

SUPPLEMENTAL EDUCATIONAL SERVICES



SES TOOLKIT

2009 Revised

For Local Education Agencies,
Public Schools, and SES
Providers

Alabama State Department of Education

Joseph B. Morton

State Superintendent of Education

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SUPPLEMENTAL EDUCATIONAL SERVICES TOOLKIT

OVERVIEW

The *No Child Left Behind Act of 2001* (NCLB) is based on four principles: (1) stronger accountability for results, (2) increased flexibility and local control, (3) expanded options for parents, and (4) an emphasis on teaching methods that have been proven to work. The purpose is to ensure that all children have fair, equitable, and significant opportunities to obtain high-quality education and, at a minimum, reach proficiency on challenging state academic achievement standards and state academic assessments.

NCLB provides an opportunity for parents whose children attend a Title I school identified for *School Improvement* for Year 2 or higher to have access to free tutoring in the form of supplemental educational services (SES). Eligible students are all students in school improvement schools from low-income families. If sufficient funds are not available to serve all eligible children, an LEA must give priority to the low-achieving eligible students and should use professional judgment in applying criteria that is fair and objective to determine which students are the lowest achieving as stated in the U. S. Department of Education (USDOE) Supplemental Educational Services Non-Regulatory Guidance, January 14, 2009, Sections F-1 and -3. These services, provided before or after school, are in addition to the instruction these students receive during the school day.

I. Responsibilities of the Alabama State Department of Education

NCLB requires the Alabama State Department of Education (SDE) to identify entities to serve as qualified SES providers; for-profit, non-profit, faith-based organizations; institutions of higher learning; private schools; or public schools through a rigorous application process. An SES provider list is available on the SDE Web site at www.alsde.edu click on eGAP, Document Library, scroll down to the Title I School Improvement Section.

- Identify schools for which supplemental educational services are required.
- Develop and apply objective criteria to potential providers that are based on a demonstrated record of effectiveness in increasing academic proficiency.
- Maintain a list of approved providers across the state, by school district, from which parents may select providers.

- Promote maximum participation by supplemental educational service providers to ensure that parents have as many choices as possible.
- Monitor the quality and effectiveness of the services offered by approved providers.
- Develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved supplemental educational service providers and for the withdrawing of approval from providers that fail, for two consecutive years, to contribute to increasing the academic proficiency of the students they serve.
- Ensure that providers do not engage in unfair business practices, taking action when evidence is presented that a provider is engaging in false advertising or offering “kickbacks” to encourage parents to select that provider or to school system personnel who encourage a parent to select certain provider.
- Ensures that the LEA is implementing supplemental educational services in a manner that is consistent with the law, regulations, and guidance.

Challenges

Providers can be removed from the state-approved list for failing, for two consecutive years, to contribute to increasing the academic achievement of students enrolled in the provider’s program. Investigation of all allegations of noncompliance with federal laws, rules, or regulations will be conducted through the complaint procedures established by the SDE, (www.alsde.edu, click on eGAP, then Document Library). Any of the following actions on the part of the provider will result in immediate suspension for sixty days from the state-approved list:

- Mismanagement, e.g. not maintaining sufficient funds to pay tutors, or operating under false pretenses.
- Submitting false records of student participation or false results of student progress.
- Failing to meet applicable federal, state, and local health, safety standards, and civil rights laws.
- Poor business practices that result in one or more written complaints to the SDE.

The provider may offer remedies to the above conditions and demonstrate good faith in the correction of services in writing for consideration by the SDE Federal Programs Section staff. After completing all investigations, the SDE will communicate with all parties regarding the resolution. The provider will either 1) remain in suspension and the SDE will take steps to withdraw its approval of the provider on the state list; or 2) be allowed to resume services for the remainder of the school year but be required to re-apply during the next annual window.

II. Responsibilities of the Local Education Agency

The Local Education Agency (LEA) communicates to the principals of schools identified for school improvement Year 2 and beyond the requirement to offer access to SES to all eligible students (SAMPLE A). The LEA should notify parents of eligible students at the beginning of the school year of the availability of supplemental educational services (SAMPLE B). The LEA makes funds available for SES by reserving and spending a portion (20%) of its LEA Title I allocation.

