

## **New Jersey Department of Education Guide to Supplemental Educational Services**

On January 8, 2002, President Bush signed the *No Child Left Behind Act* into law. The law set as one of its goals that “all children have a fair, equal and significant opportunity to obtain a high-quality education and reach at a minimum proficiency in challenging state academic content standards and state academic assessments.” Additionally, it also empowered parents with increased educational choices.

The law requires that economically disadvantaged children that attend a school identified as in need of improvement are eligible to receive supplemental educational services.

### **A. GENERAL**

#### **A1. What are supplemental educational services?**

The term *supplemental educational services* refers to extra academic instruction provided to students in language arts literacy and mathematics. This extra help must be provided outside of the regular school day.

#### **A2. What does the term “in need of improvement” mean?**

Under the *No Child Left Behind Act*, every state must set the goals for adequate yearly progress (AYP) that each school must meet. New Jersey public schools that do not make AYP for two consecutive years are identified as in need of improvement.

#### **A3. Which students are eligible to receive supplemental educational services?**

There are two criteria for students to be eligible to receive supplemental educational services. First, only students enrolled in Title I-funded schools that have been designated as “in need of improvement” for two or more consecutive years are eligible for supplemental educational services. Second, eligible students must come from families that meet the federal poverty guidelines. Students who are eligible for free and reduced lunch generally meet this poverty standard. Services will be prioritized to the lowest-achieving eligible student.

#### **A4. Which Title I schools must offer these supplemental educational services?**

Schools in their second consecutive year of school improvement status must provide the services. These are the schools identified by the state as “schools in need of improvement” (Year 2).

#### **A5. Who provides supplemental educational services?**

Supplemental educational services can be provided by a wide array of entities, including for-profit or nonprofit organizations and school districts. Providers can also be faith-based

agencies, but they must assure that all instruction and content is secular, neutral, and non-ideological. To become a provider in New Jersey, these agencies or organizations must be approved by the New Jersey State Education Department.

**A6. Who determines the provider’s instructional alignment?**

States are responsible for identifying qualified providers. In their applications, providers are asked to describe the instructional alignment to the New Jersey Core Curriculum Content Standards (CCCS). This means that the instructional content and methods of a potential provider does not have to be identical to those of the district, but that they must focus on the same state academic content and achievement standards.

**A7. What is the district’s responsibility under supplemental educational services?**

Districts must arrange for the provision of supplemental educational services to eligible children from a provider on the state-approved list. This provider is to be selected by the parents of the eligible child in consultation with the school district [NCLB, Section 1116(e)(1)]. Additionally, school districts are required to:

- Notify parents annually in a clear and uniform format, and, to the extent practicable, in a language the parents can understand of the following:
  - The availability of supplemental educational services,
  - The approved providers whose services are available within the school district or whose services are reasonably available in neighboring school districts, and
  - A brief description of the services, qualifications, and demonstrated effectiveness of each approved provider to assist the parent in selecting a provider.
- Contact providers selected by the parents and enter into a contractual agreement on behalf of the student;
- Monitor the services of the approved provider; and
- Monitor the progress of students receiving supplemental educational services.

**A8. May the service providers or school districts disclose the names of eligible students?**

The identity of any student who is eligible for or receiving supplemental educational services may not be disclosed without the written consent of the student’s parent(s).

**A9. Who is responsible for gathering data to determine effectiveness as an approved provider?**

The NJDOE is responsible for gathering effectiveness information on an annual or periodic basis.

**A10. What guarantees service providers will do what they say they will do?**

Service providers must enter into a contractual agreement with the district and, as part of the agreement, sign assurances regarding the services they will provide. If they do not comply with the contractual agreement, terms of the contract may permit withholding payment and, ultimately, termination of the contract.

**A11. Is the school district required to provide transportation for supplemental educational services?**

No. A district is not required to provide transportation for supplemental educational services.

