

INDIANA DEPARTMENT OF EDUCATION

POLICIES AND PROCEDURES for Supplemental Educational Services



DRAFT: FOR RELEASE JULY, 2009

INDIANA DEPARTMENT OF EDUCATION

POLICIES AND PROCEDURES for Supplemental Educational Services



Signature Page for SES Providers:

NAME OF PROVIDER'S ORGANIZATION

I have read the Indiana Department of Education's Policies and Procedures for Supplemental Educational Services. I agree to abide by it and understand that if I do not, I will be placed on probation, barred from providing services in a school or district, or removed from the state-approved provider list. By signing below, I certify that I have shared or will share the information enclosed in this document with anyone affiliated with my organization who is providing SES services in Indiana, including but not limited to all staff, employees, and branch/site directors, as applicable and appropriate.

Designated Agent for Provider (PRINT NAME)

Title

Signature of Designated Agent for Provider

Date

INDIANA DEPARTMENT OF EDUCATION

POLICIES AND PROCEDURES for Supplemental Educational Services



Signature Page for SES Districts:

DISTRICT NAME

I have read the Indiana Department of Education's Policies and Procedures for Supplemental Educational Services. I agree to abide by it and understand that by signing below, I certify that I have shared or will share the information enclosed in this document with any district staff member that will work with SES, as applicable and appropriate.

Title I Program Administrator's Name (PRINT NAME)

Signature of Title I Program Administrator

Date

Indiana Department of Education
Policies & Procedures for
SUPPLEMENTAL EDUCATIONAL SERVICES

NOTE: These policies and procedures may be modified or amended by IDOE. Notice of any subsequent modifications or amendments to this document will be given to SES providers, school districts, and the public.

SUBPART A: DEFINITIONS

SUBPART B: GENERAL PROVISIONS FOR SES PROVIDERS

Section

- 1.0 Purpose and Scope
- 2.0 Procedural Requirements and Code of Ethics
- 2.1 Criminal History Checks
- 2.2 Provider Selection of Districts to Serve
- 2.3 Tutor Qualifications
- 2.4 Student/Tutor Ratio Guidelines
- 2.5 Minimum Program Duration Requirements
- 2.6 Tutor Evaluations
- 2.7 Subcontracting
- 2.8 SES Program Content
- 2.9 Lesson Plans
- 2.10 Progress Reports
- 2.11 Individual Learning Plans

SUBPART C: APPLICATION PROCESS FOR SES PROVIDERS

Section

- 3.0 Purpose and Scope
- 4.0 Programmatic Requirements (for applicants and existing providers)
- 5.0 Application Process
- 5.1 New Application Requirements for currently approved SES Providers

SUBPART D: EVALUATION OF SES PROVIDERS

Section

- 6.0 Purpose and Scope
- 7.0 On-site Monitoring
- 7.1 Probation based on On-site Monitoring
- 8.0 Overall Evaluation
- 8.1 Statewide Probation Based on Overall Evaluation
- 8.2 Probation in a District Based on Overall Evaluation

SUBPART E: REMOVAL OF SES PROVIDERS

Section

- 9.0 Purpose and Scope
- 10.0 Removal by district
- 11.0 Removal by IDOE

SUBPART F: GUIDELINES FOR SCHOOL DISTRICTS

Section

- 12.0 Purpose and Scope

- 13.0 Legal Requirements and Guidance
- 14.0 Student Eligibility
- 15.0 Per Pupil Expenditure for SES
- 16.0 Release of Student Names and Contact Information
- 17.0 Informational Meetings
- 18.0 Verification and Tracking
- 19.0 SES Enrollment and Participation Rates
- 20.0 Transportation for SES Students
- 21.0 Documentation

SUBPART G: APPENDICES

Appendix

- A. IDOE Assurances
- B. IDOE Application Amendment
- C. IDOE Student Recruitment and Incentive Policy
- D. IDOE Monitoring and Evaluation Overview
- E. IDOE On-site Monitoring Rubric
- F1. IDOE Progress Report Checklist
- F2. IDOE Example Progress Report
- G. Corrective Action Plan (based on On-site Monitoring Visit)
- H. Corrective Action Plan (based on Overall Evaluation Report)
- I. IDOE Complaint Procedures
- J. IDOE Procedure for Investigating Complaints Against an SES provider
- K. U.S. Department of Education's SES Non-Regulatory Guidance
- L. IDOE Example Learning Plan
- M. IDOE Sample SES Contract
- N. IDOE Sample SES Agreement
- O. IDOE SES Agreement Guidance
- P. Conflict Resolution Steps

SUBPART A: DEFINITIONS

“Department” or “IDOE” means the Indiana Department of Education.

“District” means a local educational agency, as defined by 20 U.S.C. § 7801(26)(A). For the purposes of this document, a district is an LEA in which one or more of its schools is characterized under 20 U.S.C. § 6316(b)(5), (7), or (8). Such characterization includes Years One or Two of school improvement, corrective action, or restructuring. For the purposes of this document, “district” may include a charter school.

“Eligible applicant” means any public or private (non-profit or for-profit) entity that meets the Department’s criteria for approval. Such entities may include public or private schools not identified for improvement under 34 C.F.R §§200.32, 200.33, or 200.34, LEAs not identified for improvement under 34 C.F.R § 200.50(d) or (e), educational service agencies, institutions of higher education, faith-based or community-based organizations, and private businesses.

“Local educational agency” or “LEA” has the meaning set forth in 20 U.S.C. § 7801(26)(A). For the purposes of this document, LEA and district have the same meaning.

“NCLB” means the No Child Left Behind Act of 2001.

“Provider” has the meaning set forth in 20 U.S.C. § 6316(e)(12)(B) and 34 C.F.R. § 200.47(b)(1) and (2) and is an entity included on the Department’s approved provider list as defined by 20 U.S.C. § 6316(e)(4)(C). Only entities that appear on the Department’s approved list are considered SES Providers.

“School” is an elementary or secondary school as defined by 20 U.S.C. § 7801(18) and (38). For the purposes of this document, “school” means a school that is characterized under 20 U.S.C. § 6316(b)(5), (7), or (8).

“Supplemental educational services” or “SES” has the meaning set forth in 20 U.S.C. § 6316 (e)(12)(C). Supplemental educational services are additional academic instruction designed to increase the academic achievement of students in schools in need of improvement.

“USDOE” means the United States Department of Education.

SUBPART B: GENERAL PROVISIONS FOR SES PROVIDERS

Section 1.0: Purpose and Scope

The purpose of this Part is to establish general policies/procedures for supplemental educational service providers. Failure to abide by the policies and procedures detailed in this section may result in removal from the state's approved provider list (See Subpart E).

SUBPART B: GENERAL PROVISIONS

Section 2.0: Procedural Requirements and Code of Ethics

In addition to all other requirements imposed by law, all providers of SES must abide by procedural requirements and a code of ethics consisting of the following:

- a) Providers must accurately and completely describe services to consumers in terms that are easy to understand.
 - b) Providers must create and use promotional materials and advertisements that are free from deception. Upon request, providers shall submit all promotional materials and advertisements related to the SES program to IDOE and the school districts in which they wish to serve, as applicable.
 - c) Providers must not misrepresent to anyone the location of a provider's program or the approval status of a program. Providers must understand that placement on the state's approved provider list is not an endorsement or guarantee of services by the Indiana Department of Education or the United States Department of Education.
 - d) Providers must ensure that contact information, such as contact person, telephone number, mailing address, and email address, are accurate and up to date. It is the responsibility of the provider to notify the IDOE in writing of contact information changes. Providers that maintain branch offices must ensure that local contacts are kept informed of information requests and correspondences that are received from the IDOE.
- The IDOE maintains NO responsibility for any contact changes that have not been reported to it in writing. Claims that information, including but not limited to data collection and document signature requests, has not been received because of a contact information change that has not been reported to the IDOE are not acceptable.
- e) Providers must not alter the district SES enrollment form, SES Agreements, or other district forms related to SES without prior written permission from the district. Providers should contact the district if appropriateness of altering forms is in doubt or to obtain more clarification.
 - f) Providers must maintain a system of addressing consumer grievances and concerns. This system must be detailed in a written document and must be provided to parents, districts, and the IDOE upon request.
 - g) Providers must not compensate district employees in exchange for access to facilities, to obtain student lists, or for any illegal purpose. However, providers may hire district employees, so long as a conflict of interest, real or apparent,

would not be involved as a result of the hiring (see EDGAR Sec. 80.36(3) and G1 for more information).

Providers that employ district staff must adhere to the following:

G1) In hiring district employees, providers must avoid real or perceived conflicts of interest. As such, district staff who work in the following capacities, cannot work for SES providers (regardless of whether the provider is a school district or other external entity): Title I Program Administrators, Principals of SES schools, SES Liaisons/Coordinators, and any district staff involved in or responsible for the payment of SES providers or administration, monitoring, or oversight of SES;

G2) During district 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 to find out more about SES *in general*. However, a district employee MAY NOT promote one provider over another;

G3) District employees MUST follow district regulations related to student recruitment and distribution of promotional materials on school grounds and IDOE's student recruitment policies (see IDOE's Student Recruitment & Incentive Policy, Subpart G, Appendix C). Providers and district employees working for providers must contact the district to obtain guidance on the district's policies for student recruitment and distribution of promotional materials on school grounds *prior* to engaging in any recruitment or marketing on school grounds;

G4) 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;

G5) Where a school district or a school is also an SES provider, an individual may be employed as the director, coordinator or site manager of the SES program the district or school provides only if 1) the individual is not a district staff member listed in G1 and 2) the individual will have no other responsibilities related to SES apart from oversight and management of the district's/school's SES Provider program which may include marketing and recruitment, subject to the following additional requirements:

- i) The individual employed by the district for this purpose shall not present marketing or recruitment information on any occasion unless all other providers for the

district/school served are offered the same opportunity to present information or recruit students.

- ii) The district shall ensure that the individual has no greater access to parents and students at provider fairs, school assemblies, and other, similar occasions than is afforded to all other providers. “Access” includes but is not limited to the amount of speaking time available, the space used, and any other resources allocated to the district/school that is an SES Provider.
- iii) The individual’s duties related to the SES Provider program for which the district/school is the provider shall be entirely separate and distinct from those of any district employee listed in G1 or any other district employee who performs oversight with respect to the provision of SES generally.

h) Providers must not offer or advertise economic incentives or gratuities of any kind to parents or students to solicit them to enroll in the provider’s SES program. (See IDOE’s Student Recruitment & Incentive Policy, Subpart G, Appendix C).

i) During the provision of SES, providers may offer only incentives that are approved under the IDOE’s Student Recruitment & Incentive Policy to students for achievement and/or the completion of assessments and program objectives. (See IDOE’s Student Recruitment & Incentive Policy, Subpart G, Appendix C).

j) Providers must not encourage or induce students or parents to switch providers once enrolled.

k) Providers must not attempt to influence or bias parents’ completion of the Parent Survey or any other evaluation of the provider’s services.

l) When completing IDOE monitoring and evaluation documents, providers must not misrepresent data or report information that is in any way false or inaccurate.

m) Providers must respond to all reasonable requests for information from school districts and the IDOE by pre-set deadlines. This information includes but is not limited to assurances forms, policy signature pages, and monitoring and evaluation data requested by IDOE, and invoices or attendance sheets requested by districts. Providers that do not submit IDOE required forms by the set deadline are subject to removal from the state-approved provider list after three repeated occurrences.

n) Providers must provide supervision of SES students at all times during tutoring sessions, student pick-up/drop off, and during transportation to and from tutoring (if the provider transports students). Providers must also ensure that students are escorted and appropriately supervised whenever students leave the tutoring space/room (i.e. to go to their locker, to take a restroom break, etc.)

o) Providers must abide by all statements listed in IDOE Assurances (Appendix A).

p) Providers must submit an Application Amendment (Appendix B) for IDOE approval any time a provider intends to deviate from programming that was described in the original approved application. Providers are not authorized to implement changes until IDOE has sent the provider written approval of such changes.

