

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

TABLE OF CONTENTS

Updated April 6, 2010

SUMMARY OF MAJOR CHANGES

This guidance updates upon on the SES FAQs released on July 14, 2009, and on September 18, 2009. It includes new questions that address issues that were undeveloped or unaddressed in the July or September 2009 FAQ guidance, and it responds to inquires that the TEA received from LEAs and SES providers.

The following questions are new questions that were not in the July 14, 2009, original guidance:

New questions addressed in the September 18, 2009, guidance: 11, 15, 25, 26, 29, 30, 31, 32, 41, 42, 43, 44, 45, and 46.

New questions addressed in the April 6, 2010, updated guidance: (intact at end of document) 47, 48, 49, 50, 51, 52, and 53.

GENERAL

1. Does the Supplemental Educational Services (SES) guidance released on April 8, 2009, apply to the 2008-09 school year?
2. How is the term “school year” defined for purposes of administering SES (e.g., service delivery, enrollment, and meeting the 20 percent set-aside obligation)?

FISCAL

3. Must districts spend the full 20 percent set-aside obligation requirement on public school choice (PSC) and SES for the 2008-09 school year and subsequent years?
4. Are districts required to allow students to expend the full SES per-pupil dollar amount?
5. Are districts obligated to spend the full SES per-pupil allocation that is determined by the state for each eligible student?
6. What funding sources can be used to pay for SES?
7. How can districts pay for SES occurring in July and/or August?
8. Can roll-forward (carryover) funds be used to pay for SES?
9. Is there a process for reallocating unused SES funds?
10. Can districts charge the newly allowable one percent parent outreach costs beginning with the 2008-09 school year? If so, what is the process?
11. If LEAs conduct parent telephone calls as part of their SES outreach strategy, do the costs needed to pay personnel making the calls qualify as an allowable expense under the one percent parent outreach and assistance cap allowed under the 20 percent set-aside obligation?

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

MONITORING AND REPORTING

- 12.** Will the Texas Education Agency review and monitor district implementation of the 20 percent set-aside obligation requirement and applicable processes? If so, how?
- 13.** If a district met its 20 percent set-aside obligation, is additional documentation required?
- 14.** Are grant application amendments required to reallocate SES funds?
- 15.** If a parent declines SES for their eligible child, are LEAs required to retain this information/documentation on file for each child whose parent declined services, or may a LEA maintain on file a reasonable representative sample of these parent “decliners?”

ENROLLMENT AND START DATE

- 16.** Are districts required to re-open enrollment—specifically during the summer—to meet the 20 percent set-aside obligation?
- 17.** Are districts required to provide SES during the summer to students who request it? If so, for which school year(s) does this apply?
- 18.** Are districts required to provide SES during the summer to students who request it if the school or even district closes during the summer?
- 19.** Are districts that held two enrollment periods either less than 60 days in length or for less than a combined total of 60 days required to have at least one additional enrollment period that lasts 60 days or longer?
- 20.** Can districts that offer SES open-enrollment periods establish a closing date? If so, do closing dates set prior to the last day of school (e.g., May first) affect a district’s eligibility to reallocate remaining 20 percent set-aside funds?
- 21.** When are districts and providers required to use the state uniform enrollment form?
- 22.** Can districts/campuses establish practices that bar providers from submitting (e.g., hand-delivery, mail, overnight, etc.) enrollment forms to the district or campus on behalf of eligible students and parents?
- 23.** What does the new requirement “that districts cannot limit service enrollment periods without TEA approval of planned enrollment periods and processes” mean?
- 24.** TEA approval is needed if a district plans to limit service enrollment periods, including planned enrollment processes. What is the process/procedure for this?
- 25.** If a student is eligible for SES at the time of initial enrollment but becomes ineligible later in the year and still has SES funds available, can the student continue to receive SES through the end of the year or until the SES PPA is exhausted, whichever is earlier?
- 26.** If a LEA rejects a completed application request for SES for any reason, the LEA must provide the parent and the provider selected with detailed information explaining why the application was rejected; the information should contain a valid reason for the rejection (see SES guidance question E-1). What are some examples of a “valid” rejection?

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

COMMUNICATION AND OUTREACH

- 27.** When districts contact approved SES providers to determine whether or not the provider agrees to serve students in their locality, sometimes reduced provider rates are discussed. Is this practice allowable—can districts renegotiate hourly rates with providers below provider state-approved rates?
- 28.** If districts are required to provide more time so parents can make decisions regarding SES enrollment, does this mean the minimum length of a SES enrollment period is 60 days—the amount of time parents have to decide on SES?
- 29.** What are the LEA requirements for disseminating SES packets to parents during SES enrollment periods, including open-enrollment?
- 30.** Are LEAs required to send each “SES packet” that they disseminate to parents throughout the year to the TEA, or just the initial SES packet disseminated at the beginning of the school year?
- 31.** Are LEAs required to create and disseminate SES packets each time the state-list of providers is revised and re-posted to the web (e.g., appeals, amendments, etc.)?
- 32.** Can LEAs send the required SES parent notification to parents on a compact disc (CD)?