**A12. Does duration of service mean September through June?**

No. For purposes of providing supplemental educational services, the academic year during which an eligible student may receive service is September 1 through August 31.

**B. FOR PARENTS**

**B1. How do parents know what schools are in need of improvement?**

Under the *No Child Left Behind Act*, school districts are required to tell parents promptly if their school is identified as in need of improvement. The state is also required to publish a list of schools identified as in need of improvement. For more information, visit the New Jersey Department of Education Web site at: <http://www.state.nj.us/education/> or call your local school district office.

**B2. What if my child's school is listed as being in need of improvement, but my district hasn't contacted me?**

If you think your school may be eligible, call the school district and ask for more information. You can also go to the New Jersey Department of Education Web site at: [www.state.nj.us/education/](http://www.state.nj.us/education/) to verify this information.

**B3. What are my responsibilities?**

Parents should have an active role in the following:

- Assuring that their child receives services as scheduled;
- Communicating regularly with the provider; and
- Assuring that the provider also communicates with the child's school and teacher.

**B4. Who selects my child's provider?**

Parents select the provider. The school is required to share with parents the list of the state-approved providers. The school must also assist parents in the selection of a provider from a list

of approved vendors. The school district arranges for the services. The approved providers list is posted on the NJDOE Web site at: <http://www.state.nj.us/education/>.

### **B5. How do parents choose a provider?**

There are certain questions parents should ask when meeting with the district to discuss selecting a provider as follows:

- Where does the provider offer services?
- What services does this provider offer?
- How will these services help my child?
- How should I become involved?
- What hours are they available?
- Do they offer one-on-one instruction or small-group instruction?
- If small-group, how many students in the group? How do they assign children to a specific group?
- How are sessions scheduled, e.g., one time per week? more? for how long?
- Does the provider have experience working with special needs or limited English proficient children?
- Is the program effective?

### **B6. What is the deadline by which the parents must request services?**

School districts may establish a reasonable deadline by which parents must request services. In establishing this deadline, the district must ensure that the parents have sufficient time and information to make informed decisions about supplemental educational services.

### **B7. Does the school or school district inform parents about programs that are available?**

The law requires districts to provide notification to parents at least annually about the availability of supplemental educational services. In addition to assisting in selecting a provider, the district/school must provide a description of the state-approved providers from which parents choose.

## **C. FOR SCHOOL DISTRICTS**

### **C1. Can a public school or a school district become a supplemental educational service provider?**

Yes. For a school district, public school, or charter school to be an eligible provider, it must go through the same approval process as all other potential providers. However, school districts, public schools and charter schools identified as in need of improvement may not provide supplemental educational services.

## **C2. What type of information must the district provide to parents?**

Districts must advise parents, at a minimum, notice of the following:

- The availability of services;
- The list of approved providers that are within the geographic area; and
- A brief description of the services, qualifications and demonstrated effectiveness of those providers.

Districts can assist, not suggest or recommend, in the selection process. Notices to parents should be understandable and to the extent practicable, in a language or other way of communication the parents can best understand.

A sample letter for parents is posted on the NJDOE Web site.

## **C3. What are the funding requirements?**

School districts are limited in how much they can spend to provide supplemental educational services in total and for each student. School districts must spend at least five percent, but no more than twenty percent of their Title I allocation for supplemental educational services. The required breakdown is as follows:

- An amount equal to five percent must be used to provide supplemental educational services (section 1116(b)(10)(A)(ii) and (B));
- An amount equal to five percent must be used to provide, or pay for, transportation for intradistrict public school choice options (section 1116(b)(10)(A)(i)); and
- An additional amount equal to ten percent must be used for either or both supplemental educational services and transportation under public school choice as the LEA determines.

The federal requirements specify that the limit for each student is the lesser of the district's per-pupil allocation (Title I allocation divided by the age 5-17 census poverty) or the actual cost of services. The NJDOE will notify districts and schools of their calculated per-pupil amounts.

