

**Supplemental Educational Services (SES)**  
LEA Responsibilities and SES Requirements  
SY 2009-10

*The Supplemental Educational Services (SES) portion of NCLBA has recently been revised. 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/suppsvcsguid.doc> . If you have any questions, please contact Kathy Blanchard at (802) 828-5404 or at [kathy.blanchard@state.vt.us](mailto:kathy.blanchard@state.vt.us) .*

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 are consistent with content and instruction used by the local educational agency (LEA) and are aligned with the State’s academic content and achievement standards. 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 that 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.42-42 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.

**If you are a very small school, you can figure out the maximum amount you might need to provide SES for all Free and Reduced Lunch students in your school up to the 20% amount. Just multiply your per pupil amount by the number of students who are eligible for Free & Reduced Lunch.**

### **Providing Information to Parents:**

- 1) Once a Title I school moves into Year 2 School Improvement, it must notify **all** parents of students enrolled in the school at least annually 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) Schools must 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.
  - a) Inform parents that if they do not want to actually access the Free and Reduced Lunch program, they may just provide evidence to prove eligibility but do not have to participate in the Free and Reduced Lunch program in order to access supplemental services.
- 3) 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.
- 4) 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.***) **The notice must:**
  - a. include a copy of Vermont's Approved Providers List
  - b. explain how parents can obtain SES for their child
  - c. be 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

- d. be 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.)*
- e. include an explanation of the benefits of receiving SES
- f. inform parents that they get to choose the provider for their child from Vermont's Approved Providers List
- g. inform them that SES is free and can be tailored to meet the academic needs of each individual student
- h. identify each approved provider including providers accessible through technology, such as distance learning
- i. describe briefly the services, qualifications, and evidence of effectiveness for each provider
- j. indicate if providers are able to serve students with disabilities or LEP students

*( h, i, and j above can be accomplished by sending a copy of the entire Vermont's Approved SES Providers List for 2009-10 available at [http://education.vermont.gov/new/pdfdoc/laws/nclba/supplemental\\_providers\\_070108.pdf](http://education.vermont.gov/new/pdfdoc/laws/nclba/supplemental_providers_070108.pdf) . Please be sure to send the most current approved providers list (which will be updated in mid July 2009). The list changes each year. Parents can only pick a provider from the current list.)*

- 5) Notice should also:
  - a. Include a reasonable deadline by which parents must sign a child up for services.
    - The deadline should allow parents sufficient time to make a decision but not be too long as to prevent a child from receiving services in a timely manner
  - b. 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.
- 6) Once a school enters its second year of offering SES, it must also send a second letter to **all** parents to offer SES for the summer.
  - a. All information required in the original fall parent notification letter must be included in this letter as well
  - b. The second letter can be sent **no earlier** than Jan. 1, 2010.
- 7) Any student that registers in the school during the year must also be given the opportunity to apply for SES.
- 8) Let parents know that the school is not required to pay for transportation for students to any provider.

**9) The school is now also required to prominently display the following on its website, in a timely manner, 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 current school year, post the list of approved providers. *(This list which will be updated in mid July 2009 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 posted throughout the school year.)*
- d) In subsequent years, the school must continue posting historical data on SES participation and eligibility and the current list of approved providers.

**Arranging for SES:**

**The LEA must:**

- 1) Assist parents in choosing a provider if the parents request it. *(See C-1, p. 8-9 for more details.)*
- 2) 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 Kathy Blanchard.)* **The school must have a contract/agreement with every provider that is working with students from that school.**
- 3) Agreement/contract **must** include: *(See H-1 through H-9, p.33-35 for more details.)*
  - a. Specific goals for the student, developed in consultation with the 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 achievement
  - 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.)*
- 4) If no provider is able to provide SES with necessary accommodations to an eligible student with a disability or a student covered under Section 504, 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.)*
  - 5) If no provider is able to provide services, including necessary language assistance, to an eligible Limited English Proficiency (LEP) student, the **LEA must provide those services**, with the necessary accommodations, either directly or through a contract. *(See C-7 and C-31 through C-33 in the Guidance for more details.)*

**Monitoring of SES Program:**

- 1) The school must monitor the program effectiveness of all providers working in the school and ensure that all contractual obligations are being met.
- 2) The school can contact the Department of Education at any time if it is having problems with any provider that it cannot handle itself.
- 3) At the end of the school year, the LEA must fill out and submit electronically to the Vt. Department of Education the *Year End SES Summary Report*. This report will be e-mailed to schools in May 2010 and be due back to the Department of Education by August 1, 2010.
- 4) The school must have some mechanism to determine parent satisfaction with providers working in the school.
- 5) As part of the annual evaluation of SES, schools must submit to the Department of Education the following documents:

**By October 1, 2009:**

- Copy of the parent notification letter that is signed and 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 Jan. 1, 2010:**

- Copy of the contract the school has with each provider working with children in that school
- Evidence that the school is monitoring the SES providers and their programs

**By June 30, 2010:**

- Copy of one of the required reports sent (at least quarterly) by each provider to parents and teachers showing the student's academic progress (*all identifiable student information must be deleted from the copies*)

**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.
  - 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% obligation 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 in 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

- the second enrollment window must come no earlier than Jan.1, 2010
- 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 notify the State that it has met the criteria.
  - 5) Inform the State of the amount of funds remaining from the 20% obligation that it intends to spend on other allowable activities.
  - 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 percent of the fiscal LEA's Title I, Part A allocation, the LEA must spend the equivalent of at least 5 percent of its allocation on choice-related transportation (if applicable).
  - 9) Similarly, if the cost of satisfying all requests for SES exceeds 5 percent of the fiscal LEA's Title I, Part A allocation, the LEA may not spend less than an amount equal to 5 percent of its allocation on those services.
  - 10) The LEA may spend the remaining 10 percent on a combination of choice-related transportation and SES.