ADMINISTRATION AND IMPLEMENTATION

- 33.** Can providers continue recruiting efforts past the last day of school?
- 34.** Can districts establish local policies and procedures for payment and/or invoicing to SES providers?
- 35.** Our SES contract with providers ends on June 30. Does the district need to extend the contract to allow providers to serve students during July and/or August?
- 36.** Are districts required to allow invoices for SES to be submitted through September of the subsequent school year (e.g., for services rendered in August)?
- 37.** How many days do providers have to submit invoices to districts for payment?
- 38.** What is the last day during the school year that districts can pay providers for services, particularly, for services rendered in the summer?
- 39.** What happens if the invoice submitted by a provider is incorrect and the deadline for payment passes?
- 40.** Can summer services end June 30?
- 41.** At what point during SES enrollment/implementation does the learning tool 10 day delivery period requirement begin (e.g., from the date the student is enrolled in SES and assigned to a provider, etc.)?
- 42.** Are parent signatures required on the student learning plan (SLP)? If so, can LEAs require providers to obtain this signature from parents?
- 43.** Which campuses are eligible to allow SES to occur during non-instructional periods during the school day?
- 44.** Are campuses that enroll secondary students (grades 9-12) required to allow SES to occur during non-instructional periods during the school day?

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

- 45.** Must LEAs and eligible campuses make available their campuses for non-instructional time during the school day?
- 46.** Can LEAs require SES providers to submit hard copies of invoices and progress reports?
- 47.** Are LEAs required to contact all students who did not complete their SES program and notify them that they have additional funds (the ARRA PPA) available for SES instruction?
- 48.** Are LEAs required to contact all students who completed their SES program and notify them that they have additional funds (the ARRA PPA) available for SES instruction?
- 49.** If the student has completed a provider's SES program and more services become available, must the student be reassigned to the same provider or may the parent select a different provider?
- 50.** Are LEAs required to pay providers that have "back-billed" the district for services rendered after the regular Title I, Part A per-pupil allocation (PPA) was spent down but before the ARRA PPAs were available?
- 51.** How should LEAs monitor SES program implementation now that the amount of funds available per-pupil for SES increased?
- 52.** If an LEA is granted a waiver to waive its ARRA SES PPA funds but providers have already invoiced these funds, is the district required to pay these ARRA invoices?
- 53.** May a provider halt SES instruction once they billed the full regular PPA amount regardless of the additional ARRA PPA being available?

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

GENERAL

- 1. Does the Supplemental Educational Services (SES) guidance released on April 8, 2009, apply to the 2008-09 school year?**

Yes. The guidance requirements apply beginning with the 2008-09 school year. The Texas Education Agency (TEA) released the state's SES guidelines and requirements based on the January 14, 2009, U.S. Department of Education's SES Non-regulatory Guidance.

- 2. How is the term "school year" defined for purposes of administering SES (e.g., service delivery, enrollment, and meeting the 20 percent set-aside obligation)?**

The term "school year" refers to the period beginning on the uniform start date (the fourth Monday in August) of the school year for which the SES requirement applies and ends on the day before the subsequent school year's uniform start date. For example, the 2008-09 school year began on Monday, August 25, 2008 and ends on Sunday, August 23, 2009.

FISCAL

- 3. Must districts spend the full 20 percent set-aside obligation requirement on public school choice (PSC) and SES for the 2008-09 school year and subsequent years?**

Yes, unless a lesser amount is needed. However, the April 8, 2009, guidance allows new expenditures (parent outreach costs) to be included to meet the 20 percent set-aside obligation, upon district discretion. In addition to spending the required funds on PSC and SES, districts may expend up to one percent (or the equivalent of 0.02 percent of the district's Title I, Part A allocation) of the set-aside obligation on parent outreach and assistance.

- 4. Are districts required to allow students to expend the full SES per-pupil dollar amount?**

Yes. Districts are required to allow students to expend the full SES per-pupil dollar amount throughout the school year (including summer) during which the 20 percent set-aside obligation is required, and even through the subsequent school year if the full 20 percent obligation is not expended and the funds are carried over into the subsequent school year, if applicable.

- 5. Are districts obligated to spend the full SES per-pupil allocation that is determined by the state for each eligible student?**

Yes, unless the actual cost of the completed SES is less. Eligible students that request SES are entitled to spend down the full per-pupil allocation (unless

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

the cost of the SES is less) throughout the school year (including summer) during which the 20 percent set-aside obligation is required.

6. What funding sources can be used to pay for SES?

Multiple funding sources can be used to pay for SES. These sources include, but are not limited to Title I, Part, A funds, School Improvement (SIP) grant funds, School Improvement Academy funds, ARRA (stimulus) funds, local and state funds, and other Title funds. (See also TEA Guidance questions K-7 and K-8.)