## **C4. What happens if the available funds are not sufficient to provide services to all eligible students?**

If the funds available are insufficient to provide supplemental educational services to each eligible student whose parent requests those services, the school district must set a priority for selecting children who are the lowest-achieving and inform parents of this priority. The school district must use objective criteria to determine the eligible lowest-achieving students.

## **C5. What are the considerations for school districts to develop a contract with supplemental educational services providers?**

Once parents select a provider, the school district must enter into a contract with the provider. This contract must address the following:

- Specific achievement goals for the students, which must be developed in consultation with the student’s parents;
- A description of how the student’s progress will be measured and how the parents and teachers will be informed of the student’s progress;
- A timetable for improving the student’s academic achievement. In the case of a student with disabilities, this plan must be consistent with the student’s individualized education plan;
- A provision for termination of the agreement if the provider fails to meet student goals;
- Provisions governing form of payment for the services;
- An assurance that the provider will not disclose to the public the identity of any students eligible for or receiving supplemental educational services without the written permission of the parents; and
- An assurance that the supplemental educational services will be provided consistent with applicable civil right laws.

Adding a provision to the contract specifying measures or actions to be taken if sessions are scheduled and the student does not attend is recommended.

## **D. FOR SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS**

### **D1. What are the criteria the state uses to approve providers?**

Applicant agencies are required to complete an application that describes how the educational program they use has shown effectiveness in increasing student academic achievement and how it is consistent with the school's education programs and the state’s Core Curriculum Content Standards (CCCS). They also have to assure they will meet other state requirements.

### **D2. What are the responsibilities of an approved supplemental educational service provider?**

Approved providers must carry out the following:

- Provide academic instructional support to eligible students outside the regular school day;
- Provide parents of children receiving supplemental educational services with monthly reports on the academic progress of the children, in a format and, to the extent practicable, a language that parents can understand;

- Provide district and school staff with monthly reports on the academic progress of the children served;
- Ensure that the instruction provided is consistent with the instruction provided by the district and school, and that it is aligned with the New Jersey Core Curriculum Content Standards (CCCS); and
- Meet all applicable federal, state, and local health, safety, and civil rights laws.

### **D3. What is the state’s responsibility for supplemental educational services?**

The New Jersey Department of Education (NJDOE) is responsible for developing a list of approved providers, as well as monitoring the quality and effectiveness of their services. The NJDOE must also annually distribute application information to other potential providers about the application process to become an approved provider.

### **D4. What are the reporting requirements for supplemental educational service providers?**

In May of each year, providers must submit to the school a final written report that summarizes the progress made by students who received supplemental educational services. The school must submit this report to the NJDOE. This information will be used to help determine if a provider will remain on the state-approved list. The NJDOE will also collect data from the provider in a format to be determined.

### **D5. What guidelines are there for the charges or fees for services?**

While there is no set fee structure, there are federal limitations imposed on the use of the district’s Title I allocations. Approved vendors were asked to include their agency’s fee structure in the application. This fee schedule must be adhered to, since it will be included in all public information shared with parents. It should be noted that school districts are limited in how much they can spend to provide supplemental educational services per student and in total.

### **D6. How will providers be paid?**

The school district will pay for the supplemental educational services directly to the providers. However, all approved providers must have a contract with the district before services are provided and fees paid.

### **D7. As an approved supplemental educational service provider, will the state of New Jersey issue a contract the agency for services?**

No. All service providers must enter into a contract with each school district with which they will provide services. Parents must first select the supplemental educational service provider they would like to serve their children.

**D8. What should providers do if an eligible student stops attending supplemental educational services provided by the agency? What is the liability?**

The requirements for student attendance and participation must be articulated in the contract between the service provider and the school district.

*Note: The information in this document is based on the No Child Left Behind Act of 2001 and USDOE policy regulations and/or guidance. The content is subject to change as additional information becomes available*