

# Supplemental Educational Services

## Frequently Asked Questions

### 1. What are Supplemental Educational Services (SES)?

(Guidance A-1) SES refers to tutoring and other additional academic instruction designed to increase academic achievement in reading/language arts and math for eligible students in low-performing schools. These services may be provided before or after school or on weekends. In some situations, summer services may be appropriate.

### 2. Who has to offer them?

(A-4) A school in its second or subsequent year of School Improvement status must offer SES to eligible students attending the designated school. In cases where public school choice is not possible, LEAs are encouraged to offer SES during the first year of school improvement. Schools must continue offering SES to their eligible students until the schools are no longer in improvement status.

### 3. What determines if a student is eligible for SES?

(A-5 & F-1) Eligible students are those from low-income families. They are enrolled in the Title I building in school improvement, but they do not need to be receiving Title I services.

### 4. How much must be spent on SES?

(K-2) Unless a lesser amount is needed to meet demand for choice-related transportation and to satisfy all requests for SES, an LEA must spend up to an amount equal to 20% of its Title I.A allocation, before any reservations, on choice-related transportation, SES, or a combination of the two. An amount equal to 5% of the allocation shall be spent on choice-related transportation, and an amount equal to 5% shall be spent on SES. The remaining 10% should be spent on either of those two or a combination of them, as determined by the LEA. If no funds are needed for choice-related transportation, the entire 20% should be spent on SES as needed to satisfy requests.

### 5. Must the funding for SES come specifically from the Title I.A allocation?

(K-5) No. The funds to support both choice-related transportation and SES may be provided from other Federal, State, local, and private sources.

(K-6 & K-7) Appropriate federal funds to support SES would be Title V as well as funds transferred into Title I.A from Titles II.A, II.D, IV.A, and V. School improvement funds may also be used for this purpose.

(K-8) Any funds transferred into Title I.A will become part of the base allocation amount against which the 20% is calculated. Funds transferred into Title V, however, would not be included in the base used to calculate the amount equal to 20% of the LEA's Title I allocation.

**6. How much must an LEA spend for each student receiving SES?**

(K-15) The statute sets the per-child cost at the lesser of an LEA's per-child allocation under Title I.A or the actual cost of the services. Note: this cap applies to the cost of instructional services only (not costs for administration, transportation of students to a provider, or appropriate accommodations for students with disabilities).

**7. How is the per-pupil funding cap calculated?**

(K-17) Divide the LEA's Title I.A allocation by the number of children residing within the LEA aged 5-17 who are from families below the poverty level, as determined by the most recent census estimates from the Department of Commerce.

For small LEAs using the "alternative poverty data" to determine allocations, these LEAs may use the alternative count in making the per-pupil calculation for SES.

**8. What if the demand for services exceeds the level that funds can support?**

(A-5 & F-3) If sufficient funds are not available to serve all eligible children, an LEA must give priority to the lowest-achieving of the low-income students, using fair and equitable criteria in determining which students are the lowest achieving. For example, the LEA could focus services on students who are lowest achieving in the subject(s) that caused the school to be identified as not making AYP. Or the lowest-performing students in particular grades could be served.

If an LEA anticipates that it will not have sufficient funds to serve all eligible students, it should notify parents in its original notice that it will set priorities or criteria to determine which students may receive SES.

**9. What if an LEA does not need to spend an amount equal to the 20%?**

If 20% is not needed to serve all requests, the LEA should keep records to verify the actual demand for services.

**10. How and when should parents be notified of the SES provision and of available providers?**

(E-2) Ideally, before the beginning of the school year, the LEA should notify the parents of eligible children of the opportunity for SES. The notification should be clear, easy to understand, and sent in a manner that ensures the parents will receive the information. The LEA should explain the purpose of SES and share the list of providers available for that area.

**11. May the LEA set a deadline for parents to request SES?**

**(E-3)** Yes, the LEA may establish a reasonable and fair deadline. Provisions should be made, however, for any eligible students who may enroll at a later date.

**12. May an LEA in School Improvement be an SES provider?**

**(Guidance C-11)** No. An LEA in improvement status may not be a supplemental services provider. However, schools within this identified LEA that are making AYP may apply to be approved providers.

**13. What must be included in the agreement with a provider?**

**(G-2)** Once parents select a provider for their child, the LEA must enter into an agreement with the provider that includes the following:

1. Specific achievement goals for the student, which must be developed in consultation with the student's parents [Section 1116(e)(3)(A)];
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 [Section 1116(e)(3)(A) and (B)];
3. A timetable for improving the student's achievement;
4. A provision for termination of the agreement if the provider fails to meet student progress goals and timetables [Section 1116(e)(3)(C)];
5. Provisions governing payment for the services, which may include provisions addressing missed sessions [Section 1116(e)(3)(D)];
6. A provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving supplemental educational services without the written permission of the student's parents [Section 1116(e)(3)(E)]; and
7. An assurance that supplemental educational services will be provided consistent with applicable health, safety, and civil rights laws (see C-3 through C-5) .

In the case of a student with a disability, the achievement goals, measurement and reporting of progress, and timetable described in items 1 through 3 above must be consistent with the student's individualized education program under Section 614(d) of the IDEA. In the case of a student covered by Section 504,

they must be consistent with the student's individualized services under Section 504. However, these services are in addition to, and not a substitute for, the instruction and services required under the IDEA and Section 504, and should not be written into individualized education programs under IDEA or into any Section 504 plans.

LEAs are encouraged to use cost-effective methods in designing this agreement and fulfilling this obligation. For instance, a district may want to design a generic agreement that can be tailored to a particular student and provider. Also, the district would not need to create new assessments to measure student progress.

**14. If parents are not satisfied with the supplemental educational services their child is receiving, or with the child's academic progress, may they request and receive a new provider?**

(I-2) Although neither the law nor the regulations require LEAs to allow students to move from one service provider to another one during the course of a school year, LEAs may want to allow for such moves. Paying providers on a regular basis, as reimbursement for services provided, may make it easier to arrange for students to change providers than would be the case if providers are paid up-front for an entire semester or year.

**15. May an LEA terminate the services a provider is providing to individual students?**

(I-3) Yes. An LEA may terminate the supplemental services a provider is providing to a student if the provider is unable to meet the student's specific achievement goals and the timetable set out in the agreement between the LEA and provider. The agreement between the LEA and the provider must specify the terms and process for terminating services.