7. How can districts pay for SES occurring in July and/or August?

Districts can pay for SES that occur during July and/or August with various fund sources (see also FAQ 6) such as non-Title funds. However, districts that choose to use Title I, Part A, funds may consider the following options. Use: 1) Title I, Part A funds designated for the school year during which the SES requirement applies through June 30; 2) next year Title I, Part A funds for services in July and/or August (as long as the application for funding has been submitted prior to services being received), 3) SIP roll-forward (carryover) beginning on July 1; or 4) SIP pre-award approval for the subsequent year beginning on July 1.

8. Can roll-forward (carryover) funds be used to pay for SES?

Yes. Roll-forward (carryover) funds can be used to pay for SES. However, LEAs must use roll-forward funds in accordance with the rules and regulations of the applicable grant. For example, roll-forward funds cannot be used to pay for preceding grant years' activities.

9. Is there a process for reallocating unused SES funds?

Yes. Districts must follow specified agency processes and procedures to reallocate unused SES funds. To be eligible, districts must meet minimum criteria and submit the required notification to reallocate form and supporting documentation by the date specified. The process and additional information is located on the Division of NLCB Program Coordination's website at:

<http://ritter.tea.state.tx.us/nclb/PDF/20PercentProcedureProcesses.pdf>

10. Can districts charge the newly allowable one percent parent outreach costs beginning with the 2008-09 school year? If so, what is the process?

Yes. Districts can charge up to one percent (or the equivalent of 0.02 percent of the district's Title I, Part A allocation) of the 20 percent set-aside obligation

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

on parent outreach and assistance beginning with the 2008-09 school year. Districts must appropriately document the costs locally.

11. If LEAs conduct parent telephone calls as part of their SES outreach strategy, do the costs needed to pay personnel making the calls qualify as an allowable expense under the one percent parent outreach and assistance cap allowed under the 20 percent set-aside obligation?

Yes. The cost to pay personnel to make SES parent-related calls is an allowable expense (see SES guidance question K-21).

MONITORING AND REPORTING

12. Will the Texas Education Agency review and monitor district implementation of the 20 percent set-aside obligation requirement and applicable processes? If so, how?

Yes. The TEA is required to develop, implement, and publically report on the standards and techniques it will use to monitor district implementation of SES, including the 20 percent set-aside obligation.

The TEA will use a variety of sources to monitor and review district fidelity of SES implementation. Sources include, but are not limited to: the EZSES management system, the NCLB consolidated application, program progress reports, SES parent notification letters, Initial Compliance Reviews (ICR), School Improvement Program (SIP) grant application, campus improvement plans, attendance at SES trainings and workshops, site-visits, Program Monitoring and Intervention (PMI) site-visits, expenditure reports, enrollment data, free and reduced-price lunch data, American Recovery and Reinvestment Act (ARRA) grant application, applicable validation reports, notice to reallocate 20 percent documentation, etc.

Additional information on TEA's monitoring practices will be forth coming.

13. If a district met its 20 percent set-aside obligation, is additional documentation required?

Yes. Districts that met their 20 percent set-aside obligation by expending the *full* 20 percent dollar amount by providing PSC or SES to all eligible students must notify the Division of NLCB Program Coordination within 30 days of meeting the requirement. The notification form and additional information is located on the Division of NLCB Program Coordination's website at: TBD

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

The process and additional information is located on the Division of NLCB Program Coordination's website at:

<http://ritter.tea.state.tx.us/nclb/PDF/20PercentProcedureProcesses.pdf>

14. Are grant application amendments required to reallocate SES funds?

Possibly, depending on the source of funding used to meet the 20 percent obligation. Applicable grant application (e.g., ARRA, NCLB, SIP, etc.) amendments may be required, depending on the approved application, to reallocate unused SES funds. For example, if a LEA indicated on PS3101 of its NCLB Consolidated grant application that it would reserve 20 percent of its Title I, Part A funds, but at the end of the year it spent 16 percent, an amendment would be required to reduce the reservation from 20 to 16 percent. Additional information on the amendment process can be found in the program guidelines and instructions for each applicable grant application.

15. If a parent declines SES for their eligible child, are LEAs required to retain this information/documentation on file for **each child whose parent declined services, or may a LEA maintain on file a reasonable representative sample of these parent “decliners?”**

LEAs have discretion in determining how to retain this particular documentation. However, LEAs should be aware that insufficient or unsatisfactory documentation related to SES participation rates may affect a district's ability to reallocate unused funds reserved for SES and/or choice-related transportation on other allowable activities. Additionally, the State may require that LEAs receive written confirmation from a specified percentage of eligible families that they were notified about their SES and public school choice options, or demonstrate evidence that high percentages of parents of eligible students declined services (see SES guidance questions L-2 and L-15).

