

Instruction

Administrative Procedure – Compliance Steps for Providing Supplemental Educational Services

Definitions

“Supplemental Educational Services” (SES) means tutoring and other supplemental academic enrichment services that are: (1) in addition to instruction provided during the school day; (2) specifically designed to increase the academic achievement of eligible students and enable them to meet or exceed State academic achievement standards; and (3) of high quality and research-based. 34 C.F.R. §200.45.

Resources

- 20 U.S.C. §1116(e) of the No Child Left Behind Act (portion of NCLB relating to SES).
- 34 C.F.R. Part 200 (U.S. Department of Education’s rules relating to Supplemental Educational Services).
- “Supplemental Educational Services Non-Regulatory Guidance,” published by the U.S. Dept. of Education.

Initial Administrative Steps

- Identify an individual(s) to supervise and monitor the provision of SES in the District and each school.
- Design a generic provider agreement that can be tailored to a particular student and provider using cost-effective methods. The agreement’s mandatory provisions are listed in the section below on “Executing the Parent’s Choice of SES Provider.”
- Request an exemption from ISBE of the SES requirement if ISBE determines that no approved provider can make services available in the District, within the District’s general geographic location, or via distance learning. In which case, provide evidence that it cannot provide SES. Prior to making a request, consider using distance-learning technologies to make SES available to eligible students. See 34 C.F.R. §200.45(c)(4) and “Supplemental Educational Services Non-Regulatory Guidance,” III, G-5, U.S. Dept. of Education.
- Determine how the District will fund SES. See “Supplemental Educational Services Non-Regulatory Guidance,” V, U.S. Dept. of Education.

Determine Which Students Will Be Offered SES

- All children from low-income families are eligible to receive SES. 34 C.F.R. §200.45(b); “Supplemental Educational Services Non-Regulatory Guidance,” III, F, U.S. Dept. of Education.
- If sufficient funds are not available to serve all eligible children, give priority to the lowest-achieving eligible students. 20 U.S.C. §1116(b)(10)(C); 34 C.F.R. §200.45(b).
- Set priorities to select eligible students to receive SES.

One possible approach is for the school to select a cut-off score on an assessment either on a school-by-school basis or across all identified District schools. The District may also decide to concentrate services on the lowest-achieving students in particular grades or on those students in the subgroups that caused the school to be identified. Whatever measure the District selects, it should apply it fairly and equitably. “Supplemental Educational Services Non-Regulatory Guidance,” III, F, U.S. Dept. of Education.

- SES must be provided until the end of the school year in which such services were first received. 20 U.S.C. §1116(e)(8). However, the sufficiency of funds and the intensity of services selected (e.g., the number of sessions per week), may limit the availability of services to a shorter period of time.

Parent Involvement

- At least annually, notify eligible students’ parents/guardians of the availability of SES. 20 U.S.C. §1116(e)(2)(A); 34 C.F.R. §§200.37(b)(5), 200.46(a)(1); “Supplemental Educational Services Non-Regulatory Guidance,” E-2, U.S. Dept. of Education.
- This notice must:
 1. Identify each approved SES provider that is within the District, in the District’s general geographic location, or accessible through technology such as distance learning;
 2. Describe the services, qualifications, and evidence of effectiveness for each provider;
 3. Describe the procedures and deadline for selecting a provider; and
 4. Be easily understandable and, to the extent practicable, in a language the parents can understand.
- Ensure that parents have comprehensive, easy-to-understand information about supplemental educational services.
- Establish a reasonable deadline for parents to make their selection.
- Give parents sufficient time and information to make an informed decision about requesting SES and selecting a provider. According to “Supplemental Educational Services Non-Regulatory Guidance,” E-3, U.S. Dept. of Education:
 1. The school should allow a rolling enrollment for services, as long as eligible students are served and priorities are respected as necessary.
 2. The school may also provide SES to students who are newly enrolled in the school.
 3. If sufficient funds are unavailable to serve all students eligible to receive SES, notify parents that priorities will be set in order to determine which of the eligible students may receive these services.
- Consider multiple avenues for providing general information about SES, including newspapers, Internet, or notices mailed home.
- Help parents choose a provider, if requested. 20 U.S.C. §1116(e)(2)(B); “Supplemental Educational Services Non-Regulatory Guidance,” F-1, U.S. Dept. of Education
 Parents may select any provider from the State-approved list, as long as that provider is in the area served by the school or within the general geographic location. Their selection may also include any approved provider that uses e-learning, online, or distance learning technology to provide supplemental educational services.
- If a specific provider does not have enough spaces to serve all the students who want it, establish fair and equitable procedures for selecting students to receive services, giving consideration to allocating such spaces consistent with the priority to serve the lowest-achieving eligible children.

Executing the Parent’s Choice of SES Provider

- Enter into an agreement with a provider selected by the parents/guardians of eligible children that includes the following: [20 U.S.C. §1116(e)(3); 34 C.F.R. 200.46(b)(2); “Supplemental Educational Services Non-Regulatory Guidance,” G-2, U.S. Dept. of Education.]
 1. Specific achievement goals for the student, which must be developed in consultation with the student’s parents/guardians;
 2. A description of how the student’s progress will be measured and how the student’s parents/guardians and teachers will be regularly informed;

3. A timetable for improving the student's achievement;
 4. For a student with disabilities, the agreement must be consistent with the student's individualized education program under Section 614(d) of IDEA and, for a student covered under Section 504, the agreement must be consistent with the provision of an appropriate education under Section 504;
 5. A provision for terminating the agreement if the provider fails to meet student progress goals;
 6. A provision governing payment for the services;
 7. A provision prohibiting the SES provider from disclosing to the public any eligible student's identity without the student's parents/guardians' written permission; and
 8. An assurance that SES will be provided consistent with applicable civil rights laws.
- Determine whether the District will provide transportation to SES providers. The District may provide transportation, but is not required to do so. "Supplemental Educational Services Non-Regulatory Guidance," K-12, U.S. Dept. of Education.

Evaluating SES Providers

- Provide ISBE information regarding the quality and effectiveness of the SES providers' services. 20 U.S.C. §1116(e)(2); "Supplemental Educational Services Non-Regulatory Guidance," D, U.S. Dept. of Education.

Privacy

- Protect the privacy of students who receive SES. 20 U.S.C. §1116(e)(2)(D); 34 C.F.R. §200.46(a)(6).
- Do not give SES providers students' names who are eligible to receive SES without the students' parents/guardians' prior written consent. "Supplemental Educational Services Non-Regulatory Guidance," F-8, U.S. Dept. of Education.

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