

## STATE BOARD OF EDUCATION

Action Item  
June 19, 2007

**SUBJECT:** Broward County School Board's Status Report and Request to Reallocate Unexpended Funds from the Twenty Percent Set Aside for NCLB School Choice

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### PROPOSED BOARD ACTION

For Action

### AUTHORITY FOR STATE BOARD ACTION

Section 1008.331(4), Florida Statutes and 20 U.S.C. § 1231b-2, provide that districts may receive a hearing on the record by the State Board to review final agency action not to approve the reallocation of the twenty percent of Title I, Part A funds set aside for choice-related transportation and supplemental educational services pursuant to the No Child Left Behind (NCLB) Act.

### BACKGROUND INFORMATION

In accordance with its oversight responsibilities, the Department denied the Broward County Public Schools' (BCPS) April 2006 request to reallocate approximately \$10.97 million of its Title I, Part A set-aside funds and directed the district to carry this balance forward for use for choice-related transportation and Supplemental Educational Services (SES) to the 2006-2007 school year.

The Department, pursuant to its responsibility to ensure program and fiscal compliance by subgrantees, concluded that the BCPS failed to adequately and appropriately notify parents as required under the program. The program allows districts to reallocate Title I, Part A set-aside funds *only if* it (1) has adequately and appropriately publicized and notified all parents of eligible children about the availability and options of public school choice and SES in understandable formats and multiple forums, (2) offered parents a reasonable time to investigate options and submit requests for services, and (3) fully met parental demand for these services.

The Department set forth requirements for BCPS to implement during the 2006-2007 school year in order to be eligible to apply to reallocate unexpended funds. The district has submitted a report and evidence of district efforts to comply with these requirements and requested authority to reallocate unexpended funds from the 2006-2007 school year.

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**Supporting Documentation Included:** Summary of Department and district activities related to NCLB school choice for 2006-2007

**Facilitators/Presenters:** Dr. Cheri Yecke, Chancellor, K12 Public School

**Florida Department of Education**  
**NCLB School Choice Issues Related to Broward County Schools**  
**Summary**  
**June 19, 2006**

**Background Information**

As you recall, in April 2006, Broward County Schools submitted a request to reallocate unexpended funds from the twenty percent set aside for school choice pursuant to the No Child Left Behind (NCLB) Act. In June, Department staff notified the superintendent that the State Board of Education had not approved the request and required the district to carry over the remaining funds to the following school year. Furthermore, the Department recommended that the district be approved to reallocate unexpended funds from the twenty percent set aside for 2006-2007 *only* if they documented evidence of compliance with parent notification requirements and increased student participation to ensure that 75% of the eligible students within available funds were served during 2006-2007.

**School District Requirements Pursuant to NCLB**

School districts must notify parents of all eligible students, in an understandable and uniform format and, to the extent practicable, in a language the parents can understand, of their children's school choice options and provide an opportunity to participate.

According to PL 107-110, Sections 1116, for Title I schools identified as in need of improvement, corrective action, or restructuring, the district must no later than the first day of the school year, provide the parents of all eligible students enrolled in the school with the following information:

- the school's status and what the identification means
- how the school compares in terms of academic achievement to other public schools in the district
- the reason(s) for the identification
- what the school and district are doing to address the academic problem(s)
- how parents can help
- options for public school choice, including transferring to another public school and SES, as applicable.

For each Title I school identified as not making AYP for three or more consecutive years, the district must also provide annual notice to parents of all eligible students enrolled in the school of the availability of SES including:

- a list of state-approved providers serving the school district
- a brief description of services
- an offer to assist parents in choosing a provider.

## **School District Requirements Pursuant to Section 1008.331, Florida Statutes (Supplemental Educational Services in Title I schools; school district and provider responsibilities)**

According to Florida law (Section 1008.331, Florida Statutes), school districts must:

- create a streamlined parent enrollment and provider selection process for SES and ensure that the process enables eligible students to begin receiving SES no later than October 15 of each school year
- provide notification to parents of students eligible to receive SES prior to and after the start of the school year
- hold open enrollment for SES unless or until it obtains written election to receive or reject services from the parents of at least a majority of eligible students.

The law provides authority to school districts to request approval from the Department for the reallocation of any unexpended portion of the 20 percent set-aside after January 1.

### **Implementation by Broward County Schools as of October 2006**

Broward County School District notified the parents of all eligible students on April 1, 2005, regarding the possible school performance regarding AYP and potential NCLB choices available for transportation to another school or to access state-approved SES. This letter was sent prior to the release of AYP designations and did not include all required components pursuant to NCLB. The district has not provided documentation that they corrected this letter and provided the required information to the parents of all eligible students.