ENROLLMENT AND START DATE

16. Are districts required to re-open enrollment—specifically during the summer—to meet the 20 percent set-aside obligation?

It depends. Beginning with the 2009-10 school year, districts that offered neither open-enrollment nor a minimum of two separate enrollment periods of significant length (at least 60 days each for a minimum combined total of 120 days) during the school year for which the set-aside obligation is required must re-open enrollment during the summer regardless of a district's plan to carryover remaining unspent funds into the subsequent year or reallocate unused funds.

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

Additional summer enrollment periods are not required if the district met the minimum enrollment requirements: 1) open-enrollment or 2) a minimum of two enrollment periods* during the school year for which SES is required. However, if districts have parents wishing to enroll their students for summer SES, LEAs should consider offering an additional summer enrollment period regardless.

*Please Note: For 2008-09, LEAs that conducted a minimum of two enrollment periods for a combined 60 days are considered compliant and eligible to reallocate funds.

For 2009-10 and subsequent years, LEAs that conduct two separate enrollment periods of 60 days each (for a combined total of 120 days) are considered compliant and eligible to reallocate funds

17. Are districts required to provide SES during the summer to students who request it? If so, for which school year(s) does this apply?

Yes. Beginning with the 2008-09 school year, districts are required to allow students currently receiving SES that would like to spend down their full per-pupil amount and continue through the summer to do so.

Districts also have the flexibility to offer SES with funds that other eligible students have not utilized or with Title I or School Improvement Program (SIP) funds if they feel students need help, but are not required to do so.

The cost of SES provided to students that do not qualify as members of low-income families cannot be used to meet the 20 percent obligation. Only the cost of SES provided to students that qualify as members of low-income families can be used to meet the 20 percent obligation requirement.

Please Note: SES rendered for the 2008-09 school year's SES requirement go through August 23, 2009. Services provided after July 1, 2009, may be paid out of either 2008-09 funds carried over into the 2009-10 grant year or with 2009-10 grant year funds. This is allowable because the services are provided and received within the 2009-10 grant year. SES rendered for the 2009-10 school year's SES requirement begin on August 24, 2009.

18. Are districts required to provide SES during the summer to students who request it if the school or even district closes during the summer?

Yes. Beginning with the 2008-09 school year, districts are required to allow students currently receiving SES that would like to spend down their full per-pupil amount and continue through the summer to do so. LEAs and

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

campuses that close during the summer should communicate with SES providers so services to students can continue. LEAs, campuses, and providers should consider alternative service delivery locations, if applicable, and arrangements for invoices and payments.

19. Are districts that held two enrollment periods either less than 60 days in length or for less than a combined total of 60 days required to have at least one additional enrollment period that lasts 60 days or longer?

It depends. Beginning with the 2009-10 school year, districts that offered neither open-enrollment nor a minimum of two separate enrollment periods of significant length (at least 60 days each for a minimum combined total of 120 days) during the school year for which SES is required must re-open enrollment during the summer regardless of a district's plan to carryover remaining unspent funds into the subsequent year or reallocate unused funds.

Additional summer enrollment periods are not required if the district met the minimum enrollment requirements: 1) open-enrollment or 2) a minimum of two enrollment periods* during the school year for which SES is required. However, if districts have parents wishing to enroll their students for summer SES, LEAs should consider offering an additional summer enrollment period regardless. (See also FAQ 14.)

*Please Note: For 2008-09, LEAs that conduct a minimum of two enrollment periods for a combined 60 days are considered compliant and eligible to reallocate funds.

For 2009-10 and subsequent years, LEAs that conduct two separate enrollment periods of 60 days each (for a combined total of 120 days) are considered compliant and eligible to reallocate funds

20. Can districts that offer SES open-enrollment periods establish a closing date? If so, do closing dates set prior to the last day of school (e.g., May first) affect a district's eligibility to reallocate remaining 20 percent set-aside funds?

Districts can establish closing dates for open-enrollment periods prior to the last day of school. However, by setting closing dates at all or prior to the last day of school, districts should determine whether or not their eligibility to reallocate unused SES funds is affected by reviewing the minimum required criteria (see Appendix A) in the state's reallocation process and procedures guidance (see also FAQ 9).

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

21. When are districts and providers required to use the state uniform enrollment form?

The state SES enrollment form can be used beginning on April 8, 2009. Districts must accept the state SES enrollment form anytime after April 8, 2009. Districts and providers are required to use this form beginning on August 24, 2009, for the 2009-2010 SES year and must provide it in translated form in any languages other than English and Spanish (provided by TEA) that the district normally provides translation. Prior to this date, locally developed LEA and provider enrollment forms can be used along with the state enrollment form.

22. Can districts/campuses establish practices that bar providers from submitting (e.g., hand-delivery, mail, overnight, etc.) enrollment forms to the district or campus on behalf of eligible students and parents?

