

**Supplemental Educational Service Provider
Final Notice of Removal from State-approved SES Provider List
Effective Date of Removal: June 10, 2013**

Nguyen Tan, President
Tutors With Tech
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The letter serves as notice that the decision to remove **Tutors With Tech** (Provider) from the Texas State-approved Supplemental Education Services (SES) provider list is effective immediately as of the date of this letter. The reason for this decision is based on the TEA's investigative findings as follows:

Findings

1. Under the Provisions and Assurances Section of the Texas Education Agency's (TEA) SES Application, the Provider ensures compliance with the Family Educational Rights and Privacy Act (FERPA) of 1975, as amended (protecting the privacy of such records).
2. By your signature on the June 21, 2012 state SES Application, you certified to the TEA that you would ensure that Tutors With Tech program and activities would be conducted in accordance with all applicable federal and state laws including the Provisions and Assurances.
3. On Tuesday, May 28, the TEA discovered a potential breach in security within the SES Data Management System (EZSES) involving Tutors With Tech User ID and Password. TEA directed the Texas Center of District and School Support (TCDSS) at Education Service Center 13 to obtain the audit log for your EZSES account.
4. In response to the incident, you informed TCDSS that you carefully reviewed the information provided by staff at EZSES and the TCDSS. You acknowledged that you, "share our login during billing, and some of our old staff may have known the password or guessed it." As a result of this action, TEA found that student confidentiality has been placed at risk.
5. While gathering additional data surrounding the incident, the Agency immediately terminated all currently active User IDs and passwords assigned to Tutors With Tech for school year 2012-13. TCDSS assigned a single, new User ID and password to you, as the state contact for Tutors With Tech. You were the sole recipient, holder, and responsible person of the new User ID and password issued on May 29, 2013.
6. Corrective actions were directed to you, as the President of Tutors With Tech:
 - a. You were to report and monitor the issuance and usage of all EZSES users to TEA. You were required to reply to TEA's formal notice to indicate agreement with the directives.
 - b. You were required to submit the full legal name; date of birth; and current position of employment with Tutors with Tech for each individual who you disclosed and gave your User ID and password so that TEA could closely monitor Tutors With Tech's access to EZSES.
 - c. You were to submit any and all changes in users within two days of adding or deleting any user accounts in EZSES
7. To ensure the protection of confidential and sensitive data, including information protected by FERPA, TEA was monitoring Tutors with Tech's access to the EZSES management system during school year 2012-13.

8. You were notified that any subsequent compromise of security and confidentiality of the information, or delay in complying with the above directives or the SES Application Provisions & Assurances or Code of Business Ethics shall result in an action by TEA in accordance with its SES Standards and Mechanisms for Removal from the TEA State-approved SES Provider List.
9. On Wednesday, May 29, 2013, TEA formally notified you, in writing, of the incident, required corrective actions and directives, and the failure to comply would result in the removal of Tutors With Tech from the Texas SES state-approved Provider List.
10. On June 5, 2013, TEA discovered that you created User IDs for two women and notified TCDSS about the two women. However, you also disclosed your User ID to nine (9) other individuals who now have access to EZSES data and you failed to report the required information for the nine individuals to TEA per the May 29, 2013 directive.
11. TEA has not received any communication from you as of June 9, 2013.

Conclusion and Final Decision

Tutors With Tech failed to ensure that it would protect student identifying information required under federal and state law and failed to comply with TEA directives.

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.
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.

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

Respectfully,



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