The letter appears to have been designed to discourage parents from using the opportunity to determine if their child's needs were being effectively met at their Title I school identified as not making AYP for multiple years and choose for their child to access the public school options available to them or if eligible, to access the free tutoring or SES.

The parent notification letter, which did not include all required components and was not corrected by notifying the parents of all eligible students, resulted in extremely low student participation rates. In 2005-2006, approximately 30,000 students were eligible to participate in SES in Broward County. Based on the district's per pupil allocation, the district had sufficient funds to provide SES to approximately 6,400 students. The district reported serving 69 students during the 2005-2006 school year or approximately 1% of the students for whom they had funds to serve.

On April 19, 2006, the district notified parents regarding NCLB school choice for 2006-2007 using the same letter disseminated in April 2005. The letter required parents to return a form by May 19, 2006, indicating their choice to transfer their child to another public school or if eligible, their choice for their child to participate in SES or free

tutoring. The letter included the same language that appears to discourage parents from choosing one of the NCLB school choice options and indicates that only parents that returned the form selecting one of the choices would receive further information.

Following DOE guidance and technical assistance, the district revised the parent notification letter related to SES to include the required components and notified the parents of all eligible students on September 15, 2006. The letter included an invitation to provider fairs scheduled for October 9-11, 2006.

### **State Education Agency (SEA) Responsibilities Pursuant to No Child Left Behind (NCLB)**

The SEA is responsible for providing oversight and ensuring that LEAs fully implement the requirements of federal law, including the implementation of NCLB public school choice. In addition, the SEA is responsible for ensuring that all subgrantees comply with programmatic and fiscal requirements of all federal programs, including fiscal control and accounting procedures to ensure proper disbursement of federal funds.

According to the USDE Non-Regulatory Guidance on SES, the state is responsible for ensuring that a school district has fully met parental demand for choice-related transportation and SES. Before the Department approves a district's request to reallocate any funds reserved for NCLB school choice, the district must be prepared to document that the district has:

- Appropriately notified all eligible parents of the availability of public school choice and SES
- Adequately publicized the options to parents in understandable formats and multiple forms of communication
- Offered parents a reasonable amount of time to investigate their options and submit their requests for either public school choice or SES
- Collected documentation from the parents of at least a majority of eligible students regarding whether or not they have chosen SES for their children.

### **DOE Plan for NCLB School Choice for Broward County for 2006-2007 (December 2006)**

- **\$20,469,665** Total amount of available funds from carry forward for 2005-2006 and 2006-2007 within 20 percent of Title I allocations
- **\$1,257** District per pupil allocation for 2006-2007
- **31,548** Number of students eligible to participate in SES for 2006-2007
- **15,775** Number of the majority of students within eligible students
- **16,285** Number of students district could serve within available funds (15 percent of total Title I funds for 2005-2006 and 2006-2007)

The Department recommended that in order for Broward County School District to be approved to reallocate unexpended funds from the 20 percent set aside for 2006-2007, the district must document evidence that:

- **15,775** parents have chosen or rejected supplemental educational services
- **12,213** students are participating in supplemental educational services (75% of the number of students the district could serve within available funds or 15 percent of their Title I allocation for 2005-2006 and 2006-2007)

### **Updated Department Activities**

- **Intensive Technical Assistance** – Department staff has provided intensive technical assistance via onsite visits, monitoring visits, telephone, and emails. Dr. Yecke has discussed the status of the corrective action taken by the district with Superintendent Jim Notter on several occasions. Department staff worked closely with district staff to address concerns and issues and provided assistance in improving and enhancing procedures and processes to ensure effective and efficient implementation of NCLB school choice.
- **2006-2007 NCLB Monitoring** – The Department conducted an onsite monitoring visit to Broward County in January 2007 as part of the NCLB monitoring process for 2006-2007 school year. The four-day onsite visit included interviews with district staff and a review of the district's records related to NCLB school choice; as well as interviews with five state-approved SES providers, review of provider records, and observation of tutoring sessions with students. Department staff determined that for each Title I school identified as in need of improvement for two or more consecutive years, the district had revised the original letter dated April 19, 2006, and provided annual notice to parents of all eligible students enrolled in the school of the availability of SES and included all required components in the notification in September 2006. The district also offered three enrollment periods during the school year to the parents of all eligible students. Department staff also reported the following regarding district implementation of NCLB school choice:
  - **Non-compliance finding:** The district's parent notification letter regarding the option for parents to choose to transfer their children to another public school under NCLB did not include all required components
  - **Partial compliance finding:** The district's parent enrollment and provider selection process did not ensure that services for eligible students began by October 15<sup>th</sup>.

The Department forwarded a copy of the preliminary monitoring report and requested the district develop and submit a system improvement plan to address the non-compliance indicators.