No. Providers submitting (e.g., hand-delivery, mail, overnight, etc.) enrollment forms is allowable so long as the submissions do not disrupt instruction and day-to-day school functions and operations, are reasonable, do not subject SES providers to more stringent requirements than apply to other contractors of the LEA, and do not have the effect of inappropriately limiting educational options for parents. (See also TEA Guidance question E-5.)

23. What does the new requirement “that districts cannot limit service enrollment periods without TEA approval of planned enrollment periods and processes” mean?

This requirement (see TEA Guidance question G-9 and L-3) applies to districts that did not 1) expend the full 20 percent set-aside obligation, or 2) meet full demand for PSC and SES for all eligible students. Therefore, districts that meet these criteria cannot limit the service enrollment period to less than two separate enrollment windows (no less than 60 days each for a combined minimum total of 120 days) and should consider whether established open-enrollment period closing dates give parents and students sufficient options and a genuine opportunity to select services or continue services through the summer and into the subsequent school year.

24. TEA approval is needed if a district plans to limit service enrollment periods, including planned enrollment processes. What is the process/procedure for this?

Districts must notify and request approval from the Division of NCLB Program Coordination in advance of the district’s release of parent PSC and

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

SES notification letters and SES information (e.g., enrollment processes, timelines, etc.).

Districts should be prepared to demonstrate that full parent demand for the immediate preceding year was met by providing evidence of the LEA's substantial efforts to recruit and service eligible students. For example, documentation must be provided in cases where the LEA claims that high percentages of eligible students declined services as well as evidence that the districts implemented procedures to ensure 1) a minimum of 90 percent of students selecting SES began services within 30 days from the date the parent request for services form was submitted, and 2) the prompt processing of all data and information in the EZSES state management system to facilitate prompt payment of provider invoices. (See also TEA Guidance question L-3.)

25. If a student is eligible for SES at the time of initial enrollment but becomes ineligible later in the year and still has SES funds available, can the student continue to receive SES through the end of the year or until the SES PPA is exhausted, whichever is earlier?

Yes. Students eligible for SES at the time of initial enrollment can continue to receive SES if they become ineligible later in the year but continue to attend a Stage 2 or above campus in Title I, Part A School Improvement.

Services must stop if the: 1) campus where the student is enrolled is no longer funded as a Title I, Part A campus; 2) SES PPA is exhausted; or 3) school year for which the provision of SES is required has ended, whichever is earlier (the 2009-10 school year ends on Sunday, August 22, 2010).

26. If a LEA rejects a completed application request for SES for any reason, the LEA must provide the parent and the provider selected with detailed information explaining why the application was rejected; the information should contain a valid reason for the rejection (see SES guidance question E-1). What are some examples of a "valid" rejection?

LEAs are required to make good faith efforts to implement SES and limit delay of services to students that request it. Therefore, LEAs should remove and/or limit potential barriers to delayed services, including rejecting completed enrollment forms when appropriate.

Examples of valid reasons to reject an enrollment form at the time of enrollment include, but are not limited to, the following.

- a. The student does not meet the SES eligibility criterion.
- b. Although the student meets the SES eligibility criterion, the student is not enrolled in a SIP campus in Stage 2 or above.

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

- c. Although the student meets the SES eligibility criterion, the campus is no longer in SIP Stage 2 or above.
- d. Although the student meets the SES eligibility criterion, the campus is no longer funded as a Title I, Part A campus.
- e. The enrollment form contains illegible information that prohibits the data entry of the student into EZSES.
- f. The student is no longer enrolled in the district (e.g., graduated, etc.).
- g. The provider selected does/will not serve the LEA and/or campus.

Examples of invalid (unacceptable) reasons to reject an enrollment form at the time of enrollment include, but are not limited to, the following.

- a. The form does not list more than one provider.
- b. The form was hand-delivered to the campus and/or LEA.
- c. The form is missing information but not sufficient information prohibiting the data entry of the student into EZSES.
- d. The form is submitted electronically.

COMMUNICATION AND OUTREACH

27. When districts contact approved SES providers to determine whether or not the provider agrees to serve students in their locality, sometimes reduced provider rates are discussed. Is this practice allowable—can districts renegotiate hourly rates with providers below provider state-approved rates?

No. This is not an allowable practice under any circumstances. (See also TEA Guidance question E-4 and TEA Policy Letter item 5.)

28. If districts are required to provide more time so parents can make decisions regarding SES enrollment, does this mean the minimum length of a SES enrollment period is 60 days—the amount of time parents have to decide on SES?

Yes. Based on the SES guidance released on April 8, 2009, the number of days parents are allowed to make informed decisions about SES increased from 30 to 60 days. Therefore, the minimum number of days an enrollment period should last is 60 days, the same amount of time parents have to decide on the SES option for their student.

29. What are the LEA requirements for disseminating SES packets to parents during SES enrollment periods, including open-enrollment?