P1) Changes regarding any section of Part 1 of the application (refer to the current application online) will require the provider to submit an amendment for approval prior to the beginning of the school year;

P2) Changes regarding the following sections of Part 2 or 3 of the application (refer to the current application online) will require the provider to submit an amendment for approval prior to the beginning of the school year;

- i) Part 2 Section IV “Student Assessment” (if the change relates ONLY to a change in the assessment being used)
- ii) Part 2 Section V “Assessment of Progress and Reporting Information” (if the change relates ONLY to a change in the progress report format or progress reporting timeline)
- iii) Part 3 Section I “Student Safety”
- iv) Part 3 Section IV “Advertisement and Incentives”

P3) Changes regarding the following sections of Part 2 (refer to the current application online) will require the provider to submit a new application during IDOE’s next SES Provider Application Window;

- i) Part 2 Section II “Documentation of High Quality Curriculum and Instructional Strategies”
- ii) Part 2 Section III “Connection to Indiana State Academic Standards and Local District Instructional Programs”
- iii) Part 2 Section IV “Student Assessment” (unless the provider is only changing the assessment – see (P2)(i))
- iv) Part 2 Section V “Assessment of Progress and Reporting Information” (unless the provider is only changing progress report format or progress reporting timeline - see (P2)(ii))
- v) Part 2 Section VI “Qualifications of Instructional Staff”
- vi) Please note that changes to two or more sections of Part 2 of the application will require the provider to submit a new application during IDOE’s next SES Provider Application Window;
- vii) Please note that the provider will not be able to implement these types of changes (see Section 2.0, (p) (P3) (i) – (vi)) until and unless the provider’s new application is approved. This means that if the provider’s application is approved, the changes would not go into effect until the following school year.

- viii) **If the provider’s new application is not approved, the provider will be removed from the state’s provider list.**
The provider would be prohibited from offering services until an application has been approved. Each time the application is not approved, the provider must wait until the next application window to submit a new application. Until the provider receives notification that the application has been approved and they are on the state-approved provider list, the provider may not offer services.

P4) No changes can be made to the following sections from Parts 2 and 3 of the application (refer to the current application online)

- i) Part 2 Section I “Evidence of Effectiveness in Improving Student Academic Achievement”
- ii) Part 3 Section II “Compliance with Federal, State, and Local Health, Safety, and Civil Rights Laws”
- iii) Part 3 Section III “Evidence That the Provider is Financially Sound”

Section 2.1: Criminal History Checks

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:

- a) 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. In addition, to fulfilling IDOE’s requirements for background checks for all employees, providers must comply with any other policies and procedures of the districts with which they are working related to criminal history background checks.
 - A1) 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.
 - A2) All criminal history checks must include the following:
 - i) Employee’s first and last name, date of birth, gender, etc.
 - ii) Date criminal history check was obtained
 - iii) Name of agency that completed criminal history check
 - iv) Name or identity code of the person who ran the background check (if applicable)
 - v) Results of the criminal history check (i.e. “no record”, “record attached”, etc.)
 - vi) Receipt number (if applicable)
- b) The provider must obtain an expanded criminal history check (see Section 2.1, B2) for each employee every five years (prior to the beginning of tutoring for the fifth calendar year) and a limited criminal history check (see Section 2.1, B3)

annually (prior to the beginning of tutoring each new school year) before employees begin working with Indiana students.

Providers must also conduct a sex offender check (see Section 2.1, B4) on each employee annually (prior to the beginning of tutoring each new school year) prior to employees working with Indiana students. The sex offender check must be completed for any state the employee has ever lived.

B1) There are **NO EXCEPTIONS** to this policy (i.e. even if the district does not require background checks, providers must still obtain background checks in accordance with this policy to remain in compliance with IDOE's requirements).

B2) The definition of "expanded criminal history check" found at IC 20-26-2-1.5 includes a search of records from all Indiana counties in which the employee resided, all counties in other states in which the employee resided, and the national sex offender registry or the sex offender registries of all fifty (50) states; or a national criminal history background check and a search of the national sex offender registry or the sex offender registries of all fifty (50) states. An expanded criminal history check must be completed on each employee every five years.

B3) A limited criminal history check contains only felonies and class A misdemeanor arrests within the state from which the check is being requested. The limited criminal history check must be obtained from the state(s) in which the employee has lived in the last calendar year. A limited criminal history check must be completed on an employee annually except during the year in which an expanded criminal history check is completed on the employee.

B4) If an employee has only lived in Indiana, the provider must conduct a sex offender check for Indiana. Indiana's Sex/Violent Offender Registry can be found at <http://www.insor.org/insasoweb/>. If an employee has lived in any other state besides Indiana, the provider must conduct a national sex offender check. The National Sex Offender Registry can be found at <http://www.fbi.gov/hq/cid/cac/registry.htm>.

B5) Summary of timeframes required for criminal history checks:

For the 2009-2010 school year, all providers must conduct a new expanded criminal history check on all tutors and employees interacting with Indiana students prior to tutors/employees working with students. Providers must also conduct a sex offender check on all tutors and employees interacting with Indiana students prior to tutors/employees working with students.

Type of Check	Required Timeframe	When
Expanded Criminal History Check	<ul style="list-style-type: none"> • Every five years (after an initial expanded criminal history check has been conducted) • Every time a new tutor is hired. After this, every five years. • For the 2009-2010 school year, providers must conduct an expanded criminal history check on all tutors/employees 	<ul style="list-style-type: none"> • Prior to tutors/employees working with Indiana students for the school year
Limited Criminal History Check	<ul style="list-style-type: none"> • Every year (except the year in which an expanded criminal history check is conducted on a tutor/employee) 	<ul style="list-style-type: none"> • Prior to tutors/employees working with Indiana students for the school year
Sex Offender Check	<ul style="list-style-type: none"> • Every year 	<ul style="list-style-type: none"> • Prior to tutors/employees working with Indiana students for the school year

- c) Providers themselves must obtain background checks on staff working with SES students. Providers may **not** accept background checks obtained/submitted by employees.
- d) 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.
- e) 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.
- f) In addition to (e), 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 listed below, in accordance with district policies and procedures. In addition, a person with a conviction or convictions for any crime or infraction not listed below may be barred from working with SES children (as determined by the district's policies and procedures).

Crimes include but are not limited to the following:

- F1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
 - F2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
 - F3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - F4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
 - F5) Child molesting (IC 35-42-4-3).
 - F6) Child exploitation (IC 35-42-4-4(b)).
 - F7) Vicarious sexual gratification (IC 35-42-4-5).
 - F8) Child solicitation (IC 35-42-4-6).
 - F9) Child seduction (IC 35-42-4-7).
 - F10) Sexual misconduct with a minor (IC 35-42-4-9).
 - F11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
 - F12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
 - F13) Dealing in methamphetamine (IC 35-48-4-1.1).
 - F14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
 - F15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
 - F16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 - F17) Dealing in a counterfeit substance (IC 35-48-4-5).
 - F18) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).
 - F19) Possession of child pornography (IC 35-42-4-4(c)).
 - F20) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.
- g) 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.
 - h) If IDOE 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.
 - i) Districts have the authority to cancel the contract with a provider and IDOE has the authority to remove a provider from the state-approved provider list if criminal history checks are not provided for each employee or if criminal history checks are not completed prior to an employee working with SES students.

Section 2.2: Provider Selection of Districts to Serve

Before the beginning of each new school year, providers will be asked to select districts they intend to serve in the upcoming school year.

- a) Providers must complete the district selection form by the pre-set deadline in order to be placed on the SES provider list.

A1) Providers that fail to submit the district selection form by the deadline will be removed from the SES Provider List

- b) If parents select a provider and the provider has stated it will serve the district, the provider must serve the districts it has selected. *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 consecutive years.

B1) Please note that for providers with a minimum, this would only be the case if the minimum number of students enrolled – see “(c)” below).

B2) If a provider chooses not to serve a district it selected on the district selection form, the decision regarding 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. The district has the right to require a provider to serve the district if the provider previously selected 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.

- c) Providers have the option of setting a minimum (i.e. the lowest number of students that a provider can serve in a district) on the district selection form.

C1) This minimum cannot be changed once it has been completed on the district selection form.

C2) 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. The provider may be removed from the SES provider list if it refuses to work with a district that has met the minimum.

Section 2.3: Tutor Qualifications

All SES tutors are required to meet IDOE's minimum tutor qualifications:

- a) Each SES tutor must at a minimum:

A1) Meet Title I paraprofessional requirements as set forth in the Code of Federal Regulations (34CFR200.58(c)). Therefore each tutor must have:

- i) Completed at least two years of study at an institution of higher education;
- ii) Obtained an associate's or higher degree; or
- iii) 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;
 - 1) Reading/language arts, writing, and mathematics; or
 - 2) Reading readiness, writing readiness, and mathematics readiness;
 - 3) A secondary school diploma or its recognized equivalent is necessary, but not sufficient, to meet the requirement described in “iii”.

A2) Possess at least one year's worth of education-related experience prior to being hired. Only the following types of experience satisfy this requirement:

- i) Experience as a tutor
- ii) Experience providing programming or instruction to youth
- iii) Experience substitute or student teaching
- iv) Experience as a paraprofessional or instructional aide
- v) Experience as a certified teacher

b) Providers are encouraged but not required to exceed the minimum tutor qualifications requirement. However, please note that the minimums described in Section 2.3 (A1) and (A2) are state minimums only. If a provider has described tutor qualifications in its initially-approved application that exceed state minimums, the provider must ensure not only that tutors meet the qualifications described in the provider's approved application but also the state's minimum tutor requirements described in Section 2.3 (A1) and (A2). Tutor qualifications may not be amended without submitting a new application.

c) In addition to completing criminal history checks on all tutors (see Section 2.1), 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.

Section 2.4: Student/Tutor Ratio Guidelines

Student/tutor ratios must not exceed IDOE's ratio guidelines for individual or small and large group instruction.

- a) The maximum ratio for individual instruction is 1:1 (i.e. one student per each tutor);

- b) The ratio range for small group instruction is 2-4:1 (i.e. two to four students per each tutor);
- c) The ratio range for large group instruction is 5-6:1 (i.e. five to six students per each tutor).
- d) The student/tutor ratio may not exceed 1:1 (for individual instruction), 4:1 (for small group instruction), or 6:1 (for large group instruction). A tutor who meets both the minimum requirements for tutoring established by IDOE and the provider's minimum requirements (see Subpart B, Section 2.3) may be counted as "1 tutor" when calculating the student/tutor ratio. A tutor assistant or aide (who does not meet at least the minimum requirements described in Subpart B, Section 2.3 and the provider's minimum requirements) may be counted as ".33 of a tutor" when calculating the student/tutor ratio. A provider may not count more than one tutor aide or assistant toward its student/tutor ratio. (Example: a tutoring session has 8 students, 1 tutor, and 2 tutor aides. The student/tutor ratio for this session would be calculated as 8 to 1:33, or 6 to 1. If there were two tutoring aides in the classroom, the ratio would still be 8 to 1:33, or 6 to 1. Using this example, if the provider's student/tutor ratio was for large group instruction, the provider would be in compliance. However, if the provider's student/tutor ratio was for small group instruction, even though the tutor has two tutor assistants, the provider would still have a ratio of 6:1 and would therefore be out of compliance due to exceeding the ratio limit for small group instruction.)

NOTE: A tutor assistant or aide may **NOT** provide tutoring or instruction to students. Duties of an aide may include assistance with supervision, passing out and collecting materials, and other duties as assigned that do not include tutoring or instruction. All tutor assistants or aides must be under the direct supervision of a tutor (or site coordinator or site director) who meets Indiana's minimum requirements for tutors (see Subpart B, Section 2.3) and the provider's minimum tutor qualifications. When submitting tutor qualification information to IDOE as part of the on-site monitoring process (see Subpart D, section 7.0(c)(C1-C4), providers must clearly delineate roles and responsibilities of tutors (who must at least meet IDOE's and the provider's minimum tutor requirements) and tutor assistants or aides.

