



Public Schools of North Carolina

# Supplemental Educational Services in North Carolina

Local Educational Agency  
Roles and Responsibilities  
August 23, 2010

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# Agenda

- Supplemental Educational Services (SES) federal and state policy/guidance
- Parental options
- Student eligibility
- Local Education Agency (LEA) roles And responsibilities
- Questions regarding SES
- Contact information



# Which federal law requires SES?

- SES is federally mandated by Section 1116 of the Title I, Part A of the Elementary and Secondary Education Assistance Act of 1965 (ESEA).
- <http://www.ed.gov/policy/elsec/leg/esea02/index.html>.
- Note: No Child Left Behind (NCLB) Act of 2001 has not been reauthorized at this point in time.



# What is the purpose of SES?

- A key aim of the Title I, Part A of the ESEA is to provide new educational options to parents/legal guardians whose children attend Title I schools that are identified for improvement, corrective action, or restructuring because the schools have not made adequate yearly progress (AYP) toward meeting state standards for two or more years.



# What federal guidance is available for SES?

- The U.S. Department of Education has issued non-regulatory guidance which is non-binding; however, the guidance is intended to assist stakeholders in implementing the federal law.
- ***SES Guidance - U.S. Department of Education - January 14, 2009***  
<http://dpi.state.nc.us/program-monitoring/titleIA/ses/>



# Which State Board of Education Policy governs SES in North Carolina?

- SES providers are approved by the N.C. State Board of Education (SBE).
- SBE policy GCS-C-032 outlines procedures for removing providers demonstrating ineffectiveness for two years.
- <http://sbepolicy.dpi.state.nc.us/>



# SES Provider Evaluation

- Provider evaluation for 2009-10 assesses provider effectiveness based on:
  - Student attendance;
  - Parental satisfaction; and
  - Achievement results.
- Evaluation was developed by the SERVE Center at UNC-G
- Evaluation report will be completed by September, 2010.



# What requirements must SES providers follow?

- Providers must adhere to both Federal and State requirements in the provision of SES.
- ***North Carolina SES Standards and Procedures Manual***  
<http://dpi.state.nc.us/program-monitoring/titleI/ses/>



# Parental Options

Parents may choose to:

- Transfer their children to another school in the district that has not been identified as Needs Improvement; or
- Enroll their children in (SES) for free tutoring offered by a state-approved provider and in addition to instruction provided during the school day.



# May all parents choose for their children to participate in SES?

No. Eligible students must:

- Attend a Title I school that is in Year 2 (or a later year) identified for improvement status; and
- Be eligible to receive free and reduced meals.



# North Carolina Flexibility

- NC received approval for continued participation in offering SES instead of choice in a school's first year of improvement status.
- LEAs must submit intent to participate to the SEA.
- Intent forms were due Friday, August 20, 2010.



# What if the demand for SES exceeds the level that funds can support?

If sufficient funds are not available to serve all eligible students, an LEA must:

- Give priority to the lowest-achieving students; and
- Use fair and equitable procedures in determining which students are the lowest achieving.



# What are the responsibilities of an LEA in implementing SES?

1. Notify parents about the availability of services annually;
2. Help parents choose a provider, if requested;
3. Apply fair and equitable procedures for serving students if not all students can be served;
4. Ensure that eligible students with disabilities and LEP students receive appropriate services;
5. Enter into an agreement with a provider selected by parents of an eligible student;
6. Assist the SEA in identifying potential providers within the LEA;
7. Protect the privacy of students who are eligible for or receive SES;
8. Prominently display SES information on its Web site; and
9. Meet its 20 percent obligation.



# Parent Notification Requirements

- Explain how parents can obtain SES for their child;
- List approved SES providers within the LEA or in its general geographic location and are accessible through technology;
- Describe briefly the services, qualifications and evidence of effectiveness for each provider;
- Indicate providers that are able to serve students with disabilities or LEP students; and
- Explain the benefits of receiving SES.



# Notification Timeline

- Parents must be given notification at least 14 calendar days prior to the start of school; and
- 14 calendar days from the receipt of the notification to notify the school of their choice.



# Notification Methods

LEAs must distribute information to parents regarding SES through both of the following means:

- (1) Directly, through such means as regular mail or e-mail; and
- (2) Through broader means of dissemination such as the Internet, the media, and public agencies serving the student population and their families.



# Notification Language

- Be clear, concise, and clearly distinguishable from other information sent to parents on school improvement.



# What does it mean for the SES notice to be clear and concise?

Parent notifications must:

- Be readable by parents;
- Be easy for parents to understand;.
- Avoid legal and professional education terms; and
- To the extent possible, written in the language the parents can understand.



## How can an LEA make the SES notice clearly distinguishable?

An LEA is not required to send an SES notice that is separate from its school improvement, but information about SES must be easily recognizable such as using, for example,

- brightly colored paper, and
- large, bold font.



# Should SES be included in Individualized Education Plans?

No. In the case of a student with a disability, SES must be in addition to, and not a substitute for, the instruction and services required under IDEA and Section 504, and should not be written into a student's IEP or Section 504 plan.



# How can the benefits of SES be described?

- Benefits have been substantiated by research conducted by the U.S. Department of Education or by other entities;
- SES is available at no cost to parents and makes productive use of a student's out-of-school time in a safe environment;
- SES has the potential to improve a student's academic proficiency.
- Parents may select the approved provider that best meets their child's needs.