LEAs should meet the requirements for the content and format of the SES notice each time it notifies parents of their opportunity to enroll their child in

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

SES (see SES guidance question L-9). The minimum number of SES packets that LEAs must disseminate to parents each school year is two (2).

LEAs conducting open-enrollment are required to disseminate two separate SES packets throughout the year, regardless of whether or not the LEA establishes closing dates. Open-enrollment LEAs should use discretion in determining the most appropriate time during which to release the second packet (e.g., at second semester, after report card release, etc.). The first packet is required to be released at the start of the school year.

LEAs conducting separate enrollment periods (not open-enrollment) are required to disseminate SES packets at each enrollment period throughout the year, regardless of the number of enrollment periods held. For example, a LEA conducting three enrollment periods is required to disseminate three SES packets to parents. The first packet is required to be released at the start of the school year. Updated packets must be disseminated at each subsequent enrollment period.

30. Are LEAs required to send each “SES packet” that they disseminate to parents throughout the year to the TEA, or just the initial SES packet disseminated at the beginning of the school year?

Yes. LEAs are required to mail to the TEA all SES packets disseminated to parents throughout the year, including the initial school start SES packet (disseminated to parents no later than the uniform school start date). Therefore, at a minimum, LEAs must submit no less than two (2) SES packets to the TEA for each school year during which the provision of SES is required (see also FAQ 1).

Additionally, upon request, the TEA may require an LEA to send additional parent notification and outreach materials disseminated to parents to the Agency. Therefore, LEAs should maintain and retain on file applicable SES-related information, documentation, and materials.

31. Are LEAs required to create and disseminate SES packets each time the state-list of providers is revised and re-posted to the web (e.g., appeals, amendments, etc.)?

No. However, LEAs are required to notify parents that additional providers are available to provide SES. LEAs have discretion in determining how this written notice is provided (e.g., flyer, campus newsletter, PTA meeting materials, etc.). LEAs are not required to send the provider one-pagers with this notice, but information on how parents can obtain more information about the provider(s) should be included and provided to parents upon request.

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

32. Can LEAs send the required SES parent notification to parents on a compact disc (CD)?

No. LEAs cannot disseminate the required SES parent notification on a CD, since this delivery method may burden families that do not have access to the technology necessary to view CDs.

LEAs must provide information to parents (1) directly, through such means as regular mail or e-mail, and (2) through broader means of dissemination such as the Internet, the media, and public agencies. Specifically, LEAs must disseminate information through both methods. However, LEAs may consider disseminating SES information and materials through a CD as one of many vehicles for distributing SES information to parents and the broader community, but not to meet the SES parent notification requirement.

ADMINISTRATION AND IMPLEMENTATION

33. Can providers continue recruiting efforts past the last day of school?

It depends. Because SES may occur year-round, including through the summer, providers can continue to recruit students past the last day of the school year so long as students in the district can continue to receive services.

However, beginning with the 2008-09 school year, districts are required to allow students currently receiving SES that would like to spend down their full per-pupil amount and continue through the summer to do so.

Districts also have the flexibility to offer SES with funds that other eligible students have not utilized or with Title I or School Improvement Program (SIP) funds if they feel students need help, but are not required to do so.

Please Note: The cost of SES provided to students that do not qualify as members of low-income families cannot be used to meet the 20 percent obligation. Only the cost of SES provided to students that qualify as members of low-income families can be used to meet the 20 percent obligation requirement.

34. Can districts establish local policies and procedures for payment and/or invoicing to SES providers?

Yes. Because districts are required to include provisions with respect to making payments to providers in their agreement and/or contract, districts may establish reasonable and necessary local policies and procedures for these payment and/or invoicing operating functions. These practices are allowable so long as they are reasonable and do not subject the providers to

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

more stringent requirements than apply to other contractors of the district, and do not have the effect of inappropriately limiting educational options for parents.

35. Our SES contract with providers ends on June 30. Does the district need to extend the contract to allow providers to serve students during July and/or August?

It depends. Beginning with the 2008-09 school year, districts are required to allow students currently receiving SES that would like to spend down their full per-pupil amount and continue through the summer to do so, and even through the subsequent school year, if applicable. Additionally, if the district meets the required criteria (see also FAQ 9, 14, and 17) necessary to reallocate unused SES funds, summer SES or a contract extension might not be needed.

36. Are districts required to allow invoices for SES to be submitted through September of the subsequent school year (e.g., for services rendered in August)?

Yes. Invoices for SES for services rendered during the summer must be accepted. Districts should be aware that services rendered for the current school year cannot be paid for with the subsequent school year's funds. To pay for services rendered after June 30, districts can use the subsequent school year's roll-forward (carryover) or pre-award funds. For example, 2009-10 roll-forward and/or pre-award funds can pay for SES rendered in July 2009 to meet the 2008-09 school year SES requirements.