- e) Student/tutor ratios relate to the maximum number of students a tutor can provide instruction to during a tutoring session. In some cases, such as for online providers, tutors may be assigned to work with 9 or more students, however, during any given tutoring session, the student/tutor ratio cannot be exceeded (maximum of 1:1 for individual instruction, 4:1 for small group instruction, and 6:1 for large group instruction). For example, a tutor who provides instruction Mondays through Wednesdays is assigned to work with 14 students. The provider's program offers large group instruction (therefore the student/tutor ratio must be 5-6:1 during tutoring sessions). To remain in compliance with the

student/tutor ratio, the tutor provides instruction to 5 students on Mondays, 5 different students on Tuesdays, and 4 different students on Wednesdays. So, although the tutor works with 14 students during the course of a week, the student/tutor ratio is never exceeded during tutoring sessions.

Section 2.5: Minimum Program Duration Requirements

- a) *Small and Large Group Instruction*: The minimum number of tutoring hours a provider must offer a student in small or large group instruction during a school year is 30 hours of tutoring. However, providers are encouraged to exceed this minimum.
- b) *Individual (one-on-one) instruction*: The minimum number of tutoring hours a provider must offer a student for individual instruction (one-on-one) during a school year is 25 hours of tutoring. However, providers are encouraged to exceed this minimum.
 - B1) This option is only for providers that specifically intend to serve students one-on-one and does not apply to providers that intended to serve a small or large group but end up serving one student due to attendance issues with the other students or not enough students signing up.
- c) A provider's tutoring program must last no fewer than:
 - C1) 6 weeks total for programs that tutor during the school year;
 - C2) 4 weeks total for programs that tutor during the summer;
 - C3) Please note that these are minimum durations, and providers' programs may last longer than 6 weeks during the school year and 4 weeks during the summer.
 - C4) If circumstances exist such that an individual student's program must last less than 6 weeks during the school year or 4 weeks in the summer, a provider may, with the written consent of the parent and the district, shorten program length. However, program length may be shortened only on a case-by-case, individual basis if extenuating circumstances exist.

Section 2.6: Tutor Evaluations

Providers are required to complete a tutor evaluation on all SES tutors at least once prior to the end of the school year

- a) The evaluation must be completed before the end of the school year to provide ample time for tutors to make necessary improvements in areas of concern discovered during the evaluation.
- b) Unless the provider is an online provider, this evaluation must be an on-site evaluation during which the Provider owner or site director(s) observes the tutor in person.
- c) Recommended tutor evaluation focus areas include but are not limited to the;
 - C1) Tutor's student engagement abilities;

- C2) Tutor's effective use of classroom/behavior management;
- C3) Tutor's knowledge of student ability levels;
- C4) Tutor's preparedness (i.e. lesson plans are ready, manipulatives and supplies are ready before lesson begins...etc.);
- C5) Tutor's ability to remain on task and on schedule;
- C6) Tutor's ability to effectively use lesson plans and provider's curriculum;
- C7) Tutor's ability to create a positive learning environment for students.

Section 2.7: Subcontracting

Providers are not permitted to use subcontractors to implement their tutoring program unless they have submitted a written request for approval to IDOE and have received written permission from IDOE to do so.

- a) Some districts do not permit providers to use subcontractors to implement programs in their district. Providers must abide by each district's policies regarding subcontracting.
- b) Subcontractors are required to abide by all of the same assurances, policies and procedures, and all other requirements for SES Providers.

Section 2.8: SES Program Content

- a) Providers must provide tutoring programs as described and approved in the provider's original application or subsequent amendments;
 - A1) All lessons for which a district is being invoiced must be of high quality and match descriptions detailed in a provider's application.
 - A2) Students must be engaged in learning activities and academic work that is in accordance with the lesson and curriculum description described in the provider's approved application (or subsequent approved amendments) at all times during tutoring sessions for which the provider invoices the district.
 - i) Providers are not permitted to invoice or bill districts for non-academic activities (transportation time, snack time, mentoring time, or homework help/study hall type activities as described in B2);
 - A3) Providers that fail to implement programming as described in the original application or subsequently approved amendments are subject to probation or removal from the state-approved provider list.
- b) Tutoring programs must not focus on homework help;
 - B1) Providers must not advertise their tutoring programs as homework assistance or homework help programs.

B2) Providers must not offer programming that resembles a “study hall-like” environment wherein students work independently with little or no interaction with a tutor.

Section 2.9: Lesson Plans

- a) Lesson Plans must include the following information at a minimum: 1) the lesson objective, 2) specific Indiana standard(s) addressed in the lesson, 3) resources, materials and curriculum that will be used during the lesson, 4) any activities that will take place during the lesson, and 5) any relevant instructional strategies that were described in the provider’s application (as applicable) that will be used during the lesson.
- b) Lesson plans must be developed for and available during each tutoring session. Lesson plans must be current at all times. Dated lesson plans or unavailable lesson plans are not acceptable.

Section 2.10: Progress Reports

- a) At a minimum, progress reports must include all of the components listed in IDOE’s Progress Report Checklist (see Subpart G, Appendix F1 and F2)
- b) Student goals and Indiana Academic Standards identified in progress reports must be in line with each student’s learning plan
- c) Progress reports must be submitted in accordance to the timeframe agreed to in SES Contracts and SES Agreements

Section 2.11: Individual Learning Plans

Providers or school districts may use Section IV of IDOE’s Sample SES Agreement or develop a separate document to create an individual learning plan for each student and attach this document to the SES Agreement as appropriate (dependent upon what is negotiated between the provider and district).

- a) At a minimum, Individual Learning Plans (i.e. Section IV from IDOE’s Sample SES Agreement or a separate learning plan) must include the student’s assessment score(s), measureable goals developed for the student, the timeframe by which goals will be accomplished, Indiana Standards upon which the student’s program will focus, and specific resources and strategies that will be used to assist the student in achieving goals (see Example Learning Plan in Subpart G, Appendix L).
- b) Measurable goals must meet the following criteria. The goal must:
 - B1) Be specific (i.e. What will improve or increase?)
 - B2) Share the amount of growth anticipated (i.e. How much will “X” improve or increase?)

- B3) Share the timeframe by which the goal will be achieved (i.e. When will “X” improve or increase?)
- B4) Share the tool that will be used to assess growth (i.e. What measurement tool will be used to assess the student’s growth?)
- c) If a student has a disability or disabilities as defined under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* (“IDEA”) or is covered under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (“Section 504”), the learning plan must provide a description of how the provider will provide supplemental services to the student that are consistent with Student’s individualized education plan (“IEP”) under section 614(d) of IDEA or his/her individualized services plan under Section 504.
- C1) Once a parent has signed a release form allowing the district to share the IEP or 504 plan with a provider, the district should ensure that a copy of the IEP or 504 plan is given to the provider in a timely manner to assist with the development of the SES Agreement or student learning plan
- d) If a student has limited English proficiency, the learning plan must include a description of how it will provide supplemental services to the student consistent with his/her language needs and abilities, including language assistance if appropriate.

SUBPART C: APPLICATION PROCESS FOR SES PROVIDERS

Section 3.0: Purpose and Scope

The purpose of this Part is to establish the programmatic requirements for SES providers and the process by which IDOE approves supplemental educational service providers.

SUBPART C: APPLICATION PROCESS FOR SES PROVIDERS

Section 4.0: Programmatic Requirements (for applicants and existing providers)

Each provider's SES program shall:

- a) include an appropriate, diagnostic assessment (i.e. pre test) for use in identifying students' weaknesses and achievement gaps upon which to build an individual student plan and learning goals;
- b) use targeted instruction that is aimed at addressing the individual skill gaps revealed during the assessment and that is based upon an individual learning plan;
- c) include a post assessment (i.e. post test) linked to the diagnostic assessment (i.e. pre test) to determine whether student gains occurred and to further develop a plan for either re-teaching skills or identifying new skills for instruction;
- d) align with the Indiana Academic Standards in the areas of reading, English/Language Arts, mathematics, or science;
- e) be consistent with the academic program a student experiences in the regular school day;
- f) use instructional practices that are high-quality, research-based, and specifically designed to increase students' academic achievement;
- g) adhere to all provider responsibilities as listed in federal SES Non-Regulatory Guidance (January 2009—see Appendix K).

SUBPART C: APPLICATION PROCESS FOR SES PROVIDERS

Section 5.0: Application Process

- a) All SES applications must include information including but not limited to the following:
 - A1) Evidence of the provider's effectiveness in improving student academic achievement;
 - A2) Documentation of the provider's high quality instructional strategies based on research and designed to increase student achievement;
 - A3) Demonstration of the provider's program connection to Indiana state academic standards and local district instructional programs;
 - A4) The provider's assessment of progress and reporting information;
 - A5) Qualifications of the provider's instructional staff;
 - A6) The provider's compliance with federal, state, and local health, safety, and civil rights laws;
 - A7) Evidence that the provider is financially sound;
 - A8) The provider's advertising materials and incentives.
- b) SES applications will be accepted only during the once a year application period established by IDOE (typically during the first quarter of each year).
- c) Upon receipt of an application, IDOE will conduct a preliminary review to ensure that the application is complete. Next, applications will be reviewed by at least 3 members of an external review panel, using the SES application review rubric, to determine whether the application meets IDOE and NCLB requirements. Applications that receive a score equal to or higher than the cut score will be approved and placed on the state's approved list of SES providers.
- d) IDOE will send notification of approval to applicants meeting the IDOE requirements and all other requirements of NCLB.
- e) IDOE will send notification of denial to applicants that score lower than the cut score or that do not meet either IDOE or NCLB requirements. If an application is rejected, neither the applicant nor any related organization shall be eligible to provide SES services in Indiana for the school year of the rejected application. However, the rejected applicant may re-apply during the following application period for the next school year.

- f) Appeals: IDOE will not negotiate or revise reviewer comments or scores. However, if a denied applicant has evidence that 1) a mathematical error was made in calculating the applicant's score or 2) there was a conflict of interest in the application review process, the applicant may submit a written appeal with its supporting evidence to the Division of Differentiated Learning for review within 30 business days of the applicant receiving the denial notice. The Director of Differentiated Learning will assign the appeal to the appropriate IDOE staff for review and will issue a decision letter to the applicant within 30 business days of IDOE's receipt of the appeal (the Director of Differentiated Learning has the authority to extend this deadline in the event that extenuating circumstances exist). If the appeal is denied, the applicant will remain denied. However, if the appeal is granted, the applicant would be placed on the state's approved provider list for the upcoming school year.
- g) If a provider is removed from the state-approved provider list (as described in Subpart E) during a school year, the provider and any related organization shall be ineligible to re-apply the next school year. However, the removed provider may reapply during the following school year (i.e. the second year after being removed from the provider list). For example, a provider removed from the state-approved provider list during the 2005-2006 school year would be eligible to reapply during the 2007-2008 school year.
- G1) This period of ineligibility shall not apply to a provider that is a public school or school district that has its eligibility restored by being removed from "improvement status" (based on AYP).
- h) Any denied applicant or previously approved provider that has been removed from the approved provider list, SHALL NOT misrepresent themselves or their organization as a state-approved provider. Any organization or entity proven to be doing so will be barred from consideration to become an Indiana approved SES provider.
- i) Each year, providers must submit signed Assurances forms (Appendix A) and a signed Policy Signature page to IDOE. Any provider that does not submit a signed Policy signature page and signed Assurances by the established deadline will be notified once by certified mail prior to the deadline passing. In the certified letter, the provider that has not submitted a signed Policy signature page and signed Assurances will be reminded of the final deadline for submission. If IDOE does not **receive** the signed Policy signature page and signed Assurances by the established deadline, the provider will be barred from offering services for the subsequent school year and will be removed from the state-approved provider list.