- A. Eligible students are all students from low-income families who attend Title I schools that are in school improvement for Year 2 and beyond. If sufficient funds are not available to serve all eligible children, an LEA must give priority to the lowest achieving eligible students. The LEA should determine students eligible for SES using the following sequence:
 - 1) Identify all students from low-income families applying the poverty measure used to rank schools for Title I purposes, such as free or reduced-price meals.
 - 2) Notify parents of all eligible students to determine the initial receipt of services, indicating that a prioritization may need to be used. It is the responsibility of the LEA to prioritize within the low-income group if parental response exceeds the amount of funds available.
 - 3) Determine the criteria to be used to determine low-achievement status.
 - 4) Rank-order students in the low-income group by achievement levels, applying fair and objective criteria. Students cannot be ranked solely based upon parents' income.
 - 5) Identify students to receive SES, starting from the top of the rank-ordered list.
 - 6) Ensure that the public identity of any student who is eligible for or who receives services is not disclosed without the written permission of the parent(s) of the student.
- B. The LEA should send to or provide parents with information about the service providers from the state-approved list whose services are available at schools or within a reasonable distance by providing a brief description of the services, qualifications, and any information on the demonstrated effectiveness of each approved provider to assist the parent(s) in selecting a provider. If requested, LEAs may assist parents in the selection of a provider.
- C. The LEA has specific responsibilities to coordinate appropriate provider services to eligible students. It collaborates with the school to develop procedures and processes for provider meetings; parent education; student learning, goal-setting sessions; and other program components. To successfully implement the SES process, the LEA:
 - 1) Communicates a framework of support to provide comprehensive outreach to parents of eligible students. The SDE suggests that these education partners be engaged in the process:

- a) School principals whose schools are required to offer SES to encourage parents of eligible students to access the SES.
 - b) Parent liaisons to provide SES information to parents of eligible students through community workshops and personal contact.
 - c) Education Language Learner (ELL) coordinators and translators to communicate SES information in a language understood by the populations they serve.
 - d) Migrant parent liaisons to communicate SES information specifically to the populations they serve.
- 2) Schedules an SES provider fair or open house for service providers from the state-approved list whose services are available within the school district. Parents should be encouraged to attend to become acquainted with providers' services.
 - 3) On behalf of students, contacts parent-selected SES providers and enters into contractual agreements to deliver services in a timely fashion.
 - 4) Makes arrangements with individual providers to use district facilities, adhering to the established LEA/school policy.
 - 5) Upon the receipt of the required participation documentation, disburses payments to providers for services.
 - 6) Monitors services provided to students and reports any irregularities about SES providers to the SDE.
 - 7) Reports data back to the SDE as part of an annual SES implementation and effectiveness evaluation.
 - 8) As required in the January 2009 Non-regulatory Guidance, posts Adequate Yearly Progress and Supplemental Educational Services information on the Web site of the LEA.
- D. Once parents select a provider for their child, the LEA must enter into a contract with the chosen provider [Section 1116 (e)(3)(A-E)] an example of which is included as Sample D. The required elements are starred. *(NOTE: Complete information concerning the law can be found in the No Child Left Behind Act of 2001, §1116(e)(3)(A) and in Non-Regulatory Guidance, January 2009, Section H-1.)*
- 1) After all parties have a signed contract, the LEA, in consultation with the parents and provider, helps develop a student individual learning plan (ILP) (see SAMPLE E) which has to include:
 - a) A statement of specific achievement goals for the student.

- b) The method by which progress will be measured and how the student's parent(s) and teacher(s) will be regularly informed of that progress. (*NOTE: LEA and provider must agree to a schedule.*)
- c) A timeline for improvement in achievement.

In the case of a student with a disability, the achievement goals, measurement and report of progress, and timetable must be consistent with the student's individualized education program (IEP) under Section 614(d) of the *Individuals with Disabilities Education Act* (IDEA) or the student's individualized services under Section 504.

Challenges

The LEA may not require or suggest that*:

- 1) Providers offer a certain number of hours of services in order to receive the statutory per-pupil amount for services.
- 2) Provider tutors/employees have to be state-certified teachers.
- 3) Provider programs have certain student-teacher ratios.
- 4) Parents choose a particular SES provider. Under no circumstances should an LEA refuse to offer as an option to parents any provider on the state-approved list because of program design concerns. If an LEA has general concerns about the quality of a provider's services, the LEA should make its concerns known to the SDE.