37. How many days do providers have to submit invoices to districts for payment?

This is a local decision. However, the SES policy letter released on April 8, 2009, requires that districts "continue to demonstrate good faith efforts to implement SES without limiting accessibility of services." This includes untimely or nonpayment of invoices. Therefore, districts should consider payment timelines set for SES providers with the payment timelines set for other district business partners. In other words, SES providers should be afforded similar treatment to that of other entities the district conducts business with (e.g., billing, etc.). However, a district, whatever it chooses, should consider detailing these processes/procedures in the provider contract to avoid legal issues. (See also FAQ 30-31.)

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

38. What is the last day during the school year that districts can pay providers for services, particularly, for services rendered in the summer?

Districts have discretion in establishing reasonable and necessary payment procedures for SES providers. However, the SES policy letter released on April 8, 2009, requires that districts “continue to demonstrate good faith efforts to implement SES without limiting accessibility of services.” This includes untimely or nonpayment of invoices. Therefore, districts should consider payment timelines set for SES providers with the payment timelines set for other district business partners. In other words, SES providers should be afforded similar treatment to that of other entities the district conducts business with (e.g., billing, etc.). However, a district, whatever it chooses, should consider detailing these processes/procedures in the provider contract to avoid legal issues. (See also FAQ 29 and 31.)

For example, for the 2008-09 school year, summer services must be available through August 23, 2009 (the day before the uniform start date of the subsequent year), and payment for those services must be processed in a timely manner.

39. What happens if the invoice submitted by a provider is incorrect and the deadline for payment passes?

This is a local decision. However, the SES policy letter released on April 8, 2009, requires that districts “continue to demonstrate good faith efforts to implement SES without limiting accessibility of services.” This includes untimely or nonpayment of invoices. Therefore, districts should consider payment timelines set for SES providers with the payment timelines set for other district business partners. In other words, SES providers should be afforded similar treatment to that of other entities the district conducts business with (e.g., billing, etc.). However, a district, whatever it chooses, should consider detailing these processes/procedures in the provider contract to avoid legal issues. (See also FAQ 29-30.)

40. Can summer services end June 30?

Summer services can end June 30, only if the student’s PPA has been exhausted by that date. For example, for the 2008-09 school year, summer services must be available through August 23, 2009 (the day before the uniform start date of the subsequent year), or the date the student’s PPA is exhausted, whichever is earlier.

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

- 41. At what point during SES enrollment/implementation does the learning tool 10 day delivery period requirement begin (e.g., from the date the student is enrolled in SES and assigned to a provider, etc.)?**

Students enrolled in SES and assigned to a provider must receive applicable learning tools as soon as possible, but not later than 10 days from the date the student's student learning plan (SLP) is approved.

- 42. Are parent signatures required on the student learning plan (SLP)? If so, can LEAs require providers to obtain this signature from parents?**

No. Parent signatures are not required for the student learning plan (SLP). Therefore, LEAs cannot require providers to obtain this information from parents. This action would act as a barrier to SES service start date delivery.

- 43. Which campuses are eligible to allow SES to occur during non-instructional periods during the school day?**

Campuses that enroll secondary (grades 9-12) students (and in some cases middle schools that receive TEA approval) may allow SES to occur during non-instructional periods during the school days for eligible students.

- 44. Are campuses that enroll secondary students (grades 9-12) required to allow SES to occur during non-instructional periods during the school day?**

No. Secondary campuses are not required to allow SES to occur during non-instructional periods during the school day, rather these campuses have an additional option for delivering SES to students. LEAs and eligible campuses should consider implementing this additional flexibility during the school year however. Campuses and LEAs should consider this as a possible method of improving SES participation.

- 45. Must LEAs and eligible campuses make available their campuses for non-instructional time during the school day?**

No. LEAs and eligible campuses are not required to make available their campuses for non-instructional time during the school day. However, LEAs/campuses should ensure that eligible SES providers are given access to school facilities in accordance with applicable local policies, and 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. LEAs that do not permit outside groups to use their school facilities during the school day are not

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

required to allow SES providers to do so. (See guidance question L1 and L-11 – L-14.)

46. Can LEAs require SES providers to submit hard copies of invoices and progress reports?

Yes. LEAs may impose reasonable administrative and operational requirements. As long as the condition/requirement is reasonable and does not subject SES providers to more stringent requirements than apply to other contractors of the LEA, and do not have the effect of inappropriately limiting educational options for parents (see SES guidance question E-5).

Updated April 6, 2010

General Information

NCLB statute and regulations require that the LEA expend, for each student receiving SES services, either the LEA's per pupil allocation under Title I, Part A (the sum of the regular Title I and ARRA Title I per pupil amounts) or the actual cost of the services, whichever is less. TEA uploaded the additional ARRA per pupil amounts into the EZSES Management System in early January 2010.

