



Public Schools of North Carolina

Supplemental Educational Services (SES) in North Carolina

Supplemental Educational Services (SES) Questions and Answers

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Kenneth R. Kitch, Ph.D.

Parent Options/Parent Involvement Coordinator

Federal Program Monitoring Section

Are Criminal Background Checks necessary for SES Provider employees?

- A tutor **may not** begin providing services until the **criminal background checks have been completed and cleared**. In addition to all other requirements imposed by law, all providers of SES must abide by the criminal history check verification consisting of the following requirements.



Are Criminal Background Checks necessary for SES Provider employees?

- Providers must, at a minimum, complete a current and accurate criminal history check for all individuals working with children in the SES program **prior** to that individual working with SES students.
- Providers must obtain a background check for **all** tutors including, but not limited to, certified teachers, any school district staff, and any person that will be tutoring or directly working with SES students.
- Providers must comply with any policies and procedures of the district related to criminal history information checks.



Are Criminal Background Checks necessary for SES Provider employees?

- If the district does not require background checks, providers must obtain background checks in accordance with the following standards:
 - At a minimum, providers must obtain a Statewide criminal background check from the State(s) in which the tutor lives or has lived for the last five (5) years.
 - The provider must obtain criminal history checks for each newly hired employee, and no less frequently than every three years, whichever comes first.
 - Providers themselves must obtain background checks on staff working with SES students unless service is provided by the district.



Are Criminal Background Checks necessary for SES Provider employees?

- Providers may **not** accept background checks obtained/submitted by employees;
- In the case of an online provider or any provider that hires tutors who do not live in North Carolina, this may mean that the provider will need to obtain a background check from another State(s).
- It is the responsibility of the provider to ensure that information submitted for background checks is accurate (i.e., spelling of names, birthdates, etc.), and that background checks are thorough and completed appropriately.



Are Criminal Background Checks necessary for SES Provider employees?

All criminal history checks must include the following:

- Date criminal history check was obtained;
- Name of agency that completed criminal history check;
- Name or identity code of the person who ran the background check; and
- Results of the criminal history check (i.e. “no record,” “record attached,” etc.).



Are Criminal Background Checks necessary for SES Provider employees?

- Each district with whom the provider has contracted has the right to determine which criminal offenses are not allowable, as per district policies and procedures related to criminal history information checks.
- A district may refuse to contract with a provider if an employee of that provider is or has been convicted of any heinous crime against youth or any of the crimes in accordance with district policies and procedures. In addition, a person with a conviction or convictions for any crime or infraction as determined by the district's policies and procedures may be barred from working with SES children.



Are Criminal Background Checks necessary for SES Provider employees?

- If an employee is convicted of any of the crimes listed above during the course of contracted services, that employee **MUST** notify the SES provider, who must immediately submit an updated criminal history check to the district(s) with whom the provider has contracted. If NCDPI determines that a provider has knowingly allowed a person convicted of one or more of the above crimes to work with SES children, without the express permission of each of the district(s) with which that provider has contracted, that provider will be removed immediately from the State-approved list.



Are Criminal Background Checks necessary for SES Provider employees?

- Providers should note that Federal non-regulatory guidelines allow an LEA and the NCDPI the authority to **cancel** the contract with a provider or to **remove a provider** from the State-approved provider list if criminal background checks are not provided for each employee or if criminal background checks are not completed prior to an employee working with SES students.



When are Site Coordinators required?

- The North Carolina Department of Public Instruction requires that SES Providers must hire a site coordinator for every site that has a minimum of 24 students. It is essential to have a person that is coordinating the tutoring of your students. This person could also serve as a substitute in the event a tutor is unable to attend a tutoring session.



What constitutes Tutor qualifications?



- If a provider has described tutor qualifications in its initially-approved application, the provider must ensure that tutors meet the qualifications described in the approved application. **Tutor qualifications may not be amended without submitting a new application.**



What constitutes Tutor qualifications?

- Providers are encouraged, but not required, to meet highly qualified requirements for tutors as outlined in ESEA. At a minimum, highly qualified tutors are required to meet Title I paraprofessional qualifications as set forth in the Code of Federal Regulations (34CFR200.58) which States that each paraprofessional must have the following qualifications:



What constitutes Tutor qualifications?