Section 5.1: New Application Requirements for currently approved SES Providers

- a) Currently approved providers must reapply every five years (unless the conditions described in Section 5.1 (b) and (c) apply)).
- A1) Any provider first approved prior to the 2004-2005 school year will be required to reapply in 2008 for the 2008-2009 school year;

A2) Providers approved for the first time in the 2004-2005 school year (i.e. providers who received their first approval in the spring of 2004) must reapply in 2009 for the 2009-2010 school year;

A3) IDOE will notify providers of their application cycle to ensure that providers are aware of when they must reapply;

A4) Please note that because Indiana's application window is typically from December through February of each year, providers will need to reapply *during* their fifth year of SES service. For example, providers approved for the 2003-2004 school year (i.e. providers who received approval in the spring of 2003) will reapply for the 2008-2009 school year in December 2007 – February of 2008.

- b) Currently approved providers that do not serve any Indiana SES students for 2 consecutive years will be required to reapply the next school year. For example, a provider has been approved and is placed on Indiana's SES Provider List for the 2005-2006 school year. The provider does not serve any students during the 05-06 or 06-07 school year. This provider has to reapply in 2007 for the 2007-2008 school year.
- c) Beginning with the 2008-2009 Overall Evaluation, providers that receive a "C" or below in the same category or in different categories in the Overall Evaluation (see Subpart D, section 8.0) for two consecutive years will be 1) removed from the provider list for one full school year and 2) required to reapply if the organization would like to be considered for approval as an SES provider again. For example, a provider discovers during the 2010-2011 school year when Overall Evaluation reports are released that they received a second consecutive "C" (the first "C" was for 2008-2009 in service delivery and the second "C" was for 2009-2010 in academic effectiveness). This provider would be removed from the provider list for the 2011-2012 school year and must wait to reapply during the state's application period for the 2012-2013 school year.

SUBPART D: EVALUATION OF SES PROVIDERS

Section 6.0: Purpose and Scope

The purpose of this Part is to establish how IDOE will monitor and evaluate supplemental educational service providers.

SUBPART D: EVALUATION OF SES PROVIDERS

Section 7.0: On-site Monitoring

a) All providers tutoring students during a given school year will have an on-site monitoring visit conducted during each school year.

b) IDOE personnel will contact each provider and offer a one month window during which the on-site visit will occur. Within the one month period, IDOE personnel will choose a date to visit the provider. The actual date of these visits, however, will be unannounced. Providers placed on probation will not receive a one month monitoring window as monitoring visits will be unannounced.

B1) Online Providers will be given the same one month window for on-site monitoring visits; however, online providers will have 2 options for completing their on-site monitoring visits:

- i) Online providers can send IDOE a log-in name and password to allow IDOE to log into the online provider's program to observe tutoring sessions as they occur during the one month window provided;
- ii) Online providers can arrange to send a staff member to IDOE's office to provide IDOE an opportunity to observe tutoring sessions as they occur during the one month window provided;

c) Prior to the monitoring visit, providers will be required to:

C1) Submit a tutoring schedule for sessions that occur during the one month monitoring window;

i) Providers must note any dates in the tutoring schedule when pre or post-testing will be conducted or when tutoring will not be taking place (i.e. due to a holiday, due to the school being closed or let out early, etc.)

ii) Providers are required to notify IDOE immediately regarding ANY changes in the tutoring schedule during the monitoring window (providers serving multiple locations or sites must instruct local coordinators, Site Directors and Lead Tutors to notify the provider of schedule changes so that the provider can contact IDOE immediately);

a) Providers must notify IDOE immediately regardless of whether tutoring is cancelled (or the location or time of tutoring has been changed) due to an unexpected change or an expected change;

b) Unexpected changes include but are not limited to tutoring being cancelled due to student or tutor illness or emergencies, early release due to weather, etc.

c) Expected changes include but are not limited to pre or post-testing days or anticipated cancellations due to a PBA day or ½ day for the school district, school holiday, etc.

iii) Providers will lose $\frac{1}{4}$ of a letter grade on their on-site monitoring score on the Overall Evaluation Report the first time IDOE attempts to conduct a visit but is unable to do so because the provider failed to notify IDOE of a schedule change. Providers will lose $\frac{1}{2}$ of a letter grade each subsequent time IDOE attempts to complete a visit but is unable to do so because the provider failed to notify IDOE of a schedule change.

C2) Submit a tutoring session description. The session description must be in line with the provider's original application and must include the following:

- i) Description of tutor responsibilities (if a provider uses tutor assistants or tutor aides, the provider must also include a description of the assistant or aide's responsibilities)
- ii) Description of tutoring session structure
 - a) which includes details regarding instruction time, snack time (if applicable), transportation time (if applicable), etc.
 - b) Please note that providers can only charge districts for time spent on tutoring and therefore cannot charge districts for snack time, travel time, or any time spent on activities outside of tutoring or academic instruction.

C3) Providers must ensure that the tutoring schedule and session description submitted are accurate.

- i) Snack time (with no instruction or educational activities taking place) must not be observed during the time designated on the submitted schedule or session description for lesson or instruction time.
- ii) Tutoring sessions must start and end in a timely manner (i.e., if the submitted schedule states instructional time begins at 3:00, instructional time must not be observed beginning at 2:30 or 3:15 or any other time outside of the window that was described in the submitted schedule or session description.

C4) Notify tutoring staff at all tutoring sites that IDOE will be completing an on-site monitoring visit.

C5) Notify tutoring staff at all tutoring sites that tutors must have the daily lesson plan and Individual Learning Plans (or SES Agreements), or other documentation indicating the plan for a student's individual instruction that meets the guidelines described in Sections 2.9 and 2.11 respectively, available at all times. IDOE will at a minimum ask to see a copy of the lesson plan during each monitoring visit.

d) On-site monitoring will evaluate three areas. These areas include Document Analysis, Observation, and Compliance. Each area is described below (see On-site Monitoring Rubric, Appendix E):

D1) Document Analysis: Providers will be asked to submit information including but not limited to documentation of tutor qualifications; recruiting materials; academic program;

student progress reports; and assessment/individual program design (see “Document Analysis” section of On-site Monitoring Rubric, Appendix E).

Evidence for Document Analysis may be submitted in two ways:

1. The provider may prepare all documentation for the on-site visit and mail documentation prior to the monitoring visit.
2. The provider may wait until the on-site visit has been completed to receive a request for documentation from IDOE and within seven (7) business days submit evidence to IDOE personnel.
3. Providers will lose $\frac{1}{4}$ of a letter grade on their on-site monitoring report grade each day documentation is late.

D2) Observation: The Observation will be conducted during the actual site visit. IDOE personnel will attend part of one or more tutoring sessions to determine whether or not components are satisfactorily completed (see “Observation” section of On-site Monitoring Rubric, Appendix E). The purpose of the IDOE observation is to ensure that the provider is operating in the same manner described in the originally submitted application (or any approved amendments).

- i) Notify tutoring staff at all tutoring sites that tutors must have the daily lesson plan and Individual Learning Plans (or SES Agreements), or other documentation indicating the plan for a student’s individual instruction that meets the guidelines described in Sections 2.9 and 2.11 respectively, available at all times. IDOE will at a minimum ask to see a copy of the lesson plan during each monitoring visit.

D3) Compliance: Providers will be asked to submit documentation that they are meeting various compliance areas, including criminal history checks, compliance with health and safety laws and regulations, and financial viability (see “Compliance” section of On-site Monitoring Rubric, Appendix E.)

Evidence for Compliance may be submitted in the same two ways as evidence for Document Analysis. In addition, providers will lose $\frac{1}{4}$ of a letter grade on their on-site monitoring report grade each day documentation is late.

- e) For providers who select to submit evidence after the site visit has been completed (see Section 7.0 (d)(D1)(2)), IDOE will send, by e-mail, a request for providers to submit Document Analysis and Compliance documentation within seven (7) business days. Once providers have submitted all information requested, a Preliminary Site Visit Report will be issued to each provider. The provider will be given an opportunity to review the report and comment, in writing (by letter or e-mail), within seven (7) calendar days of receiving the report.

- f) Comments received will be given consideration and the IDOE may revise reports after comments have been submitted; however, the IDOE will not rescind or revise information

without substantiated evidence submitted by the provider. The IDOE reserves the right to make all final decisions related to the report.

g) A Final Site Visit Report will be issued within two (2) calendar months of IDOE's receipt of all follow-up monitoring documentation requested and will be released to school districts and the public online. The Final Site Visit Report will be included in each provider's overall evaluation for the school year, which will be completed each fall prior to the beginning of the next school year (see Subpart D).

h) If a provider fails to submit information (original or revised) for any section of the Document Analysis or Compliance by the IDOE deadline, the provider will be given an Unsatisfactory mark for that section. Once the deadline for submission has passed, the provider will have no further opportunity to submit additional information, and the Unsatisfactory mark will not be revised. Failure to submit information may lead to removal from the state-approved provider list (see Subpart E).

Section 7.1: Probation based on On-site Monitoring

a) Providers may be placed on two different types of probation. One type of probation is Technical/Compliance probation (see Section 7.1, b). The second type of probation is Programmatic probation (see Section 7.1, c).

b) Technical/Compliance Probation: The following conditions will cause a provider to be placed on Technical/Compliance probation:

B1) A provider's Incentive Policy or incentives offered by a provider violate IDOE's Student Recruitment and Incentive Policy.

B2) A provider receives a non-compliance on the on-site monitoring report in the following areas:

i) Criminal History Check: Provider is found to have violated the criminal history check policy. Violations include but are not limited to;

- 1) Misspelled names;
- 2) Background checks that are completed after instead of before a tutor begins working with SES students;
- 3) Background checks that are released to the employee instead of the SES Provider;
- 4) Please see Section 2.1 for a full description of criminal history check requirements.

ii) Financial viability: Provider does not appear to be financially sound.

B3) Providers that are placed on Technical/Compliance probation:

- i) Must submit a corrective action plan to IDOE addressing the areas of concern that led to the provider being placed on probation (see Corrective Action template in Subpart G, Appendix G);
- ii) May be subjected to additional "unannounced" follow-up probation onsite monitoring visits;

iii) May be required to submit additional documentation during the probationary period.

B4) Failure to comply with the terms of probation will result in immediate removal from the state's approved provider list.

c) Programmatic Probation: The following conditions will cause a provider to be placed on Programmatic probation:

C1) A provider receives 2 or more unsatisfactory ratings on the on-site monitoring report within the same school year in the following areas:

- i) Tutor Qualifications;
- ii) Academic Program;
- iii) Progress Reporting;
- iv) Assessment/Individual Program Design.

C2) A provider receives a 1 or 2 on any of the observation components on the onsite monitoring report;

C3) Providers that are placed on Programmatic probation:

- i) Must submit a corrective action plan to IDOE addressing the areas of concern that led to the provider being placed on probation (see Corrective Action template in Subpart G, Appendix G);
- ii) Will be subjected to a minimum of 2 "unannounced" follow-up probation on-site monitoring visits;
- iii) Must submit weekly tutoring schedules for the duration of the probation period and notify IDOE of any changes in the tutoring schedule during the probation period. These tutoring schedules must be submitted by noon (Indianapolis time) on Monday of each week during the probation period.
- iv) Will not be permitted to serve any new SES districts during the probation period.

C4) Failure to comply with the terms of probation will result in a provider's immediate removal from the state's approved provider list.

d) When a provider is placed on probation, IDOE will notify all of the districts that the provider has selected to serve that school about the provider's probationary status and will also send a copy of the provider's corrective action plan to districts.

D1) Districts may share this information with parents.

e) Providers placed on probation will be on probation for 2 consecutive years.

E1) As long as the provider remains compliant with its corrective action plan during the two year probation period, the provider will be removed from probation at the end of the two year period.

E2) If the provider fails to comply with its corrective action plan during the probation period, the provider will be informed of this violation and will be removed from the approved provider list.

f) Please note that not all possible corrective actions that may be imposed upon providers placed on probation are detailed in this document. IDOE reserves the right to implement additional corrective actions as determined necessary by IDOE.