# What information is needed to ensure that parents understand how to obtain SES?

An LEA's notice should describe the procedures and timelines that parents must follow in selecting a provider to serve their child:

- Where and when to return a completed application;
- When and how the district will notify parents about enrollment dates and start dates; and
- Whom to contact in the LEA for more information.



# What information must be included on the LEA Web site?

An LEA must prominently display on its Web site, in a timely manner:

- The number of students who were eligible for and the number of students who participated in public school choice and SES, beginning with data from the 2007-2008 school year and each subsequent school year.
- For the current school year, a list of SES providers approved by the state to serve the LEA and the locations where services are provided.
- For the current school year, a list of available schools to which students eligible to participate in public school choice may transfer.



# What if the LEA does not have its own Web site?

**If an LEA does not have its own Web site, the state must include the information for the LEA on its Web site.**

***Note: This only occurred for one (1) LEA in NC.***



# What must an LEA include in its agreement with a provider?

1. Specific achievement goals for the student, developed in consultation with the student's parents and the provider.
2. 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.
3. A timetable for improving the student's achievement.



# What must an LEA include in its agreement with a provider?

4. A provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving SES without the written permission of the student's parents.
5. An assurance that SES will be provided consistent with applicable health, safety, and civil rights laws.



# What must an LEA include in its agreement with a provider?

6. A provision for terminating the agreement if the provider fails to meet the student's specific achievement goals and timetables.
7. Provisions governing payment for the services, which may include provisions addressing missed sessions.



# LEA/Provider Agreement

- A signed contract between the school district and the SES approved provider must be in place before services start.
- In its written agreement, an LEA can require a provider:
  - To provide proof of liability insurance;
  - To adhere to local policies for criminal background check of tutors; and
  - To adhere to established billing procedures.



# Enrolling Eligible Students

Prior to the start of SES, the LEA may want to:

- Develop a transportation agreement, if applicable.
- Develop a building use/lease agreement, if applicable.



# Enrolling Eligible Students

- NC maintains a written Memorandum of Agreement (MOA) between the Federal Program Monitoring Section and The Child Nutrition Services Section of the North Carolina Department of Public Instruction.
- Only Title I directors and the district SES specialist can access this information.
- ***Memorandum of Agreement:***  
<http://dpi.state.nc.us/program-monitoring/titleI/SES/>



# Financing SES

- Each LEA has a specific funding cap for the total amount available for each student.
- ***Title I, Part A SES Per Pupil Caps for the 2010-2011 School Year.***  
<http://dpi.state.nc.us/program-monitoring/titleI/ses/>



# Financing SES

- The set aside for SES and public school choice must be equal to 20% of the Title I, Part A budget.
- There must be a sufficient justification if less than 20% is set aside.



# What if “a lesser amount is needed?”

To spend less than the amount needed to meet its 20 percent obligation, an LEA must meet, at a minimum, the following criteria:

1. Partner with outside groups
2. Ensure genuine opportunities; and
3. Ensure provider access.



# 1. Partner with Outside Groups

- Partner, to the extent practicable, with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES.



## 2. Ensure Genuine Opportunities

Ensure that eligible students and their parents have a genuine opportunity to sign up to transfer or to obtain SES, including by:

- providing timely, accurate notice to parents;
- ensuring that sign-up forms for SES are distributed directly and through broad means of dissemination; and
- providing a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length.



### 3. Ensure Provide Access

Ensure that eligible SES providers are given access to school facilities, using a fair, open, and objective process, on the same basis and terms as are available to other groups that seek access to school facilities.



# If a “lesser amount is needed,” may the LEA use the remaining amount for other Title I initiatives?

Although an LEA does not need to obtain approval from its SEA to spend less than its 20 percent obligation, it must:

- **Maintain records demonstrating that it has met the previous criteria; and**
- **Notify the state that it has met the criteria and intends to spend the remainder of its 20 percent obligation on other allowable activities, specifying the amount of that remainder.**



# Other Frequently Asked Questions



# May an LEA restrict the choice of subjects in which an eligible student may receive SES?

- In general, an LEA may restrict the subjects in which an eligible student may receive SES only if the LEA does not have sufficient funds to provide services to all eligible students whose parents request services.



# May an LEA impose requirements on a provider that affect the design of the provider's program?

- No. An LEA may not impose requirements that relate to the design of a provider's educational program; doing so would undermine the SEA's authority to approve providers.



# May an LEA impose reasonable administrative and operational requirements through its agreements with providers?

- Yes. Conditions are allowable, so long as they are reasonable, do not subject SES providers to more stringent requirements than apply to other contractors of the LEA, and do not have the effect of inappropriately limiting educational options for parents.
  - background checks
  - amount of liability insurance
  - fees charged the use of school facilities
  - frequency of payments.



# Updates and Reminders

- Spending less than 20% - criteria does not apply when funds are expended in the first enrollment period
- Student Learning Plans – may be developed by providers; however, LEAs are responsible for the plans
- SES Complaints to SEA – noncompliance with provisions of ESEA
- Web site information – must be easy for parents to access



# Updates and Reminders

- August 5, 2010 - 75 new SES providers. With 118 continuing providers, total is 193 statewide
- August 20, 2010 – SES/Choice Data
- August 20, 2010 – SES/Choice Intent Forms
- September, 2010 – SES Evaluation Complete
- November, 2010 – SES Tutoring Begins (Note that LEAs may have several enrollment start dates throughout the school year.)
- November, 2010 through March, 2011 – SES Provider Monitoring



# Questions regarding SES?



# Contact Information

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