The LEA must follow this requirement and expend the additional amount equal to 20% of the ARRA Title I allocation for SES services to eligible students. In order to calculate the "actual cost of the services" TEA will multiply the provider's responses to the following two questions in the approved provider application and then multiply product by 2.

- The average number of tutoring sessions (defined as 1 hour of tutoring) provided during the duration of the program per student per year.
- The cost per student per for each individual or group, as applicable, tutoring session.

Therefore, the calculation would be as follows:

Average number of tutoring sessions X cost per student per session X 2 = "actual cost of program".

The formula above is to determine a uniform calculation of the "actual cost of the program" and does not in any way alter the length or description of the services approved in the provider's application.

The addition of the ARRA per pupil amounts increases the amount of services available to existing students and may only be used to add new students when funds remain available after all the existing students have expended either their full per pupil allocation or the actual cost of the program, whichever is less.

LEAs should use the additional ARRA PPA funds to benefit eligible students and assist them in improving academic achievement. LEAs should consider multiple options, such as summer services, for the use of the additional services to benefit the student. The

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

goal of this program is to provide the appropriate additional Supplemental Educational Services to as many eligible students as possible.

Special circumstances related to student services are addressed below. All other instances of SES services where the services are continuing normally should be invoiced and paid promptly by the LEA's normal contract and invoicing procedures.

47. Are LEAs required to contact all students who did not complete their SES program and notify them that they have additional funds (the ARRA PPA) available for SES instruction?

Yes. LEAs are required to contact all students who have started services and inform them of the additional funds/services available to them. LEAs should also allow students to select another provider if the current provider is unable to provide the additional services.

48. Are LEAs required to contact all students who completed their SES program and notify them that they have additional funds (the ARRA PPA) available for SES instruction?

It is the LEA's decision. While the LEA is not required to contact students who completed their SES program since "an LEA must spend, for each student receiving SES, either an LEA's per-pupil allocation under Title I, Part A [regular and ARRA] or the actual cost of the services, whichever is less" (see SES Guidance question K-14) the LEA may notify the student's parents of the additional funding available and provide additional SES services if the parent chooses. However, the LEA may not count this additional service toward meeting the 20% requirement. If the LEA chooses not to offer additional SES services to students who have completed their SES program and funding is still available, the LEA must ensure that it has implemented an additional enrollment period to offer SES services to other eligible students.

49. If the student has completed a provider's SES program and more services become available, must the student be reassigned to the same provider or may the parent select a different provider?

It is the parent's choice to retain the same provider or to select another provider.

50. Are LEAs required to pay providers that have "back-billed" the district for services rendered after the regular Title I, Part A per-pupil allocation (PPA) was spent down but before the ARRA PPAs were available?

Yes, if the student had not completed the provider's program and the SES instruction provided aligned to the student's learning plan or if the LEA plans to allow additional SES services after a student has completed a provider's program (whether with the same provider or a different provider) and the SES instruction provided aligned to the

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

student's learning plan. However, the LEA may not count this additional service toward meeting the 20% requirement.

No, if the LEA decided not to allow the parent the option to request additional SES services after the student had completed the provider's program.

Invoices must be paid for any allowable service provided since the ARRA PPA was assigned in the EZSES System in early January.

51. How should LEAs monitor SES program implementation now that the amount of funds available per-pupil for SES increased?

LEAs should continue to monitor SES program implementation in the same manner as before the ARRA PPA was added into the EZSES Management System. LEAs should review the number of sessions each provider is approved to do business for and determine whether this amount, the actual cost of the SES instruction, is less than the student's PPA (regular PPA plus ARRA PPA). If it is, or the LEA is allowing additional SES services after the student has completed the provider's program, the LEA is responsible for paying this amount for SES instruction.

LEAs should also note that invoices from providers are subject to the Texas Prompt Payment Act and must be paid within 30 days of receipt.

52. If an LEA is granted a waiver to waive its ARRA SES PPA funds but providers have already invoiced these funds, is the district required to pay these ARRA invoices?

Once a district is approved for a waiver, it is no longer required to pay for SES using ARRA PPA funds beginning on the date the district's waiver is approved. LEAs approved for a waiver should use discretion in ending payments for SES with ARRA funds since the purpose of SES is to improve the academic achievement of eligible students.

53. May a provider halt SES instruction once they billed the full regular PPA amount regardless of the additional ARRA PPA being available?

Possibly, if the provider's cost of SES services is equal to or less than the regular PPA and the provider has provided all the services as approved in the provider's application.

However, providers submit an average number of program sessions with their state applications, not a maximum number of sessions. Therefore, students do not "complete" a provider's program until they have expended all available funds (the regular PPA plus the ARRA PPA) or the provider's actual cost of services (defined as the average number of tutoring sessions multiplied by the cost per session multiplied by 2), whichever is less.

Supplemental Educational Services (SES) Frequently Asked Questions (FAQs)

If a provider is unable to continue instruction, the parent must be allowed to select another provider to continue services until the ARRA PPA has been met.