

April 8, 2009

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Title I Supplemental Educational Services (SES)
New Program Policy Guidance

The U. S. Department of Education (USDE) released revised Supplemental Educational Services (SES) guidance on January 14, 2009. The following policy revisions will be implemented by the Texas Education Agency (TEA) effective immediately for the 2008-2009 school year. Local education agencies (LEA) with campuses in School Improvement Stages 2 and above are required to implement these policies as specified.

Administration and Implementation

1. **LEAs must continue to demonstrate good faith efforts to implement SES without limiting accessibility of services.** “Temporary “holds” on LEA Title I and/or School Improvement funds or the assignment of specific conditions on the following grant year’s Notice of Grant Award (NOGA) may occur in the event the TEA determines: 1) a LEA limits accessibility of SES without reasonable cause, and/or 2) practices such as: untimely or nonpayment of invoices, using SES specified funds for non-SES activities or services, and failure to begin timely SES programs, etc. occur. (See also guidance questions D-5, G-9, L-2, L-3, L-15, and L-19.)
2. **LEAs must continue to provide SES to eligible students that request it, and apply eligibility criteria to determine student service selection *only* when requests for SES exceed the statutory 20 percent set-aside requirement.** LEAs that choose to apply eligibility criteria because the request for services exceeds the amount available must contact the TEA’s Division of NCLB Program Coordination; contact must be made prior to a LEA’s decision to deny SES to eligible students. (See also guidance question F-3.)
3. **LEAs that did not expend an amount equal to 20 percent of their Title I allocation on choice-related transportation and SES during the immediate preceding school year must continue to provide SES to eligible students that request it during the LEA service enrollment period.** LEAs meeting this condition may not limit service enrollment periods without prior TEA approval of planned enrollment periods and processes. (See also guidance questions G-9, L-15, and L-19.)

4. **LEAs must continue to allow students to expend the full SES per-pupil amount.** Students who receive services from state-approved providers—approved to provide summer services—must be allowed to continue to participate in SES throughout the summer if student per-pupil funding exists. (See also guidance question H-7.)
5. **LEAs must implement state-approved SES provider' services as those services are approved by the TEA.** LEAs *may not* renegotiate hourly rates with providers, or coerce, require, or imply that a provider provide services below its state-approved hourly rate. (Rates are approved by the TEA only.) (See also guidance question E-4.)

Communication and Outreach

6. **LEAs must increase the amount of time parents have to make decisions regarding SES enrollment.** LEAs must increase the minimum number of calendar days parents have to make informed SES participation decisions to 60 days (extending the enrollment period). This is an increase from 30 calendar days. (See also guidance questions G-2 and G-9.)
7. **LEAs must demonstrate evidence that SES full parent demand for the immediate preceding school year was met.** Evidence/documentation of the LEA's substantial efforts to recruit and service eligible students may be specifically requested by the TEA in cases where LEAs assure that high percentages of parents of eligible students declined services. (See also guidance question L-15.)
8. **LEAs should continue to consult parents in the development of student learning plans (SLP); failure to consult and/or make contact with parents cannot deny SES to students whose parents have otherwise requested services for their student.** LEAs should actively pursue parent consultation through various communications including, but not limited to, telephone calls, electronic mail, U.S. Postal Mail, facsimile, or sending notes home in student backpacks or folders. A minimum of two different methods for contacting parents is required. (See guidance also questions G-6, G-7, and G-14.)
9. **LEAs should determine whether parents will assist with the development of SLPs.** Parents may choose to waive their participation and allow the LEA and the provider the authority to develop the SLP (which includes specific academic achievement goals, measures of student progress, and timetables for improved student achievement—based on student TAKS data). Parents may waive their involvement at the time SES are requested, when the provider of choice is selected, or at anytime contacted by the campus or LEA.

Parents that choose to actively participate in the development of a SLP must ensure his/her active and timely participation in order to facilitate student receipt of SES at the earliest possible date. (See also guidance questions H-2 through H-6.)

10. **LEAs are required to contact parents a minimum of three times regarding SLP consultation.** LEAs should allow for reasonable time, such as one week, for parents to respond. If, after three attempts, parents are unresponsive (excluding requests from parents for more time or help with questions), the LEA and provider shall develop and approve the SLP (expeditiously through the EZSES Management System). Parents shall receive an approved copy and LEA contact information, if the parent wishes to discuss the plan. (See also guidance questions G-6, G-7, G-14, and H-4 through H-5.)

Monitoring and Reporting

11. **LEAs must implement the state's uniform SES enrollment form.** The TEA will provide a uniform SES enrollment form in English and Spanish. The LEA is required to translate the state's uniform form into any other languages in which the LEA normally sends parent notifications. LEAs are required to accept the state's uniform enrollment form. (See also guidance question B-2.)
12. **LEAs are required to address parent concerns related to inaccessibility of SES immediately.** LEAs must provide the TEA with a written plan addressing such concerns. (See also guidance questions D-4 and D-5.)

Additional changes in the implementation of the SES program are outlined in the attached state's *Guidance for the Implementation of Supplemental Educational Services (SES)*.

For additional information on these new implementation policies, please contact Rita Ghazal, SES Coordinator in the Division of NCLB Program Coordination, via electronic mail at rita.ghazal@tea.state.tx.us or at (512) 936-9374.

Sincerely,

Lizzette C. Gonzalez Reynolds
Deputy Commissioner
Statewide Policy and Programs

Attachment

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