

**Supplemental Educational Service Provider
Final Notice of Removal from State-approved SES Provider List
Effective Date of Removal: April 22, 2013**

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This letter serves as notice that the decision to remove **EDUCATION ADVANTAGE!** (Provider) from the Texas State-approved Supplemental Education Services (SES) provider list is effective as of the date of this letter. Provider timely responded to TEA's April 15, 2013 preliminary notice.

Summary of Review and Findings:

On February 26, 2013, TEA sent a written notice via email to Provider concerning the complaint filed by the district, to include an opportunity to respond and submit any information for consideration in the resolution of the complaint. Provider did not respond to TEA's notice. The state-level investigation found Provider to have falsified information on students' tutoring sign-in attendance sheets and submitted the falsified information to the district for the purposes of payment for tutoring services that were not provided to the students.

On April, 4, 2013, a certified letter addressed to Antwan Oliver, President of Education Advantage!, LLC, was returned to TEA agency stamped with "Unclaimed" and "Unable to Forward". TEA investigated further and confirmed that on April 8, 2013, Provider relinquished their keys to the business address on record without a forwarding address.

Provider failed to comply with requirements under **Part XIII: Provisions and Assurances:**

Item J. The provider shall comply with all requests of the Texas Education Agency and the School Improvement Resource Center regarding provider information, additional program information, monitoring, evaluation, and compliance processes and procedures.

Item K. The provider shall submit a completed amendment to the state approved application within ten (10) business days to change their contact information, service area or to lower their hourly rate. Further, instructions for SES application amendment requirements is found on the Texas Center for District and School Support website http://www.tcdss.net/ses/provider_application_process.html

Provider responded to TEA when it received TEA's Preliminary Notice of Removal. Provider submitted a written response on April 19, 2013, requesting TEA reconsideration its decision. Provider amended its SES Application on April 17, 2013, exceeding the 10 business day timeline.

Removals by other States

In addition, the TEA considers reasons other states remove providers in making its determination to remove providers from the Texas state-approved Provider list. California reported that the provider had not been approved due to failure to submit the 2011-2012 SES accountability report. Florida reported that contracts with Provider had been terminated by districts due to failure to serve students in a timely manner as well as lack of attendance in a mandatory meeting for the 2012-2013 school year.

Reason for Removal: The removal is based on the following standard(s):

Category 1: Serious Non-compliance

1. Failure to attend required provider training.
2. Failure to demonstrate financial soundness.
3. Making a false representation or providing false information to TEA/district/parent.

Category 1: Falsification of student tutoring sign-in attendance sheets for the purpose of invoicing the district for services not provided.

Category 2: Failure to maintain or provide complete and accurate records required for districts and TEA for federal compliance monitoring, audits, and investigations.

Category 3: Failure to respond to all requests of the TEA.

Category 3: Failure to correct and maintain complete and accurate information on all forms, records, materials, and documents, including provider contact information.

4. Failure to meet civil rights laws.
5. Failure to meet all applicable federal, state, and local health and safety requirements.
6. Failure to meet state and Local Education Agency (LEA) criminal history background check/fingerprinting requirements.
7. Failure to comply with the Family Educational Rights and Privacy Act (FERPA) and any regulations or policies concerning the protection and use of confidential and student identifying information.
8. Removal from another state list if reason for removal aligns with Texas criteria.

When removed, the Provider is removed for the remainder of the school year. The LEA(s) responsible for students the Provider presently serves will be directed to reassign students to the next provider of choice of the students' parents. Provider may reapply during the next application period.

TEA Administrative Appeal Process: none

Federal Appeal Process: Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Should you have any questions concerning this notice, you may contact the Office of Special Investigations at (512) 463-9342 or complaintsmanagement@tea.state.tx.us.

Respectfully,



Ms. Emi Johnson, Director