were being used for the purchase of sports equipment to help homeless students participate in after-school activities. This is an unallowable expenditure of Federal funds.

**Citation:** OMB Circular A-87 Cost Principles for State, Local, and Indian Tribal Governments states that SEAs and LEAs assume responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award. A cost must be allocable to the cost objective of the Federal program and must also be allowable for such purposes.

**Further action required:** The MADOE must provide documentation that it has informed LEAs that the use of McKinney-Vento grant funds or Title I funds for homeless children and youth to purchase equipment for after-school sports participation is an unallowable cost.

**Response from Massachusetts**

See Tab L in the Appendix for a memorandum and revised grant program description that were drafted for distribution to McKinney-Vento subgrantees. The finding identified above is addressed in the Fund Use section of the grant program description.

**Indicator 3.2 - The SEA ensures that the LEA complies with providing comparable Title I, Part A services to homeless students attending non-Title I schools.**

**Finding:** LEAs visited by the ED team stated that all Title I schools had schoolwide programs and plans and therefore not required to reserve funds under section 1113(c)(3)(A) of the ESEA; however, ED staff observed in interviews that no schoolwide Title I plans identified the needs of homeless students. It is not enough for an LEA Title I plan to have an assurance of serving homeless students as the schoolwide needs assessment is part of the blueprint for how a school will meet the individual needs of all special populations in the school.

**Citation:** Section 1112 of the ESEA requires LEA plans to both coordinate with McKinney-Vento and to describe services the LEA will provide to homeless students. Additionally, section 1114(b)(1) requires LEAs to provide a comprehensive needs assessment under schoolwide programs to include the needs of all children.

**Further action required:** The MADOE must demonstrate to ED how it will ensure LEAs who are not reserving funds under Title I for homeless students are providing for appropriate services in schoolwide programs.

**Response from Massachusetts**

MADOE has modified both its LEA guidance regarding the annual Title I needs assessment process and its LEA guidance regarding the development of schoolwide program plans to address the provision of appropriate services for all students, including those who are homeless.