

Supplemental Educational Services (SES)
LEA Responsibilities and SES Requirements
SY 2011-2012

The Supplemental Educational Services (SES) portion of NCLBA was revised in 2009. Some of the revisions affect the responsibilities of the LEA. This document includes those revisions. We strongly advise you to also read the “SES Non-Regulatory Guidance” revised on Jan. 14, 2009 that explains in more detail the LEA’s responsibilities and the requirements listed below. The “Guidance” can be found at <http://www.ed.gov/policy/elsec/guid/suppsvcguid.doc>.

Supplemental Educational Services are additional academic instruction outside the school day or during the summer designed to increase the academic achievement of students in schools in the *second* year of School Improvement and in Corrective Action or Restructuring. These services **must** be consistent with content and instruction used by the local educational agency (LEA) and aligned with the Vermont’s Framework of standards and GEs. SES must be high quality, research-based, and specifically designed to increase student academic achievement.

Once a Title I school moves into **Year 2 School Improvement**, it must begin to offer Supplemental Educational Services (SES) and continue to offer them until the school makes AYP for two consecutive years and exits school improvement.

Identifying Eligible Students:

- 1) **All** students in the school who are eligible for the Free & Reduced Lunch program are eligible to receive SES:
 - a) regardless of whether they are meeting school academic expectations or not
 - b) regardless of whether a student is a member of a subgroup that did not make AYP
 - c) regardless of whether the student is in a grade that takes the NECAP assessment

- 2) LEA must apply fair and equitable procedures for serving students if not all students can be served. (*See F-3 through F-8, p.25-27 in Guidance for more details.*)
 - a) If sufficient funds are not available to serve all eligible students, the LEA must give priority to the lowest achieving students.

Maximum Per Pupil Amount

- 1) The fiscal LEA must set aside an amount **equal to** 20% of its Title I, Part A allocation for Choice related transportation (if applicable) and for SES. (*See K-1, p.42-43 in Guidance*)
- 2) There is a cap on the amount of money per student that the LEA is required to spend on services each year. The maximum per pupil amount for supplemental services required under the law is calculated based on 20 % of the fiscal LEA's Title I allocation and census poverty. The Department of Education will calculate and provide you with your per pupil figure. (*see B-8, p. 7-8 in Guidance*)

Providing Information to Parents:

- 1) Once a Title I school moves into Year 2 School Improvement, it must, **at the very beginning of the school year and no later than the end of the first week of school**, notify **all** parents of students enrolled in the school about the availability of SES. This notification must be sent to all parents every year until the school makes AYP for two consecutive years and exits school improvement. (*See G-2 through G-9, p. 28-31 in the Non-Regulatory Guidance for more details.*)
- 2) The notice must be provided both directly, through such means as regular mail, e-mail, or sending notices home in children's back packs **AND** through broader means of dissemination such as the Internet, the media, and public agencies. (***The LEA must be able to demonstrate that all parents received and understood the information in the notice.***)
- 3) **The notice must be:**
 - a. written in an easily understandable manner, in a uniform format, including alternate formats upon request and to the extent practicable, in a language the parents can understand
 - b. clear and concise, and clearly distinguishable from all other information on school improvement that a school sends to parents (***This does not mean SES information cannot be sent out in the same mailing with other school improvement information, but the SES notice must stand out from the other information so parents can easily recognize and understand it.***)
- 4) The letter **must:**
 - a. include an up-to-date copy of Vermont's Approved Providers List for the SY 2011-2012
 - b. explain how parents can obtain SES for their child
 - c. include an explanation of the benefits of receiving SES
 - d. inform parents that they get to choose the provider for their child from Vermont's Approved Providers List

- e. inform them that SES is free and will be tailored to meet the academic needs of each individual student
- f. include a reasonable deadline by which parents must sign a child up for services (The deadline must be no later than Oct. 7, 2011.)
- g. inform parents that there is a cap on the amount of money per student that the LEA is required to spend on services for any child each year
- h. inform parents that the only students that are eligible for SES are students that are eligible for the Free & Reduced Lunch program
- i. inform parents that if they now wish to apply for the Free & Reduced Lunch program in order to be eligible for SES, they may still do so
 - Inform parents that if they do not want to actually participate in the Free and Reduced Lunch program, they can just provide evidence to prove eligibility.
 - The school should include the Free & Reduced Lunch application in the parental notification to give parents an opportunity to establish eligibility for the program if they have not already done so.
- j. inform parents that the school is not required to pay for transportation for students to any provider
- k. identify each approved provider including providers accessible through technology, such as distance learning
- l. describe briefly the services, qualifications, and evidence of effectiveness for each provider
- m. indicate if providers are able to serve students with disabilities or LEP students

(k, l, and m above can be accomplished by sending a copy of the entire Vermont's Approved SES Providers List for 2011-2012 available at http://education.vermont.gov/new/html/laws/nclba/supplemental_services.html. Please be sure to send the most current approved providers list. The list changes each year. Parents can only pick a provider from the current list.)