SUBPART D: EVALUATION OF SES PROVIDERS

Section 8.0: Overall Evaluation

a) Based on data submitted for each category described in detail below (c-e), providers are given a letter grade (A-F). Providers are given seven (7) calendar days to review the report and appeal any information (by submitting substantiated evidence to the contrary) to IDOE before it is released to the public.

b) Providers are expected to perform well in each category in order to receive an overall “A” on the evaluation. Providers receiving a “C” or below (in any category or overall) must submit a corrective action plan to address any deficiencies (see Corrective Action template in Subpart G, Appendix H). This corrective action plan may be shared with districts and the general public. Providers receiving a “D” or “F” in any category or overall are placed on probation for the following year and must submit a corrective action plan (see Corrective Action template in Subpart G, Appendix H) prior to providing SES services during that school year (please see Section 8.1 and 8.2 for details regarding Probation).

c) The first evaluation category is: SERVICE DELIVERY

Each provider’s Service Delivery score is based on:

C1) On-Site Monitoring visits-Providers are rated on observed lesson quality, teacher qualifications, time on task, and student/instructor ratio. Providers are also asked to submit compliance documentation, including but not limited to information about criminal history checks, health and safety policies, financial viability, tutor qualifications, recruitment materials, lesson plans, progress reporting, assessments, and student learning plans.

C2) DISTRICT SURVEYS-Districts are asked to rate providers using a satisfactory/not satisfactory scale on whether providers are in compliance with various components of their contracts.

C3) PARENT SURVEYS-Parents are asked to rate providers on lessons delivered and frequency/adequacy of progress reporting, using a Likert scale.

d) The second evaluation category is: CUSTOMER SATISFACTION

Each provider’s Customer Satisfaction score is based on:

D1) DISTRICT SURVEYS-Districts are asked to rate the provider as to whether they would recommend the provider for continuation or not.

D2) PARENT SURVEYS-Using a Likert scale, parents are asked to rate their satisfaction with their child’s progress, the overall lesson quality, the tutors, and the provider.

D3) PRINCIPAL SURVEYS-Using a Likert scale, principals are asked to rate their satisfaction with the provider's overall program, the quality of services, student achievement, progress reporting, and overall satisfaction with the provider.

e) The third evaluation category is: ACADEMIC EFFECTIVENESS

Each provider's Academic Effectiveness score is based on:

E1) PROVIDER DATA FORMS-Providers are required to report pre and post assessment scores for each subject offered that are aggregated, disaggregated by subgroup, and provided for all of the students a provider serves (with all identifying student information removed).

- i) Providers must develop guidelines and procedures for administering pre and post-tests to students;
- ii) All staff responsible for administering the provider's pre and post-tests must be properly trained on the provider's assessment procedures;
- iii) Providers and tutors are not permitted to assist or provide guidance to students on answering questions during pre or post-test assessments;
- iv) Providers found to be utilizing practices that would invalidate assessment results may be removed from provider list.

E2) Providers must submit pre- and post-assessment data for 100% of students served. Providers must also report on the number of students who signed up for services, completed services, and terminated services (as well as reasons for termination). Providers must also report the percentage of students attending 80% or more of all sessions.

E3) ISTEP+ descriptive data will be included in the evaluation of academic effectiveness for each provider that served 5 or more students who meet criteria for inclusion in the ISTEP+ analysis. Using Student Test Numbers (STNs), IDOE personnel will determine the percentages of students (those attending 80% or more sessions and having ISTEP+ scores for the previous and the current school years) who showed any growth and one year's growth on ISTEP+ scale scores, and the percentage change in students passing ISTEP+ from the previous to the current year. These results will be released in a Supplemental Report.

Note: For providers that served fewer than 5 students, ISTEP+ descriptive data will be reviewed but not publicly reported.

In addition, a within-school matched comparison quasi-experimental study using ISTEP+ data will be conducted for each provider that served more than 5 students. With the help of Student Test Numbers (STNs), each SES student will be matched with a similar non-SES student from the same school (based on free/reduced lunch eligibility, race/ethnicity, grade, special education & LEP (as applicable), and previous year's ISTEP+ score). The gains for students in the "treatment" (SES) group will be compared with the gains of

students in the quasi-control (non-SES) group. Results from the within-school matched comparison will be reported for each provider and figured in to the provider's overall academic effectiveness grade, as applicable.

E4) Providers must submit the PROVIDER DATA FORM by the deadline requested by IDOE. If a provider does not submit information required by the deadline, the provider's overall letter grade in the Academic Effectiveness category will be reduced by one-quarter ($\frac{1}{4}$). For every seven (7) calendar days (one week) that a provider is late in submitting the Provider Data Form, the overall grade will continue to be reduced by $\frac{1}{4}$ until data has been submitted.

f) Beginning with the 2008-2009 Overall Evaluation, providers that receive a "C" or below in the same category or in different categories in the Overall Evaluation (see Subpart D, section 8.0) for two consecutive years will be 1) removed from the provider list for one full school year and 2) required to reapply if the organization would like to be considered for approval as an SES provider again. For example, a provider discovers during the 2010-2011 school year when Overall Evaluation reports are released that they received a second consecutive "C" (the first "C" was for 2008-2009 in service delivery and the second "C" was for 2009-2010 in academic effectiveness). This provider would be removed from the provider list for the 2011-2012 school year and must wait to reapply during the state's application period for the 2012-2013 school year.

g) Beginning with the 2006-2007 Overall Evaluation, provider data will be reported for all districts served as well as disaggregated by district. Please note the on-site monitoring grade will not be disaggregated by district.

h) Letter grades from each category are combined to form an OVERALL evaluation grade.

Section 8.1: Statewide Probation based on Overall Evaluation

Providers receiving a "C" or below in any category are placed on probation for the following year.

- a) Providers placed on probation must submit a corrective action plan (see Corrective Action template in Subpart G, Appendix H) prior to providing SES services during the next school year.
- b) Providers placed on probation must spend the next school year implementing the corrective action plan and working on improving their score in the unsatisfactory category for the next school year.
- c) Providers receiving a "C" or below in any category (the same category or different categories) for two consecutive years or receiving a "D" or "F" overall for one year are removed from the state-approved provider list. These providers may reapply for approval ONE YEAR following removal from the list (for example, if a provider is removed from the list during the 2010-2011 school year, the provider may reapply for the 2012-2013 school year after being off the provider list for the 2011-2012 school year).

Section 8.2: Probation in a District Based on Overall Evaluation

Providers receiving a “C” or below in a category in a particular district but not overall in a category will be placed on probation for the following year in that particular district.

- a) Providers placed on probation in a district will be required to submit a corrective action plan (see Corrective Action template in Subpart G, Appendix H) to address the concerns expressed for that particular district.
- b) Providers placed on probation must spend the next school year implementing the corrective action plan and working on improving their score in the unsatisfactory category for the next school year.
- c) Providers receiving a “D” or an “F” in the same category in the same district for two consecutive years will not be permitted to serve that district in the upcoming school year.

SUBPART E: REMOVAL OF SES PROVIDERS

Section 9.0: Purpose and Scope

The purpose of this Part is to establish conditions under which a supplemental educational service provider may be restricted from providing services to a particular district or SES student or removed from the state's approved provider list.

SUBPART E: REMOVAL OF SES PROVIDERS

Section 10.0: Removal by district

a) A district may impose reasonable administrative and operational requirements through its contracts and agreements with providers that are consistent with requirements imposed generally on the district's contractors or requirements set by IDOE and that do not limit educational options for parents or alter a provider's approved program.

b) If a problem arises with a provider not following 1) reasonable administrative requirements, 2) guidelines shared in SES Contracts and Agreements, or 3) district, state, or federal policies, the district must first follow the action steps outlined in the Conflict Resolution Steps document found in Subpart G, Appendix P.

If a district encounters any of the issues listed in Section 10.0 (c) – (f) and desires to terminate provider services, it must notify IDOE in writing of its intent to terminate services and receive IDOE permission to do so. IDOE may require information from both the provider and the district to determine the validity of a district complaint against or district's request to remove a provider. The additional information may also assist IDOE in determining whether a corrective action plan must be implemented to address the complaint or whether removal is warranted.

B1) Upon receipt and review of information from both the district and/or the provider, IDOE shall determine whether the district will be allowed to proceed with the termination/removal. IDOE will inform the district and the provider, in writing, of IDOE approval or denial of the district's request to terminate services, including reasons for approval or denial.

c) A district may, with written IDOE consent, terminate a provider's agreement *for an individual student* if the provider is unable to meet that student's specific achievement goals within the timetable set out in the original signed agreement between the district, provider, and parent(as applicable).

d) A district may, with written IDOE consent, terminate the services of a provider *district-wide* if the provider has violated any contractual conditions that were agreed upon in the signed contract between the provider and the district.

e) A district may, with written IDOE consent, terminate the services of a provider *district-wide* if the provider has violated its requirement to complete criminal history checks prior to its employees beginning to work with the district's SES students.

f) A district may, with written IDOE consent, terminate a provider's contract *district-wide* if the provider has not begun the provision of services to students in a timely manner, as defined and agreed upon in the signed contract between the provider and the district.

SUBPART E: REMOVAL OF SES PROVIDERS

Section 11.0: Removal by IDOE

- a) IDOE may require corrective action of a provider if compliance or programmatic issues are raised through IDOE's monitoring of the provider's program (as described in Subpart D, section 7.1) or IDOE's investigation of a complaint against a provider (see Subpart G, IDOE's Complaint Procedures, Appendix I and IDOE's Procedures for Investigating LEA Allegation(s) against an SES Provider, Appendix J).

A1) Providers placed in corrective action shall, within thirty (30) business days (or within any alternative timeframe provided by IDOE) after receiving notice to this effect, submit to IDOE for approval a completed corrective action plan.

A2) A provider will be removed from the state's approved list if it fails to meet the requirements of its corrective action plan by the timeframe approved by IDOE.

- b) IDOE may remove a provider from the state's approved provider list based on a provider's scores on the Overall Evaluation;

B1) Providers that receive a "C" or below in the same category or in different categories in the Overall Evaluation (see Subpart D, section 8.0) for two consecutive years will be 1) removed from the provider list and 2) may reapply for approval ONE YEAR following removal from the list (for example, if a provider is removed from the list as a result of 2009-2010 evaluation data (released during the 2010-2011 school year), the provider MAY NOT provide services in 2011-2012 but may reapply for approval for the 2012-2013 school year).

B2) Providers that receive a "D" or an "F" overall will be removed from the provider list and may reapply for approval ONE YEAR following removal from the list (for example, if a provider is removed from the list as a result of 2009-2010 evaluation data (released during the 2010-2011 school year), the provider MAY NOT provide services in 2011-2012 but may reapply for approval for the 2012-2013 school year).

B3) Providers receiving a "D" or an "F" in the same category in the same district for two consecutive years will not be permitted to serve that district in the upcoming school year.

- c) IDOE may immediately suspend a provider's services if IDOE determines that a threat exists to the health or safety of students or if necessary to investigate or remedy concerns regarding compliance issues or illegal practices allegedly engaged in by the provider.

- d) IDOE may remove a provider from the state's approved list upon ten (10) calendar days' written notice if the provider:

- D1) violates any requirement described in the sections of this policies and procedures document;
- D2) fails to submit any required reports, signed policies and assurances, or data collection items to the IDOE in a timely manner (as defined by deadlines set by IDOE);
- D3) violates any assurance or aspect of its application submitted to IDOE;
- D4) fails to meet the requirements of a corrective action plan by the timeframe provided in the plan;
- D5) fails to provide additional information requested by IDOE to verify any information reported by the provider or otherwise to fulfill its duties with respect to the administration of SES;
- D6) engages in illegal or deceptive practices;
- D7) falsifies any information on its application or other reports to IDOE;
- D8) violates State or federal law;
- D9) refuses to serve SES districts it stated it would serve in the district selection form submitted to IDOE;
- D10) engages in practices that invalidate pre and post-test assessment results.

e) IDOE has the authority to remove a provider from the state-approved provider list if criminal history checks are not provided for each employee or if criminal history checks are not completed prior to an employee working with SES students.

f) A provider may appeal its removal from the State-approved list by submitting an appeal, in writing (must be within 30 business days of receiving its removal letter), to the Director of Differentiated Learning specifying the basis upon which it believes its removal is not in accordance with this policy document or other applicable law.

