

## 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.

## **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 2005-20006, 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          | 8           |
| 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.

| <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          | 10          |
| 2.3  | The SEA ensures that LEAs and schools meet parental involvement requirements.   | Finding          | 11          |
| 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          | 12          |
| 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.

**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.

**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).

**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.

**Monitoring Area 3, Title I, Part A: Fiduciary Responsibilities**

| <b>Indicator Number</b> | <b>Description</b>   | <b>Status</b>          | <b>Page</b> |
|-------------------------|--|------------------------|-------------|
| 3.1                     | SEA complies with—<br>The procedures for adjusting ED-determined allocations outlined in sections 200.70 – 200.75 of the regulations.<br>The procedures for reserving funds for school improvement, State administration, and (where applicable) the State Academic Achievement Awards program.<br>The reallocation and carryover provisions in section 1126(c) and 1127 of Title I statute.   | Finding                | 14          |
| 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               | 15          |
| 3.4                     | SEA complies with the maintenance of effort (MOE) provisions of Title I.<br>SEA ensures that its LEAs comply with the comparability provisions of Title I.<br>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 | 16          |
| 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               | 18          |
| 3.6                     | SEA ensures that its LEAs comply with requirements regarding services to eligible private school children, their teachers and families.  | Findings               | 18          |
| 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                | 22          |

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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          | 24          |
| 1.2  | The SEA requires applicants to submit applications for subgrants with the necessary documentation.  | Finding          | 24          |
| 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   | 24          |
| 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.

**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.

**Indicator 1.4 – The SEA develops indicators of program quality for Even Start programs, and uses the Indicators to monitor, evaluate, and improve projects.**

**Recommendation:** The MADOE does not have a formalized monitoring schedule that is communicated to grantees, and should develop and disseminate such a schedule to grantees.

| <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          | 26          |
| 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

**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.

| <b>Monitoring Area 3, Title I Part B, Subpart 3: SEA Fiduciary Responsibilities</b> |  |                  |             |
|---|--|------------------|-------------|
| <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          | 28          |
| 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          | 28          |
| 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.

**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.

### 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                            | 30          |
| 1.3   | The SEA ensures that Local Educational Agency (LEA) plans for services to eligible N/D students meet all requirements.   | Met Requirements<br>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                            | 30          |

**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.

**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.

**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: MADOE 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.

## 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          | 33          |
| 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          | 33          |
| 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.

**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.