- Completed at least two years of study at an institution of higher education;
- Obtained an associate's or higher degree; or
- Met a rigorous standard of quality, and can demonstrate
 - through a formal State or local academic assessment
 - knowledge of, and the ability to assist in instructing, as appropriate,
 - Reading/language arts, writing, and mathematics; or
 - Reading readiness, writing readiness, and mathematics readiness.
- Note: A secondary school diploma or its recognized equivalent is necessary, but not sufficient, to meet the requirements described above.



What constitutes Tutor qualifications?

- In addition to completing criminal background checks on all tutors, providers must require all tutors to submit resumes/applications and complete interviews to determine tutors' appropriateness for positions and their qualifications before they are permitted to tutor students. Additional consideration for tutors in the program should include education-related experience such as:
 - Experience as a tutor, paraprofessional or instructional aide;
 - Experience providing programming or instruction to youth;
 - Experience as a substitute or student teacher; or
 - Experience as a certified teacher.



May District Staff be hired as Tutors?

- Providers that employ district staff must adhere to the following requirements.
 - Providers should take care to avoid real or perceived conflicts of interest when hiring district employees.
 - Providers may not hire district employees who are directly responsible for the administration of SES or Title I programs, such as a district SES liaison or a Title I program administrator.
 - Providers may not employ any SES-enrolled student.
 - District employees **cannot** promote one SES provider over another provider.



May District Staff be hired as Tutors?

- Providers may hire tutors who are district employees, but district employees **MUST** follow district regulations related to student recruitment and distribution of promotional materials. Like all providers, district employees cannot distribute promotional materials on school grounds or directly to parents and students on district property unless directly authorized to do so under district policies.
- District employees must maintain compliance with their district employment contract, which stipulates that work conducted during contracted services hours must be limited to district-related services directly defined by the employment contract with the district.



May District Staff be hired as Tutors?

- During contracted service hours, district employees may provide information about SES as representatives of the district, fulfilling obligations under 20 U.S.C. § 6316(e)(2). District employees may offer general information about SES tutoring services and general information about ALL providers, and may encourage students, parents, guardians and any community member to find out more about SES.



May District Staff assist at Provider Fairs?

- Providers may employ teachers to assist in the marketing of their programs during Provider Fairs. Teachers must not work at Provider Fairs if they are sponsored by the school where they are employed as teachers. However, they may work at Provider Fairs at neighboring schools within the same districts where they are employed.



May Substitutes be hired?

- In order to ensure minimal disruption for student participation in SES, providers must establish a plan to address any instances where tutors may be absent on a day when tutoring sessions are scheduled. The plan must address communication from tutors with the provider, communication from the provider to the LEA, and if substitutes are available, substitute qualifications and training.

Note: Substitutes are subject to the same provisions as all other provider employees including, but not limited to, the Provider Code of Ethics, all assurances in the Statement of Assurances, and Criminal Background Checks.



What obligation to parents and districts must a Provider follow?

- As part of the application process, providers must select the North Carolina districts that will be served in the upcoming school year. Once parents have selected a provider, the provider must serve the district it has selected. The district has the right to require a provider to serve the district if the provider previously selected the district.
- If a provider chooses not to serve a district it selected on the district selection form, the decision as to whether a provider will be required to serve the district or will be allowed not to serve the district, will ultimately be determined by the district. If the provider still refuses to serve the district, the district can remove the provider from the district's provider list for one school year.



What obligation to parents and districts must a Provider follow?

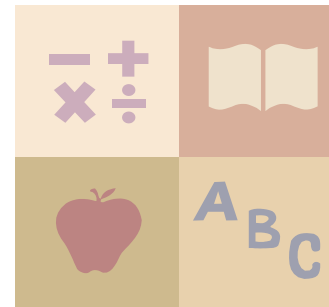
- **Providers that demonstrate a pattern of refusing to serve districts that they previously-selected will be removed from the State's SES Provider List.**

A **pattern** is defined as not serving more than one previously selected district in a year (even though students from the district selected the provider and the minimum was met if the provider had a minimum) or refusing to serve the same district(s) for two (2) consecutive years. Please note that for providers with a minimum enrollment indicated in the approved application, this would only be the case if the minimum number of students has enrolled.