F1) The provider's appeal will be reviewed by the Director of Differentiated Learning or designees appointed by the Director of Differentiated Learning.

F2) IDOE's Director of Differentiated Learning or IDOE designees assigned to review the appeal may request that the provider submit additional documentation deemed necessary to complete the appeal review.

F3) The Director of Differentiated Learning will send the provider a written notice confirming IDOE's receipt of the appeal letter. The Director of Differentiated Learning will also send a decision letter informing the provider the appeal was granted or denied with 30 business days of IDOE's receipt of the provider's appeal letter (the Director of Differentiated Learning has the authority to extend this deadline in the event that extenuating circumstances exist).

g) If a provider is removed from the state-approved provider list, the provider and any related organization shall be ineligible to re-apply the next school year.

G1) Providers removed from the state-approved provider list may reapply for approval ONE YEAR following removal from the list (for example, if a provider is removed from the list during the 2005-2006 school year, the provider MAY NOT provide services in 2006-2007 but may reapply in 2007 for approval for the 2007-2008 school year).

G2) This period of ineligibility shall not apply to a provider that is a public school or school district that has its eligibility restored by being removed from “improvement status” (based on AYP).

SUBPART F: GUIDELINES FOR SCHOOL DISTRICTS

Section 12.0: Purpose and Scope

The purpose of this Part is to describe several of the requirements for SES implementation under NCLB and USDOE's SES Non-Regulatory Guidance (refer to Appendix K) as well as to provide additional guidance and requirements for school districts with eligible SES schools.

SUBPART F: GUIDELINES FOR SCHOOL DISTRICTS

Section 13.0: Legal Requirements and Additional Guidance

a) In facilitating supplemental educational services, a school district must, under NCLB:

- A1) Notify parents about the availability of services, at least annually [Section 1116(e)(2)(A); 34 C.F.R. §200.46(a)(1)]. (See USDOE SES Non-Regulatory Guidance, Section G-2.)

Districts should work to ensure that parents have comprehensive, easy-to-understand information about SES [Section 1116(e)(2)]. The notice to parents described above must:

- i) Explain how parents can obtain SES for their child [Section 1116(e)(2)(A)(i); 34 C.F.R. §200.37(b)(5)(i)].
- ii) Identify each approved SES provider within the district or in its general geographic location, including providers that are accessible through technology, such as distance learning [Section 1116(e)(2)(A)(ii); 34 C.F.R. §200.37(b)(5)(ii)(A)].
- iii) Describe briefly the services, qualifications and evidence of effectiveness for each provider [Section 1116(e)(2)(A)(iii); 34 C.F.R. §200.37(b)(5)(ii)(B)]. (See USDOE SES Non-Regulatory Guidance, Section G-4.)
- iv) Indicate providers that are able to serve students with disabilities or LEP students [34 C.F.R. §200.37(b)(5)(ii)(B)]. (See USDOE SES Non-Regulatory Guidance, Section G-4.)
- v) Include an explanation of the benefits of receiving SES [34 C.F.R. §200.37(b)(5)(ii)(C)]. (See USDOE SES Non-Regulatory Guidance, Section G-5.)
- vi) Describe the procedures and timelines that parents must follow to select a provider to serve their child, such as where and when to return a completed enrollment form, when and how the district will notify parents about enrollment dates and start dates; and whom to contact in the district for more information.
- vii) If the district anticipates that it will not have sufficient funds to serve all eligible students, it should also include in the notice information on how it will set priorities in order to determine which eligible students receive services. (See USDOE SES Non-Regulatory Guidance, Section F-3.)

A district may set a deadline by which parents must request SES, but in setting the deadline, the district must ensure that parents have sufficient time, information, and opportunities to make informed decisions about SES participation. IDOE recommends enrollment windows be at least a

minimum of 3 weeks long to provide parents adequate time to receive and respond to enrollment information.

- A2) Help parents choose a provider, if requested [*Section 1116(e)(2)(B)*; 34 C.F.R. §200.46(a)(2)].
 - A3) Apply fair and equitable procedures for serving students if not all students can be served [*Section 1116(e)(2)(C)*; 34 C.F.R. §200.46(a)(3)]. (See USDOE SES Non-Regulatory Guidance, Section F-3.)
 - A4) Ensure that eligible students with disabilities and LEP students receive appropriate services [34 C.F.R. §200.46(a)(4), (5)]. (See USDOE SES Non-Regulatory Guidance, Sections C-31 through C-33.)
 - A5) Enter into an agreement with a provider selected by parents of an eligible student [*Section 1116(e)(3)*; 34 C.F.R. §200.46(b)]. (See USDOE SES Non-Regulatory Guidance, Section H-1.)
 - A6) Assist IDOE in identifying potential providers within the district [*Section 1116(e)(4)(A)*; 34 C.F.R. §200.46(a)(2)]. (See USDOE SES Non-Regulatory Guidance, Section C-1).
 - A7) Protect the privacy of students who are eligible for or receive SES [*Section 1116(e)(2)(D)*; 34 C.F.R. §200.46(a)(6)]. (See USDOE SES Non-Regulatory Guidance, Sections H-16 through H-18.)
 - A8) Prominently display on its Web site, in a timely manner to ensure that parents have current information: (a) beginning with data for the 2007–2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in SES; and (b) for the current school year, the list of providers approved by IDOE to serve in the district and the locations where services are provided [34 C.F.R. §200.39(c)(1)(ii), (iii)]. (See USDOE SES Non-Regulatory Guidance, Sections G-10 through G-12.)
 - A9) Meet its 20 percent obligation. If a district spends less than the amount needed to meet its 20 percent obligation, then it must either: (a) spend the remainder of that obligation in the subsequent school year; or (b) meet the criteria in 34 C.F.R. §200.48(d)(2)(i) [34 C.F.R. §200.48(d)(1), (2)]. (See USDOE SES Non-Regulatory Guidance, Section L-1.)
- b) The law establishes joint funding for choice-related transportation and SES [*Section 1116(b)(10)*]. Unless a lesser amount is needed to meet demand for choice-related transportation and to satisfy all requests for SES, a district must spend an amount equal to 20 percent of its Title I, Part A allocation (the “20 percent obligation”), before any reservations, on: 1) Choice-related transportation, 2) SES; or 3) A combination of (1) and (2). (See USDOE SES Non-Regulatory Guidance, Section K-1)

B1) In addition to paying for choice-related transportation and SES, a district may spend up to 1 percent of its 20 percent obligation on parent outreach and assistance [34 C.F.R. §200.48(a)(2)(iii)(C)]. (See USDOE SES Non-Regulatory Guidance, Sections K-20 and K-21.)

- i) A district may, but is not required to, count costs for parent outreach and assistance regarding public school choice and SES toward its 20 percent obligation, subject to a cap of 1 percent thereof (0.2 percent of an amount equal to the district's Title I, Part A allocation) [34 C.F.R. §200.48(a)(2)(iii)(C)]. A district may spend more than the 1 percent on parent outreach activities, but may not count more than the 1 percent toward meeting its 20 percent obligation.
- ii) A district is in the best position to determine the most effective means of providing outreach and assistance to parents of eligible students, and should use the flexibility provided by 34 C.F.R. §200.48(a)(2)(iii)(C) to make it easier to finance the provision of outreach and assistance to parents to help them take advantage of public school choice and SES. For example, A district might count toward meeting its 20 percent obligation the costs of parent notification letters; communication to parents through the media, Internet, and community partners; displaying information on the district's Web site; and parent fairs held by the district.
- iii) A district may not count toward meeting its 20 percent obligation administrative costs, other than those for parent outreach and assistance (as described in (ii) above), incurred in providing SES to eligible students.

B2) If a district spends less than the amount needed to meet its 20 percent obligation, it must meet the criteria in 34 C.F.R. §200.48(d)(2)(i) before it may use unexpended funds from the 20 percent obligation for other allowable activities. These criteria specify the minimum conditions a district must meet in order to be considered as having met all demand for choice-related transportation and SES. A district that does not meet the criteria must spend the unexpended amount of its 20 percent obligation in the subsequent school year on choice-related transportation or SES, in addition to the funds it is required to spend to meet its 20 percent obligation in the subsequent school year [34 C.F.R. §200.48(d)]. (See USDOE SES Non-Regulatory Guidance, Sections L1 – L25)

To spend less than the amount needed to meet its 20 percent obligation and to use the unexpended amount for other allowable activities in a given school year, a district must meet, at a minimum, all of the following criteria [34 C.F.R. §200.48(d)(2)(i)]:

- i) 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. (See USDOE SES Non-Regulatory Guidance, Sections L-4 through L-6.
- ii) Ensure that eligible students and their parents have a genuine opportunity to sign up to transfer or to obtain SES, including by: (a) providing timely, accurate notice to parents (See USDOE SES Non-Regulatory Guidance, Section L-7); (b) ensuring that sign-up forms for SES are distributed directly to all eligible students and their parents and are made widely available and accessible through broad means of dissemination, such as the Internet, other media, and communications through public agencies serving eligible students and their families (See USDOE SES Non-Regulatory Guidance, Sections G-7 and G-8); and (c) providing a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable parents of eligible students to make informed decisions about requesting SES and selecting a provider. (See USDOE SES Non-Regulatory Guidance, Sections L-8 through L-10.)
- iii) 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. (See USDOE SES Non-Regulatory Guidance, Sections L-11 through L-14.)
- iv) A district that spends less than the amount needed to meet its 20 percent obligation and does not intend to spend the unexpended amount in the subsequent school year must maintain records that demonstrate it has met the criteria above [34 C.F.R. §200.48(d)(2)(ii)], and must notify IDOE in writing that it has met the criteria and intends to spend the remainder of its 20 percent obligation on other allowable activities [34 C.F.R. §200.48(d)(2)(iii)]. In addition to documentation verifying it has met the criteria described above, the district must include in its notice to IDOE the amount of the remainder of its 20 percent obligation [34 C.F.R. §200.48(d)(2)(iii)].

c) A district is required to prominently display in a place that is visible and easy for parents to locate on its Web site the information regarding SES detailed in (See USDOE's SES Non-Regulatory Guidance, Sections G-10 through G13). A district must

post this information in a timely manner to ensure that parents have current information on their options [34 C.F.R. §200.39(c)(1)].

*(A district must also display on its Web site information on aspects of public school choice. For more information, see the Public School Choice Non-Regulatory Guidance, D-8, at:
<http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.doc>.)*

C1) Beginning with data from the 2007-2008 school year (or first year the district was required to offer SES), and for each subsequent school year, the number of students who were eligible for and the number of students who participated in SES [34 C.F.R. §§200.39(c)(1)(ii); 200.42(b)(5); 200.43(b)(5); 200.43(c)(1)(iii)]. Regarding the number of students who were eligible for and who participated in SES in prior years, a district should display this information as soon as it becomes available.

C2) For the current school year, a list of SES providers approved by the State to serve the district and the locations where services are provided (when this information is available)[34 C.F.R. §§200.39(c)(1)(iii); 200.42(b)(5); 200.43(b)(5); 200.43(c)(1)(iii)]. A district must post information on approved providers as early in the school year as possible so that parents can access this information when making decisions about their child's participation in SES, and update this information periodically throughout the school year, as updates become necessary.

C3) A district's Web site should also include information on which providers are able to serve student with disabilities or LEP students, and other information, such as the district's SES timeline and procedures for student enrollment, to help parents make informed decisions about their SES options. Additionally, a district could include information, obtained from IDOE's Web site, on the district's 20 percent obligation and per-pupil allocation (when this information is available for the current school year).