(*See also USDOE Supplemental Educational Services Non-Regulatory Guidance, January 14, 2009, Sections G-6, page 29.)
d)

III. Responsibilities of the School

Low-income students in Title I School Improvement schools, Years 2 and beyond are eligible for SES. In situations where sufficient funds are not available to serve all eligible students, priority must be given to the lowest-achieving eligible students. The school should use the rank-ordered list provided by the LEA to identify eligible students. The school, in collaboration with the LEA, coordinates procedures and processes for provider meetings at open houses or back to school nights, provider fairs, parental involvement, student goal setting, and provider reporting. In addition, the school:

- A. Notifies parents of eligible students of the availability of SES providers from the state-approved list whose services are available to the school district (SAMPLE B). The list includes a description of services, provider qualifications, and demonstrated effectiveness of each provider.
- B. Assists in the choosing of a provider at the parent's request.
- C. Determines the teachers who will work with providers and parents to coordinate the setting of learning goals for each student receiving SES.
- D. Ensures that the public identity of any student who is eligible for or receives SES is not disclosed without the written consent of the parents of the student.

IV. Responsibilities of the Supplemental Educational Service Provider

The *No Child Left Behind Act of 2001* requires that SES providers be approved by the SDE (Section 1116(3)(5)). Providers may be for-profit, non-profit, faith-based organizations; institutions of higher learning; private schools; or public school districts. Providers must:

- A. Ensure that the provided instruction is aligned with Alabama's academic content and student achievement standards and, in the case of a student with disabilities, is consistent with the student's IEP under IDEA.
- B. Provide a plan of instruction in the areas of reading/language arts, and/or mathematics that is of high quality and research-based.
- C. Provide parents of students receiving SES and the appropriate school with information on the progress of the students in increasing achievement in a format and, to the extent practicable, in a language that the parents can understand.
- D. Ensure that instruction is secular, neutral, and non-ideological.
- E. Provide evidence of financial soundness to the SDE.
- F. Ensure that all employees who will have unsupervised access to students will follow requirements for background checks pursuant to state law and SDE procedures. (*Code of Alabama, §16-22A-6*)
- G. Provide to the SDE or its designee(s), information for the purpose of program monitoring and evaluation.

In addition, the SES provider may add reasonable information in contractual agreements with LEAs related to:

- H. The amount of instruction time to be provided.
- I. The location where services will be provided.
- J. The means of transporting children to the place of instruction if the services will be provided in a location other than the student's school. (Note: The LEA may provide, but is not required to provide or cover expenses related to transportation from the school to the service site.)
- K. A description of the scientifically research-based program to be utilized with specific references to published research studies or reports.

V. Role of Parents

Parental involvement is an integral component in the provision of SES to students experiencing low academic achievement. There are expectations of parents whose children receive SES. Parents should:

- A. Choose a provider from the state-approved Supplemental Educational Services Provider list.
- B. Acquaint themselves with the provider's services, frequency/duration of service, ratio of students to tutor, tutor's qualifications, and the manner in which student progress will be measured and reported.
- C. Return the Provider Selection Form to begin the SES process.
- D. Meet with the provider and the school representative to formulate the student's individual goals for learning and to set up timelines for monitoring progress.
- E. Monitor and ensure their child's attendance at the supplemental services sessions.
- F. Communicate regularly with the provider, especially to notify the provider in advance if the child is to be absent.
- G. Inform the provider and the school immediately if the child will no longer participate in SES or if they are not satisfied with the service being provided to the student.
- H. Respond to SES parent surveys distributed by the SDE or its designee(s) at the end of the school year.

VI. Program Monitoring

The SDE will monitor the quality and effectiveness of SES to students as required by NCLB. Monitoring will focus on the following areas:

- A. Provider Effectiveness - The University of Memphis, Center for Research in Educational Policy (CREP), the outside evaluator for the SDE, performs an evaluation study from the Alabama Reading and Mathematics Test (ARMT) and the Alabama High School Graduation Exam (AHSGE) annual results to form a profile of each provider's effectiveness in raising student achievement.
- B. Customer Satisfaction - CREP will conduct a descriptive study of SES implementation in districts and schools consisting of surveying SES coordinators for participating LEAs, principals in participating SES schools, teachers, and parents of students receiving SES, and SES providers.
- C. Service Delivery - Representatives of the SDE will conduct on-site monitoring visits that will address requirements of SES providers as stipulated in NCLB and will verify provider's compliance with narratives and assurances in the SES provider's approved application.

In addition, at the end of service, or at least annually, the provider will submit a final written report to the SDE that summarizes the progress of individual students provided with SES using the providers' assessments.

Additional and specific information is found in the law, No Child Left Behind Act of 2001, PL 107-110, § 1116(e), <http://www.ed.gov/policy/elsec/leg/esea02/107-110.pdf>), and the Supplemental Educational Services Non-Regulatory Guidance, January 14, 2009. (www.alsde.edu, eGAP, Document Library, scroll down to Title I School Improvement section.)