Who sets the minimum and maximum number of students a Provider can serve?

- Providers have the option of setting a minimum (i.e., the lowest number of students that a provider can serve in a district for each school site) on the district selection form. This minimum cannot be changed once it has been completed on the district selection form. If the number of students that enroll with an SES provider that has set a minimum meets the provider's minimum, the provider must serve that district.



Who sets the minimum and maximum number of students a Provider can serve?

- Providers also have the options of setting a cap on the maximum number of students that can serve per school site.
- Providers should consider the number of students they are equipped to serve when developing and submitting the application.
- Providers should be prepared to serve the students by having a sufficient number of trained tutors and materials.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to abide by professional and ethical business practices.
- The provider agrees to have a copy of students' assessment information and Learning Plan Agreements on site. Providers must be able to provide verification that the instruction the student is receiving is based on the needs of the student.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to abide and follow proper procedures in the case of a student with disabilities; the instructional program supports the implementation of the student's IEP. Individualized Education Program under section 614 of the Individual with Disabilities Education Act or provides services consistent with section 504 of the Rehabilitation Act of 1973.
- The provider agrees to abide by North Carolina's Incentive Policy.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to not encourage the parents/guardians to switch providers once enrolled with a different provider.
- The provider agrees to respect the confidentiality of student needs and share this information only with parents and appropriate school personnel with written permission from parent/guardian.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to make every effort to involve parents/guardians in developing the Learning Plan Agreement for the student, developing a plan of services, and regularly exchanging information on the progress of the student.
- The provider agrees to provide a healthy, safe, and clean environment in which to tutor students.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to collaborate with the school to provide appropriate services for the student.
- The provider agrees to provide an instructional program that is supplemental to the regular school program and is provided outside of regular school hours.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to begin tutoring on time as stated in the LEA /Provider Contract.
- The provider agrees to provide secular, neutral and non-ideological instruction and content.
- The provider agrees to maintain liability insurance that will remain current while working with students in the SES process.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to maintain appropriate materials to deliver services to students without infringing on the school for copies, materials, etc. The materials will be provided to the tutors prior to the start of tutoring.
- **The provider agrees to provide copies of criminal background checks (including child abuse complaints) to school districts. A tutor may not begin providing services until the background checks have been completed and cleared.**



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to provide summary evaluation data to the students' home school district (with written permission of the parent/guardian).
- The provider agrees to abide by the indicated minimum/maximum number of students required for me to serve a school.
- The provider agrees to provide services to students for one full year, disclose information related to financial stability to the LEA, and accept payment for services from the LEA after services have been provided for students.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees to maintain accurate attendance records.
- The provider agrees to supervise students before and after tutoring until they have been picked up by an appropriate person. I understand this is not billable time.
- The provider agrees that tutors will begin appropriate instruction at the appointed time indicated in the contract between the LEA and the provider.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees that tutors will have lesson plans, appropriate materials, and learning plans available at the tutoring site.
- The provider understands that if tutors are repeatedly absent or tardy the LEA may offer parents the option to enroll their children with a different provider of their choice.



Statement of Assurances indicates that the provider and all employees of the provider including tutors will abide by all terms set forth in the NC SES application:

- The provider agrees not to provide services to students in a residential dwelling. The Department of Public Instruction will not approve home settings for tutorial sites.
- The provider agrees to monitor all employees and provide training that will support the tutors in providing instruction that will close the skill gaps of the students they instruct.



Questions regarding SES?



Contact Information

Kenneth R. Kitch, Ph.D., Parent Options/Parent Involvement Coordinator
Federal Program Monitoring Section
NC Department of Public Instruction
6351 Mail Service Center
Raleigh, North Carolina 27699-6351
Phone: (919) 807-3830
Fax: (919) 807-3968
E-mail: kkitch@dpi.state.nc.us

Donna R. Brown, Section Chief
Federal Program Monitoring Section
NC Department of Public Instruction
6351 Mail Service Center
Raleigh, North Carolina 27699-6351
Phone: (919) 807-3959
Fax: (919) 807- 3968
E-mail: dbrown@dpi.state.nc.us