C4) A district must continue posting historical data on SES participation and eligibility, and its current list of providers, in subsequent school years accordingly.

d) A district may not limit or ban approved SES providers from promoting their programs to the general public. Providers are allowed to market their services directly to members of the community or to provide general information to the public about the availability of SES. However, a district may set reasonable requirements related to marketing and

advertising on school grounds and during the school day or during school-sponsored events. Providers are expected to adhere to such reasonable requirements.

e) Before service provision begins, IDOE requires all SES districts to develop and sign an SES Contract with providers that parents have selected. Before each new school year, IDOE requires all SES districts to submit a draft of the upcoming school year's SES contract to the SES Specialist for review. Districts must submit the SES Contract draft to the SES Specialist by August 31st of each school year. IDOE will provide a response as expeditiously as possible. Districts are not permitted to use the SES Contract with providers until the SES Specialist has provided the district with written approval. (See IDOE's Sample SES Contract in Subpart G, Appendix M)

f) IDOE also requires all SES districts to develop an SES Agreement. Before each new school year, IDOE requires all SES districts to submit a draft of the upcoming school year's SES Agreement to the SES Specialist for review. Districts must submit the SES Agreement draft to the SES Specialist by August 31st of each school year. Districts are not permitted to use the SES Agreement until the SES Specialist has provided the district with written approval. IDOE will provide a response as expeditiously as possible. (See IDOE's Sample SES Agreement in Subpart G, Appendix N)

F1) Once parents select a provider for their child, the district must complete an SES Agreement with the provider that includes the following (See USDOE's SES Non-Regulatory Guidance, Section H-1):

- i) Specific achievement goals for the student, developed in consultation with the student's parents and the provider [Section 1116(e)(3)(A); 34 C.F.R. §200.46(b)(2)(i)(A)];
- ii) 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), (B); 34 C.F.R. §200.46(b)(2)(i)(B), (ii)];
- iii) A timetable for improving the student's achievement [Section 1116(e)(3)(A); 34 C.F.R. §200.46(b)(2)(i)(C)];
- iv) A provision for terminating the agreement if the provider fails to meet the student's specific achievement goals and timetables [Section 1116(e)(3)(C); 34 C.F.R. §200.46(b)(2)(iii)];
- v) Provisions governing payment for the services, which may include provisions addressing missed sessions [Section 1116(e)(3)(D); 34 C.F.R. §200.46(b)(2)(iv)];
- vi) 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 [Section 1116(e)(3)(E); 34 C.F.R. §200.46(b)(2)(v)]; and
- vii) An assurance that SES will be provided consistent with applicable health, safety, and civil rights laws [Section 1116(e)(5)(C)]

NOTE: In the case of a student with a disability, the achievement goals, measurement and reporting of progress, and timetable described in items

through (iii) above must be consistent with the student's IEP under Section 614(d) of the IDEA [Section 1116(e)(3)(A); 34 C.F.R. §200.46(b)(3)]. In the case of a student covered by Section 504, the achievement goals, measurement, and reporting must be consistent with the student's individualized services under Section 504 [34 C.F.R. §200.46(b)(3)]. SES must be 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 a student's IEP or Section 504 plan.

Once a parent has signed a release form allowing the district to share the IEP or 504 plan with a provider, the district should ensure that a copy of the IEP or 504 plan is given to the provider in a timely manner.

F2) Section 1116 of the ESEA requires “*the local educational agency[school district]* to develop, in consultation with parents (and the provider chosen by the parents) a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement” [Section 1116(e)(3)(A) (*emphasis added*)].

It is the responsibility of the district, not the responsibility of a provider, to ensure that an SES Agreement is completed for each student participating in SES and that each agreement includes the information required under the statute. However, a district and a provider may agree that the provider will complete, on behalf of the district, the agreement for each student the provider serves. A district cannot require a provider to develop the agreements for the students it serves, absent the provider's consent. Ultimately, the district is responsible for reviewing and approving all agreements, and for making sure that all agreements, whether developed by the district or by a provider on behalf of the district, are completed for all students participating in SES and include the required information. (See USDOE's SES Non-Regulatory Guidance, Section H-2)

F3) The statute does not specifically require a parent's signature as evidence that consultation on a student's agreement has occurred. Rather, a district must offer parents a genuine opportunity to consult on the terms of their child's individual student agreement.

A district cannot use the consultation requirement to deny SES to a child whose parents have not participated in the development of their child's SES plan but who have otherwise requested that their child receive SES (i.e. the parent has submitted a signed SES Enrollment form selecting a provider). A district must be able to demonstrate that it (or a provider acting on its behalf) has made reasonable efforts to consult with a parent of each student who has requested SES. This may include attempts to reach parents through telephone, email, home visits, at school events, or other means. (See Appendix K for USDOE's SES Non-Regulatory Guidance, Section H-5 and Appendix O for IDOE's SES Agreement Guidance Document)

Failure to obtain a parent signature on the SES Agreement/Student Learning Plan cannot prevent a student from receiving SES tutoring as long as the following conditions exist:

- i) The parent has submitted a signed enrollment form selecting a provider;
- ii) The district or provider has documentation to verify that at least 3 different methods were used to contact the parent regarding consultation on the SES Agreement/Student Learning Plan. Examples of acceptable methods that might be used to contact parents would include but not be limited to phone calls, e-mails, mailed letters, home visits, attempted consultations at school events, etc.

F4) IDOE has developed an SES Agreement Guidance document (see Subpart G, Appendix O) which shares more details regarding the completion of the SES Agreement. Although a brief summary of action steps related to completing the SES Agreement is provided below, districts and providers must also review and comply with the requirements contained in IDOE's SES Agreement Guidance document.

- i) IDOE encourages districts to allow classroom teachers to participate in developing or reviewing SES Agreements/Student Learning Plans. Districts may use Title I funds to provide stipends to pay teachers for developing or reviewing SES Agreements/Student Learning Plans on behalf of the district.
- ii) When the district assumes the responsibility for completing the SES Agreement, the district must consult with the parent and provider. If the district is unable to obtain a parent signature, the district must collect and keep on file documentation of the attempts made to consult with the parent. If the provider (and parent to the extent possible) agrees with the goals and content of the agreement, the provider and district must sign the SES Agreement, the district must keep the original on file, and provide a copy of the approved agreement to the SES Provider and parent. If the provider does not agree with the goals or other components of the SES agreement, the provider must submit a written summary of its concerns to the district and work with the district (and parents to the extent feasible and practical) to make changes that are mutually agreeable to all parties.
- iii) When the provider agrees to assume responsibility for completing the SES Agreement, the provider must consult with the parent and district. If the provider is unable to obtain a parent signature, the provider must collect and provide the district with documentation of the attempts made to consult with the parent when the provider gives the district a copy of the SES Agreement. Once the provider gives the district a copy of the agreement, the district must 1) review the agreement to ensure student goals and all other content are appropriate and 2) verify the agreement was signed by the provider (and parent or that the provider has submitted evidence of the

multiple attempts made to consult with the parent). If the district (and parent to the extent possible) agrees with the goals and content of the agreement, the district must sign the SES Agreement, keep the original on file, and provide a copy of the approved agreement to the SES Provider and parent (districts are encouraged to develop a formal process for informing providers whether an agreement has or has not been approved). If the district does not agree with the goals or other components of the SES agreement, the district must submit a written summary of its concerns to the provider and work with the provider (and parents to the extent feasible and practical) to make changes that are mutually agreeable to all parties.

NOTE: Once a parent has signed a release form allowing the district to share the IEP or 504 plan with a provider, the district should ensure that a copy of the IEP or 504 plan is given to the provider in a timely manner to assist with the development of the SES Agreement or student learning plan

g) A district may set reasonable administrative requirements for providers, including but not limited to verification of liability insurance, criminal history checks, required submission of attendance sheets, and marketing procedures on school grounds. However, districts must take care that administrative requirements do not subject SES providers to more stringent requirements than apply to other outside organizations that serve the district's students or other contractors of the district. Districts must also ensure that requirements do not have the effect of inappropriately limiting educational options for parents or altering a provider's approved programming.

h) IDOE's Differentiated Accountability model requires all Comprehensive schools and also Focused Schools in Year 4 or higher of improvement to allow providers (interested in doing so) to use school space for the provision of services. Focused schools in Years 1, 2, or 3 of improvement are not required to allow providers to use school space, however, a district may have to require Focused schools in Years 1, 2 or 3 of improvement to allow providers to use school space if it needs to meet the criteria detailed in Section 13.0 (b)(B2)(i) through (iv).

H1) A district may charge a reasonable fee for facilities use. Districts must ensure that the use of school buildings by providers is on the same basis and terms as are available to other organizations that utilize school space before or after school.

H2) If a district is itself an SES provider and charges a fee for the use of school space, the district must also charge its own SES program for the use of school space. In the same fashion, if a district is itself a provider and does not wish to charge its own SES program for the use of school space, the district cannot charge any other SES provider for the use of school space.

- i) If a district charges providers for the use of school space, the district must charge the same fee to all providers using school space (whether it's per hour, per session, per week, etc.).
- ii) If the district does not charge any other before or after school programs for the use of school space, the district cannot charge SES providers for the use of school space.

H3) A district, with the permission of its superintendent or school board, as applicable, may allow school building administrators to determine whether or not services may be provided in their buildings only if the school is a Focused School in Years 1, 2, or 3 of improvement and not otherwise required to allow providers to use school space. However, if a building administrator determines that their building may be used, all providers (interested in using school space) must be allowed to use that building.

H4) If a school does not have the capacity to accommodate all providers, the district must select providers to operate on-site by using a method that is fair, transparent, and objective, such as a lottery system.

H5) Not all SES Providers will be interested in using school space. The policies detailed in (h) (H1- H4) are in reference to districts and schools with some providers that are interested in using district/school facilities.

i) District employees may not receive compensation in exchange for access to facilities, to give providers student lists, or for any illegal purpose. However, district employees may be hired by providers, so long as no real or perceived conflict of interest would result from such hiring (see EDGAR Sec. 80.36(3)).

I1) District staff who work for providers must adhere to all of the guidelines detailed in Subpart B, Section 2.0 (g)(G1-G5):

Section 14.0: Student Eligibility

Under IDOE's Differentiated Accountability Model for school improvement, the three eligibility criteria that must be met in order for a student to qualify for SES are the student must 1) attend a Title I school in improvement, 2) qualify for free or reduced lunch, and 3) be non-proficient (see b)

- a) All students who meet these three eligibility requirements must be offered the opportunity to receive SES tutoring (i.e. districts cannot add additional eligibility criteria);
 - A1) Districts must verify that students who enroll in SES meet all of the eligibility criteria.
 - A2) If a student does not meet all of the eligibility criteria, the student is not eligible for SES.

i) If the parent submitted the enrollment form for the ineligible student directly to the district, the district must notify the parent (in writing) that the student is not eligible and should share other resources (other than SES) within the school district or in the community that ineligible families may be able to use (i.e. other tutoring or academic assistance programs that are free or reduced cost).

ii) If the provider submitted the enrollment form for the ineligible student directly to the district, the district must contact (in writing) the provider to share ONLY that the student is not eligible (due to confidentiality precautions the district cannot tell the provider *why* the student is not eligible). The district should also notify the parent (in writing) that the student is not eligible and should share other resources (other than SES) within the school district or in the community that ineligible families may be able to use (i.e. other tutoring or academic assistance programs that are free or reduced cost).

- b) Districts must use ISTEP results to determine non-proficiency for ISTEP grade levels. If ISTEP scores are not available for a student or for students in grade levels that do not complete ISTEP, the district must determine the assessment tool(s) that will be used to establish a student's proficiency level. If the district is unable to determine proficiency for a student(s), the district must allow the student(s) to participate in SES (as long as the student(s) qualifies for free and reduced lunch and attends an SES eligible school).

B1) Free or reduced lunch students who attend SES eligible schools and also meet the following criteria would be considered non-proficient and eligible for SES:

- i) A student who did not pass the math and/or English/Language Arts subject area on ISTEP;
- ii) A student who did not pass the math and/or English/Language Arts subject area on an alternate assessment tool determined by the district (for students who do not have ISTEP scores available or students in grade levels that do not complete the ISTEP);
- iii) A student for whom the district cannot determine proficiency.