- 5) Any student that registers in the school during the year must also be given the opportunity to apply for SES.
- 6) An LEA that spends less than its 20% obligation and wants to use the remaining money for other allowable activities, **must**, among other things, provide a second enrollment window between Jan. 1, 2012 and Feb. 1, 2012 of at least 3 weeks to enable parents to make informed decisions about SES and to select a provider. *(See L-1, p.50 in Guidance.)*
 - a. School must send out a *second* letter to all parents to give those who did not sign their children up for SES at the beginning of the school year a chance to do so and to also offer SES in the summer.

- b. This notification must contain all the information required in the first parent notification letter and must contain the most up to date copy of Vermont's approved providers list.
- 7) **The school is now also required to prominently display the following on its website, in a timely manner (with updates done periodically throughout the school year), to ensure that parents have current information: (See G-10 through G-12, p. 31-32 for more details.)**
- a. Beginning with the 2008-09 school year, schools must post data on the number of students who were eligible for and the number of students who participated in SES during 2007-08.
 - b. For the 2009-10 school year, schools must post data on the number of students who were eligible for and the number of students who participated in SES during 2007-08 and 2008-09.
 - c. For the 2010-11 school year, schools must post data on the number of students who were eligible for and the number of students who participated in SES during 2007-08, 2008-09, and 2009-10.
 - d. For the 2011-12 school year, schools must post data on the number of students who were eligible for and the number of students who participated in SES during 2007-08, 2008-09, 2009-10 and 2010-11.
 - e. For the current school year, post the list of approved providers. *(This list must be posted as early in the school year as possible so that parents can access this information when making decisions about SES. This information must periodically be updated throughout the school year.)*
 - f. In subsequent years, the school must continue posting historical data on SES participation and eligibility and the current list of approved providers as soon as the information becomes available.
 - g. Copies of the parent notification letter sent out at the beginning of the school year and the one sent out after Jan.1 must also be posted.

Arranging for SES:

The LEA must:

- a. Assist parents in choosing a provider if the parents request it. *(See C-1, p. 8-9 for more details.)*
- b. Contact and enter into an agreement/contract with a provider selected by parents of an eligible student. *(For an example of a contract with a provider, please contact Karin Edwards.)* **The school must have a contract/agreement with every provider that is working with students from that school.**
- c. There are specific eligibility requirements and required responsibilities that all approved providers must adhere to. The LEA should expect the provider to meet all of these. *(See attached list of approved provider requirements and assurances taken from the approved provider's application for SY 2011-12.)*

- d. Agreement/contract **must** include: *(See H-1 through H-9, p.33-35 for more details.)*
- a. specific achievement goals for each student based upon the child's specific educational needs which must be developed in consultation with the school, student's parents and the provider *(The school must be able to demonstrate that it has made a reasonable effort to consult with parents of each student requesting SES. The school cannot use this consultation requirement to deny SES to a child whose parents have not participated in the development of the child's SES plan.)*
 - b. a description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress
 - c. a timetable for improving the student's academic performance
 - d. a provision for terminating the agreement if the provider fails to meet the student's specific achievement goals and timetables
 - e. provisions governing payment for services which should include provisions addressing missed sessions
 - f. a provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving SES without written permission of the student's parents
 - g. an assurance that SES will be provided consistent with applicable health, safety, and civil rights laws
 - h. in the case of a student with a disability, the achievement goals, measurement and reporting of progress, and timetable described in a, b, c above must be consistent with the student's IEP. *(SES must be in addition to and not a substitute for the instruction and services required by IDEA and should not be written into the IEP.)*
 - i. in the case of a student covered by Section 504, the achievement goals, measurement and reporting of progress, and timetable described in a, b, c above must be consistent with the student's individualized services under Section 504. *(SES must be in addition to and not a substitute for the instruction and services required by Section 504 and should not be written into the 504 plan.)*

Agreement/contract **should** include:

- a. The contract should also include a provision that specifies a deadline by which providers, who need to hire local tutors, must do so. If the provider cannot hire a local tutor by the deadline, the parent can choose another provider.
5. Providers **must** provide the LEA with copies of criminal background checks and finger printing for each tutor that works with students from the school.
6. If no provider is able to provide SES with necessary accommodations to an eligible student with a disability, a student covered under Section 504, or a Limited English

Proficiency (LEP) student, the **LEA must provide those services**, with the necessary accommodations, either directly or through a contract. (*See C-7, p. 11 and C-31 through C-33, p.19-20 in the Guidance for more details.*)

- b. The LEA must inform the Department of Education of its intention to provide these services.
- c. The LEA should only determine that there are no approved providers available to provide services to those students after completing an exhaustive review of the providers on the State's approved list.
- d. The LEA should make every effort to ensure that the services it provides meet the standards of quality that apply to approved providers on the list.