- **2007 Targeted Onsite Monitoring Visit by USDE** – The USDE conducted an onsite targeted monitoring review of NCLB school choice in Florida in April 2007.

USDE staff reviewed records related to NCLB school choice for the state and three districts selected to participate (Broward, Marion, and Palm Beach), and conducted interviews with state and district staff, selected state-approved SES providers, and parents. USDE will submit a preliminary report regarding the state monitoring review to the Department by June 15, 2007.

### **Status of SES in Broward County**

- District has contracts with 46 state-approved providers
- As of May 8, 2007, the district has assigned 9,412 students to approved providers
- As of May 8, 2007, those providers have served 3,320 students
- As of May 8, 2007, 1,208 parents provided written refusal of SES for their children
- Summer SES program scheduled for June 4 – July 15, 2007
- Approximately 3,500 students enrolled in summer SES program as of June 1, 2007.

### **Updated District Activities**

- **Increased the number of staff at the district level responsible for SES** – The district hired additional professional and support staff at the district level to coordinate SES and manage the increased demands related to implementing SES in the district.
- **Hired school site facilitators** – The district hired and trained school site facilitators for each Title I school required to offer SES. The facilitators are responsible for facilitating the development and approval of the Parent/District/Provider Agreements, monitoring implementation of SES at the school level, promoting provider fairs, monitoring student progress, support parent outreach and student recruitment efforts, clearinghouse for information related to SES, and assisting parents in choosing providers that most appropriately meet the needs of their children.
- **Provided training to school principals regarding SES** – The district provided staff development and training to school administrators regarding the implementation of SES, the benefits of SES, parent outreach efforts, and building collaborative partnerships with providers. An advisory forum of principals has been established to confer on a regular basis with Title I staff on SES-related issues.
- **Responded to Florida NCLB monitoring visit** - The Department forwarded a copy of the preliminary monitoring report and requested the district develop and submit a system improvement plan to address the non-compliance indicators. District staff developed and submitted a system improvement plan that included the following actions to address the items identified as non-compliant during the Department's onsite monitoring visit in January 2007:

- **Finding (Non-compliance):** The district's parent notification letter regarding the option for parents to choose to transfer their children to another public school under NCLB did not include all required components
- **District System Improvement Plan:** *“Broward County will use the Florida Department of Education’s template to develop all parental correspondence for the 2007-08 school year. All required components will be captured including the school’s status, what the district and the individual school is doing to address academic deficiencies and comparability with other schools in the district. Prior to mailing, such correspondence will be reviewed and approved by the DOE. Letters will be preprinted with student and school information according to the approved template. All letters returned as undeliverable will be sent to the student’s school and given to the individual to hand-carry home. Documentation of all correspondence will be maintained and available for review.”*

*As established during the 2006-07 school year, formal correspondence is preceded or followed by news releases to the media, automated phone calls to the student’s home, internet postings and notification to local community agencies and municipalities for support in reaching the targeted parents. All participating schools receive copies of the correspondence and accompanying documentation. Further, an initial parent notification was sent prior to the end of the 2006-07 school year advising parents of subsequent correspondence over the summer. Additionally, principals held informational meetings on the topics of AYP, School Choice and SES.”*

- **Finding (Partial compliance):** The district's parent enrollment and provider selection process did not ensure that services for eligible students began by October 15<sup>th</sup>.
- **District System Improvement Plan:** *“While districts set process and procedure for streamlining the SES parent enrollment and provider selection process, it is up to the providers to follow those in timely manner. Broward has reviewed its processes and communications with parents and providers. While the district established deadlines for both groups in 2006-07, poor response from the preceding year prompted the district to accept parental responses and provider contracts as submitted. This created delays in developing provider lists.”*

*To prevent the aforementioned from negatively reflecting on the District, Broward County has already taken steps to mitigate the causes of these delays. The District through research and development has created an Electronic Management System (EMS) for SES. This system will automate the majority of the steps previously handled by written communication. District staff reviewed other purchased and locally developed models already in use. Then, with the assistance of our own programmer, developed a new system through the input of our end users (the school principals, SES Facilitators and private providers). The EMS will allow providers to create*

*their own on-line SES accounts with the district. They can download all required forms, contracts and student data of assigned participants based on parental selection. One of best features is the electronic management of student plans. The Individual student plan and monitoring reports can be maintained and updated on the system. It allows the Title I staff to review and approve plans electronically with student progress available 24/7. Once a parent selects a provider and the child is entered into the system, the provider profile is automatically updated to include that student with his/her accompanying data including address, phone, test scores and other requisite information to facilitate a timely provider response.*

*The district is field-testing the system with the Summer SES Providers in an attempt to have a fully functional program in place for this fall. Screen prints from the EMS program have been attached as back up.”*