B2) Districts must use a consistent assessment tool for non-ISTEP grade levels or students who do not have ISTEP scores available. Districts must use the same assessment tool for all students in the same grade level but may use a different assessment tool for different grade levels. For example, a district could use Assessment A for grades K-1, Assessment B for grades 2-3 and Assessment C for students in higher grade levels who do not have ISTEP scores available. In this case, the district would be using three different assessment tools but still meet the requirement of being consistent because students in the same grade level complete the same assessment tool;

- i) Many alternate assessment tools may already have an established cut score that can be used to determine whether a student passed or did not pass the assessment. However, if the assessment does not have a defined cut score, the district must establish a cut score and apply it consistently for all students completing the same assessment. For example, if the district establishes the cut score for Assessment A is 60 and Assessment B is 50, any student who receives a 59 or below on Assessment A or scores below 49 on Assessment B would be considered non-proficient.
- B3) Although non-proficiency determinations for SES student eligibility are based solely on a student's scores in the subject areas of math and English/language arts, providers may tutor students in math, English/language arts, or science.
- c) Although all students in SES schools with school lunch Provision 2 or 3 status are considered as qualifying for free or reduced lunch, only the non-proficient students at these schools would be eligible for SES;
- d) When the demand for SES tutoring exceeds a district's SES funds (i.e. the demand is greater than the district's SES funds), the district must:
 - C1) Give priority to the lowest achieving eligible students (as determined by the student's ISTEP score or student's score on an alternative assessment selected by the district for students in non-ISTEP grade levels or who do not have ISTEP scores available);
 - C2) Develop a list ranking eligible students based on academic need. This list must place students with the greatest academic need at the top to ensure that these students receive services first;
 - C3) Once the district has allowed the maximum number of students on the list that can be served with the district's SES funds an opportunity to begin working with an SES provider, the district must notify the parents of the remaining students on the list that due to the fact that the demand for SES tutoring exceeds the district's SES funding, their children were placed on an SES wait list. Districts must include a description regarding how the district determined academic need and the process the district will use to move students off of the wait list (i.e. when a student moves or does not participate in the SES program, the district will allow the next student on the list to participate in SES and so on).

Section 15.0: Per Pupil Expenditure for SES

IDOE will provide each SES district with its per pupil expenditure (PPE) for SES based on each district's final Title I allocation.

- a) Each district's PPE is the maximum amount the district can spend on tutoring services for an SES student using its 20 percent obligation;
- b) Districts must make sure that the total amount per student that is charged by each provider does not exceed the PPE;

- c) The total amount per student that is charged by an SES provider may be lower than a district's PPE. However, it is the amount the district pays the provider that is lower in this situation because the district's PPE remains the same. For example, a district's PPE is \$1900.00 and the total cost per student that Provider "A" charges is \$1500.00. Even though the district's PPE is \$1900, the district would pay Provider "A" \$1500.00 for a student that completes all of Provider "A's" sessions because this is the total amount per student that Provider "A" charges.
 - i) Districts cannot lower the PPE. However, if a provider's total cost per child is less than the district's PPE or a student does not attend all of the sessions offered by a provider, the district may pay the provider an amount lower than the PPE.
- d) A provider must not be paid the entire PPE unless 1) the provider's total cost per student is equal to the district's PPE [some providers may charge a lower amount] and 2) the student attends all of the sessions offered by the provider [not all students will attend all of the sessions offered by a provider])

Section 16.0: Release of Student Names and Contact Information

Once a parent selects an SES Provider:

- a) Districts must only release student names or parent contact information to providers if the district has written permission from parents to release such information. Districts are encouraged to include a permission clause for the sharing of this information on their SES enrollment forms;
- b) In addition, districts must not release student names or parent contact information to providers until after the provider has submitted a signed SES Contract and any reasonable additional documentation (i.e. criminal history checks, liability insurance, etc.) the district requires from providers before providers are permitted to begin tutoring students;
- c) In order to maintain compliance with confidentiality requirements, if the conditions described in "a" and "b" above have been met, districts must only release student names and contact information to the individual provider the parent has selected. Districts must ensure that providers receive information related ONLY to students whose parents have selected that particular provider.

Section 17.0: Informational Meetings

- a) Districts should host informational meetings at the beginning of the school year to educate parents, SES school principals and teachers, the school board and any other district stakeholders in SES about SES;
 - A1) These meetings should provide information about SES that is relevant to each audience (i.e. districts should separately host and provide informational meetings such as a Parent SES Informational Meeting, an SES School Principal Informational Meeting, an SES School Staff SES Informational Meeting, a School Board SES Informational Meeting, etc.)

- b) Districts are encouraged to use USDOE's Non-regulatory Guidance on SES, IDOE's Policies and Procedures on SES, and resources available on IDOE's SES and Title I websites to develop materials to present during the informational meetings.

Section 18.0: Verification and Tracking

- a) Districts must verify invoices have been correctly completed and include the required information before paying the invoice. Districts must;
 - A1) Verify students listed on the invoice are eligible for SES;
 - A2) Verify that the amount the provider is charging per session in each invoice is the same as the amount listed in the SES Contract and SES Agreement (as applicable);
 - A3) Verify invoices include the required components (description of the fees being charged, description of the services provided, description of location services were provided, description of the number of students served, and a description of the dates when services were provided);
 - A4) Verify invoices clearly share the student's full name, how many sessions each student attended, dates the student attended sessions, etc., in addition to including the required components (see A3);
 - A5) Verify providers have submitted the district's required additional documents with the invoice such as attendance logs, student/parent sign-in sheets, progress reports, etc.
 - A6) Districts must also develop a system for tracking SES expenditures and update this system each time an SES invoice is paid (IDOE will collect this information on the Choice/SES expenditure report)
- b) Districts must track and monitor Choice (transportation) expenditures;
 - B1) Districts must collect expenditure data from their transportation departments regarding Choice expenditures on a semester basis (IDOE will collect this information on the Choice/SES expenditure report). This will enable the district to determine if it has adequately budgeted for Choice *and* SES;
 - B2) Districts should also use Choice expenditures to determine the amount of the 20% obligation that remains for SES expenditures after Choice expenditures have been deducted.
- c) Districts must track SES enrollment numbers for the district as a whole to ensure the district does not exceed the maximum number of students the district can serve with its SES funding (a district's SES funds are directly impacted by how much the district spends on Choice).
- d) Districts must monitor provider enrollment numbers to ensure provider's are not exceeding the maximum number of students agreed to in the SES Contract (districts can amend providers' contracts as need be if the district has SES funds remaining that will allow the district to pay for additional SES students and more parents select a

provider than the number that was originally agreed to in the provider's initial contract).

- e) Districts must track the amount of funds being spent for each SES student to ensure that the district is not paying for tutoring costs beyond the district's PPE amount using its 20 percent obligation.

Section 19.0: SES Enrollment and Participation Rates

- a) The SES enrollment rate for each district refers to the number of students who sign-up for SES tutoring services.

A1) IDOE will require each district to submit information regarding their SES enrollment rates by December of each year on the Preliminary Collection report and also on the End of the Year collection report sent to districts in the summer;

A2) In January of each year, any district with an enrollment rate below the state average (this will be determined using enrollment rates submitted on the Preliminary Collection report) will be required to do one or more of the following:

- i) Submit a waiver with verification that the district's Choice expenditures reduce the amount of the 20 percent obligation the district can spend on SES and therefore does not permit the district to serve enough students to meet the state's average SES enrollment rate. Verification must include documentation of Choice (transportation) expenditures.

- ii) Submit verification IDOE has made an error in calculating the district's enrollment rate;

- iii) Send an additional notice to parents encouraging enrollment in SES. The district will be required to submit a copy of the notice (i.e. flyer, brochure or brief parent friendly letter) to IDOE. The district will also be required to submit a mailing receipt once the additional recruitment notice has been sent to parents. The district will be required to send this additional notice to parents prior to the end of January.

A3) In addition to the actions detailed in (A2)(i) through (iii), based on Title I on-site monitoring visits or low enrollment numbers on the Preliminary Collection report, districts may also be required to submit documentation of the "good faith" efforts the district has made throughout the school year to encourage enrollment in SES. IDOE may require the district to participate in additional recruiting efforts if the district cannot demonstrate that it has made a good faith effort.

- i) "Good faith efforts" include districts using multiple mediums and methods to encourage SES participation beyond sending the required parent notification letter to parents. These methods include but are not limited to flyers, brochures, hosting Parent Informational Meetings, hosting provider fairs, advertising SES in school newsletters and announcements, SES booths at Open Houses and other school events, running PSA's on the radio or TV, partnering with community organizations to assist with parent

outreach, and any other criteria described in Section 13.0 (b)(B2)(i) through (iv).

- b) The SES participation rate for each district refers to the number of students who have received SES tutoring service by attending one or more tutoring sessions.

- B1) IDOE requires each district to submit information regarding their SES participation rates by December of each year on the Preliminary Collection report and also on the End of the Year collection report sent to districts in the summer.

- B2) It is very important that districts find an appropriate method for verifying that students are actually participating in SES before including students in their counts for participation rates (or counts for students receiving SES). The most feasible method would be to use provider invoices to determine students who are participating in SES. A student can be counted in the district's participation rate as long as the student has attended at least one tutoring session.

- B3) Districts must also monitor SES participation to ensure that students who have enrolled in SES are actually receiving services. Districts must compare student names from their SES enrollment list to the student names the district receives on monthly invoices. If the district discovers, a student has enrolled in SES but has not appeared on any of the invoices submitted by providers, the district must contact the parent and provider to examine the circumstances.

- i) Students may have enrolled but are not receiving SES services because their parent is no longer interested. In this case, the district may still encourage the parent to have their child participate but if the parent is simply not interested, the district must contact the provider to share that the parent is no longer interested in services.

- ii) Students may have enrolled but are not receiving SES services because the provider has not begun providing tutoring. In this case, the district should check the start dates the provider agreed to in the SES Contract and/or the student's SES Agreement. If the start date has passed, the district must share with the provider that the parent will be given the option of selecting another provider since the selected provider did not begin services timely.

Section 20.0: Transportation for SES Students

- a) Based upon IDOE's Differentiated Accountability Model, Comprehensive Schools must provide transportation for SES students following the guidelines below:

- A1) For SES offered on-school site:

- i) Transportation will be provided from school to the student's home or district-designated drop-off location.

ii) Transportation will be provided by district bus/van to the student's home or the district-designated drop-off location, **or** the district will reimburse parents for mileage for transportation from school to home.

A2) For SES offered offsite:

i) Transportation will be provided by district bus/van, **or** the district will reimburse parents for mileage to transport students either from school or home to the provider's approved tutoring location.

ii) Transportation will only be provided to tutoring locations within district boundaries.

iii) Transportation from the provider to student homes will be the parents' responsibility.

Section 21.0: Documentation

- a) Districts must keep all documentation of communication to and from SES providers on file;
- b) Documentation of communication with providers can include but may not be limited to copies of e-mails, certified mailing documentation, mailing receipts, letters, written policies, etc.

SUBPART G: APPENDICES

- A. IDOE Assurances
- B. IDOE Application Amendment
- C. IDOE Student Recruitment and Incentive Policy
- D. IDOE Monitoring and Evaluation Overview
- E. IDOE On-site Monitoring Rubric
- F1. IDOE Progress Report Checklist
- F2. IDOE Example Progress Report
- G. Corrective Action Plan (based on On-site Monitoring Visit)
- H. Corrective Action Plan (based on Overall Evaluation Report)
- I. IDOE Complaint Procedures
- J. IDOE Procedure for Investigating Complaints Against an SES provider
- K. U.S. Department of Education's SES Non-Regulatory Guidance
- L. IDOE Example Learning Plan
- M. IDOE Sample SES Contract
- N. IDOE Sample SES Agreement
- O. IDOE SES Agreement Guidance
- P. Conflict Resolution Steps