Monitoring of SES Program:

- 1) The LEA must monitor the program effectiveness of all providers working in the school and ensure that all contractual obligations are being met. (*See attached list of approved provider requirements and assurances taken from the approved provider's application for SY 2011-12.*)
- 2) The LEA should check to make sure that SES programs:
 - a. are aligned with the *Vermont Framework of Standards* and the *Grade Expectations* (GEs)
 - b. are consistent with the school's instruction and content
 - c. have met with parents and teachers to develop specific academic goals and a program for the student
 - d. regularly provide teachers and parents of students receiving SES with reports on the student's progress toward improving achievement, in a format and, to the extent practicable, in a language that parents can understand.
- 3) The LEA can contact the Department of Education at any time if it is having problems with any provider that cannot be resolved by the LEA.
- 4) At the end of the school year, the LEA must fill out and submit electronically to the Vt. Department of Education the *SES End of Year Summary Report*. This report will be e-mailed to LEAs in June and be due back to the Department of Education in July.
- 5) The school must have some mechanism (such as a parent survey) to determine parent satisfaction with providers working in the school.
- 6) As part of the annual evaluation of SES, schools must submit to the Department of Education the following documents:

By Sept. 15, 2011:

- Copy of the parent notification letter that is signed and is on letter head
- A list (and a copy when applicable) of any other ways the school notified parents (must include the school's website)

By Dec. 1, 2011:

- Copy of the contract the school has with each individual provider working with children in that school

By Jan. 14, 2012:

- Copy of the second SES parent notification letter that is signed and on letterhead

Summer School:

- 1) A school can provide SES in the summer until June 30, 2012 using 2011-12 SES funds.
- 2) If the services are to occur after June 30, money for those services must come out of the SU's 20% set aside from the 2012-13 Title I allocation.
- 3) To do this, the summer SES must be written into the SU's CFP application for 2012-13. You can contact *Mary Mulloy at 828-3067 or David Baroudi at 828-5156* to find out details about how to do this.
- 4) Summer services after June 30 would also require a **new** contract with any approved providers.
 - a. You can only contract with providers from the new list.
 - b. LEA cannot make new contracts with providers until the **new** 2012-13 Vermont approved list of SES providers is posted on the website. This list will be posted by mid-July 2012.
- 5) The only students that could receive SES summer services after June 30 would have to be eligible for Free and Reduced Lunch for the 2011-12 SY.

Funding SES: (See sections K and L, p. 42-58 in Guidance for more details.)

- 1) The law established joint funding for choice-related transportation and SES. The fiscal LEA must set aside an amount **equal** to 20% of its Title I, Part A allocation for Choice related transportation (if applicable) and for SES.
 - a. The funds used to pay the cost of SES, Choice related transportation, and parent outreach and assistance need not come from the fiscal LEA's Title I allocation, but may be provided from other allowable Federal, State, and local sources.

- 2) If the school does not have to offer Choice, the fiscal LEA must spend the amount needed to meet its 20% set aside fully on SES, assuming sufficient demand, except that it may spend 1% of the 20% on parent outreach and assistance.
- 3) If the fiscal LEA spends less than the 20% set aside on SES and Choice related transportation and wants to use the remainder for other allowable activities, it **must:**
 - a. Have partnered, to the extent practicable, with outside groups to help inform eligible students and families of the opportunity to transfer or have SES
 - b. Have ensured that parents and students have had a genuine opportunity to sign up for SES or Choice by doing the following:
 - providing timely accurate notice to parents
 - ensuring sign up forms were widely available and accessible through a broad means of dissemination such as Internet, other media, communications through public agencies, etc.
 - providing a minimum of 2 enrollment windows at separate points in the year of sufficient length to enable parents to make informed decisions about SES and to select a provider
 - second enrollment window must be between Jan.1, 2012 and Feb. 1, 2012 for at least 3 weeks
 - c. Have ensured that eligible providers were given access to school facilities, using a fair, open, and objective process on the same basis and terms as are available to other groups seeking access to school facilities
- 4) The LEA must maintain records demonstrating that the district has met the above criteria and provide those records when notifying the State that it has met the criteria.
- 5) The LEA must inform the Department of Education of the amount of funds remaining from the 20% obligation that it intends to spend on other allowable activities and what it wishes those activities to be. (*Contact Mary Mulloy at 828-3067 or David Baroudi at 828-5156.*)
- 6) The fiscal LEA may spend 1% of its 20% obligation on parent outreach and assistance.
- 7) If the fiscal LEA spends less than the 20% obligation and does not meet the criteria in **a**, **b**, and **c** in #3 above, it must spend the remainder of the obligation in the subsequent school year on Choice related transportation (if applicable) and SES **in addition to** the subsequent year's 20% obligation.
- 8) If the demand from parents of eligible students for choice-related transportation exceeds 5% of the fiscal LEA's Title I, Part A allocation, the LEA must spend the

equivalent of at least 5% of its allocation on choice-related transportation (if applicable).

- 9) Similarly, if the cost of satisfying all requests for SES exceeds 5% of the fiscal LEA's Title I, Part A allocation, the LEA may not spend less than an amount equal to 5% of its allocation on those services.
- 10) The LEA may spend the remaining 10% on a combination of choice-related transportation and SES.