- **Employed district staff for home visits** – School social workers and other volunteers were hired to work during the winter break to visit homes of students eligible for SES. Information and a list of SES providers were provided to parents. 3,875 additional students were enrolled in January.
- **Expedited the development and approval of the Parent/District/Provider Agreements PDPA)** – District shared FCAT and local Benchmark Assessment data with providers to assist them in developing the PDPA for newly enrolled students. This improved start-up time and allowed tutoring to begin without lengthy delays. The district employed current SES site facilitators at Title I schools to work additional hours to assist in processing the PDPA forms from providers.
- **Engaged teachers and school SES facilitators for working with parents** – The district provided all schools required to offer SES with an updated list of eligible students by teacher. SES facilitators and teachers were trained to offer SES tutoring to parents of eligible students during parent/teacher conferences, parent meetings, and phone calls.
- **Held monthly meetings with SES providers** – The district initiated monthly meetings with providers to provide technical assistance related to such topics as development and evaluation of PDPAs, invoice process, parent outreach efforts, and contract management. These meetings enhanced the collaborative partnership between the district and SES providers.
- **Developed electronic management system** – The district developed a comprehensive electronic management system to facilitate the implementation of SES for 2007-08 (to be tested during summer SES program in June 2007). This system will facilitate many aspects of SES, including sharing student data, online Student Learning Plans, attendance records, billing, collecting and reporting data, and student progress reports. This system will greatly enhance the infrastructure of the district and the ability of the district and providers to serve students more effectively and efficiently.

- **Provided summer SES program** – the district encumbered unexpended funds from 2006-2007 to provide summer SES program to eligible students. The district notified the parents of all eligible students regarding the opportunity to enroll their children in the summer SES program, widely marketed the program to parents, and enlisted the commitment of providers to serve students during the summer. The notification included an expanded provider directory including specific information regarding the location of each summer program. The summer program is scheduled to for June 4 through July 15, 2007. Forty-two state-approved providers have agreed to serve students during the summer program.
- **Implement strategic plan for parent outreach efforts for 2007-2008** – The district will notify the parents of all eligible students regarding the option to choose to transfer their children to another public school or participate in SES for 2007-2008 school year using the sample parent notification letters provided by the Department and approved by USDE in four languages. In addition, the district plans to implement comprehensive parent outreach program including public service announcements on radio, television, and newspapers; ParentLink automated phone system to provide follow up phone calls to parents who have not submitted enrollment forms; collaboration with Title I Parent Resource Center and scheduled parent training activities; teachers and principal follow up with parents of eligible students; returned letters forwarded to each school to distribute directly to parents; collaborative partnership with municipalities to share information related to SES and provide opportunities to enroll students in SES.
- **Schedule provider fairs for parents** – The District has scheduled provider fairs for parents to assist them in obtaining information regarding the approved providers and choosing providers most appropriate to meet the needs of their children. These fairs will be scheduled on dates and times that will most likely increase parent participation. Fairs will also target smaller groups of parents living within feeder patterns to allow greater opportunities for questions and time to meet with parents.
- **Schedule employee fair** – The district plans to schedule a provider fair for district employees to provide for employment opportunities. This will provide a forum for providers to access to certified and qualified staff and will assist providers in building capacity to serve the students.
- **Designed an incentive program for SES schools for 2007-2008** – The district identified a portion of district Title I funds to provide an incentive (instructional materials for classroom libraries, software, etc) for schools required to offer SES to increase the number of students participating in SES. This incentive will encourage school administrators, site facilitators, and teachers to institutionalize SES as an academic intervention in the school's comprehensive school improvement effort. In an effort to build collaborative partnership at the school level, principals also participate in monthly provider meetings to discuss the needs of their students and services available from providers.

## **Summary**

After monitoring compliance with state and federal requirements and analysis of student participation data, the Department discovered that circumstances impacting student participation in the 2006-2007 school year were related to many providers not having the infrastructure or capacity to serve the large number of students assigned by the district in the 2006-2007 school year.

Although the district did not serve the full 12,213 students as required by the Department to document compliance, we believe the district has made every effort to meet the intent and spirit of state and federal laws in their parent outreach efforts and in revitalizing district processes and systems as evidenced by the number of students recruited by the district and assigned to providers (9,412), the number of students who received services from providers as of May 8, 2007 (3,320), and the number of students participating in the summer SES program (approximately 3,500).

Broward has increased its participation rate in SES from 69 students in 2005-2006 to over 6,800 students in 2006-2007 (to include summer school). This is an increase of 9,755%.

## **Department Recommendations**

We commend Broward's dedicated efforts to expand the federal SES program and recommend that the Board approve the district's request to reallocate any unexpended funds from the twenty percent set aside for 2006-2007.